

# SENATE BILL REPORT

## HB 2321

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As Reported By Senate Committee On:  
State & Local Government, February 28, 2002

**Title:** An act relating to penalties for violation of the campaign finance and contribution limits, lobbying, political advertising, and public officials' financial affairs reporting subdivisions of the public disclosure act.

**Brief Description:** Regarding penalties for violations of the public disclosure act.

**Sponsors:** Representatives McDermott, Schmidt, Romero, Miloscia, Kessler, Mulliken, Benson, Alexander, Haigh, Holmquist and Edwards; by request of Public Disclosure Commission.

**Brief History:**

**Committee Activity:** State & Local Government: 2/25/02, 2/28/02 [DP, DNP].

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### SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Gardner, Chair; Fairley, Vice Chair; Keiser, Kline, T. Sheldon and Swecker.

**Minority Report:** Do not pass.

Signed by Senator Horn.

**Staff:** Diane Smith (786-7410)

**Background:** The Public Disclosure Commission (PDC) together with the courts enforces the laws on campaign finance, lobbyist reporting, public officials' financial affairs reporting, public treasurers' reporting, political advertising, and campaign contribution limitations. Violations of these laws can result in the assessment of various fines imposed by the courts or the PDC.

The courts may impose a fine for illegally made campaign contributions. No provisions now exist for the courts to order that restitution be made specifically for improper use of public facilities for campaign purposes.

Contributions to political candidates are disclosed to the PDC. The PDC may determine whether the statutory monetary limitations on contributions are violated, and if so, order that penalties be paid. No individual penalty may exceed \$1,000 and if multiple violations are found in a single complaint, the aggregate penalty may not exceed \$2,500.

Citizens may bring action in court to enforce the campaign finance laws if the Attorney General or prosecuting attorney fail to prosecute within 45 calendar days of the citizen's notification in writing to them of the alleged violations.

**Summary of Bill:** In addition to the civil penalty a court can assess for violations of the limitations on campaign contributions, it may also order any illegally accepted contribution to be returned.

Violations of the prohibition against using public facilities for campaign purposes may result in a court-imposed requirement to pay a civil penalty, restitution, or both and to pay it from non-public funds.

The PDC may impose fines for these violations as well, but in limited amounts which are raised from \$1,000 to \$4,000 per violation. The maximum limitation on the aggregate amount of a fine is raised to \$10,000.

The citizen must also notify the PDC of any alleged violation of the campaign finance laws. The time provided for the Attorney General and prosecuting attorney to file their action is 60 business days after notification to the Attorney General or prosecutor.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The PDC fines have not been increased in 17 years; they should be more in line with the current \$5,000 per violation maximum fine that the state ethics board can assess. Without higher penalties, the PDC must continue to refer about twice as many cases for court action as it does now. The PDC needs better tools to deter violations.

**Testimony Against:** The bill proposes higher fines but lacks a graduated structure to require less serious offenders to pay less in fines than the more egregious violations should require. The defendant should not have to find paying a fine they don't deserve more cost-effective than fighting it. The bill has no attorneys' fees award to the winner at the PDC hearing.

**Testified:** Vicki Rippie, Christine Yorozu, Lois Clement, PDC (pro); Linda Dalton, AG (pro); Jim King, CLEAN (con).