

2 SSB 5864 - S AMD
3 By Senator Skratek

4 Not Adopted 3/15/91 - Roll Call 21-25

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** INTENT. The legislature finds and declares
8 that:

9 (1) The integrity of the electoral process is essential to the
10 preservation of a free and democratic society. The central element of
11 this process is the unfettered exchange of ideas between citizens and
12 candidates for public office.

13 (2) In recent years, the cost of conducting a campaign for state
14 office has become alarmingly and unacceptably high.

15 (3) The pressure on candidates to raise and spend large sums of
16 money has created a political climate where the financial strength of
17 an individual or special interest group may permit it to exercise a
18 potentially corrupting influence on the electoral process.

19 (4) The public perception of such corruption and the potential for
20 actual corruption undermines the credibility and integrity of our
21 public officials and candidates for public office, and thus undermines
22 the public's faith that they are being fairly and honestly represented.

23 (5) It is incumbent upon the legislature to address the increasing
24 role of money in political campaigns and to ensure the preservation of
25 an electoral process where each vote carries equal weight and every
26 candidate can be heard.

27 For these reasons, the legislature enacts this law to govern the
28 financing of election campaigns for state office."

1 "CAMPAIGN EXPENDITURE LIMITATIONS AND MATCHING FUNDS"

2 "NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions under RCW
3 42.17.020 apply to sections 2 through 27 and 42 of this act except as
4 modified by this section. Unless the context clearly requires
5 otherwise, the definitions in this section apply throughout sections 2
6 through 27 and 42 of this act:

7 (1) "Authorized committee" means the political committee authorized
8 by a candidate, or by the state official against whom recall charges
9 have been filed, to accept contributions or make expenditures on behalf
10 of the candidate or state official.

11 (2) "Board" or "election board" means the state election board
12 created by this chapter.

13 (3) "Bona fide political party" means an organization which has
14 filed a valid certificate of nomination with the secretary of state
15 under chapter 29.24 RCW or the governing body of the state organization
16 of a major political party, as defined in RCW 29.01.090, which shall be
17 the body authorized by the charter or bylaws of the party to exercise
18 authority on behalf of the state party.

19 (4) "Candidate" means an individual seeking nomination for election
20 or seeking election to a state office. Such an individual shall be
21 deemed to be seeking nomination for election or seeking election when
22 the individual first:

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

24 (b) Receives contributions or makes expenditures or reserves space
25 or facilities with intent to promote his or her candidacy for the
26 office; or

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

1 (5) "Caucus of the state legislature" means the caucus of the
2 members of a major political party in the state house of
3 representatives or in the state senate.

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

11 (7) "Eligible candidate" means a candidate for a state office who
12 is eligible under sections 3 and 7 of this act to receive payments
13 under this chapter.

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

17 (9) "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 (10) "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 a candidate for that office, (iii) a person who
28 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 sequence of expenditures each of which is under five hundred
14 dollars shall constitute one independent expenditure as of the time
15 that the last expenditure brings the total value of the sequence to
16 five hundred dollars or more, and no expenditure in the sequence which
17 has been reported to the board under section 13 of this act shall be
18 considered as part of any future independent expenditure.

19 (11) "Major party" means a major political party as defined in RCW
20 29.01.090.

21 (12) "Minor party" means a minor political party as defined in RCW
22 29.01.100.

23 (13) "Multicandidate political committee" means a political
24 committee which, during a period of three calendar years: Receives
25 contributions of twenty-five dollars or more from each of twenty-five
26 or more persons; and makes contributions of at least twenty-five
27 dollars to each of five or more candidates or to the authorized
28 committees of five or more candidates.

29 (14) "Primary" means the procedure for nominating a candidate to
30 state office under chapter 29.18 or 29.21 RCW or any other primary for

1 an election which uses, in large measure, the procedures established in
2 chapter 29.18 or 29.21 RCW.

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

6 (16) "State campaign account" or "account" means the state election
7 campaign account established in section 17 of this act.

8 (17) "State legislative office" means the office of a member of the
9 state house of representatives and the office of a member of the state
10 senate.

11 (18) "State office" means the office of a member of the state
12 legislature or of any elective state executive officer.

13 (19) "State official" means a person who holds a state office."

14 "NEW SECTION. Sec. 3. ELIGIBILITY FOR PAYMENTS--EXPENDITURE LIMIT
15 AGREEMENT--THRESHOLD AMOUNTS--USE OF LOGO. (1) To be eligible to
16 receive payments under this chapter a candidate shall:

17 (a) Identify the office sought by the candidate; and

18 (b) Agree in writing that the candidate and the authorized
19 committee of the candidate:

20 (i) Will fully comply with the fair campaign practices code adopted
21 by the public disclosure commission as it now exists or is hereafter
22 amended;

23 (ii) Have not made and will not make expenditures during the
24 election cycle which exceed any expenditure limitation applicable to
25 the candidate under section 4 of this act for the office sought by the
26 candidate;

27 (iii) Will deposit all payments received under section 10 of this
28 act in a separate checking account which shall contain only funds so
29 received, and will make no expenditures of funds received under this

1 section except by checks drawn on that account. The account shall be
2 in a financial institution located in this state whose deposits are
3 insured by the federal deposit insurance corporation, federal savings
4 and loan insurance corporation, or national credit union
5 administration;

6 (iv) Will furnish to the election board campaign records, evidence
7 of contributions, and other appropriate information as may be required
8 by the board; and

9 (v) Will cooperate in the case of any audit and examination by or
10 for the board under section 18 of this act.

11 (2) The agreement required by subsection (1) of this section must
12 be filed with the election board by the third business day after the
13 candidate has first received during the election cycle contributions,
14 less loan repayments, in an aggregate amount of:

15 (a) For a candidate for the office of governor, twenty-five
16 thousand dollars;

17 (b) For a candidate for state executive office other than the
18 office of governor, seven thousand five hundred dollars;

19 (c) For a candidate for the state senate, five thousand dollars;
20 and

21 (d) For a candidate for the state house of representatives, two
22 thousand five hundred dollars.

23 Such aggregate contributions include both those which satisfy and
24 those which do not satisfy the provisions of section 11 of this act.

25 (3) The provisions of this section shall not be construed as
26 preventing a candidate from filing a statement of intent with the board
27 at any time. Such a statement shall include a promise signed by the
28 candidate that the candidate has not and will not exceed the
29 expenditure limitation applicable to the candidate under section 4 of
30 this act.

1 (4) Nothing in this chapter requires any candidate to apply for or
2 accept public funding under section 10 or 12 of this act.

3 (5) A candidate for state office who enters and abides by an
4 agreement under subsection (1) of this section is entitled to display
5 a good campaign practices seal in the political advertising and
6 communications of the candidate during the election cycle to which the
7 agreement applies. The board shall design the good campaign practices
8 seal."

9 "NEW SECTION. **Sec. 4.** EXPENDITURE LIMITS FOR CANDIDATES UNDER
10 AGREEMENT. (1) Except as provided in subsection (4) of this section,
11 the expenditure limit for the election cycle for a candidate for state
12 office who agrees to the limitations established in this chapter is the
13 greater of: (a) The base amount established for the office sought
14 under subsection (2) of this section; or (b) the base amount plus the
15 amount applicable to the candidate under subsection (3) of this section
16 regarding independent expenditures.

17 (2) The base amount referred to in subsection (1) of this section
18 is:

19 (a) For the office of governor, two million two hundred thousand
20 dollars;

21 (b) For state executive office other than the office of governor,
22 eight hundred thousand dollars;

23 (c) For the office of a member of the state senate, ninety-five
24 thousand dollars; and

25 (d) For the office of a member of the state house of
26 representatives, fifty-five thousand dollars.

27 (3) If, during the twelve months preceding the election in which
28 the candidate is seeking office, independent expenditures by any person
29 or persons are made in opposition to the candidate or for any other

1 candidate for the office sought by the candidate, the expenditure
2 limitation applicable to the candidate (not the other candidate) during
3 the election cycle shall be increased by an amount equal to the amount
4 of the independent expenditures under the following circumstances:

5 (a) The candidate is a candidate for state executive office and the
6 aggregate of such independent expenditures exceeds an amount equal to
7 five percent of the base amount established in subsection (2) of this
8 section for the office sought; or

9 (b) The candidate is a candidate for state legislative office and
10 the aggregate of such independent expenditures exceeds an amount equal
11 to ten percent of the base amount established in subsection (2) of this
12 section for the office sought.

13 (4) A candidate for an office is not subject to an expenditure
14 limitation under this chapter, if during the election cycle another
15 candidate for that office:

16 (a) Enters an expenditure limitation and eligibility agreement
17 under section 3 of this act for an election cycle but expends during
18 the election cycle more than the expenditure limit applicable to that
19 other candidate; or

20 (b)(i) Receives contributions, less any loan repayments,
21 aggregating more than the amount listed in section 3(2) of this act for
22 that office; and

23 (ii) Has not filed with the board the expenditure limitation and
24 eligibility agreement under section 3 of this act within three business
25 days of receiving that aggregate amount in contributions."

26 "NEW SECTION. **Sec. 5.** RULES FOR COUNTING CONTRIBUTIONS AND
27 EXPENDITURES. For the purposes of this chapter:

28 (1) The expenditures made by and the contributions received by a
29 candidate and the expenditures made by and the contributions received

1 by the authorized committee of the candidate are considered to be
2 expenditures made by and contributions received by the candidate.

3 (2) Payments made by a candidate to repay loans made to the
4 candidate shall be reported but shall not be counted when determining
5 the total expenditures made by the candidate and the candidate's
6 authorized committee with regard to any of the expenditure limitations
7 provided by this chapter.

8 (3) A contribution received within the twelve-month period
9 following a general election for a state office shall be considered to
10 be a contribution during the election cycle for the state office ending
11 with that election. This subsection only applies to the extent the
12 contribution is used to pay any debt or obligation incurred to
13 influence the outcome of that election or the primary conducted for
14 that election."

15 NEW SECTION. **Sec. 6.** ADDITIONAL RULES FOR COUNTING
16 EXPENDITURES--CHAPTER APPLIES TO ELECTIONS TO FILL VACANCIES. (1) The
17 expenditure limitations imposed by this chapter are limitations on a
18 candidate's expenditures for the candidate's own campaign for state
19 office.

20 (2) The provisions of this chapter apply to a special election
21 conducted to fill a vacancy in a state office. However, the
22 contributions received by a candidate and the expenditures made by a
23 candidate for a primary or special election conducted to fill such a
24 vacancy shall not be counted toward any of the limitations which apply
25 to the candidate under this chapter for the election cycle for any
26 other election.

27 (3) This chapter does not apply to the recall of a state official.
28 The contributions received by a state official against whom recall
29 charges have been filed under chapter 29.82 RCW and the expenditures

1 made by the official, which contributions and expenditures are made
2 with regard to the recall and during the recall campaign, shall not be
3 counted toward any of the limitations which apply under this chapter to
4 the official as a candidate for the election cycle for any other
5 election.

6 (4) An expenditure shall be considered to be an expenditure of the
7 candidate if it is made by (a) the candidate or an authorized committee
8 of the candidate; (b) a person who has received, expressly or
9 impliedly, the candidate's encouragement or approval to make the
10 expenditure, if the expenditure pays in whole or in part for any
11 political advertising supporting the candidate or promoting the defeat
12 of any other candidate or candidates for that office; or (c) a person
13 with whom the candidate has collaborated for the purpose of making the
14 expenditure, if the expenditure pays in whole or in part for any
15 political advertising supporting the candidate or promoting the defeat
16 of any other candidate or candidates for that office.

17 (5) A contribution, donation, or gift voluntarily made by a
18 candidate or the candidate's authorized committee to the state election
19 board for deposit in the state election campaign account shall not be
20 considered to be an expenditure by the candidate for the purposes of
21 this chapter."

22 "NEW SECTION. **Sec. 7.** LIMITATIONS ON EXPENDITURES FROM PERSONAL
23 OR FAMILY FUNDS. (1) A candidate who enters an expenditure limitation
24 and eligibility agreement under section 3 of this act for an election
25 cycle shall not make, during the election cycle, expenditures from the
26 personal funds of the candidate, or the funds contributed by any member
27 of the immediate family of the candidate, aggregating in excess of the
28 following:

1 (a) For a candidate for the office of governor, thirty thousand
2 dollars;

3 (b) For a candidate for state executive office other than the
4 office of governor, ten thousand dollars;

5 (c) For a candidate for the office of a member of the state
6 senate, six thousand dollars; and

7 (d) For a candidate for the office of a member of the state house
8 of representatives, three thousand dollars.

9 For the purposes of this subsection, a loan by a candidate or a
10 member of the immediate family of the candidate to the campaign of the
11 candidate shall be considered to be a campaign expenditure by the
12 candidate.

13 (2) A candidate who enters an expenditure limitation and
14 eligibility agreement under section 3 of this act for an election cycle
15 and the authorized committee of the candidate shall not make
16 expenditures during the election cycle which in the aggregate exceed
17 any expenditure limit applicable to the candidate under section 4 of
18 this act."

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

26 (2) No employer or labor organization may discriminate against an
27 officer or employee in the terms or conditions of employment: For (a)
28 the failure to contribute to, (b) the failure in any way to support or

1 oppose, or (c) in any way supporting or opposing a candidate, ballot
2 proposition, political party, or political committee.

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

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

20 "NEW SECTION. **Sec. 9.** VARIOUS CONTRIBUTION AND EXPENDITURE
21 AMOUNTS ADJUSTED FOR INFLATION. The threshold amounts established in
22 section 3(2) of this act, the base amounts established in section 4(2)
23 of this act, the amounts in section 7(1) of this act, and the campaign
24 contribution limitations established in section 22 of this act shall be
25 increased or decreased by the board by rule at the beginning of each
26 odd-numbered year based on changes in economic conditions as reflected
27 in the inflationary index used by the public disclosure commission
28 under RCW 42.17.370. The base year to be used for revisions made under
29 this section is 1991.

1 The board may also adjust the base amounts in section 7(1) of this
2 act applicable to a particular legislative office if the board finds
3 that, as a result of changes in population since the latest decennial
4 census, the population in the legislative district for that office
5 differs significantly from the average population of a legislative
6 district in the state. In such a case, the board may adjust the base
7 amount applicable to that office to reflect that difference in
8 populations."

9 "NEW SECTION. **Sec. 10.** AMOUNT OF STATE FINANCIAL ASSISTANCE--NO
10 ASSISTANCE IF OPPOSITION IS PARTY TO EXPENDITURE LIMIT AGREEMENT. (1)
11 Except as provided in subsections (3) and (4) of this section, an
12 eligible candidate is entitled to payments from the state campaign
13 account equal to:

14 (a) Four dollars for each qualifying dollar received by the
15 candidate as a contribution for the campaign of the candidate; and

16 (b) The aggregate total amount of independent expenditures made or
17 obligated to be made during the twelve months preceding the election by
18 any person or persons in opposition to the candidate or for any other
19 candidate for the office sought by the candidate if:

20 (i) The candidate is a candidate for state executive office and the
21 aggregate of such independent expenditures exceeds an amount equal to
22 five percent of the base amount established in section 4(2) of this act
23 for the office sought; or

24 (ii) The candidate is a candidate for state legislative office and
25 the aggregate of such independent expenditures exceeds an amount equal
26 to ten percent of the base amount established in section 4(2) of this
27 act for the office sought.

28 A qualifying dollar is one which satisfies all of the provisions of
29 section 11 of this act regarding contributions.

1 (2) Payments received by a candidate under this section shall be
2 deposited as required in section 3(1)(b)(iii) of this act and shall be
3 used to pay for goods and services furnished during the election cycle
4 for which the payments were received. Such payments shall not be used:

5 (a) To make any payments, directly or indirectly, to the candidate
6 or to any member of the immediate family of the candidate;

7 (b) To make any expenditure other than expenditures to further the
8 nomination or election of the candidate; or

9 (c) To repay any loan to any person except to the extent the
10 proceeds of such loan were used to further the nomination or election
11 of the candidate.

12 (3) A candidate shall not be eligible to receive payments from the
13 state campaign account for a primary or election for an office unless:

14 (a) At least one other candidate for the office sought by the
15 candidate: (i) Enters an expenditure limitation and eligibility
16 agreement under section 3 of this act for an election cycle but expends
17 during the election cycle more than the expenditure limit applicable to
18 that other candidate; or (ii)(A) has not filed an expenditure
19 limitation and eligibility agreement under section 3 of this act with
20 the board in a timely manner; and (B) has received during the election
21 cycle contributions, less loan repayments, which, in the aggregate,
22 exceed twice the amount listed in section 3(2) of this act for the
23 office sought. For the purposes of (a)(ii)(B) of this subsection,
24 "contribution" does not include a contribution made by a candidate for
25 state office; and

26 (b) The candidate and the authorized committee of the candidate
27 have received contributions, less loan repayments, in an aggregate
28 threshold amount of at least the amount listed in section 3(2) (a),
29 (b), or (c) of this act for the office sought and all of the

1 contributions received for this purpose satisfy the provisions of
2 section 11 of this act.

3 (4)(a) Except as provided in (b) of this subsection, the sum of all
4 payments from the state campaign account to a candidate for an election
5 cycle may not exceed the following amounts for the office sought:

6 (i) For the office of governor, two hundred twenty thousand
7 dollars;

8 (ii) For state executive office other than the office of governor,
9 eighty thousand dollars;

10 (iii) For the office of a member of the state senate, fifty
11 thousand dollars; and

12 (iv) For the office of a member of the state house of
13 representatives, twenty-five thousand dollars.

14 (b) If the expenditure limitation applicable to the candidate is
15 increased under section 4(3) of this act as a result of independent
16 expenditures, the amount listed for the office sought by the candidate
17 in (a) of this subsection, as it applies to the candidate, shall be
18 increased by an amount equal to those independent expenditures."

19 "NEW SECTION. **Sec. 11.** RULES FOR DETERMINING WHETHER
20 CONTRIBUTIONS WILL COUNT FOR DETERMINING THRESHOLD AMOUNT AND FOR STATE
21 MATCHING FUNDS. For a contribution received by a candidate or the
22 candidate's authorized committee to qualify as being one which
23 satisfies the requirements of section 10(3)(b) of this act for raising
24 a threshold amount of contributions or to qualify to be matched by
25 public moneys from the state campaign account under section 10 of this
26 act, the contribution must satisfy each of the following requirements:

27 (1) The contribution shall be a gift of money made by a written
28 instrument which identifies the individual making the contribution;

1 (2) The contribution shall be made directly to the candidate or the
2 candidate's authorized committee. Contributions made through any other
3 person shall not qualify. The provisions of this subsection do not
4 disqualify money received through bona fide joint fund-raising efforts
5 conducted solely for the purpose of sponsorship of a fund-raising
6 reception, dinner, or other event, under rules prescribed by the board,
7 by: (a) Two or more candidates, or (b) one or more candidates and one
8 or more national, state, or local committees of a political party
9 acting on their own behalf;

10 (3) The contribution shall have come from an individual. However,
11 the contribution shall not have come from a candidate for any office;

12 (4)(a) Of the total amount of all contributions made by a person to
13 the candidate and the authorized committee of the candidate or for the
14 benefit of the candidate, not more than the amount listed in (b) of
15 this subsection for the office sought may be counted toward the
16 threshold amount or be matched by moneys from the state campaign
17 account. The provisions of this subsection shall not be construed as
18 limiting the total amount of contributions that may be made by a person
19 to or for the benefit of a candidate or that may be accepted by the
20 candidate or the candidate's authorized committee from the person;

21 (b) The amount referred to in (a) of this subsection is: (i) For
22 the office of governor, one thousand dollars; (ii) for state executive
23 office other than the office of governor, five hundred dollars; (iii)
24 for the state senate, four hundred dollars; and (iv) for the state
25 house of representatives, two hundred dollars;

26 (c) For the purposes of this subsection (4), all contributions by
27 one person who is controlled by any other person shall be considered to
28 have been made by such other person. The provisions of this subsection
29 (c) shall not be construed as applying to the relationship between an
30 individual and the spouse of the individual;

1 (d) The provisions of section 24 (2) and (3) of this act apply in
2 determining whether a person is controlled by any other person for the
3 purposes of (c) of this subsection; and

4 (5) The contribution shall be received during the election cycle."

5 "NEW SECTION. Sec. 12. PROCEDURES FOR REQUESTING PAYMENT UNDER
6 EXPENDITURE LIMIT AGREEMENT. A candidate desiring payments from the
7 state campaign account shall file a request with the board which shall
8 contain:

9 (1) Such information and be made in accordance with such procedures
10 as the board may provide by rule; and

11 (2) A verification signed by the candidate and the treasurer of the
12 authorized committee of the candidate stating that the information
13 furnished in support of the request, to the best of the knowledge of
14 each, is correct and fully satisfies the requirements of this chapter.

15 No later than two business days after an eligible candidate files
16 a request with the board to receive payments under this section, the
17 board shall determine whether the candidate is eligible to receive
18 payments from the state campaign account and, if the candidate is
19 eligible to receive such payments, disburse to the candidate from the
20 account the full amount to which the candidate is entitled.

21 A candidate is not limited to filing only one request for payments
22 under this section during each election cycle. After filing an
23 original request, a candidate may file one or more supplemental
24 requests to receive the payments to which the candidate is entitled.

25 The board may permit its executive director to approve requests
26 submitted under this section and make the disbursements authorized by
27 this chapter on behalf of the board and within guidelines adopted by
28 the board by rule."

1 "NEW SECTION. Sec. 13. DISCLOSURE OF INDEPENDENT EXPENDITURES.

2 Within two days after the date of entering into a contract to make or
3 otherwise making an independent expenditure, the person making the
4 expenditure shall file with the board a report, on a form prescribed by
5 the board, providing the date and amount of the expenditure; what the
6 expenditure purchased; the name of the candidate supported or opposed;
7 the office sought by that candidate; and any other information which
8 the board believes will assist it in carrying out its responsibilities
9 under this chapter. The person entering into a contract to make or
10 otherwise making the independent expenditure shall also mail, within
11 two days of entering into the contract or otherwise making the
12 expenditure, a copy of the report to each candidate for the office or
13 offices for which the expenditure is made."

14 "NEW SECTION. Sec. 14. ELECTION BOARD CREATED. There is hereby

15 created the state election board, which shall be composed of six
16 members appointed by the governor. Each member shall be appointed to
17 a permanently assigned position number on the board.

18 Initially, the legislative leader of each of the two largest
19 political parties in each house of the state legislature shall submit
20 a list of three nominees for appointment to the board. The governor
21 shall appoint one member of the board from each of the four lists
22 submitted by the four legislative leaders. These shall be positions
23 one through four. Appointment of a successor for a full term for any
24 one of these four positions or for filling a vacancy in any one of
25 these four positions shall be made from a list of three persons
26 nominated by the legislative leader of the same political party in the
27 legislature which nominated the person first appointed to the position.

28 Positions five and six shall be appointed by the governor to
29 represent the public interest generally. Any person or organization

1 may submit recommendations to the governor, which may be considered by
2 the governor in making the appointments to these two positions. A
3 person appointed to position five or six shall not also be an elected
4 public official nor may the person have held the office of an elected
5 public official in any of the six years prior to his or her
6 appointment.

7 The term of office of each member of the board is four years,
8 except that the term of office of one of the initial members shall be
9 one year, the term of two initial members shall be two years, and the
10 term of one other initial member shall be three years as designated by
11 the governor. The board shall notify the governor and any appropriate
12 nominating legislative leader regarding a vacancy created on the board
13 or the impending conclusion of a member's full term of office. The
14 governor shall make appointments to fill vacancies within thirty days
15 of their being created and shall make appointments to fill full terms
16 within thirty days of the expiration of a member's term.

17 Four members constitute a quorum for conducting the business of the
18 board.

19 The board is a class four group under the provisions of RCW
20 43.03.250 and members shall be compensated accordingly. In addition,
21 the members shall be reimbursed for travel expenses incurred while
22 engaged in the business of the board as provided in RCW 43.03.050 and
23 43.03.060."

24 "NEW SECTION. **Sec. 15.** ELECTION BOARD DUTIES. The state election
25 board shall:

26 (1) Administer this chapter and adopt such rules and make such
27 orders as it finds appropriate for such administration;

28 (2) Enforce the provisions of this chapter and the rules adopted by
29 the board under this chapter, and administer oaths and affirmations,

1 issue subpoenas, and compel attendance, take evidence and require the
2 production of any books, papers, correspondence, memorandums, or other
3 records relevant or material for the purpose of any investigation under
4 this chapter;

5 (3) Develop and provide forms for the applications and reports
6 filed with the board under this chapter;

7 (4) Prepare and publish, jointly with the public disclosure
8 commission, a manual setting forth uniform methods of bookkeeping by
9 candidates who have accepted public funding;

10 (5) Compile and maintain a current list of all filed reports and
11 statements filed under this chapter;

12 (6) Upon complaint or upon its own motion, investigate possible
13 violations of this chapter and of rules adopted under this chapter;

14 (7) Employ staff, including an executive director who shall perform
15 such duties and have such powers as the board may prescribe. However,
16 the board may not delegate its authority to adopt, amend, or rescind
17 rules or to determine whether a violation of this chapter has occurred
18 or to assess penalties for such violation; and

19 (8) Prepare and publish such reports and technical studies as in
20 its judgment will tend to promote the purposes of this chapter.

21 The board may accept contributions, donations, or gifts from any
22 person or entity on behalf of the state election campaign account. The
23 money value of any such contribution, donation, or gift received by the
24 board shall be promptly deposited in the account."

25 "NEW SECTION. **Sec. 16.** ELECTION BOARD PROVIDES CAMPAIGN FINANCING
26 PAYMENTS--APPEAL FROM ADVERSE BOARD DECISION. (1) The board shall
27 decide all applications for payment from the state campaign account.
28 Each application shall be decided in accordance with rules adopted by
29 the board, and the board's decision on the application shall be final

1 unless appealed as provided in subsection (2) of this section. The
2 board's review of applications, and all actions taken by the board on
3 applications, shall be exempt from chapter 34.05 RCW.

4 (2) Any person adversely affected by the board's decision and who
5 believes the decision to be unlawful may appeal to the superior court
6 of Thurston county by petition setting forth his or her reasons why the
7 decision is unlawful. A copy of the petition on appeal together with
8 a notice that an appeal has been taken shall be served upon the board,
9 upon the attorney general, and upon each candidate for the office
10 sought by the applicant. The decision of the superior court shall be
11 final. Such appeal shall be heard without costs to either party."

12 "NEW SECTION. **Sec. 17.** CREATION OF STATE ELECTION CAMPAIGN
13 ACCOUNT. The state election campaign account is hereby created in the
14 custody of the state treasurer. All moneys appropriated to the board
15 for deposit in the account, all moneys received under RCW 29.15.050 or
16 29.18.050, and all earnings of investments of balances in the account
17 shall be credited to the account. Moneys may be disbursed from the
18 account only in the form of payments to eligible candidates as
19 authorized by this chapter. Only the board, or the board's executive
20 director if permitted to do so by rules adopted by the board, may
21 authorize disbursements from the account. The account is subject to
22 allotment procedures under chapter 43.88 RCW, but no appropriation is
23 required for disbursements."

24 "NEW SECTION. **Sec. 18.** EXAMINATION AND AUDITS--RETURN OF UNSPENT
25 MATCHING FUNDS. (1) The public disclosure commission and the board
26 shall jointly develop and approve a program for auditing the campaign
27 accounts of candidates who accept public funding under this chapter.

1 (2) After each general election, the public disclosure commission
2 shall conduct, on behalf of the board, such examinations and audits of
3 the campaign accounts of eligible candidates and of authorized
4 committees as are sufficient to determine, among other things, whether
5 candidates have complied with the expenditure limits and other
6 conditions of eligibility and requirements of this chapter.

7 (3) The board shall review the examinations and audits conducted by
8 the commission on its behalf and may conduct any additional
9 investigations it believes to be warranted. The board shall require
10 candidates to return to the board any unexpended funds received by the
11 candidates under this chapter. The board may adopt exceptions to this
12 requirement for instances where debts are in dispute.

13 (4) Examinations and audits shall not be made by the commission
14 under this section with respect to an election cycle more than three
15 years after the cycle."

16 "NEW SECTION. Sec. 19. VIOLATIONS. (1) It is a violation of this
17 chapter for any candidate to accept public payments under this chapter
18 which are in excess of the aggregate payments to which the candidate is
19 entitled.

20 (2) It is a violation of this chapter for any candidate or for any
21 officer, member, employee, or agent of a political committee for the
22 candidate:

23 (a) To use or transfer funds for any purpose prohibited by section
24 10(2) of this act;

25 (b) To make expenditures which he or she knows exceed any
26 expenditure limitation applicable under section 4 of this act;

27 (c) To provide false information under section 3(1) or (2) of this
28 act; or

29 (d) To violate the agreement under section 3(1)(b) of this act.

1 (3) It is a violation of this chapter for any person:

2 (a) To furnish to the board or to the public disclosure commission
3 under this chapter any evidence, books, or information (including any
4 certification, verification, notice, or report), which is false,
5 fictitious, or fraudulent, or to include in any evidence, books, or
6 information so furnished any misrepresentation of a material fact, or
7 to falsify or conceal any evidence, books, or information relevant to
8 a payment by the board or an examination or audit by the board or the
9 commission under this chapter; or

10 (b) To fail to furnish to the board or the commission any records,
11 books, or information requested by it for purposes of this chapter.

12 (4) It is a violation of this chapter for any person to accept any
13 payment if the person knows, or has reason to know, that the payment is
14 in violation of section 10(2) of this act."

15 "NEW SECTION. **Sec. 20.** BOARD TO REPORT TO GOVERNOR AND
16 LEGISLATURE--RULE-MAKING POWERS. (1) The board shall, as soon as
17 practicable after each election, submit a full report to the governor
18 and the legislature setting forth:

19 (a) The expenditures shown in such detail as the board determines
20 appropriate made by each eligible candidate and the authorized
21 committee of each candidate;

22 (b) The amounts paid by the board under section 12 of this act to
23 each eligible candidate;

24 (c) The amount of any payments returned under section 18 of this
25 act; and

26 (d) The balance in the state campaign account.

27 (2) The board is authorized to prescribe such rules in accordance
28 with chapter 34.05 RCW, to conduct such examinations and
29 investigations, and to require the keeping and submission of such

1 books, records, and information, as it deems necessary to carry out the
2 functions and duties imposed on it by this chapter."

3 "CAMPAIGN CONTRIBUTION LIMITATIONS"

4 "NEW SECTION. **Sec. 21.** DEFINITIONS--CAMPAIGN CONTRIBUTION
5 LIMITATIONS. Unless the context clearly requires otherwise, the
6 definitions in section 2 of this act apply to this subchapter. Unless
7 the context clearly requires otherwise, the definitions in RCW
8 42.17.020 also apply to this subchapter except as they are modified by
9 the definitions in section 2 of this act.

10 For the purposes of sections 21 through 25 of this act,
11 "contribution" does not include a loan, gift, payment, pledge, or
12 transfer of anything of value owned by the candidate which is made by
13 the candidate to the candidate's own authorized political committee."

14 "NEW SECTION. **Sec. 22.** CAMPAIGN CONTRIBUTION LIMITS. (1) No
15 person, other than a multicandidate political committee or a bona fide
16 political party or a caucus of the state legislature, may make
17 contributions during an election cycle which in the aggregate exceed:
18 (a) Two thousand dollars to any candidate for the state senate; (b) one
19 thousand dollars to any candidate for the state house of
20 representatives; or (c) five thousand dollars to any candidate for any
21 state executive office. No candidate and no authorized committee of a
22 candidate may accept contributions from a person which exceed the
23 contribution limitations provided by this subsection for that person.

24 (2) No person, other than a multicandidate political committee or
25 a bona fide political party or a caucus of the state legislature, may
26 make contributions during a recall campaign which in the aggregate
27 exceed: (a) One thousand dollars to any state legislator against whom

1 recall charges have been filed or to any political committee having the
2 expectation of making expenditures in support of the recall of any
3 state legislator; or (b) five thousand dollars to any state executive
4 officer against whom recall charges have been filed or to any political
5 committee having the expectation of making expenditures in support of
6 the recall of such a state executive officer. No state official
7 against whom recall charges have been filed, no authorized committee of
8 such an official, and no political committee having the expectation of
9 making expenditures in support of the recall of any state official may
10 accept contributions from a person which exceed the contribution
11 limitation provided by this subsection for that person.

12 (3) No multicandidate political committee may make contributions
13 during an election cycle which in the aggregate exceed: (a) Six
14 thousand dollars to any candidate for the state senate; (b) three
15 thousand dollars to any candidate for the state house of
16 representatives; or (c) seven thousand five hundred dollars to any
17 candidate for any state executive office. No candidate and no
18 authorized committee of a candidate may accept contributions from a
19 multicandidate political committee which exceed the contribution
20 limitation provided by this subsection for that multicandidate
21 political committee.

22 (4) No multicandidate political committee may make contributions
23 during a recall campaign which in the aggregate exceed: (a) Three
24 thousand dollars to any state legislator against whom recall charges
25 have been filed or to any political committee having the expectation of
26 making expenditures in support of the recall of any state legislator;
27 or (b) seven thousand five hundred dollars to any state executive
28 officer against whom recall charges have been filed or to any political
29 committee having the expectation of making expenditures in support of
30 the recall of such a state executive officer. No state official

1 against whom recall charges have been filed, no authorized committee of
2 such an official, and no political committee having the expectation of
3 making expenditures in support of the recall of any state official may
4 accept contributions from a multicandidate political committee which
5 exceed the contribution limitation provided by this subsection for that
6 multicandidate political committee.

7 (5) No bona fide political party and no caucus of the state
8 legislature may make contributions during an election cycle which in
9 the aggregate exceed: (a) Ten thousand dollars to any candidate for
10 the state senate; (b) five thousand dollars to any candidate for the
11 state house of representatives; or (c) ten thousand dollars to any
12 candidate for any state executive office. No candidate and no
13 authorized committee of a candidate may accept contributions from a
14 bona fide political party or from a caucus of the state legislature
15 which exceed the contribution limitation provided by this subsection
16 for that party or caucus.

17 (6) No bona fide political party and no caucus of the state
18 legislature may make contributions during a recall campaign which in
19 the aggregate exceed: (a) Five thousand dollars to any state
20 legislator against whom recall charges have been filed or to any
21 political committee having the expectation of making expenditures in
22 support of the recall of any state legislator; or (b) ten thousand
23 dollars to any state executive officer against whom recall charges have
24 been filed or to any political committee having the expectation of
25 making expenditures in support of the recall of such a state executive
26 officer. No state official against whom recall charges have been
27 filed, no authorized committee of such an official, and no political
28 committee having the expectation of making expenditures in support of
29 the recall of any state official may accept contributions from a bona
30 fide political party or from a caucus of the state legislature which

1 exceed the contribution limitation provided by this subsection for that
2 party or caucus.

3 (7) For the purposes of this subchapter, a contribution to the
4 authorized political committee of a candidate, or of a state official
5 against whom recall charges have been filed, shall be considered to be
6 a contribution to the candidate or state official.

7 (8) Any contribution received within the twelve-month period
8 following a general election for a state office or for a recall
9 election concerning a state office shall be considered to be a
10 contribution during the election cycle ending with that election or
11 during that recall campaign if the contribution is used to pay any debt
12 or obligation incurred to influence the outcome of that election or the
13 primary conducted for that election or of that recall campaign.

14 (9)(a) The contributions allowed by subsection (2) of this section
15 are in addition to those allowed by subsection (1) of this section, the
16 contributions allowed by subsection (4) of this section are in addition
17 to those allowed by subsection (3) of this section, and the
18 contributions allowed by subsection (6) of this section are in addition
19 to those allowed by subsection (5) of this section.

20 (b) The provisions of this subchapter apply to a special election
21 conducted to fill a vacancy in a state office. However, the
22 contributions made to a candidate or received by a candidate for a
23 primary or special election conducted to fill such a vacancy shall not
24 be counted toward any of the limitations which apply to the candidate
25 or to contributions made to the candidate under this subchapter for any
26 other primary or election.

27 (10) No state legislator, or authorized political committee for
28 such legislator, may, during the course of a regular session of the
29 legislature, accept a campaign contribution for a state legislative
30 office from any person. The provisions of this subsection do not apply

1 during a recall campaign to a state legislator against whom recall
2 charges have been filed pursuant to RCW 29.82.015."

3 "NEW SECTION. Sec. 23. CONTRIBUTIONS BY CHILDREN. Children under
4 eighteen years of age may make contributions to the extent authorized
5 in section 22 of this act only if:

6 (1) The decision to contribute is made knowingly and voluntarily by
7 the child;

8 (2) The funds, goods, or services contributed are owned or
9 controlled exclusively by the child, such as income earned by the
10 child, the proceeds of a trust for which the child is the beneficiary,
11 or a savings account opened and maintained exclusively in the child's
12 name; and

13 (3) The contribution is not made from the proceeds of a gift, the
14 purpose of which was to provide funds to be contributed, or is not in
15 any other way controlled by another individual."

16 "NEW SECTION. Sec. 24. RULES FOR DETERMINING CONTRIBUTOR. (1)
17 For the purposes of the contribution limitations in section 22 of this
18 act, all contributions by any person who is controlled by any other
19 person shall be considered to have been made by such other person. The
20 provisions of this section shall not be construed as applying to the
21 relationship between an individual and the spouse of the individual or
22 to the relationship between a bona fide political party and any
23 district or county organization of that party or a caucus of the state
24 legislature of the members of that party.

25 (2) Without in any manner limiting its scope and effect, the
26 general rule under subsection (1) of this section or under section
27 11(4)(c) of this act means that:

1 (a) Any contribution by a subsidiary, branch, division, department,
2 or local unit of any association shall be considered to have been made
3 by the association; and

4 (b) Any contribution by a political committee controlled by any
5 person shall be considered to be a contribution by that person.

6 (3) In determining whether a person is controlled by any other
7 person for the purposes of subsection (1) of this section, the
8 following shall, if applicable, be considered:

9 (a) Ownership of a controlling interest in voting shares or
10 securities;

11 (b) Provisions of bylaws, articles of incorporation, charters,
12 constitutions, or other documents by which one person has the
13 authority, power, or ability to direct another;

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

17 (d) Similar patterns of contributions; and

18 (e) The extent of the transfer of funds between the persons."

19 "NEW SECTION. **Sec. 25.** ADDITIONAL RULES FOR DETERMINING
20 CONTRIBUTOR. All contributions made by a person, either directly or
21 indirectly, to a candidate, to a state official against whom recall
22 charges have been filed, or to a political committee expecting to make
23 expenditures in support of the recall of a state official shall be
24 considered to be contributions from such person to the candidate, state
25 official, or political committee, as shall contributions which are in
26 any way earmarked or otherwise directed through an intermediary or
27 conduit to the candidate, state official, or political committee. For
28 purposes of this section, "earmarked" means a designation, instruction,
29 or encumbrance, whether direct or indirect, express or implied, or oral

1 or written, which is intended to result in or which does result in all
2 or any part of a contribution being made to a certain candidate or
3 state official. If a conduit or intermediary exercises any direction
4 or control over the choice of the recipient candidate or state
5 official, the contribution shall be considered to be by both the
6 original contributor and the conduit or intermediary."

7 "NEW SECTION. Sec. 26. A new section is added to chapter 42.17
8 RCW to read as follows:

9 RETURNED CONTRIBUTIONS NOT COUNTED. A contribution received by a
10 candidate or political committee which is returned to the contributor
11 within five days of the date on which it is received by the candidate
12 or committee is not a contribution for the purposes of this chapter."

13 "NEW SECTION. Sec. 27. PENALTIES FOR VIOLATION OF EXPENDITURE
14 LIMIT CHAPTER. The board may impose a civil fine on any person who
15 violates any provision of this chapter or any rule adopted under this
16 chapter. The fine shall not exceed ten thousand dollars, except for
17 the following violations for which the penalty shall be as follows:

18 (1) For violations of section 19(1) of this act, up to the greater
19 of ten thousand dollars or the amount in excess of the aggregate
20 payments to which the candidate is entitled;

21 (2) For violations of section 19(2)(a) of this act, up to the
22 greater of ten thousand dollars or the amount used or transferred for
23 a prohibited purpose;

24 (3) For violations of section 19(2)(b) of this act, up to the
25 greater of ten thousand dollars or the amount of the expenditures in
26 excess of the applicable expenditure limitation; and

1 (4) For violations of section 19(4) of this act, up to the greater
2 of ten thousand dollars or the amount of the payment in violation of
3 section 10(2) of this act."

4 "Sec. 28. RCW 29.15.050 and 1990 c 59 s 85 are each amended to
5 read as follows:

6 (1) A filing fee of one dollar shall accompany each declaration of
7 candidacy for precinct committee officer; a filing fee of ten dollars
8 shall accompany the declaration of candidacy for any office with a
9 fixed annual salary of one thousand dollars or less; except as provided
10 in subsection (2) of this section, a filing fee equal to one percent of
11 the annual salary of the office at the time of filing shall accompany
12 the declaration of candidacy for any office with a fixed annual salary
13 of more than one thousand dollars per annum. No filing fee need
14 accompany a declaration of candidacy for any office for which
15 compensation is on a per diem or per meeting attended basis, nor for
16 the filing of any declaration of candidacy by a write-in candidate.

17 (2) The filing fee for an office of the legislative or executive
18 branch of state government is equal to one and one-half percent of the
19 annual salary of the office at the time of filing and shall accompany
20 the declaration of candidacy for the office. Of each such fee: A sum
21 equal to one-half of one percent of the annual salary for the office
22 shall be promptly transmitted to the state election board for deposit
23 in the state election campaign account created in section 17 of this
24 act; and a sum equal to one percent of the annual salary for the office
25 shall be deposited as required under subsection (4) of this section.

26 (3) A candidate who lacks sufficient assets or income at the time
27 of filing to pay the filing fee required by this section shall submit
28 with his or her declaration of candidacy a nominating petition. The
29 petition shall contain not less than a number of signatures of

1 registered voters equal to the number of dollars of the filing fee.
2 The signatures shall be of voters registered to vote within the
3 jurisdiction of the office for which the candidate is filing.

4 (4) When the candidacy is for:

5 ~~((1))~~ (a) A legislative or judicial office that includes
6 territory from more than one county, the fee shall be paid to the
7 secretary of state for equal division between the treasuries of the
8 counties comprising the district.

9 ~~((2))~~ (b) A city or town office, the fee shall be paid to the
10 county auditor who shall transmit it to the city or town clerk for
11 deposit in the city or town treasury."

12 **"Sec. 29.** RCW 29.18.050 and 1987 c 295 s 2 are each amended to
13 read as follows:

14 (1) A filing fee of one dollar shall accompany each declaration of
15 candidacy for precinct committee officer; a filing fee of ten dollars
16 shall accompany the declaration of candidacy for any office with an
17 annual salary of one thousand dollars or less; except as provided in
18 subsection (2) of this section, a filing fee equal to one percent of
19 the annual salary shall accompany the declaration of candidacy for any
20 office with an annual salary of more than one thousand dollars per
21 annum.

22 (2) The filing fee for an office of the legislative or executive
23 branch of state government is equal to one and one-half percent of the
24 annual salary of the office at the time of filing and shall accompany
25 the declaration of candidacy for the office. Of each such fee: A sum
26 equal to one-half of one percent of the annual salary for the office
27 shall be promptly transmitted to the state election board for deposit
28 in the state election campaign account created in section 17 of this

1 act; and a sum equal to one percent of the annual salary for the office
2 shall be deposited as required under subsection (4) of this section.

3 (3) A candidate who lacks sufficient assets or income at the time
4 of filing to pay the filing fee required by this section shall submit
5 with his or her declaration of candidacy a nominating petition. The
6 petition shall contain not less than a number of signatures of
7 registered voters equal to the number of dollars of the filing fee.
8 The signatures shall be of voters registered to vote within the
9 jurisdiction of the office for which the candidate is filing.

10 (4) When the candidacy is for:

11 ~~((1))~~ (a) A federal or state-wide office, the fee shall be paid
12 to the secretary of state for deposit in the state treasury.

13 ~~((2))~~ (b) A legislative or judicial office that includes
14 territory from more than one county, the fee shall be paid to the
15 secretary of state for equal division between the treasuries of the
16 counties comprising the district.

17 ~~((3))~~ (c) A county office or a legislative, judicial, or district
18 office that includes territory from a single county, the fee shall be
19 paid to the county auditor for deposit in the county treasury.

20 ~~((4))~~ (d) A city or town office, the fee shall be paid to the
21 county auditor who shall transmit it to the city or town clerk for
22 deposit in the city or town treasury."

23 "NEW SECTION. Sec. 30. A new section is added to chapter 42.17
24 RCW to read as follows:

25 MAILING EXPENSES. The house of representatives and senate shall
26 specifically limit expenditures per member for the total cost of
27 mailings, including but not limited to production costs, printing
28 costs, and postage."

1 **"Sec. 31.** RCW 42.17.095 and 1982 c 147 s 8 are each amended to
2 read as follows:

3 (1) Except as provided in subsection (2) of this section, the
4 surplus funds of a candidate, or of a political committee supporting or
5 opposing a candidate, may only be disposed of in any one or more of the
6 following ways:

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

9 ~~((2))~~ (b) Transfer the surplus to the candidate's personal
10 account as reimbursement for lost earnings incurred as a result of that
11 candidate's election campaign. Such lost earnings shall be verifiable
12 as unpaid salary or, when the candidate is not salaried, as an amount
13 not to exceed income received by the candidate for services rendered
14 during an appropriate, corresponding time period. All lost earnings
15 incurred shall be documented and a record thereof shall be maintained
16 by the candidate or the candidate's political committee. The committee
17 shall include a copy of such record when its expenditure for such
18 reimbursement is reported pursuant to RCW 42.17.090;

19 ~~((3))~~ (c) Transfer the surplus to ~~((one or more candidates or~~
20 ~~to))~~ a political ~~((committee or))~~ party;

21 ~~((4))~~ (d) Donate the surplus to a charitable organization
22 registered in accordance with chapter 19.09 RCW;

23 ~~((5))~~ (e) Transmit the surplus to the state treasurer for deposit
24 in the general fund; or

25 ~~((6))~~ (f) Hold the surplus in the ~~((campaign))~~ depository or
26 depositories designated in accordance with RCW 42.17.050 for possible
27 use in a future election campaign~~((, for political activity, for~~
28 ~~community activity, or for nonreimbursed public office related~~
29 ~~expenses))~~ for the same office last sought by the candidate and report
30 any such disposition in accordance with RCW 42.17.090: PROVIDED, That

1 if the candidate subsequently announces or publicly files for office,
2 information as appropriate is reported to the commission in accordance
3 with RCW 42.17.040 through 42.17.090. If a subsequent office is not
4 sought the surplus held shall be disposed of in accordance with the
5 requirements of this section.

6 (g) No candidate or authorized committee may transfer funds to any
7 other candidate or political committee.

8 (2) Campaign funds and surplus funds may be voluntarily contributed
9 or donated to the state election board for deposit in the state
10 election campaign account."

11 "Sec. 32. RCW 42.17.390 and 1973 c 1 s 39 are each amended to read
12 as follows:

13 PENALTIES FOR VIOLATION OF CONTRIBUTION LIMITS. (1) One or more of
14 the following civil remedies and sanctions may be imposed by court
15 order in addition to any other remedies provided by law:

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

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

1 (c) Any person who violates any of the provisions of this chapter
2 may be subject to a civil penalty of not more than ten thousand dollars
3 for each such violation. However, for violations of section 22 of this
4 act, the penalty shall be up to the greater of ten thousand dollars or
5 the amount of the contribution illegally made or accepted.

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

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

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

16 "NEW SECTION. Sec. 33. A new section is added to chapter 42.17
17 RCW to read as follows:

18 COMMISSION TO ADOPT FEE SCHEDULE. (1) The commission is authorized
19 to adopt a fee schedule for the filing of reports, statements, and
20 registrations with the commission. The schedule shall be adequate to
21 offset a portion of the commission's appropriation as such portion is
22 designated in the legislature's operating budget for the commission.
23 The commission is vested with broad authority to set fees and to adopt
24 rules that facilitate their payment. The commission shall not impose
25 any fee on the filing of reports of contribution deposits required
26 under RCW 42.17.080(3).

27 (2) A report shall not be accepted by the commission or be
28 considered filed under this chapter unless the required fee is included
29 along with the report. However, the commission may authorize persons

1 filing multiple reports to pay an amount or amounts which will cover a
2 number of reports or to maintain an account with the commission which
3 will be used to pay the required fees.

4 (3) The commission shall deposit the fee amounts collected under
5 this section into the state election campaign account created in
6 section 17 of this act."

7 "NEW SECTION. **Sec. 34.** A new section is added to chapter 42.17
8 RCW to read as follows:

9 COMMISSION TO ASSIST BOARD. The commission shall conduct audits
10 and examinations as required by the state election board under chapter
11 42. ... RCW (sections 2 through 20, 27, and 42 of this act). The
12 commission shall also prepare and publish, jointly with the election
13 board, a manual setting forth uniform methods of bookkeeping by
14 candidates who have accepted public funding under chapter 42.--- RCW
15 (sections 2 through 20, 27, and 42 of this act)."

16 "**Sec. 35.** RCW 43.03.028 and 1988 c 167 s 9 are each amended to
17 read as follows:

18 SALARY OF EXECUTIVE DIRECTOR OF STATE ELECTION BOARD. (1) There is
19 hereby created a state committee on agency officials' salaries to
20 consist of seven members, or their designees, as follows: The
21 president of the University of Puget Sound; the chairperson of the
22 council of presidents of the state's four-year institutions of higher
23 education; the chairperson of the State Personnel Board; the president
24 of the Association of Washington Business; the president of the Pacific
25 Northwest Personnel Managers' Association; the president of the
26 Washington State Bar Association; and the president of the Washington
27 State Labor Council. If any of the titles or positions mentioned in

1 this subsection are changed or abolished, any person occupying an
2 equivalent or like position shall be qualified for appointment by the
3 governor to membership upon the committee.

4 (2) The committee shall study the duties and salaries of the
5 directors of the several departments and the members of the several
6 boards and commissions of state government, who are subject to
7 appointment by the governor or whose salaries are fixed by the
8 governor, and of the chief executive officers of the following agencies
9 of state government:

10 The arts commission; the human rights commission; the board of
11 accountancy; the board of pharmacy; the capitol historical association
12 and museum; the eastern Washington historical society; the Washington
13 state historical society; the interagency committee for outdoor
14 recreation; the criminal justice training commission; the department of
15 personnel; the state election board; the state finance committee; the
16 state library; the traffic safety commission; the horse racing
17 commission; the advisory council on vocational education; the public
18 disclosure commission; the hospital commission; the state conservation
19 commission; the commission on Hispanic affairs; the commission on
20 Asian-American affairs; the state board for volunteer ~~((firemen))~~ fire
21 fighters; the transportation improvement board; the public
22 ~~((employees))~~ employment relations commission; the forest practices
23 appeals board; and the energy facilities site evaluation council.

24 The committee shall report to the governor or the chairperson of
25 the appropriate salary fixing authority at least once in each fiscal
26 biennium on such date as the governor may designate, but not later than
27 seventy-five days prior to the convening of each regular session of the
28 legislature during an odd-numbered year, its recommendations for the
29 salaries to be fixed for each position.

1 (3) Committee members shall be reimbursed by the department of
2 personnel for travel expenses under RCW 43.03.050 and 43.03.060."

3 "NEW SECTION. **Sec. 36.** A new section is added to chapter 42.17
4 RCW under the subchapter heading "political advertising" to read as
5 follows:

6 NEWSPAPER, TELEVISION, AND RADIO ACCESS. Local newspapers,
7 television stations, and radio stations shall provide free and equal
8 advertising to all candidates. The amount of advertisements under this
9 section shall be determined by the state election board."

10 "NEW SECTION. **Sec. 37.** A new section is added to chapter 49.44
11 RCW to read as follows:

12 It is unlawful for an employer to force an employee into an unpaid
13 leave of absence solely because the employee is running for an elected
14 office."

15 "NEW SECTION. **Sec. 38.** CONTRIBUTIONS BEFORE EFFECTIVE DATE NOT
16 SUBJECT TO CONTRIBUTION LIMITS. Contributions made and received before
17 the effective date of this section shall not be considered to be
18 contributions under the provisions of sections 21 through 26 of this
19 act and the 1991 amendments to RCW 42.17.390 contained in section 32,
20 chapter .., Laws of 1991 (section 32 of this act)."

21 "NEW SECTION. **Sec. 39.** CONTRIBUTIONS BEFORE EFFECTIVE DATE NOT
22 SUBJECT TO CAMPAIGN FINANCING PROVISIONS. Contributions received
23 before the effective date of this section shall not be considered to be
24 contributions under the provisions of chapter 42.--- RCW (sections 2
25 through 20, 27, and 42 of this act)."

1 "NEW SECTION. **Sec. 40.** A new section is added to chapter 34.05
2 RCW to read as follows:

3 ADMINISTRATIVE PROCEDURE ACT NOT APPLICABLE. This chapter shall
4 not apply to any action taken by the state election board under section
5 16 of this act on applications for payments from the state election
6 campaign account."

7 "NEW SECTION. **Sec. 41.** A new section is added to chapter 29.80
8 RCW to read as follows:

9 CANDIDATES' PAMPHLET NOTICE. The secretary of state shall secure
10 from the state election board a list of the names of candidates for
11 state legislative and state executive offices who have agreed to limit
12 their expenditures under section 3 of this act. The secretary shall
13 add a notice in the candidates' pamphlet following the statement of
14 each person on that list indicating that the candidate has so agreed.
15 The secretary shall also prominently display the good campaign
16 practices seal specified in section 3(5) of this act next to the
17 statement of each person on that list. The secretary shall use the
18 most current list available from the board on the last date on which
19 the secretary will accept statements for publication."

20 "NEW SECTION. **Sec. 42.** BOARD TO ESTIMATE PUBLIC FUNDS NEEDED FOR
21 MATCHING FUNDS. The state election board shall, on an annual basis,
22 estimate the funding needed to provide public matching moneys for
23 election campaigns under this chapter. Each annual estimate shall
24 identify funding needs for each of the successive four years. The
25 board shall transmit its estimate to the legislature on December 20th
26 of each year."

1 "NEW SECTION. **Sec. 43.** SEVERABILITY CLAUSE. If any provision of
2 this act or its application to any person or circumstance is held
3 invalid, the remainder of the act or the application of the provision
4 to other persons or circumstances is not affected."

5 "NEW SECTION. **Sec. 44.** CODIFICATION DIRECTIONS. Sections 2
6 through 20, 27, and 42 of this act shall constitute a new chapter in
7 Title 42 RCW."

8 "NEW SECTION. **Sec. 45.** CODIFICATION DIRECTIONS. Sections 21
9 through 25 of this act are each added to chapter 42.17 RCW as a
10 subchapter and codified with the subchapter heading of "CAMPAIGN
11 CONTRIBUTION LIMITATIONS.""

12 "NEW SECTION. **Sec. 46.** SECTION HEADINGS. Section headings as
13 used in this act do not constitute any part of the law."

14 "NEW SECTION. **Sec. 47.** Section 28 of this act shall take effect
15 July 1, 1992."

16 "NEW SECTION. **Sec. 48.** Section 29 of this act shall expire July
17 1, 1992."