EXHIBIT 5
DATE 3-16-07
SB SB 279

SB 279 Clean Campaign Act *(Sen. Joe Balyeat)*

Senate Bill 279 is the Clean Campaign Act. I carried this same bill the last 2 sessions and it passed overwhelmingly in the House in 03. Here's an article about it from the 2003 session. That year, it died on a tie vote on the Senate floor, partly because the sponsor didn't quite understand how it worked. It was cosponsored in 2003 by then Rep. Kaufman and myself – which, as you know, is a pretty good sign that this is not a partisan issue. In 03, Democratic Party Executive Director Brad Martin said the bill was an example of "good merit and good thinking". And the Commissioner of Political Practices (a Republican appointee) called the bill "a great idea". After I switched to the Senate in 05, the bill passed the Senate pretty overwhelmingly (71%), and then died in the House.

The bill basically works like the discovery process in court proceedings. It only applies in the last 10 days of an election. If your opponent comes out with any new ad which mentions you; your opponent must provide you with a copy of the ad text on the same day that he makes it available to the public. The ad copy can be provided by email, fax, or regular mail.

Last session, Mr. Martin opposed it, I believe partly because it previously contained sections dealing with guaranteed newspaper responses. The bill originally required that the broadcast or print media give you an opportunity to respond to the negative ad. But the media guys didn't like that part of the bill, so last session the Senate Admin Committee applied a tender-loving butcher knife to it and cut that part out of the bill, and I considered that a friendly amendment. We also amended the bill in the Senate to deal with other opponents and I think it's a pretty simple bill now without much objection. I think the amended bill is only a small step but will still serve a very good purpose.

Why do we need this bill? George Orwell once said, "*Political language is designed to make lies sound truthful; and to give the appearance of solidity to pure wind.*" Politics is a messy business. In political campaigns there's a fine line between truth and lies. Usually **the only way voters can arrive at the truth is to hear competing versions of the "facts". One reason negative campaigning is so effective late in campaigns is because it only gives one version of the facts; because the person targeted has no opportunity to respond before the election**. SB 279 attempts to mitigate the increasing problem of negative campaigning, without instituting heavy-handed regulations which infringe on free speech. My theory is that if your opponent wants to engage in negative campaigning, that the negativity might at least be tempered if they know they have to present you directly with the ad right out of the shoot. And even if that doesn't temper a negative ad, at least you have notice of it right away and have an opportunity to respond as soon as possible; which (especially near the end of a campaign) will mitigate against negative campaigning by giving voters both sides of an issue.

In fact, I have the fiscal note from the 03 session it did show zero dollar impact, in case anyone would like to see it.

So I ask the committee for a "do pass" on SB279 – I think it'll clean things up a little bit and may help deal with some of the voter disillusionment that's out there.

I have written copies of my testimony for the record and I reserve the right to close. Thank you.