

SENATE BILL REPORT

SB 5309

As of January 27, 2015

Title: An act relating to improving efficiency of public disclosure commission operations and requirements.

Brief Description: Improving efficiency of public disclosure commission operations and requirements.

Sponsors: Senators Roach, Liias, Dangel, McCoy, Pearson, Keiser and Benton; by request of Public Disclosure Commission.

Brief History:

Committee Activity: Government Operations & Security (Note: Senate Resolution 8609 adopted January 27, 2015, renamed the Committee on Government Operations & State Security to Committee on Government Operations & Security): 1/26/15.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Staff: Samuel Brown (786-7470)

Background: The Public Disclosure Commission (PDC) was created by Initiative 276 in 1972. The PDC is empowered to provide timely public access to information about the financing of political campaigns, lobbyist expenditures, and the financial affairs of public officials and candidates, and to ensure compliance with contribution limits and other campaign finance restrictions. As part of this mission, the PDC must publish a report each July 1 describing the effectiveness and enforcement of campaign finance laws under a variety of performance measures.

Other PDC functions are discretionary, including the ability to adopt administrative rules such as a code of fair campaign practices, the ability to prepare and publish reports and technical studies promoting the full disclosure of campaign contributions, and the ability to carry out audits and field investigations as the PDC deems appropriate.

Aggregate contributions of more than \$50,000 to any campaign for statewide office or \$5,000 for any other campaign are prohibited within 21 days of a general election, except when made by a bona fide political party. However, in the 2012 case of *Family PAC v. McKenna*, the Ninth Circuit Court of Appeals declared that this statute was unconstitutional as applied to ballot measure campaigns.

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 Bill: Several changes are made to PDC operations, requirements, and duties.

Performance Reports. The PDC's annual report describing the effectiveness and enforcement of campaign finance laws may be published at any date, rather than by July 1.

Audits. Audits may be performed within available resources.

Signature Requirements. The PDC may develop a system enabling filers to certify, without a signature, the contents of reports filed by fax or electronically.

Reporting Modifications. The PDC may grant an F-1 reporting modification for the length of an elected official's term of office or, in the case of an appointed official, for up to three years, where no material change in the circumstances forming the basis for the hardship exemption is anticipated.

Large Contributions. The prohibition on aggregate contributions of more than \$50,000 to any campaign for statewide office or \$5,000 for any other campaign within 21 days of a general election, except by a bona fide political party, is removed.

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 stems from PDC efforts to make the most efficient possible use of its resources by determining which functions could be reduced or changed with the least possible impact to agency customers. These can't be done without a statutory change. The bill provides a more cost-effective way to file performance measures because the current statute doesn't sync with the release of fiscal year data. The PDC's view is that the provision dealing with large contributions is of less significance now than it was before current contribution limits were in place, and litigation risks warrant removing it from the statute.

Persons Testifying: PRO: Andrea McNamara Doyle, PDC.