

SENATE BILL REPORT

ESB 6128

As Amended by House, April 12, 2007

Title: An act relating to persons authorized to make expenditures on behalf of a candidate or committee.

Brief Description: Requiring the naming of the person or persons authorized to make expenditures on behalf of a candidate or committee.

Sponsors: Senators Keiser and Kohl-Welles.

Brief History:

Committee Activity: Government Operations & Elections: 2/27/07 [DP, w/oRec].
Passed Senate: 3/13/07, 44-4.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

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

Minority Report: That it be referred without recommendation.

Signed by Senators Roach, Ranking Minority Member; Benton and Swecker.

Staff: Mac Nicholson (786-7445)

Background: Under campaign finance laws, every political committee must file a statement of organization with the Public Disclosure Commission (PDC). The statement of organization must include information such as the name and address of the committee, the names and addresses of all related or affiliated committees or other persons, and the names and addresses of its officers including the treasurer.

All monetary contributions received by a candidate or political committee must be deposited by the treasurer into an account established and designated for that purpose. All contributions must be reported to the PDC at regular intervals as set forth in statute. Expenditures can be made by a candidate or political committee only on the authority of the treasurer or the candidate, and a record of all expenditures must be maintained by the treasurer.

Campaign finance laws provide a definition of "contribution" and further define what is not a "contribution."

Summary of Engrossed Bill: The definition of "contribution" is amended to include an expenditure made by a person in cooperation, consultation, or concert with, or at the request

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or suggestion of, the person or persons named on the candidate's or committee's registration form who directs expenditures on behalf of the candidate or committee.

"Contribution" does not include the performance of ministerial functions by a person or persons on behalf of one or more candidates or political committees.

The statement of organization filed by a political committee must include the name, address, and title of the person or persons who direct expenditures on behalf of the candidate or committee.

The person or persons named on the candidate's or committee's registration form, instead of the treasurer, may authorize expenditures by any candidate or political committee.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: January 1, 2008.

Staff Summary of Public Testimony: PRO: The bill provides more disclosure and transparency as to who is making contributions and spending money on behalf of candidates and political committees. The bill also gives protection to individuals who do ministerial work, such as data entry and filing reports, for more than one campaign at a time.

Persons Testifying: PRO: Senator Keiser, prime sponsor.

House Amendment(s): Provides that "contribution" does not include the performance of ministerial functions by a person on behalf of two or more candidates or political committees either as volunteer services or for payment by the candidate as long as: the person performs solely ministerial functions; the person does not disclose information regarding a candidate's or committee's plans; and the person, if paid by two or more candidates or political committees, is identified on the statements of organization filed by the candidates or committees for whom they are performing services. A person who performs ministerial functions is not considered an agent of the candidate or committee provided the person has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

Ministerial functions are defined as acts or duties carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

The statement of organization filed by a candidate or committee must include the name, address, and title of any person who is paid by, or is a volunteer for, a candidate or committee to perform ministerial functions and who performs ministerial functions on behalf of two or more candidates or committees.