
ENGROSSED SUBSTITUTE SENATE BILL 5021

State of Washington

62nd Legislature

2011 Regular Session

By Senate Government Operations, Tribal Relations & Elections
(originally sponsored by Senators Pridemore, Kline, Kohl-Welles,
Keiser, Prentice, Tom, Chase, White, Nelson, Haugen, and McAuliffe)

READ FIRST TIME 02/16/11.

1 AN ACT Relating to enhancing election campaign disclosure
2 requirements to promote greater transparency for the public; amending
3 RCW 42.17.020, 42.17.040, 42.17.3691, 42.17A.245, 42.17.390,
4 42.17A.750, 42.17.395, and 42.17A.755; reenacting and amending RCW
5 42.17A.005 and 42.17A.205; adding a new section to chapter 42.17 RCW;
6 adding a new section to chapter 42.17A RCW; creating a new section;
7 prescribing penalties; providing an effective date; and providing
8 expiration dates.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** The legislature finds that timely and full
11 disclosure of election campaign funding and expenditures is essential
12 to a well-functioning democracy in which Washington's voters can judge
13 for themselves what is appropriate based on ideologies, programs, and
14 policies. Long-term voter engagement and confidence depends on the
15 public knowing who is funding the multiple and targeted messages
16 distributed during election campaigns.

17 The legislature also finds that recent events have revealed the
18 need for refining certain elements of our state's election campaign
19 finance laws that have proven inadequate in preventing efforts to hide

1 information from voters. The legislature intends, therefore, to
2 promote greater transparency for the public by enhancing penalties for
3 violations; regulating the formation of, and contributions between,
4 political committees; and reducing the expenditure thresholds for
5 purposes of mandatory electronic filing and disclosure.

6 **Sec. 2.** RCW 42.17.020 and 2008 c 6 s 201 are each amended to read
7 as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Actual malice" means to act with knowledge of falsity or with
11 reckless disregard as to truth or falsity.

12 (2) "Agency" includes all state agencies and all local agencies.
13 "State agency" includes every state office, department, division,
14 bureau, board, commission, or other state agency. "Local agency"
15 includes every county, city, town, municipal corporation, quasi-
16 municipal corporation, or special purpose district, or any office,
17 department, division, bureau, board, commission, or agency thereof, or
18 other local public agency.

19 (3) "Authorized committee" means the political committee authorized
20 by a candidate, or by the public official against whom recall charges
21 have been filed, to accept contributions or make expenditures on behalf
22 of the candidate or public official.

23 (4) "Ballot proposition" means any "measure" as defined by RCW
24 29A.04.091, or any initiative, recall, or referendum proposition
25 proposed to be submitted to the voters of the state or any municipal
26 corporation, political subdivision, or other voting constituency from
27 and after the time when the proposition has been initially filed with
28 the appropriate election officer of that constituency prior to its
29 circulation for signatures.

30 (5) "Benefit" means a commercial, proprietary, financial, economic,
31 or monetary advantage, or the avoidance of a commercial, proprietary,
32 financial, economic, or monetary disadvantage.

33 (6) "Bona fide political party" means:

34 (a) An organization that has filed a valid certificate of
35 nomination with the secretary of state under chapter 29A.20 RCW;

36 (b) The governing body of the state organization of a major

1 political party, as defined in RCW 29A.04.086, that is the body
2 authorized by the charter or bylaws of the party to exercise authority
3 on behalf of the state party; or

4 (c) The county central committee or legislative district committee
5 of a major political party. There may be only one legislative district
6 committee for each party in each legislative district.

7 (7) "Depository" means a bank designated by a candidate or
8 political committee pursuant to RCW 42.17.050.

9 (8) "Treasurer" and "deputy treasurer" mean the individuals
10 appointed by a candidate or political committee, pursuant to RCW
11 42.17.050, to perform the duties specified in that section.

12 (9) "Candidate" means any individual who seeks nomination for
13 election or election to public office. An individual seeks nomination
14 or election when he or she first:

15 (a) Receives contributions or makes expenditures or reserves space
16 or facilities with intent to promote his or her candidacy for office;

17 (b) Announces publicly or files for office;

18 (c) Purchases commercial advertising space or broadcast time to
19 promote his or her candidacy; or

20 (d) Gives his or her consent to another person to take on behalf of
21 the individual any of the actions in (a) or (c) of this subsection.

22 (10) "Caucus political committee" means a political committee
23 organized and maintained by the members of a major political party in
24 the state senate or state house of representatives.

25 (11) "Commercial advertiser" means any person who sells the service
26 of communicating messages or producing printed material for broadcast
27 or distribution to the general public or segments of the general public
28 whether through the use of newspapers, magazines, television and radio
29 stations, billboard companies, direct mail advertising companies,
30 printing companies, or otherwise.

31 (12) "Commission" means the agency established under RCW 42.17.350.

32 (13) "Compensation" unless the context requires a narrower meaning,
33 includes payment in any form for real or personal property or services
34 of any kind: PROVIDED, That for the purpose of compliance with RCW
35 42.17.241, the term "compensation" shall not include per diem
36 allowances or other payments made by a governmental entity to reimburse
37 a public official for expenses incurred while the official is engaged
38 in the official business of the governmental entity.

1 (14) "Continuing political committee" means a political committee
2 that is an organization of continuing existence not established in
3 anticipation of any particular election campaign.

4 (15)(a) "Contribution" includes:

5 (i) A loan, gift, deposit, subscription, forgiveness of
6 indebtedness, donation, advance, pledge, payment, transfer of funds
7 between political committees, or anything of value, including personal
8 and professional services for less than full consideration;

9 (ii) An expenditure made by a person in cooperation, consultation,
10 or concert with, or at the request or suggestion of, a candidate, a
11 political committee, the person or persons named on the candidate's or
12 committee's registration form who direct expenditures on behalf of the
13 candidate or committee, or their agents;

14 (iii) The financing by a person of the dissemination, distribution,
15 or republication, in whole or in part, of broadcast, written, graphic,
16 or other form of political advertising or electioneering communication
17 prepared by a candidate, a political committee, or its authorized
18 agent;

19 (iv) Sums paid for tickets to fund-raising events such as dinners
20 and parties, except for the actual cost of the consumables furnished at
21 the event.

22 (b) "Contribution" does not include:

23 (i) Standard interest on money deposited in a political committee's
24 account;

25 (ii) Ordinary home hospitality;

26 (iii) A contribution received by a candidate or political committee
27 that is returned to the contributor within five business days of the
28 date on which it is received by the candidate or political committee;

29 (iv) A news item, feature, commentary, or editorial in a regularly
30 scheduled news medium that is of primary interest to the general
31 public, that is in a news medium controlled by a person whose business
32 is that news medium, and that is not controlled by a candidate or a
33 political committee;

34 (v) An internal political communication primarily limited to the
35 members of or contributors to a political party organization or
36 political committee, or to the officers, management staff, or
37 stockholders of a corporation or similar enterprise, or to the members
38 of a labor organization or other membership organization;

1 (vi) The rendering of personal services of the sort commonly
2 performed by volunteer campaign workers, or incidental expenses
3 personally incurred by volunteer campaign workers not in excess of
4 fifty dollars personally paid for by the worker. "Volunteer services,"
5 for the purposes of this section, means services or labor for which the
6 individual is not compensated by any person;

7 (vii) Messages in the form of reader boards, banners, or yard or
8 window signs displayed on a person's own property or property occupied
9 by a person. However, a facility used for such political advertising
10 for which a rental charge is normally made must be reported as an in-
11 kind contribution and counts towards any applicable contribution limit
12 of the person providing the facility;

13 (viii) Legal or accounting services rendered to or on behalf of:

14 (A) A political party or caucus political committee if the person
15 paying for the services is the regular employer of the person rendering
16 such services; or

17 (B) A candidate or an authorized committee if the person paying for
18 the services is the regular employer of the individual rendering the
19 services and if the services are solely for the purpose of ensuring
20 compliance with state election or public disclosure laws; or

21 (ix) The performance of ministerial functions by a person on behalf
22 of two or more candidates or political committees either as volunteer
23 services defined in (b)(vi) of this subsection or for payment by the
24 candidate or political committee for whom the services are performed as
25 long as:

26 (A) The person performs solely ministerial functions;

27 (B) A person who is paid by two or more candidates or political
28 committees is identified by the candidates and political committees on
29 whose behalf services are performed as part of their respective
30 statements of organization under RCW 42.17.040; and

31 (C) The person does not disclose, except as required by law, any
32 information regarding a candidate's or committee's plans, projects,
33 activities, or needs, or regarding a candidate's or committee's
34 contributions or expenditures that is not already publicly available
35 from campaign reports filed with the commission, or otherwise engage in
36 activity that constitutes a contribution under (a)(ii) of this
37 subsection.

1 A person who performs ministerial functions under this subsection
2 (15)(b)(ix) is not considered an agent of the candidate or committee as
3 long as he or she has no authority to authorize expenditures or make
4 decisions on behalf of the candidate or committee.

5 (c) Contributions other than money or its equivalent are deemed to
6 have a monetary value equivalent to the fair market value of the
7 contribution. Services or property or rights furnished at less than
8 their fair market value for the purpose of assisting any candidate or
9 political committee are deemed a contribution. Such a contribution
10 must be reported as an in-kind contribution at its fair market value
11 and counts towards any applicable contribution limit of the provider.

12 (16) "Elected official" means any person elected at a general or
13 special election to any public office, and any person appointed to fill
14 a vacancy in any such office.

15 (17) "Election" includes any primary, general, or special election
16 for public office and any election in which a ballot proposition is
17 submitted to the voters: PROVIDED, That an election in which the
18 qualifications for voting include other than those requirements set
19 forth in Article VI, section 1 (Amendment 63) of the Constitution of
20 the state of Washington shall not be considered an election for
21 purposes of this chapter.

22 (18) "Election campaign" means any campaign in support of or in
23 opposition to a candidate for election to public office and any
24 campaign in support of, or in opposition to, a ballot proposition.

25 (19) "Election cycle" means the period beginning on the first day
26 of January after the date of the last previous general election for the
27 office that the candidate seeks and ending on December 31st after the
28 next election for the office. In the case of a special election to
29 fill a vacancy in an office, "election cycle" means the period
30 beginning on the day the vacancy occurs and ending on December 31st
31 after the special election.

32 (20) "Electioneering communication" means any broadcast, cable, or
33 satellite television or radio transmission, United States postal
34 service mailing, billboard, newspaper, or periodical that:

35 (a) Clearly identifies a candidate for a state, local, or judicial
36 office either by specifically naming the candidate, or identifying the
37 candidate without using the candidate's name;

1 (b) Is broadcast, transmitted, mailed, erected, distributed, or
2 otherwise published within sixty days before any election for that
3 office in the jurisdiction in which the candidate is seeking election;
4 and

5 (c) Either alone, or in combination with one or more communications
6 identifying the candidate by the same sponsor during the sixty days
7 before an election, has a fair market value of (~~five~~) one thousand
8 dollars or more.

9 (21) "Electioneering communication" does not include:

10 (a) Usual and customary advertising of a business owned by a
11 candidate, even if the candidate is mentioned in the advertising when
12 the candidate has been regularly mentioned in that advertising
13 appearing at least twelve months preceding his or her becoming a
14 candidate;

15 (b) Advertising for candidate debates or forums when the
16 advertising is paid for by or on behalf of the debate or forum sponsor,
17 so long as two or more candidates for the same position have been
18 invited to participate in the debate or forum;

19 (c) A news item, feature, commentary, or editorial in a regularly
20 scheduled news medium that is:

21 (i) Of primary interest to the general public;

22 (ii) In a news medium controlled by a person whose business is that
23 news medium; and

24 (iii) Not a medium controlled by a candidate or a political
25 committee;

26 (d) Slate cards and sample ballots;

27 (e) Advertising for books, films, dissertations, or similar works
28 (i) written by a candidate when the candidate entered into a contract
29 for such publications or media at least twelve months before becoming
30 a candidate, or (ii) written about a candidate;

31 (f) Public service announcements;

32 (g) A mailed internal political communication primarily limited to
33 the members of or contributors to a political party organization or
34 political committee, or to the officers, management staff, or
35 stockholders of a corporation or similar enterprise, or to the members
36 of a labor organization or other membership organization;

37 (h) An expenditure by or contribution to the authorized committee
38 of a candidate for state, local, or judicial office; or

1 (i) Any other communication exempted by the commission through rule
2 consistent with the intent of this chapter.

3 (22) "Expenditure" includes a payment, contribution, subscription,
4 distribution, loan, advance, deposit, or gift of money or anything of
5 value, and includes a contract, promise, or agreement, whether or not
6 legally enforceable, to make an expenditure. The term "expenditure"
7 also includes a promise to pay, a payment, or a transfer of anything of
8 value in exchange for goods, services, property, facilities, or
9 anything of value for the purpose of assisting, benefiting, or honoring
10 any public official or candidate, or assisting in furthering or
11 opposing any election campaign. For the purposes of this chapter,
12 agreements to make expenditures, contracts, and promises to pay may be
13 reported as estimated obligations until actual payment is made. The
14 term "expenditure" shall not include the partial or complete repayment
15 by a candidate or political committee of the principal of a loan, the
16 receipt of which loan has been properly reported.

17 (23) "Final report" means the report described as a final report in
18 RCW 42.17.080(2).

19 (24) "General election" for the purposes of RCW 42.17.640 means the
20 election that results in the election of a person to a state office.
21 It does not include a primary.

22 (25) "Gift," is as defined in RCW 42.52.010.

23 (26) "Immediate family" includes the spouse or domestic partner,
24 dependent children, and other dependent relatives, if living in the
25 household. For the purposes of RCW 42.17.640 through 42.17.790,
26 "immediate family" means an individual's spouse or domestic partner,
27 and child, stepchild, grandchild, parent, stepparent, grandparent,
28 brother, half brother, sister, or half sister of the individual and the
29 spouse or the domestic partner of any such person and a child,
30 stepchild, grandchild, parent, stepparent, grandparent, brother, half
31 brother, sister, or half sister of the individual's spouse or domestic
32 partner and the spouse or the domestic partner of any such person.

33 (27) "Incumbent" means a person who is in present possession of an
34 elected office.

35 (28) "Independent expenditure" means an expenditure that has each
36 of the following elements:

37 (a) It is made in support of or in opposition to a candidate for
38 office by a person who is not (i) a candidate for that office, (ii) an

1 authorized committee of that candidate for that office, (iii) a person
2 who has received the candidate's encouragement or approval to make the
3 expenditure, if the expenditure pays in whole or in part for political
4 advertising supporting that candidate or promoting the defeat of any
5 other candidate or candidates for that office, or (iv) a person with
6 whom the candidate has collaborated for the purpose of making the
7 expenditure, if the expenditure pays in whole or in part for political
8 advertising supporting that candidate or promoting the defeat of any
9 other candidate or candidates for that office;

10 (b) The expenditure pays in whole or in part for political
11 advertising that either specifically names the candidate supported or
12 opposed, or clearly and beyond any doubt identifies the candidate
13 without using the candidate's name; and

14 (c) The expenditure, alone or in conjunction with another
15 expenditure or other expenditures of the same person in support of or
16 opposition to that candidate, has a value of five hundred dollars or
17 more. A series of expenditures, each of which is under five hundred
18 dollars, constitutes one independent expenditure if their cumulative
19 value is five hundred dollars or more.

20 (29)(a) "Intermediary" means an individual who transmits a
21 contribution to a candidate or committee from another person unless the
22 contribution is from the individual's employer, immediate family as
23 defined for purposes of RCW 42.17.640 through 42.17.790, or an
24 association to which the individual belongs.

25 (b) A treasurer or a candidate is not an intermediary for purposes
26 of the committee that the treasurer or candidate serves.

27 (c) A professional fund-raiser is not an intermediary if the fund-
28 raiser is compensated for fund-raising services at the usual and
29 customary rate.

30 (d) A volunteer hosting a fund-raising event at the individual's
31 home is not an intermediary for purposes of that event.

32 (30) "Legislation" means bills, resolutions, motions, amendments,
33 nominations, and other matters pending or proposed in either house of
34 the state legislature, and includes any other matter that may be the
35 subject of action by either house or any committee of the legislature
36 and all bills and resolutions that, having passed both houses, are
37 pending approval by the governor.

1 (31) "Lobby" and "lobbying" each mean attempting to influence the
2 passage or defeat of any legislation by the legislature of the state of
3 Washington, or the adoption or rejection of any rule, standard, rate,
4 or other legislative enactment of any state agency under the state
5 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
6 "lobbying" includes an association's or other organization's act of
7 communicating with the members of that association or organization.

8 (32) "Lobbyist" includes any person who lobbies either in his or
9 her own or another's behalf.

10 (33) "Lobbyist's employer" means the person or persons by whom a
11 lobbyist is employed and all persons by whom he or she is compensated
12 for acting as a lobbyist.

13 (34) "Ministerial functions" means an act or duty carried out as
14 part of the duties of an administrative office without exercise of
15 personal judgment or discretion.

16 (35) "Participate" means that, with respect to a particular
17 election, an entity:

18 (a) Makes either a monetary or in-kind contribution to a candidate;

19 (b) Makes an independent expenditure or electioneering
20 communication in support of or opposition to a candidate;

21 (c) Endorses a candidate prior to contributions being made by a
22 subsidiary corporation or local unit with respect to that candidate or
23 that candidate's opponent;

24 (d) Makes a recommendation regarding whether a candidate should be
25 supported or opposed prior to a contribution being made by a subsidiary
26 corporation or local unit with respect to that candidate or that
27 candidate's opponent; or

28 (e) Directly or indirectly collaborates or consults with a
29 subsidiary corporation or local unit on matters relating to the support
30 of or opposition to a candidate, including, but not limited to, the
31 amount of a contribution, when a contribution should be given, and what
32 assistance, services or independent expenditures, or electioneering
33 communications, if any, will be made or should be made in support of or
34 opposition to a candidate.

35 (36) "Person" includes an individual, partnership, joint venture,
36 public or private corporation, association, federal, state, or local
37 governmental entity or agency however constituted, candidate,

1 committee, political committee, political party, executive committee
2 thereof, or any other organization or group of persons, however
3 organized.

4 (37) "Person in interest" means the person who is the subject of a
5 record or any representative designated by that person, except that if
6 that person is under a legal disability, the term "person in interest"
7 means and includes the parent or duly appointed legal representative.

8 (38) "Political advertising" includes any advertising displays,
9 newspaper ads, billboards, signs, brochures, articles, tabloids,
10 flyers, letters, radio or television presentations, or other means of
11 mass communication, used for the purpose of appealing, directly or
12 indirectly, for votes or for financial or other support or opposition
13 in any election campaign.

14 (39) "Political committee" means any person (except a candidate or
15 an individual dealing with his or her own funds or property) having the
16 expectation of receiving contributions or making expenditures in
17 support of, or opposition to, any candidate or any ballot proposition.

18 (40) "Primary" for the purposes of RCW 42.17.640 means the
19 procedure for nominating a candidate to state office under chapter
20 29A.52 RCW or any other primary for an election that uses, in large
21 measure, the procedures established in chapter 29A.52 RCW.

22 (41) "Public office" means any federal, state, judicial, county,
23 city, town, school district, port district, special district, or other
24 state political subdivision elective office.

25 (42) "Public record" includes any writing containing information
26 relating to the conduct of government or the performance of any
27 governmental or proprietary function prepared, owned, used, or retained
28 by any state or local agency regardless of physical form or
29 characteristics. For the office of the secretary of the senate and the
30 office of the chief clerk of the house of representatives, public
31 records means legislative records as defined in RCW 40.14.100 and also
32 means the following: All budget and financial records; personnel
33 leave, travel, and payroll records; records of legislative sessions;
34 reports submitted to the legislature; and any other record designated
35 a public record by any official action of the senate or the house of
36 representatives.

37 (43) "Recall campaign" means the period of time beginning on the

1 date of the filing of recall charges under RCW 29A.56.120 and ending
2 thirty days after the recall election.

3 (44) "Sponsor" for purposes of a political committee that is not an
4 authorized committee means any person to whom any of the following
5 applies:

6 (a) The political committee receives eighty percent or more of its
7 contributions from the person or from the person's members, officers,
8 employees, or shareholders;

9 (b) The person collects contributions for the political committee
10 by use of payroll deductions or dues from the person's members,
11 officers, or employees;

12 (c) The person provides, alone or in combination with other
13 organizations, all or nearly all of the administrative services for the
14 political committee; or

15 (d) The person sets, alone or in combination with other
16 organizations, the policies for soliciting contributions or making
17 expenditures of political committee funds.

18 (45) "Sponsor of an electioneering communications, independent
19 expenditures, or political advertising" means the person paying for the
20 electioneering communication, independent expenditure, or political
21 advertising. If a person acts as an agent for another or is reimbursed
22 by another for the payment, the original source of the payment is the
23 sponsor.

24 ~~((45))~~ (46) "Sponsored committee" means a political committee,
25 other than an authorized committee, that has one or more sponsors.

26 (47) "State legislative office" means the office of a member of the
27 state house of representatives or the office of a member of the state
28 senate.

29 ~~((46))~~ (48) "State office" means state legislative office or the
30 office of governor, lieutenant governor, secretary of state, attorney
31 general, commissioner of public lands, insurance commissioner,
32 superintendent of public instruction, state auditor, or state
33 treasurer.

34 ~~((47))~~ (49) "State official" means a person who holds a state
35 office.

36 ~~((48))~~ (50) "Surplus funds" mean, in the case of a political
37 committee or candidate, the balance of contributions that remain in the
38 possession or control of that committee or candidate subsequent to the

1 election for which the contributions were received, and that are in
2 excess of the amount necessary to pay remaining debts incurred by the
3 committee or candidate prior to that election. In the case of a
4 continuing political committee, "surplus funds" mean those
5 contributions remaining in the possession or control of the committee
6 that are in excess of the amount necessary to pay all remaining debts
7 when it makes its final report under RCW 42.17.065.

8 ~~((49))~~ (51) "Writing" means handwriting, typewriting, printing,
9 photostating, photographing, and every other means of recording any
10 form of communication or representation, including, but not limited to,
11 letters, words, pictures, sounds, or symbols, or combination thereof,
12 and all papers, maps, magnetic or paper tapes, photographic films and
13 prints, motion picture, film and video recordings, magnetic or punched
14 cards, discs, drums, diskettes, sound recordings, and other documents
15 including existing data compilations from which information may be
16 obtained or translated.

17 As used in this chapter, the singular shall take the plural and any
18 gender, the other, as the context requires.

19 **Sec. 3.** RCW 42.17A.005 and 2010 c 204 s 101 are each reenacted and
20 amended to read as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (1) "Actual malice" means to act with knowledge of falsity or with
24 reckless disregard as to truth or falsity.

25 (2) "Agency" includes all state agencies and all local agencies.
26 "State agency" includes every state office, department, division,
27 bureau, board, commission, or other state agency. "Local agency"
28 includes every county, city, town, municipal corporation, quasi-
29 municipal corporation, or special purpose district, or any office,
30 department, division, bureau, board, commission, or agency thereof, or
31 other local public agency.

32 (3) "Authorized committee" means the political committee authorized
33 by a candidate, or by the public official against whom recall charges
34 have been filed, to accept contributions or make expenditures on behalf
35 of the candidate or public official.

36 (4) "Ballot proposition" means any "measure" as defined by RCW
37 29A.04.091, or any initiative, recall, or referendum proposition

1 proposed to be submitted to the voters of the state or any municipal
2 corporation, political subdivision, or other voting constituency from
3 and after the time when the proposition has been initially filed with
4 the appropriate election officer of that constituency before its
5 circulation for signatures.

6 (5) "Benefit" means a commercial, proprietary, financial, economic,
7 or monetary advantage, or the avoidance of a commercial, proprietary,
8 financial, economic, or monetary disadvantage.

9 (6) "Bona fide political party" means:

10 (a) An organization that has been recognized as a minor political
11 party by the secretary of state;

12 (b) The governing body of the state organization of a major
13 political party, as defined in RCW 29A.04.086, that is the body
14 authorized by the charter or bylaws of the party to exercise authority
15 on behalf of the state party; or

16 (c) The county central committee or legislative district committee
17 of a major political party. There may be only one legislative district
18 committee for each party in each legislative district.

19 (7) "Candidate" means any individual who seeks nomination for
20 election or election to public office. An individual seeks nomination
21 or election when he or she first:

22 (a) Receives contributions or makes expenditures or reserves space
23 or facilities with intent to promote his or her candidacy for office;

24 (b) Announces publicly or files for office;

25 (c) Purchases commercial advertising space or broadcast time to
26 promote his or her candidacy; or

27 (d) Gives his or her consent to another person to take on behalf of
28 the individual any of the actions in (a) or (c) of this subsection.

29 (8) "Caucus political committee" means a political committee
30 organized and maintained by the members of a major political party in
31 the state senate or state house of representatives.

32 (9) "Commercial advertiser" means any person who sells the service
33 of communicating messages or producing printed material for broadcast
34 or distribution to the general public or segments of the general public
35 whether through the use of newspapers, magazines, television and radio
36 stations, billboard companies, direct mail advertising companies,
37 printing companies, or otherwise.

1 (10) "Commission" means the agency established under RCW
2 42.17A.100.

3 (11) "Compensation" unless the context requires a narrower meaning,
4 includes payment in any form for real or personal property or services
5 of any kind. For the purpose of compliance with RCW 42.17A.710,
6 "compensation" does not include per diem allowances or other payments
7 made by a governmental entity to reimburse a public official for
8 expenses incurred while the official is engaged in the official
9 business of the governmental entity.

10 (12) "Continuing political committee" means a political committee
11 that is an organization of continuing existence not established in
12 anticipation of any particular election campaign.

13 (13)(a) "Contribution" includes:

14 (i) A loan, gift, deposit, subscription, forgiveness of
15 indebtedness, donation, advance, pledge, payment, transfer of funds
16 between political committees, or anything of value, including personal
17 and professional services for less than full consideration;

18 (ii) An expenditure made by a person in cooperation, consultation,
19 or concert with, or at the request or suggestion of, a candidate, a
20 political committee, the person or persons named on the candidate's or
21 committee's registration form who direct expenditures on behalf of the
22 candidate or committee, or their agents;

23 (iii) The financing by a person of the dissemination, distribution,
24 or republication, in whole or in part, of broadcast, written, graphic,
25 or other form of political advertising or electioneering communication
26 prepared by a candidate, a political committee, or its authorized
27 agent;

28 (iv) Sums paid for tickets to fund-raising events such as dinners
29 and parties, except for the actual cost of the consumables furnished at
30 the event.

31 (b) "Contribution" does not include:

32 (i) Standard interest on money deposited in a political committee's
33 account;

34 (ii) Ordinary home hospitality;

35 (iii) A contribution received by a candidate or political committee
36 that is returned to the contributor within five business days of the
37 date on which it is received by the candidate or political committee;

1 (iv) A news item, feature, commentary, or editorial in a regularly
2 scheduled news medium that is of primary interest to the general
3 public, that is in a news medium controlled by a person whose business
4 is that news medium, and that is not controlled by a candidate or a
5 political committee;

6 (v) An internal political communication primarily limited to the
7 members of or contributors to a political party organization or
8 political committee, or to the officers, management staff, or
9 stockholders of a corporation or similar enterprise, or to the members
10 of a labor organization or other membership organization;

11 (vi) The rendering of personal services of the sort commonly
12 performed by volunteer campaign workers, or incidental expenses
13 personally incurred by volunteer campaign workers not in excess of
14 fifty dollars personally paid for by the worker. "Volunteer services,"
15 for the purposes of this subsection, means services or labor for which
16 the individual is not compensated by any person;

17 (vii) Messages in the form of reader boards, banners, or yard or
18 window signs displayed on a person's own property or property occupied
19 by a person. However, a facility used for such political advertising
20 for which a rental charge is normally made must be reported as an in-
21 kind contribution and counts towards any applicable contribution limit
22 of the person providing the facility;

23 (viii) Legal or accounting services rendered to or on behalf of:

24 (A) A political party or caucus political committee if the person
25 paying for the services is the regular employer of the person rendering
26 such services; or

27 (B) A candidate or an authorized committee if the person paying for
28 the services is the regular employer of the individual rendering the
29 services and if the services are solely for the purpose of ensuring
30 compliance with state election or public disclosure laws; or

31 (ix) The performance of ministerial functions by a person on behalf
32 of two or more candidates or political committees either as volunteer
33 services defined in (b)(vi) of this subsection or for payment by the
34 candidate or political committee for whom the services are performed as
35 long as:

36 (A) The person performs solely ministerial functions;

37 (B) A person who is paid by two or more candidates or political

1 committees is identified by the candidates and political committees on
2 whose behalf services are performed as part of their respective
3 statements of organization under RCW 42.17A.205; and

4 (C) The person does not disclose, except as required by law, any
5 information regarding a candidate's or committee's plans, projects,
6 activities, or needs, or regarding a candidate's or committee's
7 contributions or expenditures that is not already publicly available
8 from campaign reports filed with the commission, or otherwise engage in
9 activity that constitutes a contribution under (a)(ii) of this
10 subsection.

11 A person who performs ministerial functions under this subsection
12 (13)(b)(ix) is not considered an agent of the candidate or committee as
13 long as he or she has no authority to authorize expenditures or make
14 decisions on behalf of the candidate or committee.

15 (c) Contributions other than money or its equivalent are deemed to
16 have a monetary value equivalent to the fair market value of the
17 contribution. Services or property or rights furnished at less than
18 their fair market value for the purpose of assisting any candidate or
19 political committee are deemed a contribution. Such a contribution
20 must be reported as an in-kind contribution at its fair market value
21 and counts towards any applicable contribution limit of the provider.

22 (14) "Depository" means a bank, mutual savings bank, savings and
23 loan association, or credit union doing business in this state.

24 (15) "Elected official" means any person elected at a general or
25 special election to any public office, and any person appointed to fill
26 a vacancy in any such office.

27 (16) "Election" includes any primary, general, or special election
28 for public office and any election in which a ballot proposition is
29 submitted to the voters. An election in which the qualifications for
30 voting include other than those requirements set forth in Article VI,
31 section 1 (Amendment 63) of the Constitution of the state of Washington
32 shall not be considered an election for purposes of this chapter.

33 (17) "Election campaign" means any campaign in support of or in
34 opposition to a candidate for election to public office and any
35 campaign in support of, or in opposition to, a ballot proposition.

36 (18) "Election cycle" means the period beginning on the first day
37 of January after the date of the last previous general election for the
38 office that the candidate seeks and ending on December 31st after the

1 next election for the office. In the case of a special election to
2 fill a vacancy in an office, "election cycle" means the period
3 beginning on the day the vacancy occurs and ending on December 31st
4 after the special election.

5 (19) "Electioneering communication" means any broadcast, cable, or
6 satellite television or radio transmission, United States postal
7 service mailing, billboard, newspaper, or periodical that:

8 (a) Clearly identifies a candidate for a state, local, or judicial
9 office either by specifically naming the candidate, or identifying the
10 candidate without using the candidate's name;

11 (b) Is broadcast, transmitted, mailed, erected, distributed, or
12 otherwise published within sixty days before any election for that
13 office in the jurisdiction in which the candidate is seeking election;
14 and

15 (c) Either alone, or in combination with one or more communications
16 identifying the candidate by the same sponsor during the sixty days
17 before an election, has a fair market value of (~~five~~) one thousand
18 dollars or more.

19 (20) "Electioneering communication" does not include:

20 (a) Usual and customary advertising of a business owned by a
21 candidate, even if the candidate is mentioned in the advertising when
22 the candidate has been regularly mentioned in that advertising
23 appearing at least twelve months preceding his or her becoming a
24 candidate;

25 (b) Advertising for candidate debates or forums when the
26 advertising is paid for by or on behalf of the debate or forum sponsor,
27 so long as two or more candidates for the same position have been
28 invited to participate in the debate or forum;

29 (c) A news item, feature, commentary, or editorial in a regularly
30 scheduled news medium that is:

31 (i) Of primary interest to the general public;

32 (ii) In a news medium controlled by a person whose business is that
33 news medium; and

34 (iii) Not a medium controlled by a candidate or a political
35 committee;

36 (d) Slate cards and sample ballots;

37 (e) Advertising for books, films, dissertations, or similar works

1 (i) written by a candidate when the candidate entered into a contract
2 for such publications or media at least twelve months before becoming
3 a candidate, or (ii) written about a candidate;

4 (f) Public service announcements;

5 (g) A mailed internal political communication primarily limited to
6 the members of or contributors to a political party organization or
7 political committee, or to the officers, management staff, or
8 stockholders of a corporation or similar enterprise, or to the members
9 of a labor organization or other membership organization;

10 (h) An expenditure by or contribution to the authorized committee
11 of a candidate for state, local, or judicial office; or

12 (i) Any other communication exempted by the commission through rule
13 consistent with the intent of this chapter.

14 (21) "Expenditure" includes a payment, contribution, subscription,
15 distribution, loan, advance, deposit, or gift of money or anything of
16 value, and includes a contract, promise, or agreement, whether or not
17 legally enforceable, to make an expenditure. "Expenditure" also
18 includes a promise to pay, a payment, or a transfer of anything of
19 value in exchange for goods, services, property, facilities, or
20 anything of value for the purpose of assisting, benefiting, or honoring
21 any public official or candidate, or assisting in furthering or
22 opposing any election campaign. For the purposes of this chapter,
23 agreements to make expenditures, contracts, and promises to pay may be
24 reported as estimated obligations until actual payment is made.
25 "Expenditure" shall not include the partial or complete repayment by a
26 candidate or political committee of the principal of a loan, the
27 receipt of which loan has been properly reported.

28 (22) "Final report" means the report described as a final report in
29 RCW 42.17A.235(2).

30 (23) "General election" for the purposes of RCW 42.17A.405 means
31 the election that results in the election of a person to a state or
32 local office. It does not include a primary.

33 (24) "Gift" has the definition in RCW 42.52.010.

34 (25) "Immediate family" includes the spouse or domestic partner,
35 dependent children, and other dependent relatives, if living in the
36 household. For the purposes of the definition of "intermediary" in
37 this section, "immediate family" means an individual's spouse or
38 domestic partner, and child, stepchild, grandchild, parent, stepparent,

1 grandparent, brother, half brother, sister, or half sister of the
2 individual and the spouse or the domestic partner of any such person
3 and a child, stepchild, grandchild, parent, stepparent, grandparent,
4 brother, half brother, sister, or half sister of the individual's
5 spouse or domestic partner and the spouse or the domestic partner of
6 any such person.

7 (26) "Incumbent" means a person who is in present possession of an
8 elected office.

9 (27) "Independent expenditure" means an expenditure that has each
10 of the following elements:

11 (a) It is made in support of or in opposition to a candidate for
12 office by a person who is not (i) a candidate for that office, (ii) an
13 authorized committee of that candidate for that office, (iii) a person
14 who has received the candidate's encouragement or approval to make the
15 expenditure, if the expenditure pays in whole or in part for political
16 advertising supporting that candidate or promoting the defeat of any
17 other candidate or candidates for that office, or (iv) a person with
18 whom the candidate has collaborated for the purpose of making the
19 expenditure, if the expenditure pays in whole or in part for political
20 advertising supporting that candidate or promoting the defeat of any
21 other candidate or candidates for that office;

22 (b) The expenditure pays in whole or in part for political
23 advertising that either specifically names the candidate supported or
24 opposed, or clearly and beyond any doubt identifies the candidate
25 without using the candidate's name; and

26 (c) The expenditure, alone or in conjunction with another
27 expenditure or other expenditures of the same person in support of or
28 opposition to that candidate, has a value of eight hundred dollars or
29 more. A series of expenditures, each of which is under eight hundred
30 dollars, constitutes one independent expenditure if their cumulative
31 value is eight hundred dollars or more.

32 (28)(a) "Intermediary" means an individual who transmits a
33 contribution to a candidate or committee from another person unless the
34 contribution is from the individual's employer, immediate family, or an
35 association to which the individual belongs.

36 (b) A treasurer or a candidate is not an intermediary for purposes
37 of the committee that the treasurer or candidate serves.

1 (c) A professional fund-raiser is not an intermediary if the fund-
2 raiser is compensated for fund-raising services at the usual and
3 customary rate.

4 (d) A volunteer hosting a fund-raising event at the individual's
5 home is not an intermediary for purposes of that event.

6 (29) "Legislation" means bills, resolutions, motions, amendments,
7 nominations, and other matters pending or proposed in either house of
8 the state legislature, and includes any other matter that may be the
9 subject of action by either house or any committee of the legislature
10 and all bills and resolutions that, having passed both houses, are
11 pending approval by the governor.

12 (30) "Legislative office" means the office of a member of the state
13 house of representatives or the office of a member of the state senate.

14 (31) "Lobby" and "lobbying" each mean attempting to influence the
15 passage or defeat of any legislation by the legislature of the state of
16 Washington, or the adoption or rejection of any rule, standard, rate,
17 or other legislative enactment of any state agency under the state
18 administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor
19 "lobbying" includes an association's or other organization's act of
20 communicating with the members of that association or organization.

21 (32) "Lobbyist" includes any person who lobbies either in his or
22 her own or another's behalf.

23 (33) "Lobbyist's employer" means the person or persons by whom a
24 lobbyist is employed and all persons by whom he or she is compensated
25 for acting as a lobbyist.

26 (34) "Ministerial functions" means an act or duty carried out as
27 part of the duties of an administrative office without exercise of
28 personal judgment or discretion.

29 (35) "Participate" means that, with respect to a particular
30 election, an entity:

31 (a) Makes either a monetary or in-kind contribution to a candidate;

32 (b) Makes an independent expenditure or electioneering
33 communication in support of or opposition to a candidate;

34 (c) Endorses a candidate before contributions are made by a
35 subsidiary corporation or local unit with respect to that candidate or
36 that candidate's opponent;

37 (d) Makes a recommendation regarding whether a candidate should be

1 supported or opposed before a contribution is made by a subsidiary
2 corporation or local unit with respect to that candidate or that
3 candidate's opponent; or

4 (e) Directly or indirectly collaborates or consults with a
5 subsidiary corporation or local unit on matters relating to the support
6 of or opposition to a candidate, including, but not limited to, the
7 amount of a contribution, when a contribution should be given, and what
8 assistance, services or independent expenditures, or electioneering
9 communications, if any, will be made or should be made in support of or
10 opposition to a candidate.

11 (36) "Person" includes an individual, partnership, joint venture,
12 public or private corporation, association, federal, state, or local
13 governmental entity or agency however constituted, candidate,
14 committee, political committee, political party, executive committee
15 thereof, or any other organization or group of persons, however
16 organized.

17 (37) "Political advertising" includes any advertising displays,
18 newspaper ads, billboards, signs, brochures, articles, tabloids,
19 flyers, letters, radio or television presentations, or other means of
20 mass communication, used for the purpose of appealing, directly or
21 indirectly, for votes or for financial or other support or opposition
22 in any election campaign.

23 (38) "Political committee" means any person (except a candidate or
24 an individual dealing with his or her own funds or property) having the
25 expectation of receiving contributions or making expenditures in
26 support of, or opposition to, any candidate or any ballot proposition.

27 (39) "Primary" for the purposes of RCW 42.17A.405 means the
28 procedure for nominating a candidate to state or local office under
29 chapter 29A.52 RCW or any other primary for an election that uses, in
30 large measure, the procedures established in chapter 29A.52 RCW.

31 (40) "Public office" means any federal, state, judicial, county,
32 city, town, school district, port district, special district, or other
33 state political subdivision elective office.

34 (41) "Public record" has the definition in RCW 42.56.010.

35 (42) "Recall campaign" means the period of time beginning on the
36 date of the filing of recall charges under RCW 29A.56.120 and ending
37 thirty days after the recall election.

1 (43) "Sponsor" for purposes of a political committee that is not an
2 authorized committee means any person to whom any of the following
3 applies:

4 (a) The political committee receives eighty percent or more of its
5 contributions from the person or from the person's members, officers,
6 employees, or shareholders;

7 (b) The person collects contributions for the political committee
8 by use of payroll deductions or dues from the person's members,
9 officers, or employees;

10 (c) The person provides, alone or in combination with other
11 organizations, all or nearly all of the administrative services for the
12 political committee; or

13 (d) The person sets, alone or in combination with other
14 organizations, the policies for soliciting contributions or making
15 expenditures of political committee funds.

16 (44) "Sponsor of an electioneering communications, independent
17 expenditures, or political advertising" means the person paying for the
18 electioneering communication, independent expenditure, or political
19 advertising. If a person acts as an agent for another or is reimbursed
20 by another for the payment, the original source of the payment is the
21 sponsor.

22 (~~(44)~~) (45) "Sponsored committee" means a political committee,
23 other than an authorized committee, that has one or more sponsors.

24 (46) "State office" means state legislative office or the office of
25 governor, lieutenant governor, secretary of state, attorney general,
26 commissioner of public lands, insurance commissioner, superintendent of
27 public instruction, state auditor, or state treasurer.

28 (~~(45)~~) (47) "State official" means a person who holds a state
29 office.

30 (~~(46)~~) (48) "Surplus funds" mean, in the case of a political
31 committee or candidate, the balance of contributions that remain in the
32 possession or control of that committee or candidate subsequent to the
33 election for which the contributions were received, and that are in
34 excess of the amount necessary to pay remaining debts incurred by the
35 committee or candidate with respect to that election. In the case of
36 a continuing political committee, "surplus funds" mean those
37 contributions remaining in the possession or control of the committee

1 that are in excess of the amount necessary to pay all remaining debts
2 when it makes its final report under RCW 42.17A.255.

3 (~~(47)~~) (49) "Treasurer" and "deputy treasurer" mean the
4 individuals appointed by a candidate or political committee, pursuant
5 to RCW 42.17A.210, to perform the duties specified in that section.

6 **Sec. 4.** RCW 42.17.040 and 2010 c 205 s 1 are each amended to read
7 as follows:

8 (1) Every political committee, within two weeks after its
9 organization or, within two weeks after the date when it first has the
10 expectation of receiving contributions or making expenditures in any
11 election campaign, whichever is earlier, shall file a statement of
12 organization with the commission. A political committee organized
13 within the last three weeks before an election and having the
14 expectation of receiving contributions or making expenditures during
15 and for that election campaign shall file a statement of organization
16 within three business days after its organization or when it first has
17 the expectation of receiving contributions or making expenditures in
18 the election campaign.

19 (2) The statement of organization shall include but not be limited
20 to:

21 (a) The name and address of the committee;

22 (b) The names and addresses of all related or affiliated committees
23 or other persons, and the nature of the relationship or affiliation;

24 (c) The names, addresses, and titles of its officers; or if it has
25 no officers, the names, addresses, and titles of its responsible
26 leaders;

27 (d) The name and address of its treasurer and depository;

28 (e) A statement whether the committee is a continuing one;

29 (f) The name, office sought, and party affiliation of each
30 candidate whom the committee is supporting or opposing, and, if the
31 committee is supporting the entire ticket of any party, the name of the
32 party;

33 (g) The ballot proposition concerned, if any, and whether the
34 committee is in favor of or opposed to such proposition;

35 (h) What distribution of surplus funds will be made, in accordance
36 with RCW 42.17.095, in the event of dissolution;

1 (i) The street address of the place and the hours during which the
2 committee will make available for public inspection its books of
3 account and all reports filed in accordance with RCW 42.17.080;

4 (j) Such other information as the commission may by regulation
5 prescribe, in keeping with the policies and purposes of this chapter;

6 (k) The name, address, and title of any person who authorizes
7 expenditures or makes decisions on behalf of the candidate or
8 committee; and

9 (l) The name, address, and title of any person who is paid by or is
10 a volunteer for a candidate or political committee to perform
11 ministerial functions and who performs ministerial functions on behalf
12 of two or more candidates or committees.

13 (3) No two political committees may have the same name.

14 (4) Any material change in information previously submitted in a
15 statement of organization shall be reported to the commission within
16 the ten days following the change.

17 (5) As used in this section, the "name" of a sponsored committee
18 must include the name of the person that is the sponsor of the
19 committee. If more than one person meets the definition of sponsor,
20 the name of the committee must include the name of at least one
21 sponsor, but may include the names of other sponsors. A person may
22 sponsor only one political committee for the same elected office or
23 same ballot measure per election cycle.

24 **Sec. 5.** RCW 42.17A.205 and 2010 c 205 s 1 and 2010 c 204 s 402 are
25 each reenacted and amended to read as follows:

26 (1) Every political committee shall file a statement of
27 organization with the commission. The statement must be filed within
28 two weeks after organization or within two weeks after the date the
29 committee first has the expectation of receiving contributions or
30 making expenditures in any election campaign, whichever is earlier. A
31 political committee organized within the last three weeks before an
32 election and having the expectation of receiving contributions or
33 making expenditures during and for that election campaign shall file a
34 statement of organization within three business days after its
35 organization or when it first has the expectation of receiving
36 contributions or making expenditures in the election campaign.

1 (2) The statement of organization shall include but not be limited
2 to:

3 (a) The name and address of the committee;

4 (b) The names and addresses of all related or affiliated committees
5 or other persons, and the nature of the relationship or affiliation;

6 (c) The names, addresses, and titles of its officers; or if it has
7 no officers, the names, addresses, and titles of its responsible
8 leaders;

9 (d) The name and address of its treasurer and depository;

10 (e) A statement whether the committee is a continuing one;

11 (f) The name, office sought, and party affiliation of each
12 candidate whom the committee is supporting or opposing, and, if the
13 committee is supporting the entire ticket of any party, the name of the
14 party;

15 (g) The ballot proposition concerned, if any, and whether the
16 committee is in favor of or opposed to such proposition;

17 (h) What distribution of surplus funds will be made, in accordance
18 with RCW 42.17A.430, in the event of dissolution;

19 (i) The street address of the place and the hours during which the
20 committee will make available for public inspection its books of
21 account and all reports filed in accordance with RCW 42.17A.235;

22 (j) Such other information as the commission may by regulation
23 prescribe, in keeping with the policies and purposes of this chapter;

24 (k) The name, address, and title of any person who authorizes
25 expenditures or makes decisions on behalf of the candidate or
26 committee; and

27 (l) The name, address, and title of any person who is paid by or is
28 a volunteer for a candidate or political committee to perform
29 ministerial functions and who performs ministerial functions on behalf
30 of two or more candidates or committees.

31 (3) No two political committees may have the same name.

32 (4) Any material change in information previously submitted in a
33 statement of organization shall be reported to the commission within
34 the ten days following the change.

35 (5) As used in this section, the "name" of a sponsored committee
36 must include the name of the person that is the sponsor of the
37 committee. If more than one person meets the definition of sponsor,
38 the name of the committee must include the name of at least one

1 sponsor, but may include the names of other sponsors. A person may
2 sponsor only one political committee for the same elected office or
3 same ballot measure per election cycle.

4 **Sec. 6.** RCW 42.17.3691 and 2000 c 237 s 4 are each amended to read
5 as follows:

6 (1) Beginning January 1, 2002, each candidate or political
7 committee that expended twenty-five thousand dollars or more in the
8 preceding year or expects to expend twenty-five thousand dollars or
9 more in the current year shall file all contribution reports and
10 expenditure reports required by this chapter by the electronic
11 alternative provided by the commission under RCW 42.17.369. The
12 commission may make exceptions on a case-by-case basis for candidates
13 whose authorized committees lack the technological ability to file
14 reports using the electronic alternative provided by the commission.

15 (2) Beginning January 1, 2004, each candidate or political
16 committee that expended (~~ten~~) five thousand dollars or more in the
17 preceding year or expects to expend (~~ten~~) five thousand dollars or
18 more in the current year shall file all contribution reports and
19 expenditure reports required by this chapter by the electronic
20 alternative provided by the commission under RCW 42.17.369. The
21 commission may make exceptions on a case-by-case basis for candidates
22 whose authorized committees lack the technological ability to file
23 reports using the electronic alternative provided by the commission.

24 (3) Failure by a candidate or political committee to comply with
25 this section is a violation of this chapter.

26 **Sec. 7.** RCW 42.17A.245 and 2010 c 204 s 410 are each amended to
27 read as follows:

28 (1) Each candidate or political committee that expended (~~ten~~)
29 five thousand dollars or more in the preceding year or expects to
30 expend (~~ten~~) five thousand dollars or more in the current year shall
31 file all contribution reports and expenditure reports required by this
32 chapter by the electronic alternative provided by the commission under
33 RCW 42.17A.055. The commission may make exceptions on a case-by-case
34 basis for candidates whose authorized committees lack the technological
35 ability to file reports using the electronic alternative provided by
36 the commission.

1 (2) Failure by a candidate or political committee to comply with
2 this section is a violation of this chapter.

3 NEW SECTION. **Sec. 8.** A new section is added to chapter 42.17 RCW
4 to read as follows:

5 (1) A political committee may make an expenditure to another
6 political committee only when the contributing political committee has
7 received contributions of ten dollars or more each from at least ten
8 persons registered to vote in Washington state.

9 (2) This section expires January 1, 2012.

10 NEW SECTION. **Sec. 9.** A new section is added to chapter 42.17A RCW
11 to read as follows:

12 A political committee may make an expenditure to another political
13 committee only when the contributing political committee has received
14 contributions of ten dollars or more each from at least ten persons
15 registered to vote in Washington state.

16 **Sec. 10.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to read
17 as follows:

18 (1) One or more of the following civil remedies and sanctions may
19 be imposed by court order in addition to any other remedies provided by
20 law:

21 ~~((1))~~ (a) If the court finds that the violation of any provision
22 of this chapter by any candidate or political committee probably
23 affected the outcome of any election, the result of said election may
24 be held void and a special election held within sixty days of such
25 finding. Any action to void an election shall be commenced within one
26 year of the date of the election in question. It is intended that this
27 remedy be imposed freely in all appropriate cases to protect the right
28 of the electorate to an informed and knowledgeable vote.

29 ~~((2))~~ (b) If any lobbyist or sponsor of any grass roots lobbying
30 campaign violates any of the provisions of this chapter, his or her
31 registration may be revoked or suspended and he or she may be enjoined
32 from receiving compensation or making expenditures for lobbying:
33 PROVIDED, HOWEVER, That imposition of such sanction shall not excuse
34 said lobbyist from filing statements and reports required by this
35 chapter.

1 (~~(3)~~) (c) Any person who violates any of the provisions of this
2 chapter may be subject to a civil penalty of not more than ten thousand
3 dollars for each such violation. However, a person or entity who
4 violates RCW 42.17.640 may be subject to a civil penalty of ten
5 thousand dollars or three times the amount of the contribution
6 illegally made or accepted, whichever is greater.

7 (~~(4)~~) (d) Any person who fails to file a properly completed
8 statement or report within the time required by this chapter may be
9 subject to a civil penalty of ten dollars per day for each day each
10 such delinquency continues.

11 (~~(5)~~) (e) Any person who fails to report a contribution or
12 expenditure as required by this chapter may be subject to a civil
13 penalty equivalent to the amount not reported as required.

14 (~~(6)~~) (f) The court may enjoin any person to prevent the doing of
15 any act herein prohibited, or to compel the performance of any act
16 required herein.

17 (2) A violation of the provisions of this chapter may be punished
18 under chapter 9.94A RCW as follows:

19 (a) A person who intentionally violates a provision of this chapter
20 is guilty of a misdemeanor;

21 (b) A person who, within a five-year period, intentionally violates
22 three or more provisions of this chapter is guilty of a gross
23 misdemeanor; and

24 (c) A person who intentionally procures or offers any false or
25 forged document to be filed, registered, or recorded with the
26 commission under this chapter is guilty of a class C felony.

27 **Sec. 11.** RCW 42.17A.750 and 2010 c 204 s 1001 are each amended to
28 read as follows:

29 (1) One or more of the following civil remedies and sanctions may
30 be imposed by court order in addition to any other remedies provided by
31 law:

32 (~~(1)~~) (a) If the court finds that the violation of any provision
33 of this chapter by any candidate or political committee probably
34 affected the outcome of any election, the result of that election may
35 be held void and a special election held within sixty days of the
36 finding. Any action to void an election shall be commenced within one

1 year of the date of the election in question. It is intended that this
2 remedy be imposed freely in all appropriate cases to protect the right
3 of the electorate to an informed and knowledgeable vote.

4 ~~((+2))~~ (b) If any lobbyist or sponsor of any grass roots lobbying
5 campaign violates any of the provisions of this chapter, his or her
6 registration may be revoked or suspended and he or she may be enjoined
7 from receiving compensation or making expenditures for lobbying. The
8 imposition of a sanction shall not excuse the lobbyist from filing
9 statements and reports required by this chapter.

10 ~~((+3))~~ (c) A person who violates any of the provisions of this
11 chapter may be subject to a civil penalty of not more than ten thousand
12 dollars for each violation. However, a person or entity who violates
13 RCW 42.17A.405 may be subject to a civil penalty of ten thousand
14 dollars or three times the amount of the contribution illegally made or
15 accepted, whichever is greater.

16 ~~((+4))~~ (d) A person who fails to file a properly completed
17 statement or report within the time required by this chapter may be
18 subject to a civil penalty of ten dollars per day for each day each
19 delinquency continues.

20 ~~((+5))~~ (e) A person who fails to report a contribution or
21 expenditure as required by this chapter may be subject to a civil
22 penalty equivalent to the amount not reported as required.

23 ~~((+6))~~ (f) The court may enjoin any person to prevent the doing of
24 any act herein prohibited, or to compel the performance of any act
25 required herein.

26 (2) An intentional violation of the provisions of this chapter may
27 be punished under chapter 9.94A RCW as follows:

28 (a) A person who knowingly violates a provision of this chapter is
29 guilty of a misdemeanor;

30 (b) A person who, within a five-year period, knowingly violates
31 three or more provisions of this chapter is guilty of a gross
32 misdemeanor; and

33 (c) A person who knowingly procures or offers any false or forged
34 document to be filed, registered, or recorded with the commission under
35 this chapter is guilty of a class C felony.

36 **Sec. 12.** RCW 42.17.395 and 2006 c 315 s 3 are each amended to read
37 as follows:

1 (1) The commission may (a) determine whether an actual violation of
2 this chapter has occurred; and (b) issue and enforce an appropriate
3 order following such determination.

4 (2) The commission, in cases where it chooses to determine whether
5 an actual violation has occurred, shall hold a hearing pursuant to the
6 Administrative Procedure Act, chapter 34.05 RCW, to make such
7 determination. Any order that the commission issues under this section
8 shall be pursuant to such hearing.

9 (3) In lieu of holding a hearing or issuing an order under this
10 section, the commission may refer the matter to the attorney general or
11 other enforcement agency as provided in RCW 42.17.360.

12 (4) The person against whom an order is directed under this section
13 shall be designated as the respondent. The order may require the
14 respondent to cease and desist from the activity that constitutes a
15 violation and in addition, or alternatively, may impose one or more of
16 the remedies provided in RCW 42.17.390 (~~((2) through (5))~~) (1) (b)
17 through (e). (~~(No individual penalty assessed by the commission may~~
18 ~~exceed one thousand seven hundred dollars, and in any case where~~
19 ~~multiple violations are involved in a single complaint or hearing, the~~
20 ~~maximum aggregate penalty may not exceed four thousand two hundred)~~)
21 The commission may assess a penalty in an amount not to exceed ten
22 thousand dollars.

23 (5) An order issued by the commission under this section shall be
24 subject to judicial review under the administrative procedure act,
25 chapter 34.05 RCW. If the commission's order is not satisfied and no
26 petition for review is filed within thirty days as provided in RCW
27 34.05.542, the commission may petition a court of competent
28 jurisdiction of any county in which a petition for review could be
29 filed under that section, for an order of enforcement. Proceedings in
30 connection with the commission's petition shall be in accordance with
31 RCW 42.17.397.

32 **Sec. 13.** RCW 42.17A.755 and 2010 c 204 s 1002 are each amended to
33 read as follows:

34 (1) The commission may (a) determine whether an actual violation of
35 this chapter has occurred; and (b) issue and enforce an appropriate
36 order following such a determination.

1 (2) The commission, in cases where it chooses to determine whether
2 an actual violation has occurred, shall hold a hearing pursuant to the
3 administrative procedure act, chapter 34.05 RCW, to make a
4 determination. Any order that the commission issues under this section
5 shall be pursuant to such a hearing.

6 (3) In lieu of holding a hearing or issuing an order under this
7 section, the commission may refer the matter to the attorney general or
8 other enforcement agency as provided in RCW 42.17A.105.

9 (4) The person against whom an order is directed under this section
10 shall be designated as the respondent. The order may require the
11 respondent to cease and desist from the activity that constitutes a
12 violation and in addition, or alternatively, may impose one or more of
13 the remedies provided in RCW 42.17A.750 (~~((2) through (5))~~) (1) (b)
14 through (e). (~~(No individual penalty assessed by the commission may~~
15 ~~exceed one thousand seven hundred dollars, and in any case where~~
16 ~~multiple violations are involved in a single complaint or hearing, the~~
17 ~~maximum aggregate penalty may not exceed four thousand two hundred))
18 The commission may assess a penalty in an amount not to exceed ten
19 thousand dollars.~~

20 (5) An order issued by the commission under this section shall be
21 subject to judicial review under the administrative procedure act,
22 chapter 34.05 RCW. If the commission's order is not satisfied and no
23 petition for review is filed within thirty days, the commission may
24 petition a court of competent jurisdiction of any county in which a
25 petition for review could be filed under that section, for an order of
26 enforcement. Proceedings in connection with the commission's petition
27 shall be in accordance with RCW 42.17A.760.

28 NEW SECTION. Sec. 14. Sections 2, 4, 6, 10, and 12 of this act
29 expire January 1, 2012.

30 NEW SECTION. Sec. 15. Sections 3, 5, 7, 11, and 13 of this act
31 take effect January 1, 2012.

32 NEW SECTION. Sec. 16. If any provision of this act or its
33 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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