

SENATE BILL REPORT

SHB 1832

As Reported By Senate Committee On:
Government Operations & Elections, March 27, 2007

Title: An act relating to limitation on actions.

Brief Description: Shortening the statute of limitations on claims under chapter 42.17 RCW.

Sponsors: House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Chandler, Williams, Ormsby and Condotta).

Brief History: Passed House: 3/07/07, 94-0.

Committee Activity: Government Operations & Elections: 3/26/07, 3/27/07 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker.

Minority Report: Do not pass.

Signed by Senator Roach, Ranking Minority Member.

Staff: Sharon Swanson (786-7447)

Background: Chapter 42.17 RCW governs campaign financing, lobbyist reporting, political advertising and electioneering communications, reporting of public officials' financial affairs, and campaign contribution limits. Among other duties, the Public Disclosure Commission (PDC) is responsible for enforcing the provisions of this chapter.

Several civil remedies and sanctions may be imposed by a court order for violations of the requirements of this chapter, including:

- if a candidate or political committee violates any provision of this chapter, the outcome of the election may be held void;
- if a lobbyist or sponsor of any grassroots lobbying campaign violates any provision of this chapter, his or her registration may be revoked or suspended and he or she may be enjoined from receiving compensation or making expenditures for lobbying;
- a person who violates this chapter may be liable for a civil penalty; and
- a person who fails to report under this chapter may be liable for \$10 each day the delinquency continues.

Any action brought under the provisions of this act must be commenced within five years of the violation.

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.

Summary of Substitute Bill: Any citizen's action brought under Chapter 42.17 RCW must be commenced within two years of the violation.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The bill shortens the period of time that a citizen has to file a complaint against a campaign or candidate under RCW 42.17. After two years, many volunteer campaign workers have moved on. The bill does not impact the five year statute of limitations for the Attorney General or a county prosecuting attorney to file a complaint or allegation.

OTHER: There is concern about the impact on citizens to highlight violations of the law. If this bill passes, there will be two statute of limitations for the same allegations based on who the reporting party is. The law already has protections against frivolous claims. If a citizen brings an allegation and the allegation is not proven, the citizen must pay the court costs. One organization brought a claim that alleged five years of wrongdoing. That will not be available if this bill passes.

Persons Testifying: PRO: Representative Hunt, prime sponsor.

OTHER: Jonathan Bechtle, Evergreen Freedom Foundation.