

2 SSB 5864 - S AMD  
3 By Senator L. Smith

4 Adopted as Amended 3/15/91 - Voice Vote  
5 Strike everything after the enacting clause and insert the  
6 following:

7 "PART I  
8 FINDINGS AND INTENT"

9 "NEW SECTION. **Sec. 1.** FINDINGS. The legislature finds and  
10 declares that:

11 (1) Monetary contributions to political campaigns are a legitimate  
12 form of participation in the political process, but the financial  
13 strength of certain individuals or organizations should not permit them  
14 to exercise a disproportionate or controlling influence on the election  
15 of candidates.

16 (2) Rapidly increasing political campaign costs have led many  
17 candidates to raise larger percentages of money from organizational  
18 contributors with a specific financial stake in matters before state  
19 government. This has caused the public perception that decisions of  
20 elected officials are being improperly influenced by monetary  
21 contributions. This perception undermines the credibility and  
22 integrity of the governmental process.

23 (3) Candidates are raising less money in small contributions from  
24 individuals and more money in organizational contributions. This has  
25 created the public perception that small contributions have an  
26 insignificant role to play in the political campaigns."



1 (3) "Candidate" means an individual seeking nomination for election  
2 or seeking election to a state office. An individual shall be deemed  
3 to be seeking nomination for election or seeking election when the  
4 individual first:

5 (a) Announces publicly or files for the office;

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

8 (c) Receives contributions or makes expenditures for facilities  
9 with intent to promote his or her candidacy for the office; or

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

12 (4) "Caucus of the state legislature" means the caucus of the  
13 members of a major political party in the state house of  
14 representatives or in the state senate.

15 (5)(a) "Contribution" includes a loan, gift, deposit, subscription,  
16 forgiveness of indebtedness, donation, advance, pledge, payment,  
17 transfer of funds between political committees, or transfer of anything  
18 of value, including personal and professional services for less than  
19 full consideration.

20 (b) Subject to further definition by the commission, "contribution"  
21 shall not include the following:

22 (i) Interest on moneys deposited in a political committee's  
23 account;

24 (ii) Ordinary home hospitality;

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

28 (iv) An expenditure or contribution earmarked for voter  
29 registration, for absentee ballot information, for precinct caucuses,  
30 for get-out-the-vote campaigns, for precinct judges or inspectors, for

1 sample ballots, or for ballot counting, all without promotion of or  
2 political advertising for individual candidates;

3 (v) Any news, feature, commentary, or editorial in a regularly  
4 scheduled news medium that is of primary interest to the general  
5 public, that is in a news medium controlled by a person whose primary  
6 business is that news medium, and that is not controlled by any  
7 candidate or political committee;

8 (vi) An expenditure by a political committee for its own internal  
9 organization or fund raising without direct association with individual  
10 candidates;

11 (vii) An internal political communication primarily limited to the  
12 contributors to a political party organization or political action  
13 committee, or the officers, management staff, and stockholders of a  
14 corporation or similar enterprise, or the members of a labor  
15 organization or other membership organization; or

16 (viii) The rendering of personal services of the sort commonly  
17 performed by volunteer campaign workers, or incidental expenses  
18 personally incurred by volunteer campaign workers not in excess of  
19 fifty dollars personally paid for by the worker. "Volunteer services,"  
20 for the purposes of this section, means services or labor for which the  
21 individual is not compensated by any person and that are performed  
22 outside the individual's normal working hours.

23 (c) Contributions other than money or its equivalent shall be  
24 deemed to have a monetary value equivalent to the fair market value of  
25 the contribution.

26 (d) Sums paid for tickets to fund-raising events such as dinners  
27 and parties are contributions, except for the actual cost of the  
28 consumables furnished at the event.

29 (e) An expenditure made by a person in cooperation, consultation,  
30 or concert with, or at the request or suggestion of, a candidate, a

1 political committee, or their agents, is considered to be a  
2 contribution to such candidate or political committee.

3 (f) The financing by a person of the dissemination, distribution,  
4 or republication, in whole or in part, of broadcast, written, graphic,  
5 or other form of political advertising prepared by a candidate, a  
6 political committee, or its authorized agent, is considered to be a  
7 contribution to the candidate or political committee.

8 (6) "Election cycle" means the period beginning on the first day of  
9 December following the date of the last previous general election for  
10 the office which the candidate seeks and ending on November thirtieth  
11 following the next election for the office. In the case of a special  
12 election to fill a vacancy in an office, "election cycle" means the  
13 period beginning on the day the vacancy occurs and ending on November  
14 thirtieth following the special election.

15 (7) "General election" means the election which results in the  
16 election of a person to a state office. It does not include a primary.

17 (8) "Immediate family" means a candidate's spouse, and any child,  
18 stepchild, grandchild, parent, stepparent, grandparent, brother, half-  
19 brother, sister, or half-sister of the candidate and the spouse of any  
20 such person and any child, stepchild, grandchild, parent, stepparent,  
21 grandparent, brother, half-brother, sister, or half-sister of the  
22 candidate's spouse and the spouse of any such person.

23 (9) "Independent expenditure" means an "expenditure" as defined in  
24 RCW 42.17.020 which has each of the following elements:

25 (a) It is made in support of or in opposition to a candidate for  
26 office by a person who is not (i) a candidate for that office, (ii) an  
27 authorized committee of that candidate for that office, (iii) a person  
28 who has received the candidate's encouragement or approval to make the  
29 expenditure, if the expenditure pays in whole or in part for any  
30 political advertising supporting that candidate or promoting the defeat

1 of any other candidate or candidates for that office, or (iv) a person  
2 with whom the candidate has collaborated for the purpose of making the  
3 expenditure, if the expenditure pays in whole or in part for any  
4 political advertising supporting that candidate or promoting the defeat  
5 of any other candidate or candidates for that office;

6 (b) The expenditure pays in whole or in part for any political  
7 advertising which either specifically names the candidate supported or  
8 opposed, or clearly and beyond any doubt identifies such candidate  
9 without using the candidate's name; and

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

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

20 (b) A treasurer or a candidate is not an intermediary for purpose  
21 of the committee that the treasurer or candidate serves.

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

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

27 (11) "Person" includes:

28 (a) An individual;

29 (b) A partnership, limited partnership, public or private  
30 corporation, or joint venture;

1 (c) A nonprofit corporation, organization, or association,  
2 including but not limited to, any national, state, or local labor union  
3 or collective bargaining organization and any national, state, or local  
4 trade or professional association;

5 (d) A federal, state, or local governmental entity or agency,  
6 however constituted;

7 (e) A candidate, committee, political committee, bona fide  
8 political party, or executive committee thereof; and

9 (f) Any other organization or group of persons, however organized.

10 (12) "Primary" means the procedure for nominating a candidate to  
11 state office under chapter 29.18 or 29.21 RCW or any other primary for  
12 an election which uses, in large measure, the procedures established in  
13 chapter 29.18 or 29.21 RCW.

14 (13) "Recall campaign" means the period of time beginning on the  
15 date of the filing of recall charges pursuant to RCW 29.82.015 and  
16 ending thirty days after the recall election.

17 (14) "State legislative office" means the office of a member of the  
18 state house of representatives and the office of a member of the state  
19 senate.

20 (15) "State office" means state legislative office or the office of  
21 governor, lieutenant governor, secretary of state, attorney general,  
22 commissioner of public lands, insurance commissioner, superintendent of  
23 public instruction, state auditor, or state treasurer.

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

25 "PART III  
26 CONTRIBUTIONS"

27 "NEW SECTION. **Sec. 4.** CAMPAIGN CONTRIBUTION LIMITS. (1) No  
28 person, other than a bona fide political party or a caucus of the state

1 legislature, may make contributions to any candidate during an election  
2 cycle which in the aggregate exceed five hundred dollars. No candidate  
3 and no authorized committee of a candidate may accept contributions  
4 from any person or entity which exceed the contribution limitation  
5 provided by this subsection.

6 (2) No person, other than a bona fide political party or a caucus  
7 of the state legislature, may make contributions to any state official  
8 against whom recall charges have been filed, or to any political  
9 committee having the expectation of making expenditures in support of  
10 the recall of any such state official, during a recall campaign which  
11 in the aggregate exceed five hundred dollars. No state official  
12 against whom recall charges have been filed, no authorized committee of  
13 such an official, and no political committee having the expectation of  
14 making expenditures in support of the recall of any state official, may  
15 accept contributions from a person which exceed the contribution  
16 limitation provided by this subsection.

17 (3) Notwithstanding subsection (1) of this section, no bona fide  
18 political party or caucus of the state legislature may make  
19 contributions to any candidate during an election cycle which in the  
20 aggregate exceeds fifty cents multiplied times the number of registered  
21 voters in the jurisdiction from which the candidate is elected. No  
22 candidate and no authorized committee of a candidate may accept  
23 contributions from a bona fide political party or from a caucus of the  
24 state legislature which exceed the contribution limitation provided by  
25 this subsection.

26 (4) Notwithstanding subsection (2) of this section, no bona fide  
27 political party or caucus of the state legislature may make  
28 contributions to any state official against whom recall charges have  
29 been filed, or to any political committee having the expectation of  
30 making expenditures in support of the recall of any such state



1 official, during a recall campaign which in the aggregate exceeds fifty  
2 cents multiplied times the number of registered voters in the  
3 jurisdiction entitled to recall such state official. No state official  
4 against whom recall charges have been filed, no authorized committee of  
5 such an official, and no political committee having the expectation of  
6 making expenditures in support of the recall of any state official may  
7 accept contributions from a bona fide political party or from a caucus  
8 of the state legislature which exceed the contribution limitation  
9 provided by this subsection.

10 (5) Notwithstanding subsections (1) through (4) of this section, no  
11 person other than an individual, bona fide political party, or caucus  
12 of the state legislature may make contributions reportable under this  
13 chapter to any candidate, to any state official against whom recall  
14 charges have been filed, or to any political committee having the  
15 expectation of making expenditures in support of the recall of any such  
16 official. No entity prohibited by this subsection from making  
17 contributions to candidates may make contributions to a caucus of the  
18 state legislature that in the aggregate exceeds five hundred dollars in  
19 a calendar year or to a bona fide political party that in the aggregate  
20 exceeds one thousand dollars in a calendar year. This subsection does  
21 not apply to loans made in the ordinary course of business.

22 (6) For the purposes of sections 4 through 20 of this act, a  
23 contribution to the authorized political committee of a candidate, or  
24 of a state official against whom recall charges have been filed, shall  
25 be considered to be a contribution to the candidate or state official.

26 (7) Any contribution received within the twelve-month period  
27 following a general election for a state office or for a recall  
28 election concerning a state office shall be considered to be a  
29 contribution during the election cycle ending with that election or  
30 during that recall campaign if the contribution is used to pay any debt

1 or obligation incurred to influence the outcome of that election or the  
2 primary conducted for that election or of that recall campaign.

3 (8)(a) The contributions allowed by subsection (2) of this section  
4 are in addition to those allowed by subsection (1) of this section, and  
5 the contributions allowed by subsection (4) of this section are in  
6 addition to those allowed by subsection (3) of this section.

7 (b) The provisions of sections 4 through 20 of this act apply to a  
8 special election conducted to fill a vacancy in a state office.  
9 However, the contributions made to a candidate or received by a  
10 candidate for a primary or special election conducted to fill such a  
11 vacancy shall not be counted toward any of the limitations which apply  
12 to the candidate or to contributions made to the candidate for any  
13 other primary or election."

14 "NEW SECTION. **Sec. 5.** ATTRIBUTION AND AGGREGATION OF FAMILY  
15 CONTRIBUTIONS. (1) Contributions by a husband and wife are considered  
16 separate contributions.

17 (2) Contributions by unemancipated children under eighteen years of  
18 age are considered contributions by their parents and attributed  
19 proportionately to each parent. Fifty percent of the contributions are  
20 attributed to each parent or, in the case of a single custodial parent,  
21 the total amount is attributed to the parent."

22 "NEW SECTION. **Sec. 6.** ATTRIBUTION OF CONTRIBUTIONS BY CONTROLLED  
23 ENTITIES. (1) For purposes of this chapter, a contribution by a person  
24 or entity controlled by any other person or entity is a contribution by  
25 the controlling person or entity. A contribution to a person or entity  
26 controlled by another person or entity is a contribution to the  
27 controlling person or entity. This subsection does not apply to the  
28 relationship between an individual and the spouse of the individual or

1 to the relationship between a bona fide political party and a district  
2 or county organization of that party or a caucus of the state  
3 legislature of the members of that party.

4 (2) Contributions governed by subsection (1) of this section  
5 include but are not limited to:

6 (a) A contribution by a subsidiary, branch, division, department,  
7 or local unit of an association, which is considered to have been made  
8 by the association; and

9 (b) A contribution by a political committee controlled by a person  
10 or entity, which is considered to be a contribution by that person or  
11 entity.

12 (3) In determining whether a person or entity is controlled by any  
13 other person or entity for the purposes of subsection (1) of this  
14 section, the following shall, if applicable, be considered:

15 (a) Ownership of a controlling interest in voting shares or  
16 securities;

17 (b) Provisions of bylaws, articles of incorporation, charters,  
18 constitutions, or other documents by which one person or entity has the  
19 authority, power, or ability to direct another;

20 (c) The authority, power, or ability to hire, appoint, discipline,  
21 discharge, demote, remove, or influence the decision of the officers or  
22 members of an entity;

23 (d) Similar patterns of contributions; and

24 (e) The extent of the transfer of funds between the person or  
25 entities.

26 (4) A candidate committee and a committee other than a candidate  
27 committee are treated as a single committee if the committees both have  
28 the candidate or a member of the candidate's immediate family as an  
29 officer."

1        "NEW SECTION.        **Sec. 7.**        ATTRIBUTION OF CONTRIBUTIONS.        All  
2 contributions made by a person or entity, either directly or  
3 indirectly, to a candidate, to a state official against whom recall  
4 charges have been filed, or to a political committee, are considered to  
5 be contributions from that person or entity to the candidate, state  
6 official, or political committee, as are contributions that are in any  
7 way earmarked or otherwise directed through an intermediary or conduit  
8 to the candidate, state official, or political committee. For the  
9 purposes of this section, "earmarked" means a designation, instruction,  
10 or encumbrance, whether direct or indirect, expressed or implied, or  
11 oral or written, that is intended to result in or that does result in  
12 all or any part of a contribution being made to a certain candidate or  
13 state official. If a conduit or intermediary exercises any direction  
14 or control over the choice of the recipient candidate or state  
15 official, the contribution is considered to be by both the original  
16 contributor and the conduit or intermediary."

17        "NEW SECTION.        **Sec. 8.**        LIMITATIONS ON EMPLOYERS OR LABOR  
18 ORGANIZATIONS. (1) No employer or labor organization may increase the  
19 salary of an officer or employee, or give an emolument to an officer,  
20 employee, or other person or entity, with the intention that the  
21 increase in salary, or the emolument, or a part of it, be contributed  
22 or spent to support or oppose any candidate, state official against  
23 whom recall charges have been filed, political party, or political  
24 committee.

25        (2) No employer or labor organization may discriminate against an  
26 officer or employee in the terms or conditions of employment: For (a)  
27 the failure to contribute to, (b) the failure in any way to support or  
28 oppose, or (c) in any way supporting or opposing a candidate, ballot  
29 proposition, political party, or political committee.

1 (3) No employer or other person or entity responsible for the  
2 disbursement of funds in payment of wages or salaries may withhold or  
3 divert any portion of an employee's wages or salaries for contributions  
4 to political committees except upon the written request of the  
5 employee. The request must be made on a form prescribed by the  
6 commission informing the employee of the prohibition against employer  
7 and labor organization discrimination described in subsection (2) of  
8 this section. The request shall be valid for no more than twelve  
9 months from the date it is made by the employee.

10 (4) Each person or entity who withholds contributions under  
11 subsection (3) of this section shall maintain open for public  
12 inspection for a period of no less than three years, during normal  
13 business hours, documents and books of accounts that shall include a  
14 copy of each employee's request, the amounts and dates funds were  
15 actually withheld, and the amounts and dates funds were transferred to  
16 a political committee. Copies of such information shall be delivered  
17 to the commission upon request."

18 "NEW SECTION. **Sec. 9.** CHANGING MONETARY LIMITS. At the beginning  
19 of each even-numbered calendar year, the commission shall increase or  
20 decrease all dollar amounts in this chapter based on changes in  
21 economic conditions as reflected in the inflationary index used by the  
22 commission under RCW 42.17.370. The new dollar amounts established by  
23 the commission under this section shall be rounded off by the  
24 commission to amounts as judged most convenient for public  
25 understanding and so as to be within ten percent of the target amount  
26 equal to the base amount provided in this chapter multiplied by the  
27 increase in the inflationary index since the effective date of this  
28 act."

1        "NEW SECTION.   **Sec. 10.**   CONTRIBUTIONS FROM BEFORE EFFECTIVE DATE  
2 OF ACT.   Contributions made and received before the effective date of  
3 this act are not considered to be contributions under the provisions of  
4 sections 4 through 20 of this act."

5        "NEW SECTION.   **Sec. 11.**   TIME LIMIT FOR STATE OFFICIALS TO SOLICIT  
6 OR ACCEPT CONTRIBUTIONS.   During the period beginning on the thirtieth  
7 day before the date a regular legislative session convenes and  
8 continuing thirty days past the date of final adjournment, and during  
9 the period beginning on the date a special legislative session convenes  
10 and continuing through the date that session adjourns, no state  
11 official or any person employed by or acting on behalf of a state  
12 official or state legislator may solicit or accept contributions to a  
13 public office fund, to any candidate, or authorized committee, or to  
14 retire any campaign debt."

15        "NEW SECTION.   **Sec. 12.**   RESTRICTION ON LOANS.   (1) A loan is  
16 considered a contribution from the maker and the guarantor of the loan  
17 and is subject to the contribution limitations of this chapter.

18        (2) A loan to a candidate or the candidate committee must be by  
19 written agreement.

20        (3) The proceeds of a loan made to a candidate:

21        (a) By a commercial lending institution;

22        (b) Made in the regular course of business;

23        (c) On the same terms ordinarily available to members of the  
24 public; and

25        (d) Which is secured or guaranteed;

26 are not subject to the contribution limits of this chapter."

1        "NEW SECTION. Sec. 13. CONTRIBUTIONS ON BEHALF OF ANOTHER. (1)

2 A person, other than individual, may not be an intermediary or an agent  
3 for a contribution.

4        (2) An individual may not make a contribution on behalf of another  
5 person or entity, or while acting as the intermediary or agent of  
6 another person or entity, without disclosing to the recipient of the  
7 contribution both his or her full name, street address, occupation,  
8 name of employer, if any, or place of business if self-employed, and  
9 the same information for each contributor for whom the individual  
10 serves as intermediary or agent."

11        "NEW SECTION. Sec. 14. CERTAIN CONTRIBUTIONS REQUIRED TO BE BY  
12 WRITTEN INSTRUMENT. (1) An individual may not make a contribution of  
13 more than fifty dollars, other than an in-kind contribution, except by  
14 written instrument containing the name of the donor and the name of the  
15 payee.

16        (2) A committee may not make a contribution, other than in-kind,  
17 except by written instrument containing the name of the donor and the  
18 name of the payee."

19        "NEW SECTION. Sec. 15. SOLICITATION OF CONTRIBUTIONS BY  
20 GOVERNMENT EMPLOYEES. (1) No state official or state official's agent  
21 may knowingly solicit, directly or indirectly, a contribution from an  
22 employee in the state official's agency.

23        (2) No state official or state employee may provide an advantage or  
24 disadvantage to an employee or applicant for employment in the  
25 classified civil service concerning the applicant's or employee's:

- 26        (a) Employment;  
27        (b) Conditions of employment; or  
28        (c) Application for employment;

1 based on the employee or applicant's contribution or promise to  
2 contribute, failure to make a contribution or contribute to a political  
3 party or committee."

4 "NEW SECTION. **Sec. 16.** AGENCY SHOP FEES AS CONTRIBUTIONS. A  
5 labor organization may not use agency shop fees paid by an individual  
6 who is not a member of the organization to make contributions or  
7 expenditures to influence an election or to operate a political  
8 committee, unless affirmatively authorized by the individual."

9 "NEW SECTION. **Sec. 17.** SOLICITATION FOR ENDORSEMENT FEES. A  
10 person or entity may not solicit from a candidate, committee, political  
11 party, or other person or entity money or other property as a condition  
12 or consideration for an endorsement, article, or other communication in  
13 the news media promoting or opposing a candidate, committee, or  
14 political party."

15 "NEW SECTION. **Sec. 18.** REIMBURSEMENT FOR CONTRIBUTIONS. A person  
16 or entity may not, directly or indirectly, reimburse another person or  
17 entity for a contribution to a candidate, committee, or political  
18 party."

19 "NEW SECTION. **Sec. 19.** PROHIBITION ON USE OF CONTRIBUTIONS FOR A  
20 DIFFERENT OFFICE. (1) Except as provided in subsection (2) of this  
21 section, a candidate committee may not use or permit the use of  
22 contributions solicited for or received by the candidate committee to  
23 further the candidacy of the individual for an office other than the  
24 office designated on the statement of organization. A contribution  
25 solicited for or received on behalf of the candidate is considered  
26 solicited or received for the candidacy for which the individual is



1 then a candidate if the contribution is solicited or received before  
2 the general elections for which the candidate is a nominee or is  
3 unopposed.

4 (2) With the written approval of the contributor, a candidate  
5 committee may use or permit the use of contributions solicited for or  
6 received by the candidate committee from that contributor to further  
7 the candidacy of the individual for an office other than the office  
8 designated on the statement of organization."

9 "NEW SECTION. **Sec. 20.** OUT-OF-STATE CONTRIBUTIONS PROHIBITED.

10 Notwithstanding section 4 of this act, no person residing or domiciled  
11 outside the state of Washington may contribute to a candidate or an  
12 authorized committee required to report under this chapter. No  
13 candidate or authorized committee may accept a contribution that is  
14 prohibited by this section."

15 **"Sec. 21.** RCW 42.17.095 and 1982 c 147 s 8 are each amended to  
16 read as follows:

17 The surplus funds of a candidate, or of a political committee  
18 supporting or opposing a candidate, may only be disposed of in any one  
19 or more of the following ways:

20 (1) Return the surplus to a contributor in an amount not to exceed  
21 that contributor's original contribution;

22 (2) Transfer the surplus to the candidate's personal account as  
23 reimbursement for lost earnings incurred as a result of that  
24 candidate's election campaign. Such lost earnings shall be verifiable  
25 as unpaid salary or, when the candidate is not salaried, as an amount  
26 not to exceed income received by the candidate for services rendered  
27 during an appropriate, corresponding time period. All lost earnings  
28 incurred shall be documented and a record thereof shall be maintained

1 by the candidate or the candidate's political committee. The committee  
2 shall include a copy of such record when its expenditure for such  
3 reimbursement is reported pursuant to RCW 42.17.090;

4 (3) Transfer the surplus to (~~one or more candidates or to~~) a  
5 political (~~committee or~~) party;

6 (4) Donate the surplus to a charitable organization registered in  
7 accordance with chapter 19.09 RCW;

8 (5) Transmit the surplus to the state treasurer for deposit in the  
9 general fund; or

10 (6) Hold the surplus in the campaign depository or depositories  
11 designated in accordance with RCW 42.17.050 for possible use in a  
12 future election campaign(~~(, for political activity, for community~~  
13 ~~activity, or for nonreimbursed public office related expenses)) for the  
14 same office last sought by the candidate and report any such  
15 disposition in accordance with RCW 42.17.090: PROVIDED, That if the  
16 candidate subsequently announces or publicly files for office,  
17 information as appropriate is reported to the commission in accordance  
18 with RCW 42.17.040 through 42.17.090. If a subsequent office is not  
19 sought the surplus held shall be disposed of in accordance with the  
20 requirements of this section.~~

21 (7) No candidate or authorized committee may transfer funds to any  
22 other candidate or other political committee."

23 "**Sec. 22.** RCW 42.17.105 and 1989 c 280 s 11 are each amended to  
24 read as follows:

25 (1) Campaign treasurers shall prepare and deliver to the commission  
26 a special report regarding any contribution which:

27 (a) Exceeds five hundred dollars;

28 (b) Is from a single person or entity;

29 (c) Is received before a primary or general election; and

1 (d) Is received: (i) After the period covered by the last report  
2 required by RCW 42.17.080 and 42.17.090 to be filed before that  
3 primary; or (ii) within twenty-one days preceding that general  
4 election.

5 (2) Any political committee making a contribution which exceeds  
6 five hundred dollars shall also prepare and deliver to the commission  
7 the special report if the contribution is made before a primary or  
8 general election and: (a) After the period covered by the last report  
9 required by RCW 42.17.080 and 42.17.090 to be filed before that  
10 primary; or (b) within twenty-one days preceding that general election.

11 (3) Except as provided in subsection (4) of this section, the  
12 special report required by this section shall be delivered in written  
13 form, including but not limited to mailgram, telegram, or nightletter.  
14 The special report required by subsection (1) of this section shall be  
15 delivered to the commission within forty-eight hours of the time, or on  
16 the first working day after, the contribution is received by the  
17 candidate or campaign treasurer. The special report required by  
18 subsection (2) of this section and RCW 42.17.175 shall be delivered to  
19 the commission, and the candidate or political committee to whom the  
20 contribution is made, within twenty-four hours of the time, or on the  
21 first working day after, the contribution is made.

22 (4) The special report may be transmitted orally by telephone to  
23 the commission to satisfy the delivery period required by subsection  
24 (3) of this section if the written form of the report is also mailed to  
25 the commission and postmarked within the delivery period established in  
26 subsection (3) of this section.

27 (5) The special report shall include at least:

28 (a) The amount of the contribution;

29 (b) The date of receipt;

30 (c) The name and address of the donor;

1 (d) The name and address of the recipient; and

2 (e) Any other information the commission may by rule require.

3 (6) Contributions reported under this section shall also be  
4 reported as required by other provisions of this chapter.

5 (7) The commission shall publish daily a summary of the special  
6 reports made under this section and RCW 42.17.175.

7 (8) It is a violation of this chapter for ~~((any person to make, or  
8 for any candidate or political committee to accept from any one person,  
9 contributions reportable under RCW 42.17.090 in the aggregate exceeding  
10 fifty thousand dollars for any campaign for state wide office or  
11 exceeding five thousand dollars for any other campaign subject to the  
12 provisions of this chapter within twenty one days of a general  
13 election. This subsection does not apply to contributions made by, or  
14 accepted from, a major Washington state political party as defined in  
15 RCW 29.01.090))~~ a bona fide political party or caucus of the state  
16 legislature to make, or for a candidate for state-wide office to accept  
17 from a bona fide political party or caucus of the state legislature,  
18 contributions reportable under RCW 42.17.090 in the aggregate exceeding  
19 fifty thousand dollars within the twenty-one days preceding a general  
20 election.

21 (9) It is a violation of this chapter for a bona fide political  
22 party or caucus of the state legislature to make, or for any candidate  
23 for the state legislature to accept from a bona fide political party or  
24 a caucus of the state legislature, contributions reportable under RCW  
25 42.17.090 in the aggregate exceeding five thousand dollars within  
26 twenty-one days of a general election.

27 (10) It is a violation of this chapter for any person to make, or  
28 for any candidate other than a candidate for state-wide office or for  
29 the state legislature to accept from any one person, contributions  
30 reportable under RCW 42.17.090 in the aggregate exceeding five thousand

1 dollars within twenty-one days of a general election. This subsection  
2 does not apply to contributions made by, or accepted from, a major  
3 Washington state political party as defined in RCW 29.01.090."

4 "Sec. 23. RCW 42.17.125 and 1989 c 280 s 12 are each amended to  
5 read as follows:

6 Contributions received and reported in accordance with RCW  
7 42.17.060 through 42.17.090 may only be transferred to the personal  
8 account of a candidate, or of a treasurer or other individual or  
9 expended for such individual's personal use under the following  
10 circumstances:

11 (1) Reimbursement for or loans to cover lost earnings incurred as  
12 a result of campaigning or services performed for the committee. Such  
13 lost earnings shall be verifiable as unpaid salary, or when the  
14 individual is not salaried, as an amount not to exceed income received  
15 by the individual for services rendered during an appropriate,  
16 corresponding time period. All lost earnings incurred shall be  
17 documented and a record thereof shall be maintained by the individual  
18 or the individual's political committee. The committee shall include  
19 a copy of such record when its expenditure for such reimbursement is  
20 reported pursuant to RCW 42.17.090.

21 (2) Reimbursement for direct out-of-pocket election campaign and  
22 postelection campaign related expenses made by the individual. To  
23 receive reimbursement from the political committee, the individual  
24 shall provide the committee with written documentation as to the  
25 amount, date, and description of each expense, and the committee shall  
26 include a copy of such information when its expenditure for such  
27 reimbursement is reported pursuant to RCW 42.17.090.

28 (3) Repayment of loans made by the individual to political  
29 committees, which repayment shall be reported pursuant to RCW

1 42.17.090. However, contributions may not be used to reimburse a  
2 candidate for loans totalling more than three thousand dollars made by  
3 the candidate to the candidate's own authorized committee or campaign."

4 "PART IV  
5 INDEPENDENT EXPENDITURES"

6 "Sec. 24. RCW 42.17.510 and 1984 c 216 s 1 are each amended to  
7 read as follows:

8 (1) All written political advertising, whether relating to  
9 candidates or ballot propositions, shall include the sponsor's name and  
10 address. All radio and television political advertising, whether  
11 relating to candidates or ballot propositions, shall include the  
12 sponsor's name. The use of an assumed name shall be unlawful. The  
13 party with which a candidate files shall be clearly identified in  
14 political advertising for partisan office.

15 (2) In addition to the materials required by subsection (1) of this  
16 section, all political advertising undertaken as an independent  
17 expenditure by a person or entity other than a party organization shall  
18 include the following statement on the communication "NOTICE TO VOTERS  
19 (Required by Law): This advertisement is not authorized or approved by  
20 any candidate. It is paid for by (name, address, city, state)." If  
21 the advertisement is undertaken by a nonindividual, then the following  
22 notation shall also be included: "Top Five Contributors", followed by  
23 a listing of the names of the five persons or entities making the  
24 largest contributions reportable under this chapter during the twelve-  
25 month period before the date of the advertisement.

26 (3) The statements and listing of contributors required by  
27 subsections (1) and (2) of this section shall:

1       (a) Appear on each page or fold of the written communication in at  
2 least ten-point type, or in type at least ten percent of the largest  
3 size type used in a written communication directed at more than one  
4 voter, such as a billboard or poster, whichever is larger;

5       (b) Not be subject to the half-tone or screening process;

6       (c) Be in a printed or drawn box set apart from any other printed  
7 matter; and

8       (d) Be clearly spoken on any broadcast advertisement.

9       (4) Political yard signs are exempt from the requirement of  
10 subsections (1) and (2) of this section that the name and address of  
11 the sponsor of political advertising be listed on the advertising. In  
12 addition, the public disclosure commission shall, by rule, exempt from  
13 the identification requirements of subsections (1) and (2) of this  
14 section forms of political advertising such as campaign buttons,  
15 balloons, pens, pencils, sky-writing, inscriptions, and other forms of  
16 advertising where identification is impractical.

17       ~~((3))~~ (5) For the purposes of this section, "yard sign" means any  
18 outdoor sign with dimensions no greater than eight feet by four feet."

19       "NEW SECTION. Sec. 25. INDEPENDENT EXPENDITURES. A person or  
20 entity making an independent expenditure by mailing one thousand or  
21 more identical or nearly identical cumulative pieces of political  
22 advertising in a single calendar year shall, within one day after the  
23 time of the mailing, file an example of the mailed political  
24 advertising with the election officer of the county of residence for  
25 the candidate supported or opposed by the independent campaign  
26 expenditure or, in the case of an expenditure made in support of or in  
27 opposition to a ballot proposition, the county of residence for the  
28 person making the expenditure."

1 "PART V

2 USE OF PUBLIC FUNDS/OFFICE FOR POLITICAL PURPOSES"

3 "NEW SECTION. **Sec. 26.** During the twelve-month period preceding  
4 the expiration of a state legislator's term in office, no incumbent to  
5 that office may mail to a constituent at public expense a letter,  
6 newsletter, brochure, or other piece of literature that is not in  
7 direct response to that constituent's request for a response or for  
8 information. However, one mailing mailed within thirty days after the  
9 start of a regular legislative session and one mailing mailed within  
10 sixty days after the end of a regular legislative session of identical  
11 newsletters to constituents are permitted. A violation of this section  
12 constitutes use of the facilities of a public office for the purpose of  
13 assisting a campaign under RCW 42.17.130.

14 The house of representatives and senate shall specifically limit  
15 expenditures per member for the total cost of mailings, including but  
16 not limited to production costs, printing costs, and postage."

17 "**Sec. 27.** RCW 41.04.230 and 1988 c 107 s 19 are each amended to  
18 read as follows:

19 Any official of the state authorized to disburse funds in payment  
20 of salaries and wages of public officers or employees is authorized,  
21 upon written request of the officer or employee, to deduct from the  
22 salaries or wages of the officers or employees, the amount or amounts  
23 of subscription payments, premiums, contributions, or continuation  
24 thereof, for payment of the following:

25 (1) Credit union deductions: PROVIDED, That the credit union is  
26 organized solely for public employees: AND PROVIDED FURTHER, That  
27 twenty-five or more employees of a single state agency or a total of



1 one hundred or more state employees of several agencies have authorized  
2 such a deduction for payment to the same credit union.

3 (2) Parking fee deductions: PROVIDED, That payment is made for  
4 parking facilities furnished by the agency or by the department of  
5 general administration.

6 (3) U.S. savings bond deductions: PROVIDED, That a person within  
7 the particular agency shall be appointed to act as trustee. The  
8 trustee will receive all contributions; purchase and deliver all bond  
9 certificates; and keep such records and furnish such bond or security  
10 as will render full accountability for all bond contributions.

11 (4) Board, lodging or uniform deductions when such board, lodging  
12 and uniforms are furnished by the state, or deductions for academic  
13 tuitions or fees or scholarship contributions payable to the employing  
14 institution.

15 (5) Dues and other fees deductions: PROVIDED, That the deduction  
16 is for payment of membership dues to any professional organization  
17 formed primarily for public employees or college and university  
18 professors: AND PROVIDED, FURTHER, That twenty-five or more employees  
19 of a single state agency, or a total of one hundred or more state  
20 employees of several agencies have authorized such a deduction for  
21 payment to the same professional organization.

22 (6) Labor or employee organization dues may be deducted in the  
23 event that a payroll deduction is not provided under a collective  
24 bargaining agreement under the provisions of RCW 41.06.150: PROVIDED,  
25 That twenty-five or more officers or employees of a single agency, or  
26 a total of one hundred or more officers or employees of several  
27 agencies have authorized such a deduction for payment to the same labor  
28 or employee organization: PROVIDED, FURTHER, That labor or employee  
29 organizations with five hundred or more members in state government may  
30 have payroll deduction for employee benefit programs.



1 commission on or before (~~March 31st~~) the last day of February of each  
2 year a statement disclosing for the preceding calendar year the  
3 following information:

4 (a) The name of each state elected official and the name of each  
5 candidate for state office who was elected to the office and any member  
6 of the immediate family of those persons to whom the (~~employer~~)  
7 person other than an individual reporting has paid any compensation in  
8 the amount of five hundred dollars or more during the preceding  
9 calendar year for personal employment or professional services,  
10 including professional services rendered by a corporation, partnership,  
11 joint venture, association, union, or other entity in which the person  
12 holds any office, directorship, or any general partnership interest, or  
13 an ownership interest of ten percent or more, the value of the  
14 compensation in accordance with the reporting provisions set out in RCW  
15 42.17.241(2), and the consideration given or performed in exchange for  
16 the compensation.

17 (b) The name of each state elected official, successful candidate  
18 for state office, or members of his immediate family to whom the  
19 (~~lobbyist employer~~) person other than an individual reporting made  
20 expenditures, directly or indirectly, either through a lobbyist or  
21 otherwise, the amount of the expenditures and the purpose for the  
22 expenditures. For the purposes of this subsection, the term  
23 expenditure shall not include any expenditure made by the employer in  
24 the ordinary course of business if the expenditure is not made for the  
25 purpose of influencing, honoring, or benefiting the elected official,  
26 successful candidate, or member of his immediate family, as an elected  
27 official or candidate.

28 (c) The total expenditures made by the (~~employer~~) person other  
29 than an individual reporting for lobbying purposes, whether through or  
30 on behalf of a registered lobbyist or otherwise.

1 (d) All contributions made to a (~~candidate for state office, to~~  
2 a)) political committee supporting or opposing a candidate for state  
3 office, or to a political committee supporting or opposing a state-wide  
4 ballot proposition. Such contributions shall be identified by the name  
5 and the address of the recipient and the aggregate amount contributed  
6 to each such recipient.

7 (e) The name and address of each registered lobbyist employed by  
8 the (~~employer~~) person other than an individual reporting and the  
9 total expenditures made by (~~the employer~~) each such person other than  
10 an individual for each such lobbyist for lobbying purposes.

11 (f) The names, offices sought, and party affiliations of candidates  
12 for state office supported or opposed by independent expenditures of  
13 the person other than an individual reporting and the amount of each  
14 such expenditure.

15 (g) The identifying proposition number and a brief description of  
16 any state-wide ballot proposition supported or opposed by expenditures  
17 not reported under (d) of this subsection and the amount of each such  
18 expenditure.

19 (h) Such other information as the commission prescribes by rule.

20 (2) (a) Except as provided in (b) of this subsection, an employer  
21 of a lobbyist registered under this chapter shall file a special report  
22 with the commission if the employer makes a contribution or  
23 contributions aggregating more than one hundred dollars in a calendar  
24 month to any one of the following: A candidate, elected official,  
25 officer or employee of an agency, or political committee. The report  
26 shall identify the date and amount of each such contribution and the  
27 name of the candidate, elected official, agency officer or employee, or  
28 political committee receiving the contribution or to be benefited by  
29 the contribution. The report shall be filed on a form prescribed by

1 the commission and shall be filed within fifteen days after the last  
2 day of the calendar month during which the contribution was made.

3 (b) The provisions of (a) of this subsection do not apply to a  
4 contribution which is made through a registered lobbyist and reportable  
5 under RCW 42.17.170."

6 "PART VII  
7 PENALTIES"

8 "Sec. 29. RCW 42.17.390 and 1973 c 1 s 39 are each amended to read  
9 as follows:

10 (~~(1)~~) One or more of the following civil remedies and sanctions  
11 may be imposed by court order in addition to any other remedies  
12 provided by law:

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

21 (~~(b)~~) (2) If any lobbyist or sponsor of any grass roots lobbying  
22 campaign violates any of the provisions of this chapter, his  
23 registration may be revoked or suspended and he may be enjoined from  
24 receiving compensation or making expenditures for lobbying: PROVIDED,  
25 HOWEVER, That imposition of such sanction shall not excuse said  
26 lobbyist from filing statements and reports required by this chapter.

27 (~~(c)~~) (3) Any person who violates any of the provisions of this  
28 chapter may be subject to a civil penalty of not more than ten thousand

1 dollars for each such violation. However, a person or entity who  
2 violates section 4 of this act may be subject to a civil penalty of ten  
3 thousand dollars or three times the amount of the contribution  
4 illegally made or accepted, whichever is greater.

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

9 ~~((e))~~ (5) Any person who fails to report a contribution or  
10 expenditure may be subject to a civil penalty equivalent to the amount  
11 he failed to report.

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

15 "PART VIII  
16 PUBLIC DISCLOSURE COMMISSION"

17 "NEW SECTION. Sec. 30. COMMISSION AUDITS. The commission shall  
18 conduct a sufficient number of audits and field investigations so as to  
19 provide a statistically valid finding regarding the degree of  
20 compliance with the provisions of this chapter by all required filers."

21 "PART IX  
22 REFERENDUM"

23 "NEW SECTION. Sec. 31. REFERENDUM. This act shall be submitted  
24 to the people for their adoption and ratification, or rejection, at the  
25 next succeeding general election to be held in this state, in

1 accordance with Article II, section 1 of the state Constitution, as  
2 amended, and the laws to facilitate the operation thereof."

3 "PART X  
4 MISCELLANEOUS"

5 "NEW SECTION. **Sec. 32.** APPROPRIATION. The sum of .....  
6 dollars, or as much thereof as may be necessary, is appropriated for  
7 the biennium ending June 30, 1993, from the general fund to the public  
8 disclosure commission for the purposes of this act."

9 "NEW SECTION. **Sec. 33.** CODIFICATION DIRECTIONS. (1) Sections 1  
10 through 20 of this act are each added to chapter 42.17 RCW as a  
11 subchapter and codified with the subchapter heading of "CAMPAIGN  
12 CONTRIBUTION LIMITATIONS."

13 (2) Sections 25, 26, and 30 of this act are each added to chapter  
14 42.17 RCW."

15 "NEW SECTION. **Sec. 34.** REPEALER. RCW 42.17.243 and 1977 ex.s. c  
16 336 s 5 are each repealed."

17 "NEW SECTION. **Sec. 35.** HEADINGS AND CAPTIONS. Part headings and  
18 section captions as used in this act do not constitute any part of the  
19 law."

20 "NEW SECTION. **Sec. 36.** EFFECTIVE DATE. This act shall take  
21 effect December 1, 1992."

22 "NEW SECTION. **Sec. 37.** SEVERABILITY. If any provision of this  
23 act or its application to any person or circumstance is held invalid,

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

3 **SSB 5864** - S AMD  
4 By Senator L. Smith

5 Adopted 3/15/91 - Voice Vote

6 On page 1, line 2 of the title, after "advertising;" strike the  
7 remainder of the title and insert "amending RCW 42.17.095, 42.17.105,  
8 42.17.125, 42.17.510, 41.04.230, 42.17.180, and 42.17.390; adding new  
9 sections to chapter 42.17 RCW; creating a new section; repealing RCW  
10 42.17.243; prescribing penalties; making an appropriation; providing an  
11 effective date; and providing for submission of this act to a vote of  
12 the people."