

SENATE BILL REPORT

E2SSB 5576

As Passed Senate, March 14, 1995

Title: An act relating to fair campaign practices.

Brief Description: Making changes to the campaign practices law.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senator Drew; by request of Governor Lowry).

Brief History:

Committee Activity: Law & Justice: 2/13/95, 3/1/95 [DPS, DNPS].

Ways & Means: 3/3/95, 3/6/95 [DP2S].

Passed Senate, 3/14/95, 32-17.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5576 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Quigley, and Rinehart.

Minority Report: Do not pass substitute.

Signed by Senators Johnson, McCaslin and Schow.

Staff: Martin Lovinger (786-7443)

Background: In 1993, the Legislature enacted a law establishing a Commission on Ethics in Government and Campaign Practices. This legislation was in response to the reported illegal use of legislative staff for campaign purposes and other concerns with ethical standards for both campaign practices and state employment.

The commission was charged to "study, hold public meetings, take public testimony, and make recommendations on the need and appropriate scope of legislation necessary to: (a) promote public trust and confidence in government; (b) promote fair campaign practices; and (c) ensure the effective administration of public disclosure, conflict of interest, and ethics laws."

Legislation was drafted to implement the recommendations of the commission. This legislation was introduced in the form of two bills, one focused on campaign and public disclosure commission reform and one focused on state employee ethics issues. The ethics bill was enacted by the Legislature in 1994.

The issues with regard to campaign practices and the Public Disclosure Commission include the use of public resources for political campaigns, the size and responsibilities of the Public Disclosure Commission, campaign contribution and expenditure limits, fair campaign

practices, the use of public office funds, lobbyist registration and reporting, legislative staff and organization, and candidates' and voters' pamphlets.

Summary of Bill: The prohibition on use of local government resources for political campaigns is strengthened by making knowing acquiescence by a superior a violation of the prohibition. A comment or response to an inquiry regarding a ballot proposition by an elected official is not a violation of this prohibition under certain circumstances.

Local governments may use public funds to finance campaigns for local office.

Local agencies may establish fair campaign practices for local elections.

The use of force or bribery to deter a voter from voting or to influence the voter's vote is prohibited. In-kind services which enable a voter to get to the polling place are not prohibited.

Language that prohibits employers or labor organizations from demanding the appearance of political neutrality from their employees is deleted.

The Secretary of State must produce a voters' and candidates' pamphlet for state primaries. The prescribed charges to candidates and space allocations in the voters' pamphlet are repealed. Pamphlets may be produced in electronic format. Close captioning is required if the pamphlet is produced in video format. Local governments may also produce local voters' pamphlets in electronic format. Other requirements for local voters' pamphlets are revised.

The filing date for public office is changed to the second Monday of July.

The names of advocates for and against ballot measures must be printed in bold face capital letters in the voters' pamphlet. Candidates' pamphlets must include a description of PDC services.

Elected incumbent legislators may send mailings to their constituents after certification of the election results.

Lobbyist reporting requirements are revised to conform to the reporting requirements in the state ethics law.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on December 1, 1995.

Testimony For: (original bill) This bill represents an effort to address comprehensively the issues around campaign practices. The goal is workable accountability. The more disclosure, the more honest the campaign. A primary voters' pamphlet is essential to an informed electorate. Public funding is the best way to control campaign spending. Public financing eliminates problems associated with independent expenditures. Allowing campaign

funds to be used for nonreimbursed office expenses will increase accountability because expenditure reporting is required. This bill helps to educate elected officials and state employees.

Testimony Against: (original bill) The definition of gift in the ethics law should not replace the broader definition in public disclosure statutes. Increasing the size of the PDC will make it more difficult for the PDC to conduct business.

Testified: Senator Drew, prime sponsor (pro); Delores Teutsch, Co-chair, Commission on Ethics and Campaign (pro); Sarah Chandler, Commission on Ethics and Campaign Practices (pro); Melissa Warheit, Executive Director, PDC; Carolyn Van Noy, Executive Director, Seattle Ethics and Elections Commission (pro); Chuck Sauvage, Common Cause (pro).

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5576 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Fraser, Gaspard, Hargrove, Pelz, Sheldon, Snyder, Spanel, Sutherland and Wojahn.

Staff: Steve Jones (786-7440)

Testimony For: None.

Testimony Against: None.

Testified: No one.