
SENATE BILL 5973

State of Washington

55th Legislature

1997 Regular Session

By Senators Brown, Goings, Patterson, Kline, Bauer, Kohl, Haugen, Spanel, McAuliffe and Snyder

Read first time 02/24/97. Referred to Committee on Government Operations.

1 AN ACT Relating to campaign finance reform; amending RCW 42.17.640,
2 42.17.690, 42.17.020, 42.17.040, 42.17.100, 42.17.510, 42.17.680,
3 42.17.390, and 42.17.395; adding new sections to chapter 42.17 RCW;
4 adding a new section to chapter 29.80 RCW; and prescribing penalties.

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

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

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

12 (2) A candidate for a state office may not accept from any person
13 contributions that in the aggregate exceed fifty percent of the
14 contribution limits as provided for in section 2 of this act.

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

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

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

7 (2) A candidate for a state legislative office may not accept, from
8 any person other than a bona fide political party or caucus political
9 committee, contributions that in the aggregate exceed five hundred
10 fifty dollars, and a candidate for a state office other than a state
11 legislative office may not accept, from any person other than a bona
12 fide political party or caucus political committee, contributions that
13 in the aggregate exceed one thousand one hundred dollars, for each
14 election in which the candidate is on the ballot or appears as a write-
15 in candidate. Contributions made with respect to a primary may not be
16 accepted after the date of the primary. Contributions made with
17 respect to a general election may not be accepted after the final day
18 of the applicable election cycle.

19 (3) A state official against whom recall charges have been filed,
20 and a political committee having the expectation of making expenditures
21 in support of the recall of the state official, may not accept, from
22 any person other than a bona fide political party or caucus political
23 committee, contributions during a recall campaign that in the aggregate
24 exceed five hundred fifty dollars if the official is a state legislator
25 or one thousand one hundred dollars if the official holds a state
26 office other than state legislator.

27 (4)(a) Notwithstanding subsection (2) of this section, a candidate
28 during an election cycle may not accept contributions from a bona fide
29 political party that in the aggregate exceed: (i) Fifty cents
30 multiplied by the number of registered voters in the jurisdiction from
31 which the candidate is seeking election if the contributor is the state
32 governing body of a political party; or (ii) twenty-five cents
33 multiplied by the number of registered voters in the jurisdiction from
34 which the candidate is seeking election if the contributor is a county
35 central committee or a legislative district committee.

36 (b) A candidate may not accept contributions from a county central
37 committee or a legislative district committee during an election cycle
38 that, when combined with contributions from other county central
39 committees or legislative district committees, would in the aggregate

1 exceed twenty-five cents times the number of registered voters in the
2 jurisdiction from which the candidate is elected.

3 (c) A candidate for a state legislative office may not accept from
4 a caucus political committee, contributions that in the aggregate
5 exceed fifty cents per registered voter in the jurisdiction from which
6 the candidate seeks election.

7 (5)(a) Notwithstanding subsection (3) of this section, a state
8 official against whom recall charges have been filed, and a political
9 committee having the expectation of making expenditures in support of
10 the state official, may not accept contributions from a bona fide
11 political party during a recall campaign that in the aggregate exceed:

12 (i) Fifty cents multiplied by the number of eligible registered voters
13 in the jurisdiction entitled to recall the state official if the
14 contributor is the state governing body of a political party; or (ii)
15 twenty-five cents multiplied by the number of registered voters in the
16 jurisdiction from which the candidate is seeking election if the
17 contributor is a county central committee or a legislative district
18 committee.

19 (b) A state official against whom recall charges have been filed,
20 an authorized committee of the official, and a political committee
21 having the expectation of making expenditures in support of the recall
22 of a state official, may not accept contributions from a county central
23 committee or a legislative district committee during an election cycle
24 that when combined with contributions from other county central
25 committees or legislative district committees would in the aggregate
26 exceed twenty-five cents multiplied by the number of registered voters
27 in the jurisdiction from which the official is elected.

28 (c) A state official against whom recall charges have been filed,
29 an authorized committee of the official, and a political committee
30 having the expectation of making expenditures in support of the recall
31 of a state official, may not accept from a caucus political committee,
32 contributions that in the aggregate exceed fifty cents per registered
33 voter in the jurisdiction from which the official is elected if the
34 official is a state legislator.

35 (6) The contributions allowed under subsection (3) of this section
36 are in addition to those allowed under subsection (2) of this section.
37 The contributions allowed under subsection (5) of this section are in
38 addition to those allowed under subsection (4) of this section.

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) If a candidate has agreed to expenditure limits under section
2 3 of this act and knowingly exceeds those limits, the candidate must
3 refund that portion of any contribution received that was in excess of
4 the amount allowed under section 1 of this act.

5 (4) Payments of candidate filing fees, fees or assessments relating
6 to the primary or general election candidates' pamphlet, or costs
7 incurred in the course of defending against a challenge of a person's
8 eligibility to become a candidate or a motion for injunction under RCW
9 42.17.390, do not constitute expenditures for the purpose of
10 determining whether a candidate has exceeded an expenditure limit.

11 **Sec. 6.** RCW 42.17.640 and 1995 c 397 s 20 are each amended to read
12 as follows:

13 (1) ~~((No person, other than a bona fide political party or a caucus
14 political committee, may make contributions to a candidate for a state
15 legislative office that in the aggregate exceed five hundred dollars or
16 to a candidate for a state office other than a state legislative office
17 that in the aggregate exceed one thousand dollars for each election in
18 which the candidate is on the ballot or appears as a write-in
19 candidate. Contributions made with respect to a primary may not be
20 made after the date of the primary. Contributions made with respect to
21 a general election may not be made after the final day of the
22 applicable election cycle.~~

23 (2) ~~No person, other than a bona fide political party or a caucus
24 political committee, may make contributions to a state official against
25 whom recall charges have been filed, or to a political committee having
26 the expectation of making expenditures in support of the recall of the
27 state official, during a recall campaign that in the aggregate exceed
28 five hundred dollars if for a state legislative office or one thousand
29 dollars if for a state office other than a state legislative office.~~

30 (3)(a) ~~Notwithstanding subsection (1) of this section, no bona fide
31 political party or caucus political committee may make contributions to
32 a candidate during an election cycle that in the aggregate exceed (i)
33 fifty cents multiplied by the number of eligible registered voters in
34 the jurisdiction from which the candidate is elected if the contributor
35 is a caucus political committee or the governing body of a state
36 organization, or (ii) twenty five cents multiplied by the number of
37 registered voters in the jurisdiction from which the candidate is~~

1 ~~elected if the contributor is a county central committee or a~~
2 ~~legislative district committee.~~

3 ~~(b) No candidate may accept contributions from a county central~~
4 ~~committee or a legislative district committee during an election cycle~~
5 ~~that when combined with contributions from other county central~~
6 ~~committees or legislative district committees would in the aggregate~~
7 ~~exceed twenty five cents times the number of registered voters in the~~
8 ~~jurisdiction from which the candidate is elected.~~

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

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

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

34 ~~(6) Notwithstanding subsections (1) through (4) of this section, no~~
35 ~~person other than an individual, bona fide political party, or))~~
36 ~~Notwithstanding sections 1 and 2 of this act, a caucus political~~
37 ~~committee may ((make)) not accept contributions reportable under this~~
38 ~~chapter ((to)) from any person other than a bona fide political party~~
39 ~~or a caucus political committee that in the aggregate exceed five~~

1 hundred dollars in a calendar year (~~or to~~). A bona fide political
2 party may not accept contributions reportable under this chapter from
3 any person other than a bona fide political party or a caucus political
4 committee that in the aggregate exceed two thousand five hundred
5 dollars in a calendar year. This subsection does not apply to loans
6 made in the ordinary course of business.

7 (~~(7)~~) (2) For the purposes of (~~RCW 42.17.640 through 42.17.790~~)
8 this chapter, a contribution to the authorized political committee of
9 a candidate, or of a state official against whom recall charges have
10 been filed, is considered to be a contribution to the candidate or
11 state official.

12 (~~(8)~~) (3) A contribution received within the twelve-month period
13 after a recall election concerning a state office is considered to be
14 a contribution during that recall campaign if the contribution is used
15 to pay a debt or obligation incurred to influence the outcome of that
16 recall campaign.

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

21 (~~(10)~~ RCW 42.17.640 through 42.17.790 apply)) (4) This chapter
22 applies to a special election conducted to fill a vacancy in a state
23 office. However, the contributions made to a candidate or received by
24 a candidate for a primary or special election conducted to fill such a
25 vacancy shall not be counted toward any of the limitations that apply
26 to the candidate or to contributions made to the candidate for any
27 other primary or election.

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

1 ~~political committee having the expectation of making expenditures in~~
2 ~~support of the recall of the official)). This subsection does not~~
3 ~~apply to loans made in the ordinary course of business.~~

4 ~~((12) Notwithstanding the other subsections of this section, no~~
5 ~~county central committee or legislative district committee may make~~
6 ~~contributions reportable under this chapter to)) (6) A candidate, state~~
7 ~~official against whom recall charges have been filed, or political~~
8 ~~committee having the expectation of making expenditures in support of~~
9 ~~the recall of a state official may not accept contributions reportable~~
10 ~~under this chapter from a county central committee or legislative~~
11 ~~district committee if the county central committee or legislative~~
12 ~~district committee is outside ((of)) the jurisdiction entitled to elect~~
13 ~~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)) (7) The following contributions are exempt from the~~
17 ~~contribution 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 **Sec. 7.** RCW 42.17.690 and 1993 c 2 s 9 are each amended to read as
27 follows:

28 ~~((At the beginning of each even numbered calendar year, the~~
29 ~~commission shall increase or decrease all dollar amounts in this~~
30 ~~chapter based on changes in economic conditions as reflected in the~~
31 ~~inflationary index used by the commission under RCW 42.17.370.)) The~~
32 ~~commission shall, by January 1, 1998, and by January 1st of each even-~~
33 ~~numbered year thereafter, adopt revisions in the existing contribution~~
34 ~~and expenditure limits. Revisions must be for the purpose of~~
35 ~~recognizing: (1) Changes in the number of registered voters state-~~
36 ~~wide; and (2) economic changes as reflected by an inflationary index~~
37 ~~recommended by the office of financial management. The revisions must~~
38 ~~be guided by the change in the index for the two-year period before the~~

1 date the revision is to be adopted. The new dollar amounts established
2 by the commission under this section shall be rounded off by the
3 commission to amounts as judged most convenient for public
4 understanding and so as to be within ten percent of the target amount
5 equal to the base amount provided in this chapter multiplied by the
6 increase in the inflationary index since December 3, 1992.

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

9 The secretary of state shall add to each candidates' pamphlet a
10 list of the campaign spending limits recommended by the public
11 disclosure commission for each of the state offices for which the
12 statements of candidates appear in the pamphlet and a brief explanation
13 of the effect of a promise filed with the commission under section 3 of
14 this act.

15 In preparing the candidates' pamphlet for publication, the
16 secretary of state shall secure from the public disclosure commission
17 its most current list of candidates who have promised to limit
18 spending, in accordance with section 3 of this act. Using this list,
19 the secretary of state shall print a notice, explaining the voluntary
20 campaign limits or referring to the location in the pamphlet of the
21 explanation required by this section, on each page of the pamphlet
22 containing the statements and photographs of candidates. The secretary
23 of state shall develop distinctive symbols or logos that will identify
24 whether a particular candidate has or has not accepted the voluntary
25 spending limits for that campaign. Based on the information supplied
26 by the public disclosure commission under this section immediately
27 before publication of the pamphlet, the secretary of state shall print
28 the appropriate symbol or logo in conjunction with the statement of
29 each candidate to indicate whether or not the candidate has accepted
30 the voluntary spending limits for that campaign.

31 **Sec. 9.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read
32 as follows:

33 (1) "Agency" includes all state agencies and all local agencies.
34 "State agency" includes every state office, department, division,
35 bureau, board, commission, or other state agency. "Local agency"
36 includes every county, city, town, municipal corporation, quasi-
37 municipal corporation, or special purpose district, or any office,

1 department, division, bureau, board, commission, or agency thereof, or
2 other local public agency.

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

7 (3) "Ballot proposition" means any "measure" as defined by RCW
8 29.01.110, or any initiative, recall, or referendum proposition
9 proposed to be submitted to the voters of the state or any municipal
10 corporation, political subdivision, or other voting constituency from
11 and after the time when the proposition has been initially filed with
12 the appropriate election officer of that constituency prior to its
13 circulation for signatures.

14 (4) "Benefit" means a commercial, proprietary, financial, economic,
15 or monetary advantage, or the avoidance of a commercial, proprietary,
16 financial, economic, or monetary disadvantage.

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

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

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

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

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

29 (7) "Treasurer" and "deputy treasurer" mean the individuals
30 appointed by a candidate or political committee, pursuant to RCW
31 42.17.050, to perform the duties specified in that section.

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

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

37 (b) Announces publicly or files for office;

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

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

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

6 (10) "Commercial advertiser" means any person who sells the service
7 of communicating messages or producing printed material for broadcast
8 or distribution to the general public or segments of the general public
9 whether through the use of newspapers, magazines, television and radio
10 stations, billboard companies, direct mail advertising companies,
11 printing companies, or otherwise.

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

13 (12) "Compensation" unless the context requires a narrower meaning,
14 includes payment in any form for real or personal property or services
15 of any kind: PROVIDED, That for the purpose of compliance with RCW
16 42.17.241, the term "compensation" shall not include per diem
17 allowances or other payments made by a governmental entity to reimburse
18 a public official for expenses incurred while the official is engaged
19 in the official business of the governmental entity.

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

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

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

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

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

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

38 (b) "Contribution" does not include:

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

3 (ii) Ordinary home hospitality;

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

7 (iv) A news item, feature, commentary, or editorial in a regularly
8 scheduled news medium that is of primary interest to the general
9 public, that is in a news medium controlled by a person whose business
10 is that news medium, and that is not controlled by a candidate or a
11 political committee;

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

17 (vi) The rendering of personal services of the sort commonly
18 performed by volunteer campaign workers, or incidental expenses
19 personally incurred by volunteer campaign workers not in excess of
20 fifty dollars personally paid for by the worker. "Volunteer services,"
21 for the purposes of this section, means services or labor for which the
22 individual is not compensated by any person;

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

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

30 (A) A political party or caucus political committee if the person
31 paying for the services is the regular employer of the person rendering
32 such services; or

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

37 (c) Contributions other than money or its equivalent are deemed to
38 have a monetary value equivalent to the fair market value of the
39 contribution. Services or property or rights furnished at less than

1 their fair market value for the purpose of assisting any candidate or
2 political committee are deemed a contribution. Such a contribution
3 must be reported as an in-kind contribution at its fair market value
4 and counts towards any applicable contribution limit of the provider.

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

8 (16) "Election" includes any primary, general, or special election
9 for public office and any election in which a ballot proposition is
10 submitted to the voters: PROVIDED, That an election in which the
11 qualifications for voting include other than those requirements set
12 forth in Article VI, section 1 (Amendment 63) of the Constitution of
13 the state of Washington shall not be considered an election for
14 purposes of this chapter.

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

18 (18) "Election cycle" means the period beginning on the first day
19 of December after the date of the last previous general election for
20 the office that the candidate seeks and ending on November 30th after
21 the next election for the office. In the case of a special election to
22 fill a vacancy in an office, "election cycle" means the period
23 beginning on the day the vacancy occurs and ending on November 30th
24 after the special election.

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

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

3 (21) "General election" means the election that results in the
4 election of a person to a state office. It does not include a primary.

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

6 (23) "Immediate family" includes the spouse, dependent children,
7 and other dependent relatives, if living in the household. For the
8 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
9 an individual's spouse, and child, stepchild, grandchild, parent,
10 stepparent, grandparent, brother, half brother, sister, or half sister
11 of the individual and the spouse of any such person and a child,
12 stepchild, grandchild, parent, stepparent, grandparent, brother, half
13 brother, sister, or half sister of the individual's spouse and the
14 spouse of any such person.

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

17 (a) It is made in support of or in opposition to a candidate for
18 office by a person who is not (i) a candidate for that office, (ii) an
19 authorized committee of that candidate for that office, (iii) a person
20 who has received the candidate's encouragement or approval to make the
21 expenditure, if the expenditure pays in whole or in part for political
22 advertising supporting that candidate or promoting the defeat of any
23 other candidate or candidates for that office, or (iv) a person with
24 whom the candidate has collaborated for the purpose of making the
25 expenditure, if the expenditure pays in whole or in part for political
26 advertising supporting that candidate or promoting the defeat of any
27 other candidate or candidates for that office;

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

32 (c) The expenditure, alone or in conjunction with another
33 expenditure or other expenditures of the same person in support of or
34 opposition to that candidate, has a value of five hundred dollars or
35 more. A series of expenditures, each of which is under five hundred
36 dollars, constitutes one independent expenditure if their cumulative
37 value is five hundred dollars or more.

38 (25) "Independent expenditure committee" means a person other than
39 a candidate having the expectation of receiving contributions or making

1 expenditures in support of, or opposition to, a candidate or ballot
2 proposition, but does not include a bona fide political party.

3 (26)(a) "Intermediary" means an individual who transmits a
4 contribution to a candidate or committee from another person unless the
5 contribution is from the individual's employer, immediate family as
6 defined for purposes of RCW 42.17.640 through 42.17.790, or an
7 association to which the individual belongs.

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

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

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

15 ~~((26))~~ (27) "Legislation" means bills, resolutions, motions,
16 amendments, nominations, and other matters pending or proposed in
17 either house of the state legislature, and includes any other matter
18 that may be the subject of action by either house or any committee of
19 the legislature and all bills and resolutions that, having passed both
20 houses, are pending approval by the governor.

21 ~~((27))~~ (28) "Lobby" and "lobbying" each mean attempting to
22 influence the passage or defeat of any legislation by the legislature
23 of the state of Washington, or the adoption or rejection of any rule,
24 standard, rate, or other legislative enactment of any state agency
25 under the state Administrative Procedure Act, chapter 34.05 RCW.
26 Neither "lobby" nor "lobbying" includes an association's or other
27 organization's act of communicating with the members of that
28 association or organization.

29 ~~((28))~~ (29) "Lobbyist" includes any person who lobbies either in
30 his or her own or another's behalf.

31 ~~((29))~~ (30) "Lobbyist's employer" means the person or persons by
32 whom a lobbyist is employed and all persons by whom he or she is
33 compensated for acting as a lobbyist.

34 ~~((30))~~ (31) "Person" includes an individual, partnership, joint
35 venture, public or private corporation, association, federal, state, or
36 local governmental entity or agency however constituted, candidate,
37 committee, political committee, political party, executive committee
38 thereof, or any other organization or group of persons, however
39 organized.

1 (~~(31)~~) (32) "Person in interest" means the person who is the
2 subject of a record or any representative designated by that person,
3 except that if that person is under a legal disability, the term
4 "person in interest" means and includes the parent or duly appointed
5 legal representative.

6 (~~(32)~~) (33) "Political advertising" includes any advertising
7 displays, newspaper ads, billboards, signs, brochures, articles,
8 tabloids, flyers, letters, radio or television presentations, telephone
9 or electronic communication, or (~~other~~) any means of mass
10 communication, used for the purpose of appealing, directly or
11 indirectly, for votes or for financial or other support in any election
12 campaign.

13 (~~(33)~~) (34) "Political committee" means any person (except a
14 candidate or an individual dealing with his or her own funds or
15 property) having the expectation of receiving contributions or making
16 expenditures in support of, or opposition to, any candidate or any
17 ballot proposition and includes, without limitation, authorized
18 committees, caucus political committees, and independent expenditure
19 committees.

20 (~~(34)~~) (35) "Primary" means the procedure for nominating a
21 candidate to state office under chapter 29.18 or 29.21 RCW or any other
22 primary for an election that uses, in large measure, the procedures
23 established in chapter 29.18 or 29.21 RCW.

24 (~~(35)~~) (36) "Public office" means any federal, state, county,
25 city, town, school district, port district, special district, or other
26 state political subdivision elective office.

27 (~~(36)~~) (37) "Public record" includes any writing containing
28 information relating to the conduct of government or the performance of
29 any governmental or proprietary function prepared, owned, used, or
30 retained by any state or local agency regardless of physical form or
31 characteristics. For the office of the secretary of the senate and the
32 office of the chief clerk of the house of representatives, public
33 records means legislative records as defined in RCW 40.14.100 and also
34 means the following: All budget and financial records; personnel
35 leave, travel, and payroll records; records of legislative sessions;
36 reports submitted to the legislature; and any other record designated
37 a public record by any official action of the senate or the house of
38 representatives.

1 (~~(37)~~) (38) "Recall campaign" means the period of time beginning
2 on the date of the filing of recall charges under RCW 29.82.015 and
3 ending thirty days after the recall election.

4 (~~(38)~~) (39) "State legislative office" means the office of a
5 member of the state house of representatives or the office of a member
6 of the state senate.

7 (~~(39)~~) (40) "State office" means state legislative office or the
8 office of governor, lieutenant governor, secretary of state, attorney
9 general, commissioner of public lands, insurance commissioner,
10 superintendent of public instruction, state auditor, or state
11 treasurer.

12 (~~(40)~~) (41) "State official" means a person who holds a state
13 office.

14 (~~(41)~~) (42) "Surplus funds" mean, in the case of a political
15 committee or candidate, the balance of contributions that remain in the
16 possession or control of that committee or candidate subsequent to the
17 election for which the contributions were received, and that are in
18 excess of the amount necessary to pay remaining debts incurred by the
19 committee or candidate prior to that election. In the case of a
20 continuing political committee, "surplus funds" mean those
21 contributions remaining in the possession or control of the committee
22 that are in excess of the amount necessary to pay all remaining debts
23 when it makes its final report under RCW 42.17.065.

24 (~~(42)~~) (43) "Writing" means handwriting, typewriting, printing,
25 photostating, photographing, and every other means of recording any
26 form of communication or representation, including, but not limited to,
27 letters, words, pictures, sounds, or symbols, or combination thereof,
28 and all papers, maps, magnetic or paper tapes, photographic films and
29 prints, motion picture, film and video recordings, magnetic or punched
30 cards, discs, drums, diskettes, sound recordings, and other documents
31 including existing data compilations from which information may be
32 obtained or translated.

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

35 **Sec. 10.** RCW 42.17.040 and 1989 c 280 s 2 are each amended to read
36 as follows:

37 (1) Every political committee, within two weeks after its
38 organization or, within two weeks after the date when it first has the

1 expectation of receiving contributions or making expenditures in any
2 election campaign, whichever is earlier, shall file a statement of
3 organization with the commission and with the county auditor or
4 elections officer of the county in which the candidate resides, or in
5 the case of any other political committee, the county in which the
6 treasurer resides. An independent expenditure committee must file a
7 statement of organization with the commission and with the appropriate
8 county elections officer, as specified under section 11 of this act, at
9 least thirty days before the election regarding which it expects to
10 receive contributions or make expenditures. A political committee
11 organized within the last three weeks before an election and having the
12 expectation of receiving contributions or making expenditures during
13 and for that election campaign shall file a statement of organization
14 within three business days after its organization or when it first has
15 the expectation of receiving contributions or making expenditures in
16 the election campaign.

17 (2) The statement of organization shall include but not be limited
18 to:

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

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

22 (c) The names, addresses, and titles of its officers; or if it has
23 no officers, the names, addresses, and titles of its responsible
24 leaders;

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

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

27 (f) The name, office sought, and party affiliation of each
28 candidate whom the committee is supporting or opposing, and, if the
29 committee is supporting the entire ticket of any party, the name of the
30 party;

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

33 (h) The general nature of the interest or interests represented by
34 a noncandidate political committee;

35 (i) What distribution of surplus funds will be made, in accordance
36 with RCW 42.17.095, in the event of dissolution;

37 ~~((+i))~~ (j) The street address of the place and the hours during
38 which the committee will make available for public inspection its books
39 of account and all reports filed in accordance with RCW 42.17.080; and

1 (~~(j)~~) (k) Such other information as the commission may (~~by~~
2 regulation) prescribe by rule, in keeping with the policies and
3 purposes of this chapter.

4 (3) Any material change in information previously submitted in a
5 statement of organization shall be reported to the commission and to
6 the appropriate county elections officer within the ten days following
7 the change.

8 NEW SECTION. **Sec. 11.** A new section is added to chapter 42.17 RCW
9 to read as follows:

10 Every statement of organization, report, or other filing required
11 by this chapter to be filed by an independent expenditure committee
12 must be filed with the commission and the appropriate county elections
13 officer. The appropriate county elections officer for an independent
14 expenditure committee is the county auditor or other elections officer
15 of the county in which any candidate supported or opposed resides.

16 **Sec. 12.** RCW 42.17.100 and 1995 c 397 s 28 are each amended to
17 read as follows:

18 (1) For the purposes of this section and RCW 42.17.550 the term
19 "independent expenditure" means any expenditure that is made in support
20 of or in opposition to any candidate or ballot proposition and is not
21 otherwise required to be reported pursuant to RCW 42.17.060, 42.17.080,
22 or 42.17.090. "Independent expenditure" does not include: An internal
23 political communication primarily limited to the contributors to a
24 political party organization or political action committee, or the
25 officers, management staff, and stockholders of a corporation or
26 similar enterprise, or the members of a labor organization or other
27 membership organization; or the rendering of personal services of the
28 sort commonly performed by volunteer campaign workers, or incidental
29 expenses personally incurred by volunteer campaign workers not in
30 excess of fifty dollars personally paid for by the worker. "Volunteer
31 services," for the purposes of this section, means services or labor
32 for which the individual is not compensated by any person.

33 (2) Within five days after the date of making an independent
34 expenditure that by itself or when added to all other such independent
35 expenditures made during the same election campaign by the same person
36 equals one hundred dollars or more, or within five days after the date
37 of making an independent expenditure for which no reasonable estimate

1 of monetary value is practicable, whichever occurs first, the person
2 who made the independent expenditure shall file with the commission and
3 the county elections officer of the county of residence for the
4 candidate supported or opposed by the independent expenditure (or in
5 the case of an expenditure made in support of or in opposition to a
6 local ballot proposition, the county of residence for the person making
7 the expenditure) an initial report of all independent expenditures made
8 during the campaign prior to and including such date.

9 (3) At the following intervals each person who is required to file
10 an initial report pursuant to subsection (2) of this section shall file
11 with the commission and the county elections officer of the county of
12 residence for the candidate supported or opposed by the independent
13 expenditure (or in the case of an expenditure made in support of or in
14 opposition to a ballot proposition, the county of residence for the
15 person making the expenditure) a further report of the independent
16 expenditures made since the date of the last report:

17 (a) On the twenty-first day and the seventh day preceding the date
18 on which the election is held; and

19 (b) On the tenth day of the first month after the election; and

20 (c) On the tenth day of each month in which no other reports are
21 required to be filed pursuant to this section. However, the further
22 reports required by this subsection (3) shall only be filed if the
23 reporting person has made an independent expenditure since the date of
24 the last previous report filed.

25 The report filed pursuant to paragraph (a) of this subsection (3)
26 shall be the final report, and upon submitting such final report the
27 duties of the reporting person shall cease, and there shall be no
28 obligation to make any further reports.

29 (4) All reports filed pursuant to this section shall be certified
30 as correct by the reporting person.

31 (5) Each report required by subsections (2) and (3) of this section
32 shall disclose for the period beginning at the end of the period for
33 the last previous report filed or, in the case of an initial report,
34 beginning at the time of the first independent expenditure, and ending
35 not more than one business day before the date the report is due:

36 (a) The name and address of the person filing the report;

37 (b) The name and address of each person to whom an independent
38 expenditure was made in the aggregate amount of more than fifty
39 dollars, and the amount, date, and purpose of each such expenditure((-

1 ~~If no reasonable estimate of the monetary value of a particular~~
2 ~~independent expenditure is practicable, it is sufficient to report~~
3 ~~instead)), including a precise description of services, property, or~~
4 ~~rights furnished through the expenditure and where appropriate to~~
5 ~~attach a copy of the item produced or distributed by the expenditure;~~

6 (c) The total sum of all independent expenditures made during the
7 campaign to date; and

8 (d) Such other information as shall be required by the commission
9 by rule in conformance with the policies and purposes of this chapter.

10 (6) No person may make independent expenditures in support of or in
11 opposition to a specific candidate that in the aggregate exceed five
12 thousand dollars within twenty-one days before an election.

13 (7) An independent expenditure committee must file a copy of any
14 political advertising it proposes to place or distribute with the
15 commission and the appropriate county elections officer, as specified
16 under section 11 of this act, at least five business days before
17 distribution.

18 **Sec. 13.** RCW 42.17.510 and 1995 c 397 s 19 are each amended to
19 read as follows:

20 (1) All written political advertising, whether relating to
21 candidates or ballot propositions, shall include the sponsor's name and
22 address. All radio and television political advertising, whether
23 relating to candidates or ballot propositions, shall include the
24 sponsor's name. All telephone and electronic communications, whether
25 relating to candidates or ballot measures, undertaken by or at the
26 instigation of a political committee, must include the sponsor's name.
27 The use of an assumed name shall be unlawful. The party with which a
28 candidate files shall be clearly identified in political advertising
29 for partisan office.

30 (2) All political advertising by a candidate for state office who
31 has failed to file a statement of acceptance of voluntary expenditure
32 limits, as set forth in section 3 of this act, must include, along with
33 the sponsor's name and address, the following statement: "THIS
34 CANDIDATE HAS NOT AGREED TO ACCEPT VOLUNTARY CAMPAIGN SPENDING LIMITS."

35 (3) All political advertising by a candidate for state office who
36 has filed a statement of acceptance of voluntary expenditure limits, as
37 set forth in section 3 of this act, must include, along with the

1 sponsor's name and address, the following statement: "THIS CANDIDATE
2 HAS AGREED TO ACCEPT VOLUNTARY CAMPAIGN SPENDING LIMITS."

3 ~~(4)~~ In addition ~~((to the materials required by subsection (1) of~~
4 ~~this section))~~, all political advertising relating to a candidate
5 undertaken as an independent expenditure ((by a person or entity other
6 than a party organization)) must include the following statement on the
7 communication "NOTICE TO VOTERS (Required by law): This advertisement
8 is an independent expenditure of funds not authorized or approved by
9 any candidate. There are no limits on the amount of independent
10 expenditures that may be made or on the amount of any contribution for
11 an independent expenditure. It is paid for by (name, address, city,
12 state, committee president's name, employer, daytime address and
13 telephone number, treasurer's name, employer, daytime address and
14 telephone number)." If ~~((the))~~ an advertisement relating to a
15 candidate undertaken as an independent expenditure is undertaken by a
16 nonindividual ~~((other than a party organization))~~, then the notice must
17 (a) disclose the general nature of the interests represented by the
18 independent expenditure committee, as determined by the commission
19 under section 14 of this act, immediately after the name of the
20 committee; and (b) include the following notation ((must also be
21 included)): "Top Five Contributors," followed by a listing of the
22 name~~((s))~~ of each of the five ((persons)) individuals or entities
23 making the largest contributions reportable under this chapter during
24 the twelve-month period before the date of the advertisement. The
25 nature of interests represented by each entity making such a
26 contribution, as determined by the commission under section 14 of this
27 act, must be disclosed immediately after the name of the entity.

28 ~~((+3))~~ (5) The statements and listings of contributors required by
29 ~~((subsections (1) and (2) of))~~ this section shall:

30 (a) Appear on the first page or fold of the written communication
31 in at least ten-point type, or in type at least ten percent of the
32 largest size type used in a written communication directed at more than
33 one voter, such as a billboard or poster, whichever is larger;

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

35 (c) Be set apart from any other printed matter; and

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

37 ~~((+4))~~ (6) Political yard signs are exempt from the requirement of
38 ~~((subsections (1) and (2) of))~~ this section that the name and address
39 of the sponsor of political advertising be listed on the advertising.

1 In addition, the (~~public disclosure~~) commission shall, by rule,
2 exempt from the identification requirements of (~~subsections (1) and~~
3 ~~(2) of~~) this section forms of political advertising such as campaign
4 buttons, balloons, pens, pencils, sky-writing, inscriptions, and other
5 forms of advertising where identification is impractical.

6 ((+5)) For the purposes of this section, "yard sign" means any
7 outdoor sign with dimensions no greater than eight feet by four feet.

8 NEW SECTION. Sec. 14. A new section is added to chapter 42.17 RCW
9 to read as follows:

10 The commission shall assign a brief descriptive phrase indicating
11 the general nature of interests represented by each noncandidate
12 political committee paying for advertisements. This phrase must be
13 included immediately after the name of the committee in each
14 advertisement undertaken by that committee and candidate reports for
15 contributions received from noncandidate political committees.

16 The commission shall assign a brief descriptive phrase indicating
17 the general nature of interests represented by each independent
18 expenditure committee. As provided under RCW 42.17.510, this phrase
19 must be included immediately after the name of the committee in each
20 advertisement relating to a candidate that the committee undertakes as
21 an independent contribution.

22 The commission shall assign a brief descriptive phrase indicating
23 the general nature of interests represented by each entity making a
24 contribution to an independent expenditure committee. As provided
25 under RCW 42.17.510, this phrase must be included immediately after the
26 name of each entity listed as one of the top five contributors to the
27 committee making the advertisement.

28 **Sec. 15.** RCW 42.17.680 and 1993 c 2 s 8 are each amended to read
29 as follows:

30 (1) No employer or labor organization may increase the salary of an
31 officer or employee, or give an emolument to an officer, employee, or
32 other person or entity, with the intention that the increase in salary,
33 or the emolument, or a part of it, be contributed or spent to support
34 or oppose a candidate, (~~state~~) elected official against whom recall
35 charges have been filed, ballot proposition, political party, or
36 political committee.

1 (2) No employer or labor organization may discriminate against an
2 officer or employee in the terms or conditions of employment for (a)
3 (~~the failure~~) contributing or failing to contribute to, (b) (~~the~~
4 ~~failure~~) in any way failing to support or oppose, or (c) in any way
5 supporting or opposing, a candidate, elected official against whom
6 recall charges have been filed, ballot proposition, political party, or
7 political committee.

8 (3) No employer or other person or entity responsible for the
9 disbursement of funds in payment of wages or salaries may withhold or
10 divert a portion of an employee's wages or salaries for contributions
11 to a candidate, elected official against whom recall charges have been
12 filed, ballot proposition, political party, or political (~~committees~~
13 ~~or for use as political contributions~~) committee, except upon the
14 written request of the employee. The request must be made on a form
15 prescribed by the commission informing the employee of the prohibition
16 against employer and labor organization discrimination described in
17 subsection (2) of this section. The request is valid for no more than
18 twelve months from the date it is made by the employee.

19 (4) Each employer or other person (~~or entity~~) who withholds
20 contributions under subsection (3) of this section shall maintain open
21 for public inspection for a period of no less than three years, during
22 normal business hours, documents and books of accounts that shall
23 include a copy of each employee's request, the amounts and dates funds
24 were actually withheld, and the amounts and dates funds were
25 transferred to a candidate, political party, or political committee.
26 Copies of such information shall be delivered to the commission upon
27 request.

28 (5)(a) A for-profit corporation formed under the laws of this or
29 another state may make a contribution or independent expenditure in
30 support of or opposition to a candidate for state office or state
31 ballot proposition only as authorized in (b) or (c) of this subsection.

32 (b) A corporation may spend corporate funds for the purposes set
33 forth in (a) of this subsection with the approval of the majority of
34 the corporation's stockholders. Stockholder approval is valid for no
35 more than twelve months from the date it is given by the stockholders.
36 Documentation of stockholder approval must be filed with the
37 commission.

38 (c) A corporation may spend corporate funds to establish and
39 administer a political committee affiliated with the corporation for

1 the purposes set forth in (a) of this subsection, and for the
2 solicitation of contributions to the committee. Contributions and
3 independent expenditures by the political committee may be made only
4 from contributions solicited from the following persons or their
5 spouses: (i) Stockholders of the corporation; (ii) officers and
6 directors of the corporation; or (iii) employees of the corporation who
7 have policy-making, managerial, professional, supervisory, or
8 administrative, nonclerical responsibilities.

9 NEW SECTION. Sec. 16. A new section is added to chapter 42.17 RCW
10 to read as follows:

11 (1) An assessment of five percent of its total quarterly
12 expenditures is imposed upon each political committee required by this
13 chapter to report expenditures in that calendar quarter. The
14 commission shall collect the assessments for the previous quarter, and
15 transmit them, along with a properly detailed report, to the state
16 treasurer for deposit in the campaign finance disclosure and
17 enforcement account.

18 (2) The campaign finance disclosure and enforcement account is
19 created in the custody of the state treasurer. All receipts from
20 assessments and penalties paid under this chapter must be deposited
21 into the account. Expenditures from the account may be used only for
22 campaign finance disclosure and enforcement of this chapter. Only the
23 executive director of the commission or the executive director's
24 designee may authorize expenditures from the account. The account is
25 subject to allotment procedures under chapter 43.88 RCW, but an
26 appropriation is not required for expenditures.

27 **Sec. 17.** RCW 42.17.390 and 1993 c 2 s 28 are each amended to read
28 as follows:

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

32 (1) If the court finds that the violation of any provision of this
33 chapter by any candidate or political committee probably affected the
34 outcome of any election, the result of said election may be held void
35 and a special election held within sixty days of such finding. Any
36 action to void an election shall be commenced within one year of the
37 date of the election in question. It is intended that this remedy be

1 imposed freely in all appropriate cases to protect the right of the
2 electorate to an informed and knowledgeable vote.

3 (2) If any lobbyist or sponsor of any grass roots lobbying campaign
4 violates any of the provisions of this chapter, his registration may be
5 revoked or suspended and he may be enjoined from receiving compensation
6 or making expenditures for lobbying: PROVIDED, HOWEVER, That
7 imposition of such sanction shall not excuse said lobbyist from filing
8 statements and reports required by this chapter.

9 (3) Any person who violates any of the provisions of this chapter
10 may be subject to a civil penalty of not more than (~~ten~~) forty
11 thousand dollars for each such violation. However, a person or entity
12 who violates RCW 42.17.640 may be ordered to return any contribution
13 illegally accepted and may be subject to a civil penalty of (~~ten~~)
14 forty thousand dollars or three times the amount of the contribution
15 illegally made or accepted, whichever is greater.

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

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

23 (6) If a candidate or officer of a political committee is found to
24 have intentionally violated this chapter, he or she may be ordered to
25 pay any civil penalty imposed from personal funds.

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

29 **Sec. 18.** RCW 42.17.395 and 1989 c 175 s 91 are each amended to
30 read as follows:

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

34 (2) The commission, in cases where it chooses to determine whether
35 an actual violation of this chapter has occurred, shall hold a hearing
36 pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to
37 make such determination. Any order that the commission issues under
38 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 (2), (3), (4), and (5): PROVIDED, That no individual penalty assessed
10 by the commission may exceed (~~(one)~~) four thousand dollars, and in any
11 case where multiple violations are involved in a single complaint or
12 hearing, the maximum aggregate penalty may not exceed (~~(two)~~) ten
13 thousand (~~(five hundred)~~) dollars.

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

23 (6) A candidate or officer who or political committee that has not
24 paid a civil penalty imposed under RCW 42.17.390 or this section, or
25 has not complied with an order to cease and desist from the activity
26 that constitutes a violation, may not solicit or accept contributions,
27 or make expenditures, until the candidate, officer, or political
28 committee has paid the penalty and complied with the order.

29 (7) A lobbyist or sponsor of a grass roots lobbying campaign that
30 has not paid a civil penalty imposed under RCW 42.17.390 or this
31 section, or has not complied with an order to cease and desist from the
32 activity that constitutes a violation, may not lobby, receive
33 compensation, or make expenditures for lobbying, until the lobbyist or
34 sponsor has paid the penalty and complied with the order.

--- END ---