

2 **2SSB 6249** - S AMD - 138

3 By Senators Quigley and Schow

4

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17 RCW
8 to read as follows:

9 (1) This section applies to contributions to a candidate, state
10 official, or political committee who has failed to file a statement of
11 acceptance of voluntary expenditure limits set forth in section 3 of
12 this act.

13 (2) A candidate for a state office may not accept from any person
14 contributions that in the aggregate exceed twenty-five percent of the
15 contribution limits provided for in RCW 42.17.640.

16 (3) A state official against whom recall charges have been filed,
17 and a political committee having the expectation of making expenditures
18 in support of the recall of the state official, may not accept from any
19 person contributions that in the aggregate exceed twenty-five percent
20 of the contribution limits provided for in RCW 42.17.640.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW
22 to read as follows:

23 (1) This section applies to contributions to a candidate, state
24 official, or political committee who has filed a statement of
25 acceptance of voluntary expenditure limits set forth in section 3 of
26 this act.

27 (2) A candidate for a state office may not accept from any person
28 contributions that in the aggregate exceed the contribution limits
29 provided for in RCW 42.17.640.

30 (3) A state official against whom recall charges have been filed,
31 and a political committee having the expectation of making expenditures
32 in support of the recall of the state official, may not accept from any
33 person contributions during a recall campaign that in the aggregate
34 exceed the contribution limits provided for in RCW 42.17.640.

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

3 When a person becomes a candidate or files for state office, he or
4 she shall sign and file with the commission a statement of acceptance
5 or rejection of the voluntary expenditure limits in section 4 of this
6 act. A state official whose recall is demanded or a political
7 committee having the expectation of making expenditures in support of
8 a recall shall sign and file with the commission a statement of
9 acceptance or rejection of the voluntary expenditure limits in section
10 4 of this act. The commission shall provide the form of the statement
11 and agreement by rule. The commission shall index and make available
12 for public inspection and copying a list of the statements of
13 acceptance or rejection filed by candidates.

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

16 (1) In accordance with RCW 42.17.690, the commission shall revise
17 expenditure limits applicable in an election cycle for a candidate who
18 files a statement of acceptance under section 3 of this act.

19 (2) The initial expenditure limits shall be as follows for the
20 following offices and classes of offices:

21 (a) Governor: One million dollars;

22 (b) All other state executive offices: Two hundred fifty thousand
23 dollars;

24 (c) State senator: Eighty thousand dollars; and

25 (d) State representative: Fifty thousand dollars.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.17 RCW
27 to read as follows:

28 (1) It is a violation of this chapter for a person to make a
29 contribution or expenditure in support of or opposition to a candidate
30 other than one within the limits in this chapter or an independent
31 expenditure as defined in RCW 42.17.020.

32 (2) If a candidate has agreed to expenditure limits under section
33 3 of this act and: (a) Knowingly accepts a contribution in excess of
34 the amounts allowed; or (b) has encouraged, approved, or collaborated
35 in the making of an unlawful expenditure by another in connection with
36 his or her campaign, the expenditure limit must be reduced by the
37 amount of the unlawful contribution or expenditure.

1 (3) Payments of candidate filing fees, fees or assessments relating
2 to the primary or general election candidates' pamphlet, or costs
3 incurred in the course of defending against a challenge of a person's
4 eligibility to become a candidate or a motion for injunction under RCW
5 42.17.390, do not constitute expenditures for the purpose of
6 determining whether a candidate has exceeded an expenditure limit.

7 **Sec. 6.** RCW 42.17.040 and 1989 c 280 s 2 are each amended to read
8 as follows:

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

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

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

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

28 (c) The names, addresses, and titles of its officers; or if it has
29 no officers, the names, addresses, and titles of its responsible
30 leaders;

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

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

33 (f) The name, office sought, and party affiliation of each
34 candidate whom the committee is supporting or opposing, and, if the
35 committee is supporting the entire ticket of any party, the name of the
36 party;

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

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

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

6 (j) Such other information as the commission may by regulation
7 prescribe, in keeping with the policies and purposes of this chapter.

8 (3) A committee filing under this section that intends to support
9 or oppose only one candidate or ballot measure, or to contribute to or
10 expend fifty percent or more of its funds on behalf of, or in
11 opposition to, one candidate or ballot measure, shall include the name
12 of that candidate or ballot measure as part of the name of the
13 committee. The commission shall promptly notify the named candidate of
14 the group's organization and intent.

15 (4) Any material change in information previously submitted in a
16 statement of organization shall be reported to the commission and to
17 the appropriate county elections officer within the ten days following
18 the change.

19 **Sec. 7.** RCW 42.17.390 and 1993 c 2 s 28 are each amended to read
20 as follows:

21 One or more of the following civil remedies and sanctions may be
22 imposed by court order in addition to any other remedies provided by
23 law:

24 (1) ~~((If the court finds that the violation of any provision of~~
25 ~~this chapter by any candidate or political committee probably affected~~
26 ~~the outcome of any election, the result of said election may be held))~~
27 The court or the legislature, as applicable, shall presume that a
28 material and substantial violation of this chapter has affected the
29 outcome of the election. Unless the presumption is defeated by clear,
30 cogent, and convincing evidence, the court or the legislature, as
31 applicable, shall declare the election void, and a special election
32 must be held within sixty days of such finding. Any action to void an
33 election shall be commenced within one year of the date of the election
34 in question. It is intended that this remedy be imposed freely in all
35 appropriate cases to protect the right of the electorate to an informed
36 and knowledgeable vote.

37 (2) If any lobbyist or sponsor of any grass roots lobbying campaign
38 violates any of the provisions of this chapter, his registration may be

1 revoked or suspended and he may be enjoined from receiving compensation
2 or making expenditures for lobbying: PROVIDED, HOWEVER, That
3 imposition of such sanction shall not excuse said lobbyist from filing
4 statements and reports required by this chapter.

5 (3) Any person who violates any of the provisions of this chapter
6 may be subject to a civil penalty of not more than ten thousand dollars
7 for each such violation. However, a person or entity who violates
8 (~~RCW 42.17.640~~) this chapter may be subject to a civil penalty of ten
9 thousand dollars or three times the amount of the contribution
10 illegally made or accepted, whichever is greater. The penalty may not
11 be paid from campaign funds, and solicitations to political committees
12 may not be made in connection with the penalty.

13 (4) Any person who fails to file a properly completed statement or
14 report within the time required by this chapter may be subject to a
15 civil penalty of ten dollars per day for each day each such delinquency
16 continues.

17 (5) Any person who fails to report a contribution or expenditure
18 may be subject to a civil penalty equivalent to the amount he failed to
19 report.

20 (6) Any person who makes an independent expenditure that is
21 unlawful because of the encouragement, approval, or collaboration of a
22 candidate may be subject to a penalty of up to three times the amount
23 of the unlawful independent expenditure.

24 (7) The court may enjoin any person to prevent the doing of any act
25 herein prohibited, or to compel the performance of any act required
26 herein.

27 **Sec. 8.** RCW 42.17.395 and 1989 c 175 s 91 are each amended to read
28 as follows:

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

32 (2) The commission, in cases where it chooses to determine whether
33 an actual violation of this chapter has occurred, shall hold a hearing
34 pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to
35 make such determination. Any order that the commission issues under
36 this section shall be pursuant to such hearing.

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

4 (4) The person against whom an order is directed under this section
5 shall be designated as the respondent. The order may require the
6 respondent to cease and desist from the activity that constitutes a
7 violation and in addition, or alternatively, may impose one or more of
8 the remedies provided in RCW 42.17.390(~~((1) (b), (c), (d), or (e))~~):
9 PROVIDED, That no individual penalty assessed by the commission may
10 exceed one thousand dollars, and in any case where multiple violations
11 are involved in a single complaint or hearing, the maximum aggregate
12 penalty may not exceed two thousand five hundred dollars.

13 (5) An order issued by the commission under this section shall be
14 subject to judicial review under the Administrative Procedure Act,
15 chapter 34.05 RCW. If the commission's order is not satisfied and no
16 petition for review is filed within thirty days as provided in RCW
17 34.05.542, the commission may petition a court of competent
18 jurisdiction of any county in which a petition for review could be
19 filed under that section, for an order of enforcement. Proceedings in
20 connection with the commission's petition shall be in accordance with
21 RCW 42.17.397.

22 **Sec. 9.** RCW 42.17.640 and 1995 c 397 s 20 are each amended to read
23 as follows:

24 (1) No person, other than a bona fide political party or a caucus
25 political committee, may make contributions to a candidate for a state
26 legislative office that in the aggregate exceed five hundred dollars or
27 to a candidate for a state office other than a state legislative office
28 that in the aggregate exceed one thousand dollars for each election in
29 which the candidate is on the ballot or appears as a write-in
30 candidate. Contributions made with respect to a primary may not be
31 made after the date of the primary. Contributions made with respect to
32 a general election may not be made after the final day of the
33 applicable election cycle.

34 (2) No person, other than a bona fide political party or a caucus
35 political committee, may make contributions to a state official against
36 whom recall charges have been filed, or to a political committee having
37 the expectation of making expenditures in support of the recall of the
38 state official, during a recall campaign that in the aggregate exceed

1 five hundred dollars if for a state legislative office or one thousand
2 dollars if for a state office other than a state legislative office.

3 (3)(a) Notwithstanding subsection (1) of this section, no bona fide
4 political party or caucus political committee may make contributions to
5 a candidate during an election cycle that in the aggregate exceed (i)
6 fifty cents multiplied by the number of eligible registered voters in
7 the jurisdiction from which the candidate is elected if the contributor
8 is a caucus political committee or the governing body of a state
9 organization, or (ii) twenty-five cents multiplied by the number of
10 registered voters in the jurisdiction from which the candidate is
11 elected if the contributor is a county central committee or a
12 legislative district committee.

13 (b) No candidate may accept contributions from a county central
14 committee or a legislative district committee during an election cycle
15 that when combined with contributions from other county central
16 committees or legislative district committees would in the aggregate
17 exceed twenty-five cents times the number of registered voters in the
18 jurisdiction from which the candidate is elected.

19 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
20 political party or caucus political committee may make contributions to
21 a state official against whom recall charges have been filed, or to a
22 political committee having the expectation of making expenditures in
23 support of the state official, during a recall campaign that in the
24 aggregate exceed (i) fifty cents multiplied by the number of eligible
25 registered voters in the jurisdiction entitled to recall the state
26 official if the contributor is a caucus political committee or the
27 governing body of a state organization, or (ii) twenty-five cents
28 multiplied by the number of registered voters in the jurisdiction from
29 which the candidate is elected if the contributor is a county central
30 committee or a legislative district committee.

31 (b) No state official against whom recall charges have been filed,
32 no authorized committee of the official, and no political committee
33 having the expectation of making expenditures in support of the recall
34 of a state official may accept contributions from a county central
35 committee or a legislative district committee during an election cycle
36 that when combined with contributions from other county central
37 committees or legislative district committees would in the aggregate
38 exceed twenty-five cents multiplied by the number of registered voters
39 in the jurisdiction from which the candidate is elected.

1 (5) For purposes of determining contribution limits under
2 subsections (3) and (4) of this section, the number of eligible
3 registered voters in a jurisdiction is the number at the time of the
4 most recent general election in the jurisdiction.

5 (6) Notwithstanding subsections (1) through (4) of this section, no
6 person other than ~~((an individual,))~~ a bona fide political party~~((,))~~
7 or caucus political committee may make contributions reportable under
8 this chapter to a caucus political committee that in the aggregate
9 exceed five hundred dollars in a calendar year or to a bona fide
10 political party that in the aggregate exceed two thousand five hundred
11 dollars in a calendar year. This subsection does not apply to loans
12 made in the ordinary course of business.

13 (7) For the purposes of ~~((RCW 42.17.640 through 42.17.790))~~ this
14 chapter, a contribution to the authorized political committee of a
15 candidate, or of a state official against whom recall charges have been
16 filed, is considered to be a contribution to the candidate or state
17 official.

18 (8) A contribution received within the twelve-month period after a
19 recall election concerning a state office is considered to be a
20 contribution during that recall campaign if the contribution is used to
21 pay a debt or obligation incurred to influence the outcome of that
22 recall campaign.

23 (9) The contributions allowed by subsection (2) of this section are
24 in addition to those allowed by subsection (1) of this section, and the
25 contributions allowed by subsection (4) of this section are in addition
26 to those allowed by subsection (3) of this section.

27 (10) ~~((RCW 42.17.640 through 42.17.790 apply))~~ This chapter applies
28 to a special election conducted to fill a vacancy in a state office.
29 However, the contributions made to a candidate or received by a
30 candidate for a primary or special election conducted to fill such a
31 vacancy shall not be counted toward any of the limitations that apply
32 to the candidate or to contributions made to the candidate for any
33 other primary or election.

34 (11) Notwithstanding the other subsections of this section, no
35 corporation or business entity not doing business in Washington state,
36 no labor union with fewer than ten members who reside in Washington
37 state, and no political committee that has not received contributions
38 of ten dollars or more from at least ten persons registered to vote in
39 Washington state during the preceding one hundred eighty days may make

1 contributions reportable under this chapter to a candidate, to a state
2 official against whom recall charges have been filed, or to a political
3 committee having the expectation of making expenditures in support of
4 the recall of the official. This subsection does not apply to loans
5 made in the ordinary course of business.

6 (12) Notwithstanding the other subsections of this section, no
7 county central committee or legislative district committee may make
8 contributions reportable under this chapter to a candidate, state
9 official against whom recall charges have been filed, or political
10 committee having the expectation of making expenditures in support of
11 the recall of a state official if the county central committee or
12 legislative district committee is outside of the jurisdiction entitled
13 to elect the candidate or recall the state official.

14 (13) No person may accept contributions that exceed the
15 contribution limitations provided in this section.

16 (14) The following contributions are exempt from the contribution
17 limits of this section:

18 (a) An expenditure or contribution earmarked for voter
19 registration, for absentee ballot information, for precinct caucuses,
20 for get-out-the-vote campaigns, for precinct judges or inspectors, for
21 sample ballots, or for ballot counting, all without promotion of or
22 political advertising for individual candidates; or

23 (b) An expenditure by a political committee for its own internal
24 organization or fund raising without direct association with individual
25 candidates.

26 NEW SECTION. Sec. 10. A new section is added to chapter 29.80 RCW
27 to read as follows:

28 The secretary of state shall add to each candidates' pamphlet a
29 list of the campaign spending limits recommended by the public
30 disclosure commission for each of the state offices for which the
31 statements of candidates appear in the pamphlet and a brief explanation
32 of the effect of a promise filed with the commission under section 3 of
33 this act.

34 In preparing the candidates' pamphlet for publication, the
35 secretary of state shall secure from the public disclosure commission
36 its most current list of candidates who have promised to limit
37 spending, in accordance with section 3 of this act. Using this list,
38 the secretary of state shall print a notice, explaining the voluntary

1 campaign limits or referring to the location in the pamphlet of the
2 explanation required by this section, on each page of the pamphlet
3 containing the statements and photographs of candidates. The secretary
4 of state shall develop distinctive symbols or logos that will identify
5 whether a particular candidate has or has not accepted the voluntary
6 spending limits for that campaign. Based on the information supplied
7 by the public disclosure commission under this section immediately
8 prior to publication of the pamphlet, the secretary of state shall
9 print the appropriate symbol or logo in conjunction with the statement
10 of each candidate to indicate whether or not the candidate has accepted
11 the voluntary spending limits for that campaign.

12 **Sec. 11.** RCW 42.17.690 and 1993 c 2 s 9 are each amended to read
13 as follows:

14 ~~((At the beginning of each even numbered calendar year, the
15 commission shall increase or decrease all dollar amounts in this
16 chapter based on changes in economic conditions as reflected in the
17 inflationary index used by the commission under RCW 42.17.370.))~~ The
18 commission shall, by January 1, 1998, and by January 1st of each even-
19 numbered year thereafter, adopt revisions in the existing contribution
20 and expenditure limits. Revisions must be for the purpose of
21 recognizing: (1) Changes in the number of registered voters state-
22 wide; and (2) economic changes as reflected by an inflationary index
23 recommended by the office of financial management. The revisions must
24 be guided by the change in the index for the two-year period before the
25 date the revision is to be adopted. The new dollar amounts established
26 by the commission under this section shall be rounded off by the
27 commission to amounts as judged most convenient for public
28 understanding and so as to be within ten percent of the target amount
29 equal to the base amount provided in this chapter multiplied by the
30 increase in the inflationary index since December 3, 1992.

31 NEW SECTION. **Sec. 12.** A new section is added to chapter 42.17 RCW
32 to read as follows:

33 Notwithstanding RCW 42.17.640, no person other than a bona fide
34 political party or a caucus political committee may make contributions
35 reportable under this chapter to a political committee other than a
36 candidate, a state official against whom recall charges have been

1 filed, a bona fide political party, or a caucus political committee,
2 that in the aggregate exceed five hundred dollars in a calendar year.

3 **Sec. 13.** RCW 42.17.790 and 1995 c 397 s 27 are each amended to
4 read as follows:

5 (1) (~~Except as provided in subsection (2) of this section,~~) A
6 candidate for public office or the candidate's political committee is
7 prohibited from accepting contributions or expending any funds
8 contributed to the candidate or the candidate's political committee
9 before the designation by the candidate of the office to which the
10 candidate is seeking election.

11 (2) A candidate for public office or the candidate's political
12 committee may not use or permit the use of contributions, whether or
13 not surplus, solicited for or received by the candidate for public
14 office or the candidate's political committee to further the candidacy
15 of the individual for an office (~~other than the~~) unless that specific
16 office is designated on the statement of organization or has been
17 expressly designated by the candidate. With regard to contributions
18 accepted after the effective date of this act, within thirty days after
19 the individual becomes a candidate for an office other than the office
20 expressly designated by the candidate on the statement of organization,
21 the candidate or the candidate's political committee shall return
22 unspent contributions on a pro rata basis according to the
23 proportionate amount that the original unspent contributions bear to
24 the total contributions received by the candidate and the candidate's
25 political committee. Unspent contributions that cannot be returned
26 after reasonable efforts shall be contributed to a charitable
27 organization registered under chapter 19.09 RCW. Alternatively, the
28 candidate may maintain unspent contributions in a separate account
29 until after filing of the last report under RCW 42.17.080 or 42.17.105,
30 whichever is later, and may then dispose of these unspent contributions
31 under RCW 42.17.095. A contribution solicited for or received on
32 behalf of the candidate for public office is considered solicited or
33 received for the candidacy for which the individual is then a candidate
34 if the contribution is solicited or received before the general
35 elections for which the candidate for public office is a nominee or is
36 unopposed.

37 (~~(2) With the written approval of the contributor, a candidate for~~
38 ~~public office or the candidate's political committee may use or permit~~

1 ~~the use of contributions, whether or not surplus, solicited for or~~
2 ~~received by the candidate for public office or the candidate's~~
3 ~~political committee from that contributor to further the candidacy of~~
4 ~~the individual for an office other than the office designated on the~~
5 ~~statement of organization. If the contributor does not approve the use~~
6 ~~of his or her contribution to further the candidacy of the individual~~
7 ~~for an office other than the office designated on the statement of~~
8 ~~organization at the time of the contribution, the contribution must be~~
9 ~~considered surplus funds and disposed of in accordance with RCW~~
10 ~~42.17.095.)")~~"

11 **2SSB 6249** - S AMD - 138

12 By Senators Quigley and Schow

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14 On page 1, line 1 of the title, after "reform;" strike the
15 remainder of the title and insert "amending RCW 42.17.040, 42.17.390,
16 42.17.395, 42.17.640, 42.17.690, and 42.17.790; adding new sections to
17 chapter 42.17 RCW; adding a new section to chapter 29.80 RCW; and
18 prescribing penalties."

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