

SENATE BILL REPORT

SB 5382

As Reported By Senate Committee On:
State & Local Government, February 8, 2001

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: Senators Patterson, Horn, Fairley, Swecker, Gardner, Kohl-Welles and Rasmussen; by request of Public Disclosure Commission.

Brief History:

Committee Activity: State & Local Government: 2/5/01, 2/8/01 [DP].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin and T. Sheldon.

Staff: Diane Smith (786-7405)

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 maximum aggregate fine per complaint before the PDC is \$2,500.

Summary of Bill: The civil penalty a court can assess for violations of the campaign finance, lobbyist reporting, public officials' and public treasurers' reporting, political advertising and campaign financing laws is raised from \$10,000 to \$40,000 and any illegally accepted contribution may be ordered to be returned.

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

The court may also order contributions received in violation of the provisions prohibiting receipt of a maximum aggregate of campaign contributions within 21 days of a general election and the limitation on the maximum contribution that can be made to a candidate to

be returned. The court can enjoin political activity by anyone ordered to pay penalties who has not paid those penalties in full.

The PDC may impose fines for these violations as well, but in limited amounts which are raised from \$1,000 to \$5,000 per violation. The maximum limitation on the aggregate amount of a fine is eliminated.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill brings the amount of penalties assessed by the PDC and courts up to date with inflation and eliminates the cap on PDC penalties. With higher penalty limits, the PDC will reduce the number of its cases it refers to the Attorney General for appeal to court. A larger penalty will also stimulate reliance on the campaigns to publicize positions on issues rather than the use of public facilities.

Testimony Against: None.

Testified: Vicki Rippie, PDC (pro).