
Public Safety Committee

HB 1175

Brief Description: Creating a penalty for concealing the source of a campaign contribution.

Sponsors: Representatives Van De Wege, S. Hunt, Pettigrew, Moeller, Tharinger, Bergquist, Fitzgibbon, Tarleton, Gregerson, Ormsby, Ryu, Stanford, Walkinshaw and Farrell.

Brief Summary of Bill

- Makes it a class C felony offense to make a campaign contribution in such a way as to conceal the identity of the source of the contribution.
- Requires violations to be reported to the Office of the Attorney General for prosecution.

Hearing Date: 1/28/15

Staff: Yvonne Walker (786-7841).

Background:

In 1972 the voters passed Initiative 276, which required the disclosure of campaign finances, lobbyist activities, financial affairs of elective officers and candidates, and access to public records. The initiative created the Public Disclosure Commission (PDC), a five-member, bipartisan citizen commission, to enforce the provisions of the campaign finance disclosure law. The PDC has the authority to develop procedures, adopt rules, investigate complaints, and enforce the laws relating to campaign disclosure and contributions, including the imposing of civil penalties.

Subsequently in 1992, the Fair Campaign Practices Act was enacted following passage of Initiative 134. Initiative 134 imposed campaign contribution limits on elections for statewide and legislative office, further regulated independent expenditures, restricted the use of public funds for political purposes, and required public officials to report gifts.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Campaign Disclosure and Contribution statute prohibits contributions made or expenditures incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.

Penalties for Violating Campaign Disclosure and Contribution Reporting Laws.

A court is authorized to impose civil remedies and sanctions for violations of the Campaign Disclosure and Contribution Reporting statutes. These include civil penalties, generally of not more than \$10,000, for each violation, and a civil penalty of \$10 per day for each day that a person fails to file a properly completed statement or report. A court may also issue an order to prevent a person from violating these requirements. Finally, the PDC may refer certain intentional violations of the statutes for criminal prosecution.

Unranked Offenses.

The maximum sentence for unranked felonies is one year of confinement, along with possible community service, legal financial obligations, community supervision, and a fine.

Summary of Bill:

It is an unranked class C felony offense for a person to knowingly, directly or indirectly, make a campaign contribution or incur an expenditure that in such way conceals the identity of the source of the contribution. If the PDC believes a knowing violation has occurred, it must refer the violation to the Office of the Attorney General for prosecution.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.