
SENATE BILL 5312

State of Washington

52nd Legislature

1991 Regular Session

By Senators Moore, Hansen, Sutherland, Madsen, Niemi, Pelz, Owen, Vognild, Stratton, Rinehart, Wojahn, Snyder, Gaspard, Murray, McMullen, Bauer, A. Smith, Talmadge, West, Saling and Amondson.

Read first time January 28, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to fair campaign practices; amending RCW 29.85.070,
2 42.17.360, and 42.17.390; and prescribing penalties.

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

4 **Sec. 1.** RCW 29.85.070 and 1965 c 9 s 29.85.070 are each amended to
5 read as follows:

6 (1) Any person who in any way, directly or indirectly, by menace or
7 other corrupt means or device, attempts to influence any person in
8 giving or refusing to give his or her vote in any election, or deters
9 or dissuades any person from giving his or her vote therein, or
10 disturbs, hinders, persuades, threatens, or intimidates any person from
11 giving his or her vote therein; or who at any such election, knowingly
12 and willfully makes any false or misleading assertion, employs any
13 altered photograph or out-of-context recording, or propagates any false
14 report ((concerning any person who is candidate thereat, which shall
15 have)) that has a tendency to ((prevent)) promote his or her election

1 or that of another or that has a tendency to prevent another's
2 election, or with a view thereto, shall be guilty of a gross
3 misdemeanor and, on conviction, shall be punished by a fine of not to
4 exceed ((two hundred fifty)) one thousand dollars or by imprisonment
5 for the term of ((six months)) one year, or by both.

6 (2) Any political or public relations consultant or anyone employed
7 or under contract, regardless of by whom, who gives advice or provides
8 any services to a candidate who initiates, aids, or abets any of the
9 prohibited conduct under this section, is guilty to the same extent and
10 subject to the same penalties as the candidate would be.

11 **Sec. 2.** RCW 42.17.360 and 1973 c 1 s 36 are each amended to read
12 as follows:

13 The commission shall:

14 (1) Develop and provide forms for the reports and statements
15 required to be made under this chapter((+))i

16 (2) Prepare and publish a manual setting forth recommended uniform
17 methods of bookkeeping and reporting for use by persons required to
18 make reports and statements under this chapter;

19 (3) Compile and maintain a current list of all filed reports and
20 statements;

21 (4) Investigate whether properly completed statements and reports
22 have been filed within the times required by this chapter;

23 (5) Upon complaint or upon its own motion, investigate and report
24 apparent violations of this chapter to the appropriate law enforcement
25 authorities;

26 (6) Prepare and publish an annual report to the governor as to the
27 effectiveness of this chapter and its enforcement by appropriate law
28 enforcement authorities;

29 (7) Adopt standards for fair campaign practices; and

1 (~~(7)~~) (8) Enforce this chapter and standards and rules adopted
2 under it according to the powers granted it by law.

3 **Sec. 3.** RCW 42.17.390 and 1973 c 1 s 39 are each amended to read
4 as follows:

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

8 (a) If the court finds that the violation of any provision of this
9 chapter or RCW 29.85.070 by any candidate, political or public
10 relations consultant or other person covered under RCW 29.85.070(2), or
11 political committee probably affected the outcome of any election, the
12 result of said election may be held void and a special election held
13 within sixty days of such finding. Any action to void an election
14 shall be commenced within one year of the date of the election in
15 question. It is intended that this remedy be imposed freely in all
16 appropriate cases to protect the right of the electorate to an informed
17 and knowledgeable vote.

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

24 (c) Any person who violates any of the provisions of this chapter
25 may be subject to a civil penalty of not more than ten thousand dollars
26 for each such violation.

27 (d) Any person who fails to file a properly completed statement or
28 report within the time required by this chapter may be subject to a

1 civil penalty of ten dollars per day for each day each such delinquency
2 continues.

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

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