
HOUSE BILL 1354

State of Washington

57th Legislature

2001 Regular Session

By Representatives McDermott, Haigh, D. Schmidt, Lambert, Miloscia, Keiser and Schual-Berke; by request of Public Disclosure Commission

Read first time 01/24/2001. Referred to Committee on State Government.

1 AN ACT Relating to special reporting of independent expenditures
2 and contributions occurring in close proximity to elections; amending
3 RCW 42.17.105 and 42.17.175; adding a new section to chapter 42.17 RCW;
4 and providing an effective date.

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) The sponsor of political advertising who, within twenty-one
9 days of an election, publishes, mails, or otherwise presents to the
10 public political advertising supporting or opposing a candidate or
11 ballot proposition that qualifies as an independent expenditure with a
12 fair market value of one thousand dollars or more shall deliver, either
13 electronically or in written form, a special report to the commission
14 within twenty-four hours of, or on the first working day after, the
15 date the political advertising is first published, mailed, or otherwise
16 presented to the public.

17 (2) If a sponsor is required to file a special report under this
18 section, the sponsor shall also deliver to the commission within the
19 delivery period established in subsection (1) of this section a special

1 report for each subsequent independent expenditure of any size
2 supporting or opposing the same candidate who was the subject of the
3 previous independent expenditure, supporting or opposing that
4 candidate's opponent, or supporting or opposing the same ballot
5 proposition that was the subject of the previous independent
6 expenditure.

7 (3) The special report must include at least:

8 (a) The name and address of the person making the expenditure;

9 (b) The name and address of the person to whom the expenditure was
10 made;

11 (c) A detailed description of the expenditure;

12 (d) The date the expenditure was made and the date the political
13 advertising was first published or otherwise presented to the public;

14 (e) The amount of the expenditure;

15 (f) The name of the candidate supported or opposed by the
16 expenditure, the office being sought by the candidate, and whether the
17 expenditure supports or opposes the candidate; or the name of the
18 ballot proposition supported or opposed by the expenditure and whether
19 the expenditure supports or opposes the ballot proposition; and

20 (g) Any other information the commission may require by rule.

21 (4) All persons required to report under RCW 42.17.080, 42.17.090,
22 and 42.17.100 are subject to the requirements of this section. The
23 commission may determine that reports filed pursuant to this section
24 also satisfy the requirements of RCW 42.17.100.

25 (5) The sponsor of independent expenditures supporting a candidate
26 or opposing that candidate's opponent required to report under this
27 section shall file with each required report an affidavit or
28 declaration of the person responsible for making the independent
29 expenditure that the expenditure was not made in cooperation,
30 consultation, or concert with, or at the request or suggestion of, the
31 candidate, the candidate's authorized committee, or the candidate's
32 agent, or with the encouragement or approval of the candidate, the
33 candidate's authorized committee, or the candidate's agent.

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

36 (1) Campaign treasurers shall prepare and deliver to the commission
37 a special report regarding any contribution or aggregate of
38 contributions which: (~~Exceeds five hundred~~) Is one thousand dollars

1 or more; is from a single person or entity; and is received during a
2 special reporting period.

3 Any political committee making a contribution or an aggregate of
4 contributions to a single entity which (~~exceeds five hundred~~) is one
5 thousand dollars or more shall also prepare and deliver to the
6 commission the special report if the contribution or aggregate of
7 contributions is made during a special reporting period.

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

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

10 (i) The interval beginning after the period covered by the last report
11 required by RCW 42.17.080 and 42.17.090 to be filed before a primary
12 and concluding on the end of the day before that primary; and (ii) the
13 interval composed of the twenty-one days preceding a general election;
14 and

15 (b) An aggregate of contributions includes only those contributions
16 received from a single entity during any one special reporting period
17 or made by the contributing political committee to a single entity
18 during any one special reporting period.

19 (2) If a campaign treasurer files a special report under this
20 section for one or more contributions received from a single entity
21 during a special reporting period, the treasurer shall also file a
22 special report under this section for each subsequent contribution of
23 any size which is received from that entity during the special
24 reporting period. If a political committee files a special report
25 under this section for a contribution or contributions made to a single
26 entity during a special reporting period, the political committee shall
27 also file a special report for each subsequent contribution of any size
28 which is made to that entity during the special reporting period.

29 (3) Except as provided in subsection (4) of this section, the
30 special report required by this section shall be delivered
31 electronically or in written form, including but not limited to
32 mailgram, telegram, or nightletter. The special report required of a
33 contribution recipient by subsection (1) of this section shall be
34 delivered to the commission within forty-eight hours of the time, or on
35 the first working day after: The contribution (~~exceeding five~~
36 ~~hundred~~) of one thousand dollars or more is received by the candidate
37 or treasurer; the aggregate received by the candidate or treasurer
38 first (~~exceeds five hundred~~) equals one thousand dollars or more; or
39 the subsequent contribution that must be reported under subsection (2)

1 of this section is received by the candidate or treasurer. The special
2 report required of a contributor by subsection (1) of this section or
3 RCW 42.17.175 shall be delivered to the commission, and the candidate
4 or political committee to whom the contribution or contributions are
5 made, within twenty-four hours of the time, or on the first working day
6 after: The contribution is made; the aggregate of contributions made
7 first (~~exceeds five hundred~~) equals one thousand dollars or more; or
8 the subsequent contribution that must be reported under subsection (2)
9 of this section is made.

10 (4) The special report may be transmitted orally by telephone to
11 the commission to satisfy the delivery period required by subsection
12 (3) of this section if the written form of the report is also mailed to
13 the commission and postmarked within the delivery period established in
14 subsection (3) of this section or the file transfer date of the
15 electronic filing is within the delivery period established in
16 subsection (3) of this section.

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

- 18 (a) The amount of the contribution or contributions;
- 19 (b) The date or dates of receipt;
- 20 (c) The name and address of the donor;
- 21 (d) The name and address of the recipient; and
- 22 (e) Any other information the commission may by rule require.

23 (6) Contributions reported under this section shall also be
24 reported as required by other provisions of this chapter.

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

27 (8) It is a violation of this chapter for any person to make, or
28 for any candidate or political committee to accept from any one person,
29 contributions reportable under RCW 42.17.090 in the aggregate exceeding
30 fifty thousand dollars for any campaign for statewide office or
31 exceeding five thousand dollars for any other campaign subject to the
32 provisions of this chapter within twenty-one days of a general
33 election. This subsection does not apply to contributions made by, or
34 accepted from, a bona fide political party as defined in this chapter,
35 excluding the county central committee or legislative district
36 committee.

37 (9) Contributions governed by this section include, but are not
38 limited to, contributions made or received indirectly through a third

1 party or entity whether the contributions are or are not reported to
2 the commission as earmarked contributions under RCW 42.17.135.

3 **Sec. 3.** RCW 42.17.175 and 1991 c 157 s 2 are each amended to read
4 as follows:

5 Any lobbyist registered under RCW 42.17.150, any person who
6 lobbies, and any lobbyist's employer making a contribution or an
7 aggregate of contributions to a single entity that (~~exceeds five~~
8 ~~hundred~~) is one thousand dollars or more during a special reporting
9 period before a primary or general election, as such period is
10 specified in RCW 42.17.105(1), shall file one or more special reports
11 for the contribution or aggregate of contributions and for subsequent
12 contributions made during that period under the same circumstances and
13 to the same extent that a contributing political committee must file
14 such a report or reports under RCW 42.17.105. Such a special report
15 shall be filed in the same manner provided under RCW 42.17.105 for a
16 special report of a contributing political committee.

17 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2002.

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