
SUBSTITUTE SENATE BILL 5776

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators McCaslin, Swecker, Anderson, Schow, Deccio, Morton and Hochstatter)

Read first time 03/05/97.

1 AN ACT Relating to public disclosure; amending RCW 42.17.020,
2 42.17.105, 42.17.350, 42.17.420, 42.17.640, 42.17.660, and 42.17.680;
3 adding a new section to chapter 42.17 RCW; and repealing RCW 42.17.172.

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

5 **Sec. 1.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read
6 as follows:

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

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

18 (3) "Ballot proposition" means any "measure" as defined by RCW
19 29.01.110, or any initiative, recall, or referendum proposition

1 proposed to be submitted to the voters of the state or any municipal
2 corporation, political subdivision, or other voting constituency from
3 and after the time when the proposition has been initially filed with
4 the appropriate election officer of that constituency prior to its
5 circulation for signatures.

6 (4) "Benefit" means a commercial, proprietary, financial, economic,
7 or monetary advantage, or the avoidance of a commercial, proprietary,
8 financial, economic, or monetary disadvantage.

9 (5) "Bona fide political party" means:

10 (a) An organization that has filed a valid certificate of
11 nomination with the secretary of state under chapter 29.24 RCW;

12 (b) The governing body of the state organization of a major
13 political party, as defined in RCW 29.01.090, that is the body
14 authorized by the charter or bylaws of the party to exercise authority
15 on behalf of the state party; or

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

19 (6) "Depository" means a bank designated by a candidate or
20 political committee pursuant to RCW 42.17.050.

21 (7) "Treasurer" and "deputy treasurer" mean the individuals
22 appointed by a candidate or political committee, pursuant to RCW
23 42.17.050, to perform the duties specified in that section.

24 (8) "Candidate" means any individual who seeks nomination for
25 election or election to public office. An individual seeks nomination
26 or election when he or she first:

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

29 (b) Announces publicly or files for office;

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

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

34 (9) "Caucus political committee" means a political committee
35 organized and maintained by the members of a major political party in
36 the state senate or state house of representatives.

37 (10) "Commercial advertiser" means any person who sells the service
38 of communicating messages or producing printed material for broadcast
39 or distribution to the general public or segments of the general public

1 whether through the use of newspapers, magazines, television and radio
2 stations, billboard companies, direct mail advertising companies,
3 printing companies, or otherwise.

4 (11) "Commission" means the agency established under RCW 42.17.350.

5 (12) "Compensation" unless the context requires a narrower meaning,
6 includes payment in any form for real or personal property or services
7 of any kind: PROVIDED, That for the purpose of compliance with RCW
8 42.17.241, the term "compensation" shall not include per diem
9 allowances or other payments made by a governmental entity to reimburse
10 a public official for expenses incurred while the official is engaged
11 in the official business of the governmental entity.

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

15 (14)(a) "Contribution" includes:

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

20 (ii) An expenditure made by a person in cooperation, consultation,
21 or concert with, or at the request or suggestion of, a candidate, a
22 political committee, or their agents;

23 (iii) The financing by a person of the dissemination, distribution,
24 or republication, in whole or in part, of broadcast, written, graphic,
25 or other form of political advertising prepared by a candidate, a
26 political committee, or its authorized agent;

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

30 (b) "Contribution" does not include:

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

33 (ii) Ordinary home hospitality;

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

37 (iv) A news item, feature, commentary, or editorial in a regularly
38 scheduled news medium that is of primary interest to the general
39 public, that is in a news medium controlled by a person whose business

1 is that news medium, and that is not controlled by a candidate or a
2 political committee;

3 (v) An internal political communication primarily limited to the
4 members of or contributors to a political party organization or
5 political committee, or to the officers, management staff, or
6 stockholders of a corporation or similar enterprise, or to the members
7 of a labor organization or other membership organization;

8 (vi) The rendering of personal services of the sort commonly
9 performed by volunteer campaign workers, or incidental expenses
10 personally incurred by volunteer campaign workers not in excess of
11 fifty dollars personally paid for by the worker. "Volunteer services,"
12 for the purposes of this section, means services or labor for which the
13 individual is not compensated by any person;

14 (vii) Messages in the form of reader boards, banners, or yard or
15 window signs displayed on a person's own property or property occupied
16 by a person. However, a facility used for such political advertising
17 for which a rental charge is normally made must be reported as an in-
18 kind contribution and counts towards any applicable contribution limit
19 of the person providing the facility;

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

21 (A) A political party or caucus political committee if the person
22 paying for the services is the regular employer of the person rendering
23 such services; or

24 (B) A candidate or an authorized committee if the person paying for
25 the services is the regular employer of the individual rendering the
26 services and if the services are solely for the purpose of ensuring
27 compliance with state election or public disclosure laws.

28 (c) Contributions other than money or its equivalent are deemed to
29 have a monetary value equivalent to the fair market value of the
30 contribution. Services or property or rights furnished at less than
31 their fair market value for the purpose of assisting any candidate or
32 political committee are deemed a contribution. Such a contribution
33 must be reported as an in-kind contribution at its fair market value
34 and counts towards any applicable contribution limit of the provider.

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

38 (16) "Election" includes any primary, general, or special election
39 for public office and any election in which a ballot proposition is

1 submitted to the voters: PROVIDED, That an election in which the
2 qualifications for voting include other than those requirements set
3 forth in Article VI, section 1 (Amendment 63) of the Constitution of
4 the state of Washington shall not be considered an election for
5 purposes of this chapter.

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

9 (18) "Election cycle" means the period beginning on the first day
10 of (~~December~~) January after the date of the last previous general
11 election for the office that the candidate seeks and ending on
12 (~~November 30th~~) December 31st after the next election for the office.
13 In the case of a special election to fill a vacancy in an office,
14 "election cycle" means the period beginning on the day the vacancy
15 occurs and ending on (~~November 30th~~) December 31st after the special
16 election.

17 (19) "Expenditure" includes a payment, contribution, subscription,
18 distribution, loan, advance, deposit, or gift of money or anything of
19 value, and includes a contract, promise, or agreement, whether or not
20 legally enforceable, to make an expenditure. The term "expenditure"
21 also includes a promise to pay, a payment, or a transfer of anything of
22 value in exchange for goods, services, property, facilities, or
23 anything of value for the purpose of assisting, benefiting, or honoring
24 any public official or candidate, or assisting in furthering or
25 opposing any election campaign. For the purposes of this chapter,
26 agreements to make expenditures, contracts, and promises to pay may be
27 reported as estimated obligations until actual payment is made. The
28 term "expenditure" shall not include the partial or complete repayment
29 by a candidate or political committee of the principal of a loan, the
30 receipt of which loan has been properly reported.

31 (20) "Final report" means the report described as a final report in
32 RCW 42.17.080(2).

33 (21) "General election" means the election (~~that results in the~~
34 ~~election of a person to a state office. It does not include a~~
35 ~~primary~~) held on the first Tuesday after the first Monday in November.

36 (22) "Gift," is as defined in RCW 42.52.010.

37 (23) "Immediate family" includes the spouse, dependent children,
38 and other dependent relatives, if living in the household. For the
39 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means

1 an individual's spouse, and child, stepchild, grandchild, parent,
2 stepparent, grandparent, brother, half brother, sister, or half sister
3 of the individual and the spouse of any such person and a child,
4 stepchild, grandchild, parent, stepparent, grandparent, brother, half
5 brother, sister, or half sister of the individual's spouse and the
6 spouse of any such person.

7 (24) "Independent expenditure" means an expenditure that has each
8 of the following elements:

9 (a) It is made in support of or in opposition to a candidate for
10 office by a person who is not (i) a candidate for that office, (ii) an
11 authorized committee of that candidate for that office, (iii) a person
12 who has received the candidate's encouragement or approval to make the
13 expenditure, if the expenditure pays in whole or in part for political
14 advertising supporting that candidate or promoting the defeat of any
15 other candidate or candidates for that office, or (iv) a person with
16 whom the candidate has collaborated for the purpose of making the
17 expenditure, if the expenditure pays in whole or in part for political
18 advertising supporting that candidate or promoting the defeat of any
19 other candidate or candidates for that office;

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

24 (c) The expenditure, alone or in conjunction with another
25 expenditure or other expenditures of the same person in support of or
26 opposition to that candidate, has a value of five hundred dollars or
27 more. A series of expenditures, each of which is under five hundred
28 dollars, constitutes one independent expenditure if their cumulative
29 value is five hundred dollars or more.

30 (25)(a) "Intermediary" means an individual who transmits a
31 contribution to a candidate or committee from another person unless the
32 contribution is from the individual's employer, immediate family as
33 defined for purposes of RCW 42.17.640 through 42.17.790, or an
34 association to which the individual belongs.

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

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

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

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

9 (27) "Lobby" and "lobbying" each mean attempting to influence the
10 passage or defeat of any legislation by the legislature of the state of
11 Washington, or the adoption or rejection of any rule, standard, rate,
12 or other legislative enactment of any state agency under the state
13 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
14 "lobbying" includes an association's or other organization's act of
15 communicating with the members of that association or organization.

16 (28) "Lobbyist" includes any person who lobbies either in his or
17 her own or another's behalf.

18 (29) "Lobbyist's employer" means the person or persons by whom a
19 lobbyist is employed and all persons by whom he or she is compensated
20 for acting as a lobbyist.

21 (30) "Person" includes an individual, partnership, joint venture,
22 public or private corporation, association, federal, state, or local
23 governmental entity or agency however constituted, candidate,
24 committee, political committee, political party, executive committee
25 thereof, or any other organization or group of persons, however
26 organized.

27 (31) "Person in interest" means the person who is the subject of a
28 record or any representative designated by that person, except that if
29 that person is under a legal disability, the term "person in interest"
30 means and includes the parent or duly appointed legal representative.

31 (32) "Political advertising" includes any advertising displays,
32 newspaper ads, billboards, signs, brochures, articles, tabloids,
33 flyers, letters, radio or television presentations, or other means of
34 mass communication, used for the purpose of appealing, directly or
35 indirectly, for votes or for financial or other support in any election
36 campaign.

37 (33) "Political committee" means any person (except a candidate or
38 an individual dealing with his or her own funds or property) having the

1 expectation of receiving contributions or making expenditures in
2 support of, or opposition to, any candidate or any ballot proposition.

3 (34) "Primary" means the procedure for nominating a candidate to
4 state office under chapter 29.18 or 29.21 RCW or any other primary for
5 an election that uses, in large measure, the procedures established in
6 chapter 29.18 or 29.21 RCW.

7 (35) "Public office" means any federal, state, county, city, town,
8 school district, port district, special district, or other state
9 political subdivision elective office.

10 (36) "Public record" includes any writing containing information
11 relating to the conduct of government or the performance of any
12 governmental or proprietary function prepared, owned, used, or retained
13 by any state or local agency regardless of physical form or
14 characteristics. For the office of the secretary of the senate and the
15 office of the chief clerk of the house of representatives, public
16 records means legislative records as defined in RCW 40.14.100 and also
17 means the following: All budget and financial records; personnel
18 leave, travel, and payroll records; records of legislative sessions;
19 reports submitted to the legislature; and any other record designated
20 a public record by any official action of the senate or the house of
21 representatives.

22 (37) "Recall campaign" means the period of time beginning on the
23 date of the filing of recall charges under RCW 29.82.015 and ending
24 thirty days after the recall election.

25 (38) "State legislative office" means the office of a member of the
26 state house of representatives or the office of a member of the state
27 senate.

28 (39) "State office" means state legislative office or the office of
29 governor, lieutenant governor, secretary of state, attorney general,
30 commissioner of public lands, insurance commissioner, superintendent of
31 public instruction, state auditor, or state treasurer.

32 (40) "State official" means a person who holds a state office.

33 (41) "Surplus funds" mean, in the case of a political committee or
34 candidate, the balance of contributions that remain in the possession
35 or control of that committee or candidate subsequent to the election
36 for which the contributions were received, and that are in excess of
37 the amount necessary to pay remaining debts incurred by the committee
38 or candidate prior to that election. In the case of a continuing
39 political committee, "surplus funds" mean those contributions remaining

1 in the possession or control of the committee that are in excess of the
2 amount necessary to pay all remaining debts when it makes its final
3 report under RCW 42.17.065.

4 (42) "Writing" means handwriting, typewriting, printing,
5 photostating, photographing, and every other means of recording any
6 form of communication or representation, including, but not limited to,
7 letters, words, pictures, sounds, or symbols, or combination thereof,
8 and all papers, maps, magnetic or paper tapes, photographic films and
9 prints, motion picture, film and video recordings, magnetic or punched
10 cards, discs, drums, diskettes, sound recordings, and other documents
11 including existing data compilations from which information may be
12 obtained or translated.

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

15 **Sec. 2.** RCW 42.17.105 and 1995 c 397 s 4 are each amended to read
16 as follows:

17 ~~((1) Campaign treasurers shall prepare and deliver to the~~
18 ~~commission a special report regarding any contribution or aggregate of~~
19 ~~contributions which: Exceeds five hundred dollars; is from a single~~
20 ~~person or entity; and is received during a special reporting period.~~

21 ~~Any political committee making a contribution or an aggregate of~~
22 ~~contributions to a single entity which exceeds five hundred dollars~~
23 ~~shall also prepare and deliver to the commission the special report if~~
24 ~~the contribution or aggregate of contributions is made during a special~~
25 ~~reporting period.~~

26 ~~For the purposes of subsections (1) through (7) of this section:~~

27 ~~(a) Each of the following intervals is a special reporting period:~~

28 ~~(i) The interval beginning after the period covered by the last report~~
29 ~~required by RCW 42.17.080 and 42.17.090 to be filed before a primary~~
30 ~~and concluding on the end of the day before that primary; and (ii) the~~
31 ~~interval composed of the twenty one days preceding a general election;~~
32 ~~and~~

33 ~~(b) An aggregate of contributions includes only those contributions~~
34 ~~received from a single entity during any one special reporting period~~
35 ~~or made by the contributing political committee to a single entity~~
36 ~~during any one special reporting period.~~

37 ~~(2) If a campaign treasurer files a special report under this~~
38 ~~section for one or more contributions received from a single entity~~

1 during a special reporting period, the treasurer shall also file a
2 special report under this section for each subsequent contribution of
3 any size which is received from that entity during the special
4 reporting period. If a political committee files a special report
5 under this section for a contribution or contributions made to a single
6 entity during a special reporting period, the political committee shall
7 also file a special report for each subsequent contribution of any size
8 which is made to that entity during the special reporting period.

9 (3) Except as provided in subsection (4) of this section, the
10 special report required by this section shall be delivered
11 electronically or in written form, including but not limited to
12 mailgram, telegram, or nightletter. The special report required of a
13 contribution recipient by subsection (1) of this section shall be
14 delivered to the commission within forty-eight hours of the time, or on
15 the first working day after: The contribution exceeding five hundred
16 dollars is received by the candidate or treasurer; the aggregate
17 received by the candidate or treasurer first exceeds five hundred
18 dollars; or the subsequent contribution that must be reported under
19 subsection (2) of this section is received by the candidate or
20 treasurer. The special report required of a contributor by subsection
21 (1) of this section or RCW 42.17.175 shall be delivered to the
22 commission, and the candidate or political committee to whom the
23 contribution or contributions are made, within twenty-four hours of the
24 time, or on the first working day after: The contribution is made; the
25 aggregate of contributions made first exceeds five hundred dollars; or
26 the subsequent contribution that must be reported under subsection (2)
27 of this section is made.

28 (4) The special report may be transmitted orally by telephone to
29 the commission to satisfy the delivery period required by subsection
30 (3) of this section if the written form of the report is also mailed to
31 the commission and postmarked within the delivery period established in
32 subsection (3) of this section or the file transfer date of the
33 electronic filing is within the delivery period established in
34 subsection (3) of this section.

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

- 36 (a) The amount of the contribution or contributions;
- 37 (b) The date or dates of receipt;
- 38 (c) The name and address of the donor;
- 39 (d) The name and address of the recipient; and

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

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

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

6 ~~(8))~~) It is a violation of this chapter for any person to make, or
7 for any candidate or political committee to accept from any one person,
8 contributions reportable under RCW 42.17.090 in the aggregate exceeding
9 fifty thousand dollars for any campaign for state-wide office or
10 exceeding five thousand dollars for any other campaign subject to the
11 provisions of this chapter within twenty-one days of a general
12 election. This ~~((subsection))~~ section does not apply to: (1)
13 Contributions made by, or accepted from, a bona fide political party as
14 defined in this chapter, excluding the county central committee or
15 legislative district committee; and (2) contributions made from one
16 bona fide political party, caucus campaign committee, county central
17 committee, or legislative district committee to another bona fide
18 political party, caucus campaign committee, county central committee,
19 or legislative district committee.

20 ~~((9) Contributions governed by this section include, but are not~~
21 ~~limited to, contributions made or received indirectly through a third~~
22 ~~party or entity whether the contributions are or are not reported to~~
23 ~~the commission as earmarked contributions under RCW 42.17.135.))~~

24 **Sec. 3.** RCW 42.17.350 and 1984 c 287 s 74 are each amended to read
25 as follows:

26 There is hereby established a "public disclosure commission" which
27 shall be composed of five members who shall be appointed by the
28 governor, with the consent of the senate. All appointees shall be
29 persons of the highest integrity and qualifications. No more than
30 three members shall have an identification with the same political
31 party. The original members shall be appointed within sixty days after
32 January 1, 1973. The term of each member shall be five years except
33 that the original five members shall serve initial terms of one, two,
34 three, four, and five years, respectively, as designated by the
35 governor. No member of the commission, during his tenure, shall (1)
36 hold or campaign for elective office; (2) be an officer of any
37 political party or political committee; (3) permit his name to be used,
38 or make contributions, in support of or in opposition to any candidate

1 or proposition; (4) participate in any way in any election campaign; or
2 (5) lobby or employ or assist a lobbyist: PROVIDED, That a member or
3 the staff of the commission may lobby to the limited extent permitted
4 by RCW 42.17.190 on matters directly affecting this chapter. No member
5 shall be eligible for appointment to more than one full term. A member
6 whose term has expired may serve until a replacement is appointed by
7 the governor. A vacancy on the commission shall be filled within
8 thirty days of the vacancy by the governor, with the consent of the
9 senate, and the appointee shall serve for the remaining term of his
10 predecessor. A vacancy shall not impair the powers of the remaining
11 members to exercise all of the powers of the commission. Three members
12 of the commission shall constitute a quorum. The commission shall
13 elect its own chairman and adopt its own rules of procedure in the
14 manner provided in chapter 34.05 RCW. Any member of the commission may
15 be removed by the governor, but only upon grounds of neglect of duty or
16 misconduct in office.

17 Members shall be compensated in accordance with RCW 43.03.250 and
18 in addition shall be reimbursed for travel expenses incurred while
19 engaged in the business of the commission as provided in RCW 43.03.050
20 and 43.03.060. The compensation provided pursuant to this section
21 shall not be considered salary for purposes of the provisions of any
22 retirement system created pursuant to the general laws of this state.

23 **Sec. 4.** RCW 42.17.420 and 1995 c 397 s 18 are each amended to read
24 as follows:

25 (1) Except as provided in subsection (2) of this section, when any
26 application, report, statement, notice, or payment required to be made
27 under the provisions of this chapter has been deposited postpaid in the
28 United States mail properly addressed, it shall be deemed to have been
29 received on the date of mailing. It shall be presumed that the date
30 shown by the post office cancellation mark on the envelope is the date
31 of mailing. The provisions of this subsection do not apply to reports
32 required to be delivered under RCW (~~42.17.105 and~~) 42.17.175.

33 (2) When a report is filed electronically with the commission, it
34 is deemed to have been received on the file transfer date. Electronic
35 filing may be used for purposes of filing the special reports required
36 to be delivered under RCW (~~42.17.105 and~~) 42.17.175.

1 **Sec. 5.** RCW 42.17.640 and 1995 c 397 s 20 are each amended to read
2 as follows:

3 (1) No person, other than a bona fide political party or a caucus
4 political committee, may make contributions to a candidate for a state
5 legislative office that in the aggregate exceed five hundred dollars or
6 to a candidate for a state office other than a state legislative office
7 that in the aggregate exceed one thousand dollars for each election in
8 which the candidate is on the ballot or appears as a write-in
9 candidate.

10 (a) Contributions made with respect to a primary may not be made
11 after the date of the primary. However, after the date of the primary,
12 if an individual who had been a candidate in the primary election but
13 is not a candidate in the general election, has outstanding campaign
14 debts from that primary election and insufficient funds in his or her
15 campaign account to pay these debts, then contributions may be made to
16 the primary election candidate with respect to that primary until
17 twelve months after the final day of the applicable election cycle or
18 until contributions sufficient to pay the primary election debt have
19 been received by the primary election candidate, whichever occurs
20 first. Nothing in this subsection authorizes the primary election
21 candidate to accept contributions in excess of the limits provided in
22 this section for that primary election or in excess of the amount
23 required to pay outstanding campaign debts from that primary election.

24 (b) Contributions made with respect to a general election may not
25 be made after the final day of the applicable election cycle.

26 (c) Nothing in this section authorizes a state official or a person
27 employed by or acting on behalf of a state official or state legislator
28 to solicit or accept contributions in violation of RCW 42.17.710 or of
29 any other section of this chapter.

30 (2) No person, other than a bona fide political party or a caucus
31 political committee, may make contributions to a state official against
32 whom recall charges have been filed, or to a political committee having
33 the expectation of making expenditures in support of the recall of the
34 state official, during a recall campaign that in the aggregate exceed
35 five hundred dollars if for a state legislative office or one thousand
36 dollars if for a state office other than a state legislative office.

37 (3)(a) Notwithstanding subsection (1) of this section, no bona fide
38 political party or caucus political committee may make contributions to
39 a candidate during an election cycle that in the aggregate exceed (i)

1 fifty cents multiplied by the number of eligible registered voters in
2 the jurisdiction from which the candidate is elected if the contributor
3 is a caucus political committee or the governing body of a state
4 organization, or (ii) twenty-five cents multiplied by the number of
5 registered voters in the jurisdiction from which the candidate is
6 elected if the contributor is a county central committee or a
7 legislative district committee.

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

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

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

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

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

9 (7) For the purposes of RCW 42.17.640 through 42.17.790, a
10 contribution to the authorized political committee of a candidate, or
11 of a state official against whom recall charges have been filed, is
12 considered to be a contribution to the candidate or state official.

13 (8) A contribution received within the twelve-month period after a
14 recall election concerning a state office is considered to be a
15 contribution during that recall campaign if the contribution is used to
16 pay a debt or obligation incurred to influence the outcome of that
17 recall campaign.

18 (9) The contributions allowed by subsection (2) of this section are
19 in addition to those allowed by subsection (1) of this section, and the
20 contributions allowed by subsection (4) of this section are in addition
21 to those allowed by subsection (3) of this section.

22 (10) RCW 42.17.640 through 42.17.790 apply to a special election
23 conducted to fill a vacancy in a state office. However, the
24 contributions made to a candidate or received by a candidate for a
25 primary or special election conducted to fill such a vacancy shall not
26 be counted toward any of the limitations that apply to the candidate or
27 to contributions made to the candidate for any other primary or
28 election.

29 (11) Notwithstanding the other subsections of this section, no
30 corporation or business entity not doing business in Washington state,
31 no labor union with fewer than ten members who reside in Washington
32 state, and no political committee that has not received contributions
33 of ten dollars or more from at least ten persons registered to vote in
34 Washington state during the preceding one hundred eighty days may make
35 contributions reportable under this chapter to a candidate, to a state
36 official against whom recall charges have been filed, or to a political
37 committee having the expectation of making expenditures in support of
38 the recall of the official. This subsection does not apply to loans
39 made in the ordinary course of business.

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

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

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

13 (a) An expenditure or contribution earmarked for voter
14 registration, for absentee ballot information, for precinct caucuses,
15 for get-out-the-vote campaigns, for precinct judges or inspectors, for
16 sample ballots, or for ballot counting, all without promotion of or
17 political advertising for individual candidates; or

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

21 **Sec. 6.** RCW 42.17.660 and 1993 c 2 s 6 are each amended to read as
22 follows:

23 For purposes of this chapter:

24 (1) A contribution by a political committee with funds that have
25 all been contributed by one person who exercises exclusive control over
26 the distribution of the funds of the political committee is a
27 contribution by the controlling person.

28 (2) Two or more entities are treated as a single entity if one of
29 the two or more entities is a subsidiary, branch, or department of a
30 corporation or a local unit, branch, or affiliate of a trade
31 association, labor union, or collective bargaining association. All
32 contributions made by a person or political committee whose
33 administrative functions, solicitation of political contributions, or
34 contribution or expenditure activity is coordinated, financed,
35 maintained, or controlled by a trade association, labor union,
36 collective bargaining organization, or the local unit of a trade
37 association, labor union, or collective bargaining organization are
38 considered made by the same person or entity.

1 **Sec. 7.** RCW 42.17.680 and 1993 c 2 s 8 are each amended to read as
2 follows:

3 (1) No employer or labor organization may increase the salary of an
4 officer or employee, or give an emolument to an officer, employee, or
5 other person or entity, with the intention that the increase in salary,
6 or the emolument, or a part of it, be contributed or spent to support
7 or oppose a candidate, state official against whom recall charges have
8 been filed, political party, or political committee.

9 (2) No employer or labor organization may discriminate against an
10 officer or employee in the terms or conditions of employment for (a)
11 the failure to contribute to, (b) the failure in any way to support or
12 oppose, or (c) in any way supporting or opposing a candidate, ballot
13 proposition, political party, or political committee.

14 (3) No employer or other person or entity responsible for the
15 disbursement of funds in payment of wages or salaries may withhold or
16 divert a portion of an employee's wages or salaries for contributions
17 to political committees or for use as political contributions except
18 upon the written request of the employee. If an employee has not
19 provided a written request to the employer or disbursing entity, a
20 person or entity who receives a withheld or diverted portion of the
21 employee's salaries or wages from the employer or other disbursing
22 entity shall not use those funds for contributions to political
23 committees or for use as political contributions unless the employee
24 has been given written notification of that possible use by the
25 recipient and has provided written authorization for that use to the
26 recipient. The request to the employer and authorization to the
27 recipient must be made on a form prescribed by the commission informing
28 the employee of the prohibition against employer and labor organization
29 discrimination described in subsection (2) of this section. The
30 request ~~((is))~~ and authorization are valid for no more than twelve
31 months from the date ~~((it is))~~ they are made by the employee.

32 (4) Each person or entity who withholds contributions under
33 subsection (3) of this section shall maintain open for public
34 inspection for a period of no less than three years, during normal
35 business hours, documents and books of accounts that shall include a
36 copy of each employee's request, the amounts and dates funds were
37 actually withheld, and the amounts and dates funds were transferred to
38 a political committee or used as a contribution. Copies of such
39 information shall be delivered to the commission upon request. Persons

1 or entities who receive employee withholdings under subsection (3) of
2 this section are subject to the same requirements and shall also
3 maintain a copy of the notification given to each employee and the
4 employee's authorization.

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

7 (1) A foreign national shall not directly or through any other
8 person make a contribution or an expenditure, or expressly or impliedly
9 promise to make a contribution or an expenditure, in connection with a
10 campaign for any public office or ballot proposition.

11 (2) No person may solicit, accept, or receive a contribution from
12 a foreign national.

13 (3) A foreign national shall not direct, dictate, control, or
14 directly or indirectly participate in the decision-making process of
15 any person, such as a corporation, labor organization, or political
16 committee, with regard to campaigns for public office or ballot
17 propositions.

18 (4) For purposes of this section, "foreign national" means a
19 foreign principal including a government of a foreign political party,
20 a person outside the United States, or a partnership, association,
21 corporation, organization, or other combination of persons organized
22 under the laws of or having its principal place of business in a
23 foreign country.

24 NEW SECTION. **Sec. 9.** RCW 42.17.172 and 1993 c 2 s 32 are each
25 repealed.

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