
SENATE BILL 5021

State of Washington 62nd Legislature 2011 Regular Session

By Senators Pridemore, Kline, Kohl-Welles, Keiser, Prentice, Tom, Chase, White, Nelson, Haugen, and McAuliffe

Read first time 01/10/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

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, 42.17.120, 42.17A.435, 42.17.3691,
4 42.17A.245, 42.17.390, 42.17A.750, 42.17.395, and 42.17A.755;
5 reenacting and amending RCW 42.17A.005 and 42.17A.205; adding a new
6 section to chapter 42.17 RCW; adding a new section to chapter 42.17A
7 RCW; creating a new section; prescribing penalties; providing an
8 effective date; and providing 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 of an electioneering communications, independent
4 expenditures, or political advertising" means the person paying for the
5 electioneering communication, independent expenditure, or political
6 advertising. If a person acts as an agent for another or is reimbursed
7 by another for the payment, the original source of the payment is the
8 sponsor.

9 (45) "State legislative office" means the office of a member of the
10 state house of representatives or the office of a member of the state
11 senate.

12 (46) "State office" means state legislative office or the office of
13 governor, lieutenant governor, secretary of state, attorney general,
14 commissioner of public lands, insurance commissioner, superintendent of
15 public instruction, state auditor, or state treasurer.

16 (47) "State official" means a person who holds a state office.

17 (48) "Surplus funds" mean, in the case of a political committee or
18 candidate, the balance of contributions that remain in the possession
19 or control of that committee or candidate subsequent to the election
20 for which the contributions were received, and that are in excess of
21 the amount necessary to pay remaining debts incurred by the committee
22 or candidate prior to that election. In the case of a continuing
23 political committee, "surplus funds" mean those contributions remaining
24 in the possession or control of the committee that are in excess of the
25 amount necessary to pay all remaining debts when it makes its final
26 report under RCW 42.17.065.

27 (49) "Writing" means handwriting, typewriting, printing,
28 photostating, photographing, and every other means of recording any
29 form of communication or representation, including, but not limited to,
30 letters, words, pictures, sounds, or symbols, or combination thereof,
31 and all papers, maps, magnetic or paper tapes, photographic films and
32 prints, motion picture, film and video recordings, magnetic or punched
33 cards, discs, drums, diskettes, sound recordings, and other documents
34 including existing data compilations from which information may be
35 obtained or translated.

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

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

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

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

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

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

18 (4) "Ballot proposition" means any "measure" as defined by RCW
19 29A.04.091, or any initiative, recall, or referendum proposition
20 proposed to be submitted to the voters of the state or any municipal
21 corporation, political subdivision, or other voting constituency from
22 and after the time when the proposition has been initially filed with
23 the appropriate election officer of that constituency before its
24 circulation for signatures.

25 (5) "Benefit" means a commercial, proprietary, financial, economic,
26 or monetary advantage, or the avoidance of a commercial, proprietary,
27 financial, economic, or monetary disadvantage.

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

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

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

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

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

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

6 (b) Announces publicly or files for office;

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

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

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

14 (9) "Commercial advertiser" means any person who sells the service
15 of communicating messages or producing printed material for broadcast
16 or distribution to the general public or segments of the general public
17 whether through the use of newspapers, magazines, television and radio
18 stations, billboard companies, direct mail advertising companies,
19 printing companies, or otherwise.

20 (10) "Commission" means the agency established under RCW
21 42.17A.100.

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

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

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

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

37 (ii) An expenditure made by a person in cooperation, consultation,
38 or concert with, or at the request or suggestion of, a candidate, a

1 political committee, the person or persons named on the candidate's or
2 committee's registration form who direct expenditures on behalf of the
3 candidate or committee, or their agents;

4 (iii) The financing by a person of the dissemination, distribution,
5 or republication, in whole or in part, of broadcast, written, graphic,
6 or other form of political advertising or electioneering communication
7 prepared by a candidate, a political committee, or its authorized
8 agent;

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

12 (b) "Contribution" does not include:

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

15 (ii) Ordinary home hospitality;

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

19 (iv) A news item, feature, commentary, or editorial in a regularly
20 scheduled news medium that is of primary interest to the general
21 public, that is in a news medium controlled by a person whose business
22 is that news medium, and that is not controlled by a candidate or a
23 political committee;

24 (v) An internal political communication primarily limited to the
25 members of or contributors to a political party organization or
26 political committee, or to the officers, management staff, or
27 stockholders of a corporation or similar enterprise, or to the members
28 of a labor organization or other membership organization;

29 (vi) The rendering of personal services of the sort commonly
30 performed by volunteer campaign workers, or incidental expenses
31 personally incurred by volunteer campaign workers not in excess of
32 fifty dollars personally paid for by the worker. "Volunteer services,"
33 for the purposes of this subsection, means services or labor for which
34 the individual is not compensated by any person;

35 (vii) Messages in the form of reader boards, banners, or yard or
36 window signs displayed on a person's own property or property occupied
37 by a person. However, a facility used for such political advertising

1 for which a rental charge is normally made must be reported as an in-
2 kind contribution and counts towards any applicable contribution limit
3 of the person providing the facility;

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

5 (A) A political party or caucus political committee if the person
6 paying for the services is the regular employer of the person rendering
7 such services; or

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

12 (ix) The performance of ministerial functions by a person on behalf
13 of two or more candidates or political committees either as volunteer
14 services defined in (b)(vi) of this subsection or for payment by the
15 candidate or political committee for whom the services are performed as
16 long as:

17 (A) The person performs solely ministerial functions;

18 (B) A person who is paid by two or more candidates or political
19 committees is identified by the candidates and political committees on
20 whose behalf services are performed as part of their respective
21 statements of organization under RCW 42.17A.205; and

22 (C) The person does not disclose, except as required by law, any
23 information regarding a candidate's or committee's plans, projects,
24 activities, or needs, or regarding a candidate's or committee's
25 contributions or expenditures that is not already publicly available
26 from campaign reports filed with the commission, or otherwise engage in
27 activity that constitutes a contribution under (a)(ii) of this
28 subsection.

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

33 (c) Contributions other than money or its equivalent are deemed to
34 have a monetary value equivalent to the fair market value of the
35 contribution. Services or property or rights furnished at less than
36 their fair market value for the purpose of assisting any candidate or
37 political committee are deemed a contribution. Such a contribution

1 must be reported as an in-kind contribution at its fair market value
2 and counts towards any applicable contribution limit of the provider.

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

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

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

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

17 (18) "Election cycle" means the period beginning on the first day
18 of January after the date of the last previous general election for the
19 office that the candidate seeks and ending on December 31st after the
20 next election for the office. In the case of a special election to
21 fill a vacancy in an office, "election cycle" means the period
22 beginning on the day the vacancy occurs and ending on December 31st
23 after the special election.

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

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

30 (b) Is broadcast, transmitted, mailed, erected, distributed, or
31 otherwise published within sixty days before any election for that
32 office in the jurisdiction in which the candidate is seeking election;
33 and

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

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

1 (a) Usual and customary advertising of a business owned by a
2 candidate, even if the candidate is mentioned in the advertising when
3 the candidate has been regularly mentioned in that advertising
4 appearing at least twelve months preceding his or her becoming a
5 candidate;

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

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

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

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

15 (iii) Not a medium controlled by a candidate or a political
16 committee;

17 (d) Slate cards and sample ballots;

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

22 (f) Public service announcements;

23 (g) A mailed internal political communication primarily limited to
24 the members of or contributors to a political party organization or
25 political committee, or to the officers, management staff, or
26 stockholders of a corporation or similar enterprise, or to the members
27 of a labor organization or other membership organization;

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

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

32 (21) "Expenditure" includes a payment, contribution, subscription,
33 distribution, loan, advance, deposit, or gift of money or anything of
34 value, and includes a contract, promise, or agreement, whether or not
35 legally enforceable, to make an expenditure. "Expenditure" also
36 includes a promise to pay, a payment, or a transfer of anything of
37 value in exchange for goods, services, property, facilities, or
38 anything of value for the purpose of assisting, benefiting, or honoring

1 any public official or candidate, or assisting in furthering or
2 opposing any election campaign. For the purposes of this chapter,
3 agreements to make expenditures, contracts, and promises to pay may be
4 reported as estimated obligations until actual payment is made.
5 "Expenditure" shall not include the partial or complete repayment by a
6 candidate or political committee of the principal of a loan, the
7 receipt of which loan has been properly reported.

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

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

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

14 (25) "Immediate family" includes the spouse or domestic partner,
15 dependent children, and other dependent relatives, if living in the
16 household. For the purposes of the definition of "intermediary" in
17 this section, "immediate family" means an individual's spouse or
18 domestic partner, and child, stepchild, grandchild, parent, stepparent,
19 grandparent, brother, half brother, sister, or half sister of the
20 individual and the spouse or the domestic partner of any such person
21 and a child, stepchild, grandchild, parent, stepparent, grandparent,
22 brother, half brother, sister, or half sister of the individual's
23 spouse or domestic partner and the spouse or the domestic partner of
24 any such person.

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

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

29 (a) It is made in support of or in opposition to a candidate for
30 office by a person who is not (i) a candidate for that office, (ii) an
31 authorized committee of that candidate for that office, (iii) a person
32 who has received the candidate's encouragement or approval to make the
33 expenditure, if the expenditure pays in whole or in part for political
34 advertising supporting that candidate or promoting the defeat of any
35 other candidate or candidates for that office, or (iv) a person with
36 whom the candidate has collaborated for the purpose of making the
37 expenditure, if the expenditure pays in whole or in part for political

1 advertising supporting that candidate or promoting the defeat of any
2 other candidate or candidates for that office;

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

7 (c) The expenditure, alone or in conjunction with another
8 expenditure or other expenditures of the same person in support of or
9 opposition to that candidate, has a value of eight hundred dollars or
10 more. A series of expenditures, each of which is under eight hundred
11 dollars, constitutes one independent expenditure if their cumulative
12 value is eight hundred dollars or more.

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

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

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

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

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

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

32 (31) "Lobby" and "lobbying" each mean attempting to influence the
33 passage or defeat of any legislation by the legislature of the state of
34 Washington, or the adoption or rejection of any rule, standard, rate,
35 or other legislative enactment of any state agency under the state
36 administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor
37 "lobbying" includes an association's or other organization's act of
38 communicating with the members of that association or organization.

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

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

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

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

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

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

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

17 (d) Makes a recommendation regarding whether a candidate should be
18 supported or opposed before a contribution is made by a subsidiary
19 corporation or local unit with respect to that candidate or that
20 candidate's opponent; or

21 (e) Directly or indirectly collaborates or consults with a
22 subsidiary corporation or local unit on matters relating to the support
23 of or opposition to a candidate, including, but not limited to, the
24 amount of a contribution, when a contribution should be given, and what
25 assistance, services or independent expenditures, or electioneering
26 communications, if any, will be made or should be made in support of or
27 opposition to a candidate.

28 (36) "Person" includes an individual, partnership, joint venture,
29 public or private corporation, association, federal, state, or local
30 governmental entity or agency however constituted, candidate,
31 committee, political committee, political party, executive committee
32 thereof, or any other organization or group of persons, however
33 organized.

34 (37) "Political advertising" includes any advertising displays,
35 newspaper ads, billboards, signs, brochures, articles, tabloids,
36 flyers, letters, radio or television presentations, or other means of
37 mass communication, used for the purpose of appealing, directly or

1 indirectly, for votes or for financial or other support or opposition
2 in any election campaign.

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

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

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

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

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

18 (43) "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 (44) "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) "State official" means a person who holds a state office.

29 (46) "Surplus funds" mean, in the case of a political committee or
30 candidate, the balance of contributions that remain in the possession
31 or control of that committee or candidate subsequent to the election
32 for which the contributions were received, and that are in excess of
33 the amount necessary to pay remaining debts incurred by the committee
34 or candidate with respect to that election. In the case of a
35 continuing political committee, "surplus funds" mean those
36 contributions remaining in the possession or control of the committee
37 that are in excess of the amount necessary to pay all remaining debts
38 when it makes its final report under RCW 42.17A.255.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (5) As used in this section, the "name" of a committee must
15 include:

16 (a) The name of the person or entity that has created the
17 committee;

18 (b) For committees in support of a candidate, the candidate's name
19 and party affiliation, and the office sought and election year;

20 (c) For committees in opposition to a candidate, the candidate's
21 name and party affiliation, and the office sought and election year.

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

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

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

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

- 1 (b) The names and addresses of all related or affiliated committees
- 2 or other persons, and the nature of the relationship or affiliation;
- 3 (c) The names, addresses, and titles of its officers; or if it has
- 4 no officers, the names, addresses, and titles of its responsible
- 5 leaders;
- 6 (d) The name and address of its treasurer and depository;
- 7 (e) A statement whether the committee is a continuing one;
- 8 (f) The name, office sought, and party affiliation of each
- 9 candidate whom the committee is supporting or opposing, and, if the
- 10 committee is supporting the entire ticket of any party, the name of the
- 11 party;
- 12 (g) The ballot proposition concerned, if any, and whether the
- 13 committee is in favor of or opposed to such proposition;
- 14 (h) What distribution of surplus funds will be made, in accordance
- 15 with RCW 42.17A.430, in the event of dissolution;
- 16 (i) The street address of the place and the hours during which the
- 17 committee will make available for public inspection its books of
- 18 account and all reports filed in accordance with RCW 42.17A.235;
- 19 (j) Such other information as the commission may by regulation
- 20 prescribe, in keeping with the policies and purposes of this chapter;
- 21 (k) The name, address, and title of any person who authorizes
- 22 expenditures or makes decisions on behalf of the candidate or
- 23 committee; and
- 24 (l) The name, address, and title of any person who is paid by or is
- 25 a volunteer for a candidate or political committee to perform
- 26 ministerial functions and who performs ministerial functions on behalf
- 27 of two or more candidates or committees.
- 28 (3) No two political committees may have the same name.
- 29 (4) Any material change in information previously submitted in a
- 30 statement of organization shall be reported to the commission within
- 31 the ten days following the change.
- 32 (5) As used in this section, the "name" of a committee must
- 33 include:
- 34 (a) The name of the person or entity that has created the
- 35 committee;
- 36 (b) For committees in support of a candidate, the candidate's name
- 37 and party affiliation, and the office sought and election year;

1 (c) For committees in opposition to a candidate, the candidate's
2 name and party affiliation, and the office sought and election year.

3 **Sec. 6.** RCW 42.17.120 and 1975 1st ex.s. c 294 s 8 are each
4 amended to read as follows:

5 (1) No contribution shall be made and no expenditure shall be
6 incurred, directly or indirectly, in a fictitious name, anonymously, or
7 by one person through an agent, relative, or other person in such a
8 manner as to conceal the identity of the source of the contribution or
9 in any other manner so as to effect concealment. The formation of more
10 than two political committees by any one person or entity creates the
11 rebuttable presumption that the person is attempting to conceal the
12 identity of the source of the contributions received by that person or
13 a political committee created by that person.

14 (2) A person or entity seeking to create more than two political
15 committees must provide information to the commission sufficient to
16 demonstrate that the creation of more than two political committees
17 serves a lawful and valid purpose. In determining whether the
18 information is sufficient to overcome the presumption established under
19 this section, the commission must consider the information it deems is
20 pertinent to its analysis, including but not limited to whether the
21 respective political committees created, or sought to be created by the
22 person or entity:

23 (a) Have clear and unique purposes easily distinguishable from one
24 another; or

25 (b) Are duplicative or redundant as to one another on the same
26 public policy issue or elected office.

27 **Sec. 7.** RCW 42.17A.435 and 1975 1st ex.s. c 294 s 8 are each
28 amended to read as follows:

29 (1) No contribution shall be made and no expenditure shall be
30 incurred, directly or indirectly, in a fictitious name, anonymously, or
31 by one person through an agent, relative, or other person in such a
32 manner as to conceal the identity of the source of the contribution or
33 in any other manner so as to effect concealment. The formation of more
34 than two political committees by any one person or entity creates the
35 rebuttable presumption that the person is attempting to conceal the

1 identity of the source of the contributions received by that person or
2 a political committee created by that person.

3 (2) A person or entity seeking to create more than two political
4 committees must provide information to the commission sufficient to
5 demonstrate that the creation of more than two political committees
6 serves a lawful and valid purpose. In determining whether the
7 information is sufficient to overcome the presumption established under
8 this section, the commission must consider the information it deems is
9 pertinent to its analysis, including but not limited to whether the
10 respective political committees created, or sought to be created by the
11 person or entity:

12 (a) Have clear and unique purposes easily distinguishable from one
13 another; or

14 (b) Are duplicative or redundant as to one another on the same
15 public policy issue or elected office.

16 **Sec. 8.** RCW 42.17.3691 and 2000 c 237 s 4 are each amended to read
17 as follows:

18 (1) Beginning January 1, 2002, each candidate or political
19 committee that expended twenty-five thousand dollars or more in the
20 preceding year or expects to expend twenty-five thousand dollars or
21 more in the current year shall file all contribution reports and
22 expenditure reports required by this chapter by the electronic
23 alternative provided by the commission under RCW 42.17.369. The
24 commission may make exceptions on a case-by-case basis for candidates
25 whose authorized committees lack the technological ability to file
26 reports using the electronic alternative provided by the commission.

27 (2) Beginning January 1, 2004, each candidate or political
28 committee that expended ((~~ten~~)) five thousand dollars or more in the
29 preceding year or expects to expend ((~~ten~~)) five thousand dollars or
30 more in the current year shall file all contribution reports and
31 expenditure reports required by this chapter by the electronic
32 alternative provided by the commission under RCW 42.17.369. The
33 commission may make exceptions on a case-by-case basis for candidates
34 whose authorized committees lack the technological ability to file
35 reports using the electronic alternative provided by the commission.

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

1 **Sec. 9.** RCW 42.17A.245 and 2010 c 204 s 410 are each amended to
2 read as follows:

3 (1) Each candidate or political committee that expended (~~ten~~)
4 five thousand dollars or more in the preceding year or expects to
5 expend (~~ten~~) five thousand dollars or more in the current year shall
6 file all contribution reports and expenditure reports required by this
7 chapter by the electronic alternative provided by the commission under
8 RCW 42.17A.055. The commission may make exceptions on a case-by-case
9 basis for candidates whose authorized committees lack the technological
10 ability to file reports using the electronic alternative provided by
11 the commission.

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

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

16 (1) Except as provided in subsection (2) of this section, political
17 committees are prohibited from receiving contributions from other
18 political committees.

19 (2) Political committees may receive contributions from either
20 political committees of caucus political committees or bona fide
21 political parties, or both.

22 (3) This section expires January 1, 2012.

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

25 (1) Except as provided in subsection (2) of this section, political
26 committees are prohibited from receiving contributions from other
27 political committees.

28 (2) Political committees may receive contributions from either
29 political committees of caucus political committees or bona fide
30 political parties, or both.

31 **Sec. 12.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to read
32 as follows:

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

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

9 (~~(+2)~~) (b) If any lobbyist or sponsor of any grass roots lobbying
10 campaign violates any of the provisions of this chapter, his or her
11 registration may be revoked or suspended and he or she may be enjoined
12 from receiving compensation or making expenditures for lobbying:
13 PROVIDED, HOWEVER, That imposition of such sanction shall not excuse
14 said lobbyist from filing statements and reports required by this
15 chapter.

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

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

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

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

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

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

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

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

4 **Sec. 13.** RCW 42.17A.750 and 2010 c 204 s 1001 are each amended to
5 read as follows:

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

9 ~~((+1))~~ (a) If the court finds that the violation of any provision
10 of this chapter by any candidate or political committee probably
11 affected the outcome of any election, the result of that election may
12 be held void and a special election held within sixty days of the
13 finding. Any action to void an election shall be commenced within one
14 year of the date of the election in question. It is intended that this
15 remedy be imposed freely in all appropriate cases to protect the right
16 of the electorate to an informed and knowledgeable vote.

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

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

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

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

36 ~~((+6))~~ (f) The court may enjoin any person to prevent the doing of

1 any act herein prohibited, or to compel the performance of any act
2 required herein.

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

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

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

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

13 **Sec. 14.** RCW 42.17.395 and 2006 c 315 s 3 are each amended to read
14 as follows:

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

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

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

26 (4) The person against whom an order is directed under this section
27 shall be designated as the respondent. The order may require the
28 respondent to cease and desist from the activity that constitutes a
29 violation and in addition, or alternatively, may impose one or more of
30 the remedies provided in RCW 42.17.390 (~~((2) through (5))~~) (1) (b)
31 through (e). (~~(No individual penalty assessed by the commission may~~
32 ~~exceed one thousand seven hundred dollars, and in any case where~~
33 ~~multiple violations are involved in a single complaint or hearing, the~~
34 ~~maximum aggregate penalty may not exceed four thousand two hundred))
35 The commission may assess a penalty for each violation in an amount not
36 to exceed ten thousand dollars.~~

1 (5) An order issued by the commission under this section shall be
2 subject to judicial review under the administrative procedure act,
3 chapter 34.05 RCW. If the commission's order is not satisfied and no
4 petition for review is filed within thirty days as provided in RCW
5 34.05.542, the commission may petition a court of competent
6 jurisdiction of any county in which a petition for review could be
7 filed under that section, for an order of enforcement. Proceedings in
8 connection with the commission's petition shall be in accordance with
9 RCW 42.17.397.

10 **Sec. 15.** RCW 42.17A.755 and 2010 c 204 s 1002 are each amended to
11 read as follows:

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

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

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

23 (4) The person against whom an order is directed under this section
24 shall be designated as the respondent. The order may require the
25 respondent to cease and desist from the activity that constitutes a
26 violation and in addition, or alternatively, may impose one or more of
27 the remedies provided in RCW 42.17A.750 (~~((2) through (5))~~) (1) (b)
28 through (e). (~~(No individual penalty assessed by the commission may~~
29 ~~exceed one thousand seven hundred dollars, and in any case where~~
30 ~~multiple violations are involved in a single complaint or hearing, the~~
31 ~~maximum aggregate penalty may not exceed four thousand two hundred))
32 The commission may assess a penalty for each violation in an amount not
33 to exceed ten thousand dollars.~~

34 (5) An order issued by the commission under this section shall be
35 subject to judicial review under the administrative procedure act,
36 chapter 34.05 RCW. If the commission's order is not satisfied and no
37 petition for review is filed within thirty days, the commission may

1 petition a court of competent jurisdiction of any county in which a
2 petition for review could be filed under that section, for an order of
3 enforcement. Proceedings in connection with the commission's petition
4 shall be in accordance with RCW 42.17A.760.

5 NEW SECTION. **Sec. 16.** Sections 2, 4, 6, 8, 12, and 14 of this act
6 expire January 1, 2012.

7 NEW SECTION. **Sec. 17.** Sections 3, 5, 7, 9, 11, 13, and 15 of this
8 act take effect January 1, 2012.

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