

SB 6152 - S AMD 62
By Senator Kastama

ADOPTED 02/09/2006

1 Strike everything after the enacting clause and insert the
2 following:

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

5 It is the intent of the legislature to increase the authority of
6 the public disclosure commission to more effectively foster compliance
7 with our state's public disclosure and fair campaign practices act. It
8 is the intent of the legislature to make the agency's penalty authority
9 for violations of this chapter more consistent with other agencies that
10 enforce state ethics laws and more commensurate with the level of
11 political spending in the state of Washington.

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

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

17 (1) If the court finds that the violation of any provision of this
18 chapter by any candidate or political committee probably affected the
19 outcome of any election, the result of said election may be held void
20 and a special election held within sixty days of such finding. Any
21 action to void an election shall be commenced within one year of the
22 date of the election in question. It is intended that this remedy be
23 imposed freely in all appropriate cases to protect the right of the
24 electorate to an informed and knowledgeable vote.

25 (2) If any lobbyist or sponsor of any grass roots lobbying campaign
26 violates any of the provisions of this chapter, his or her registration
27 may be revoked or suspended and he or she may be enjoined from
28 receiving compensation or making expenditures for lobbying: PROVIDED,

1 HOWEVER, That imposition of such sanction shall not excuse said
2 lobbyist from filing statements and reports required by this chapter.

3 (3) Any person who violates any of the provisions of this chapter
4 may be subject to a civil penalty of not more than ten thousand dollars
5 for each such violation. However, a person or entity who violates RCW
6 42.17.640 may be subject to a civil penalty of ten thousand dollars or
7 three times the amount of the contribution illegally made or accepted,
8 whichever is greater.

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

13 (5) Any person who fails to report a contribution or expenditure as
14 required by this chapter may be subject to a civil penalty equivalent
15 to the amount ~~((he failed to report))~~ not reported as required.

16 (6) The court may enjoin any person to prevent the doing of any act
17 herein prohibited, or to compel the performance of any act required
18 herein.

19 **Sec. 3.** RCW 42.17.395 and 1989 c 175 s 91 are each amended to read
20 as follows:

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

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

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

32 (4) The person against whom an order is directed under this section
33 shall be designated as the respondent. The order may require the
34 respondent to cease and desist from the activity that constitutes a
35 violation and in addition, or alternatively, may impose one or more of
36 the remedies provided in RCW 42.17.390 ~~((1) (b), (c), (d), or (e) +~~
37 ~~PROVIDED, That))~~ (2) through (5). No individual penalty assessed by

1 the commission may exceed one thousand seven hundred dollars, and in
2 any case where multiple violations are involved in a single complaint
3 or hearing, the maximum aggregate penalty may not exceed (~~two~~) four
4 thousand (~~five~~) two hundred dollars.

5 (5) An order issued by the commission under this section shall be
6 subject to judicial review under the Administrative Procedure Act,
7 chapter 34.05 RCW. If the commission's order is not satisfied and no
8 petition for review is filed within thirty days as provided in RCW
9 34.05.542, the commission may petition a court of competent
10 jurisdiction of any county in which a petition for review could be
11 filed under that section, for an order of enforcement. Proceedings in
12 connection with the commission's petition shall be in accordance with
13 RCW 42.17.397.

14 NEW SECTION. **Sec. 4.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected."

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18 On page 1, line 2 of the title, after "act;" strike the remainder
19 of the title and insert "amending RCW 42.17.390 and 42.17.395; adding
20 a new section to chapter 42.17 RCW; and prescribing penalties."

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