
SENATE BILL 5010

State of Washington

62nd Legislature

2011 Regular Session

By Senators White, Kline, Kohl-Welles, Keiser, Tom, Murray, Chase, Nelson, and Haugen

Read first time 01/10/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to public funding for supreme court campaigns;
2 amending RCW 42.17.390 and 42.17A.750; reenacting and amending RCW
3 3.62.060; adding new sections to chapter 42.17 RCW; adding a new
4 section to chapter 36.18 RCW; creating new sections; prescribing
5 penalties; providing an effective date; and providing an expiration
6 date.

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

8 NEW SECTION. **Sec. 1.** INTENT. (1) The intent of this act is to
9 protect the fairness of elections for the highest court in Washington
10 state - the supreme court. Doing so will foster the public's trust in
11 the integrity and independence of the court in the face of increasingly
12 large sums of money raised and spent by special interest groups. That
13 flood of money threatens the impartiality, independence, and
14 credibility of our judiciary. To maintain public confidence in the
15 judiciary, we must prevent not only corruption, but the appearance of
16 corruption, for the judiciary is the one branch of government that must
17 be uniquely impartial, independent, and unbiased in order to best serve
18 the residents of Washington. It is destructive for our democracy to
19 allow the court to become influenced by large amounts of money, and for

1 our citizens to think that judicial decisions are influenced by those
2 large amounts of money. This act is necessary to ensure that our
3 highest courts continue to be unbiased and insulated from special
4 interests.

5 (2) Therefore, this act, the judicial election reform act,
6 introduces a voluntary pilot project to provide an alternative source
7 of financing candidates for the Washington supreme court who
8 demonstrate public support and voluntarily accept strict fundraising
9 and spending limits.

10 (3) The provisions of this act must be broadly interpreted to carry
11 out the purpose and intent of this act.

12 NEW SECTION. **Sec. 2.** DEFINITIONS. In addition to the definitions
13 in RCW 42.17.020, the definitions in this section apply throughout
14 sections 1 through 21 of this act unless the context clearly requires
15 otherwise.

16 (1) "Contested election" means an election in which there are two
17 or more candidates running for the same office whose names will appear
18 on the ballot.

19 (2) "Nonparticipating candidate" means a candidate for supreme
20 court justice who is on the ballot but has chosen not to apply for
21 public funds from the judicial election reform act fund or a candidate
22 who is on the ballot and has applied but has not been certified to
23 receive public funds from the judicial election reform act fund.

24 (3) "Publicly financed candidate" means a candidate who becomes
25 certified to receive public campaign funds under section 6 of this act.

26 (4) "Qualifying contribution" means a contribution in an amount of
27 at least ten dollars, but no more than twenty-five percent of the
28 maximum contribution limit allowed under RCW 42.17.645, made by a
29 registered voter of the state, and is received during the qualifying
30 period.

31 (5) "Qualifying period" means the period beginning February 1st of
32 the election year and ending one week after the close of the regular
33 filing period for the office.

34 (6) "Uncontested election" means an election in which a candidate
35 running for a specified office has no opponent on the ballot.

1 NEW SECTION. **Sec. 3.** JUDICIAL ELECTION REFORM ACT FUND. (1) The
2 judicial election reform act fund is created in the custody of the
3 state treasurer. All receipts under sections 4 through 17 of this act
4 required to be deposited into the fund must be deposited into the fund.
5 Expenditures from the fund may be used only for the purposes of the
6 judicial election reform act, sections 1 through 21 of this act. Only
7 the commission may authorize expenditures from the fund. The fund is
8 subject to allotment procedures under chapter 43.88 RCW, but an
9 appropriation is not required for expenditures.

10 (2) When the funds in the account have been fully distributed, the
11 commission and treasurer must cease making any public funds
12 disbursements under sections 12 and 13 of this act. No candidate may
13 receive any disbursement of funds beyond those authorized under
14 sections 12 and 13 of this act, nor may any candidate receive any
15 further disbursements of funds under sections 12 and 13 of this act
16 when the appropriation has been exhausted. The commission may adopt
17 rules to address distribution of remaining funds in the account for
18 pending requests.

19 NEW SECTION. **Sec. 4.** VOLUNTARY LIMITATIONS ON CONTRIBUTIONS FOR
20 JUDICIAL CAMPAIGNS. A publicly financed candidate and a publicly
21 financed candidate's authorized committee shall:

22 (1) Only accept contributions from individuals, and only as
23 qualifying contributions under section 5 of this act;

24 (2) During the qualifying period and solely for the purpose of
25 raising qualifying contributions, accept no more than two times the
26 contribution limit under RCW 42.17.645 of the candidate's personal
27 funds;

28 (3) Collect at least five hundred qualifying contributions that, in
29 the aggregate total at least twenty-five times the filing fee for the
30 office of supreme court justice in accordance with section 5 of this
31 act;

32 (4) File the required reports regarding qualifying and expenditures
33 to the commission;

34 (5) Expend only self-contributed funds or funds received from the
35 judicial election reform act fund after being certified as a publicly
36 funded candidate;

1 (6) Sign a joint statement with the treasurer of the publicly
2 financed candidate's authorized committee, under oath, promising to
3 comply with the provisions of this chapter; and

4 (7) Comply with the provisions of this chapter to the extent
5 required for publicly funded candidates as prescribed by the
6 commission.

7 NEW SECTION. **Sec. 5.** APPLICATION FOR CERTIFICATION. A candidate
8 who wishes to receive public campaign funds must:

9 (1) File an application with the commission declaring his or her
10 intent to participate in the program as a candidate for the supreme
11 court. The application must be filed before or during the qualifying
12 period. In the application, the candidate must affirm that only one
13 political committee, identified with its treasurer, must handle all
14 contributions, expenditures, and obligations for the publicly financed
15 candidate and that the candidate will comply with the provisions set
16 forth in sections 1 through 21 of this act and rules adopted by the
17 commission; and

18 (2) Obtain at least five hundred qualifying contributions not
19 including self-contributed funds that, in the aggregate total at least
20 twenty-five times the filing fee for the office by the end of the
21 qualifying period. No payment, gift, or anything of value may be given
22 in exchange for a qualifying contribution. A qualifying contribution
23 must be:

24 (a) Made by a registered voter of the state;

25 (b) Made by a person who is not given anything of value in exchange
26 for the qualifying contribution;

27 (c) In an amount of at least ten dollars but not more than twenty-
28 five percent of the contribution limit allowed under RCW 42.17.645;

29 (d) Received during the qualifying period by the candidate or on
30 behalf of the candidate; and

31 (e) Made by check, money order, or credit card.

32 NEW SECTION. **Sec. 6.** CERTIFICATION AS A PUBLICLY FINANCED
33 CANDIDATE. (1) Upon receipt of an application, the commission must
34 determine whether or not the candidate has complied with the following
35 requirements:

36 (a) Signed and filed an application to participate;

1 (b) Submitted a report itemizing the qualifying contributions
2 received. The report must include the name, home address, telephone
3 number, and county of residence for each person who made a contribution
4 and the date the contribution was received, and any other information
5 required by the commission;

6 (c) Submitted a check or money order equal to the total qualifying
7 contributions, less money expended for the purpose of raising
8 qualifying contributions received by the candidate in accordance with
9 section 7 of this act, made out to the judicial election reform act
10 fund; and

11 (d) Submitted affidavits signed by persons collecting qualifying
12 contributions stating that, to the best of his or her knowledge, the
13 contribution was made by a registered voter of the state.

14 (2) Once the requirements in subsection (1) of this section are
15 met, the commission must verify that pursuant to section 5 of this act,
16 a sufficient number of qualifying contributions were made by registered
17 voters of the state at the time the contribution was made.

18 (3) The commission must determine if a candidate meets the
19 requirements for public financing within seven calendar days of the
20 filing of an application. If the requirements of subsection (2) of
21 this section are met, the commission must certify the candidate for
22 public financing. If the commission denies certification, it must
23 provide written reasons why certification is denied. Any candidate who
24 is denied certification may reapply one time by submitting the required
25 information or the number of qualifying contributions needed to
26 complete the certification within fourteen calendar days of the date of
27 the commission's decision.

28 (4) A candidate who is certified as a publicly financed candidate
29 may use that designation in campaign materials and will be so
30 designated in the state voters' pamphlet.

31 NEW SECTION. **Sec. 7.** QUALIFYING CONTRIBUTIONS. A publicly
32 financed candidate may expend money received as qualifying
33 contributions, as well as the candidate's personal funds, to pay for
34 expenses related to raising qualifying contributions. The amount of
35 qualifying contributions used for this purpose may not exceed twenty-
36 five percent of the minimum dollar amount of qualifying contributions

1 required under section 5 of this act. Expenditures made for the
2 purpose of this section must be reported as required under RCW
3 42.17.080 and 42.17.090 or as determined by the commission by rule.

4 NEW SECTION. **Sec. 8.** CONTROLS ON A PUBLICLY FINANCED CANDIDATE'S
5 AUTHORIZED COMMITTEE. A publicly financed candidate and the publicly
6 financed candidate's authorized committee must file the reports
7 required pursuant to this chapter as determined by the commission.

8 NEW SECTION. **Sec. 9.** USES OF PUBLIC FUNDS. (1) Money in the
9 account of a publicly financed candidate's authorized committee may
10 only be used for purposes directly related to the candidate's campaign.

11 (2) Money in the account of a publicly financed candidate's
12 authorized committee may not be used to pay fines or civil penalties,
13 for costs or legal fees related to representation before the
14 commission, or for defense of an enforcement action under this chapter.
15 Nothing in this chapter prevents a publicly financed candidate from
16 having a legal defense fund.

17 NEW SECTION. **Sec. 10.** RETURN OF FUNDS. (1) If a candidate
18 attempts to qualify for public funding but does not meet the threshold
19 for qualification, withdraws from the program before certification, is
20 denied certification under section 6 of this act, or revokes
21 participation under section 11 of this act, the candidate must pay to
22 the fund the total dollar amount of qualifying contributions received
23 during the qualifying period, less money expended for the purpose of
24 raising qualifying contributions and the candidate's own self-
25 contributed funds in accordance with section 7 of this act.

26 (2) Publicly financed candidates must return all unused funds, less
27 the candidate's own self-contributed funds, to the judicial election
28 reform act fund within thirty calendar days of the date they are no
29 longer a candidate.

30 NEW SECTION. **Sec. 11.** REVOCATION. (1) A publicly financed
31 candidate may revoke in writing to the commission a decision to
32 participate in the public financing program no later than June 30th in
33 the year of the election. After a timely revocation, that candidate

1 may accept and expend money outside the provisions of this act. Within
2 thirty days after revocation, a candidate must return to the commission
3 all money received from the judicial election reform act fund.

4 (2) A publicly financed candidate who revokes a decision to
5 participate in the public financing program after the time period
6 established in subsection (1) of this section must return all money
7 received from the judicial election reform act fund and pay a fine of
8 one thousand dollars per day for each day beyond the allowed revocation
9 period and the day the candidate revokes.

10 NEW SECTION. **Sec. 12.** CAMPAIGN FUNDING. (1)(a) Within five
11 business days after a publicly financed candidate's name is approved to
12 appear on the primary ballot by the appropriate elections officer, the
13 commission must authorize the state treasurer to distribute to the
14 account of the authorized committee of each certified publicly financed
15 candidate an amount set, by rule, based on the number of participating
16 candidates filing for office. No candidate may receive an amount
17 greater than one hundred times the filing fee as established in RCW
18 29A.24.091 for the primary.

19 (b) Within five business days after a publicly financed candidate's
20 name is approved to appear on the general election ballot, the
21 commission must authorize the state treasurer to distribute funds to
22 the account of the authorized committee of each certified publicly
23 financed candidate in an amount equal to one hundred twenty-five times
24 the filing fee for the office as established in RCW 29A.24.091.

25 (c) Participating candidates in uncontested elections must receive
26 four times the filing fee as established in RCW 29A.24.091, plus the
27 net amount of qualifying contributions previously remitted to the
28 commission pursuant to section 6(1)(c) of this act.

29 (2) A publicly financed candidate must return within ten calendar
30 days to the judicial election reform act fund any amount distributed,
31 less the candidate's own self-contributed funds, for an election that
32 is unspent and uncommitted as of the date the candidate ceases to be a
33 candidate or as of the date of the election, whichever occurs first.

34 (3) The commission must authorize and the state treasurer must
35 distribute funds to publicly financed candidates in a manner that
36 ensures accountability and safeguards the integrity of the fund.

1 NEW SECTION. **Sec. 13.** RESCUE FUNDS. (1) When a report is filed
2 under this chapter or other evidence comes to the attention of the
3 commission indicating that a nonparticipating candidate has raised more
4 money than his or her publicly financed opponent has received in public
5 funding, the commission must notify the publicly financed candidate of
6 his or her eligibility for rescue funds.

7 (a) A publicly financed candidate may receive rescue funds equal to
8 the difference between the total amount received by the
9 nonparticipating candidate, less the nonparticipating candidate's own
10 self-contributed funds, for each election and the amount received by
11 the publicly financed candidate for each election. If there are
12 multiple nonparticipating candidates who have raised more money than
13 the publicly financed candidate has received, the publicly financed
14 candidate is eligible for rescue funds based on the difference between
15 the total amount raised by the nonparticipating candidate who has
16 received the most money, less that nonparticipating candidate's own
17 self-contributed funds, and the amount received by the publicly
18 financed candidate.

19 (b) The total amount a publicly financed candidate may receive in
20 rescue funds is five hundred times the filing fee for the office. If
21 rescue funds are triggered under this section, up to seventy-five
22 percent of the funds are available to a publicly financed candidate for
23 the primary election. If a publicly financed candidate is opposed by
24 only one candidate, all of the authorized rescue funds may be used for
25 the primary. A publicly financed candidate may determine when to
26 access available rescue funds.

27 (2)(a) Independent expenditures and electioneering communications
28 opposing a publicly financed candidate or supporting one or more
29 nonparticipating opponents of a publicly financed candidate must be
30 considered as contributions to each opposing candidate and the
31 commission must authorize rescue funds pursuant to subsection (1) of
32 this section to the publicly financed candidate.

33 (b) Independent expenditures and electioneering communications
34 supporting a publicly financed candidate must be considered, for every
35 opposing publicly financed candidate, as though the independent
36 expenditures or electioneering communications were a contribution to a
37 nonparticipating opponent and the commission must authorize rescue

1 funds pursuant to subsection (1) of this section to each opposing
2 publicly financed candidate.

3 (c) For purposes of this section, expenditures made by a
4 nonparticipating candidate and independent expenditures and
5 electioneering communications are deemed to have been made the day the
6 independent expenditure or electioneering communication is contracted
7 for, agreed to, or otherwise obligated.

8 (3) For purposes of this section, a candidate's own self-
9 contributed funds do not trigger rescue funds and may not be considered
10 in the calculation for rescue funds.

11 (4) If adequate funding is not available to fully equalize funding
12 for publicly financed candidates under this section, the commission may
13 authorize a lesser amount.

14 NEW SECTION. **Sec. 14.** REPORTS. (1)(a) Any nonparticipating
15 candidate who has a publicly financed opponent must report total
16 contributions received, including self-contributed funds, to the
17 commission electronically within twenty-four hours after the total
18 amount of contributions received exceeds eighty percent of the amount
19 authorized for publicly financed candidates under section 12 of this
20 act, and must make subsequent reports as required by the commission to
21 monitor contributions.

22 (b) Any person making independent expenditures or electioneering
23 communications in excess of three thousand dollars in support of or
24 opposition to a publicly financed candidate, or in support of a
25 candidate opposing a publicly financed candidate, must file a report
26 with the commission within twenty-four hours of the date the
27 independent expenditure or electioneering communication is contracted
28 for, agreed to, or otherwise obligated. The report must include the
29 following information:

30 (i) The name and address of the sponsor;

31 (ii) The source of funds for the independent expenditure or
32 electioneering communication;

33 (iii) Any other source information required by the commission by
34 rule;

35 (iv) The name and address of the person to whom the independent
36 expenditure or electioneering communication expenditure was made;

37 (v) A detailed description of the expenditure;

1 (vi) The date the expenditure was contracted for, agreed to, or
2 otherwise obligated;

3 (vii) The amount of the expenditure; and

4 (viii) Any other information the commission may require.

5 (c) The commission may adopt rules implementing the provisions of
6 this section, including rules that determine (i) whether filing under
7 this section satisfies the filing requirements under other provisions
8 of this chapter, and (ii) when the reporting requirements of this
9 section are no longer warranted because a publicly financed candidate
10 has received the maximum amount of rescue funds permitted by this
11 section.

12 (2) Publicly financed candidates must report in accordance with
13 rules adopted by the commission. A publicly financed candidate who
14 revokes his or her participation in the program, who ceases to be a
15 candidate, or who loses an election must file a final report with the
16 commission and return any unspent disbursements received from the
17 judicial election reform act fund, less self-contributed funds. In
18 developing reporting requirements for publicly financed candidates, the
19 commission must use existing campaign reporting procedures when
20 determined practicable by the commission.

21 (3) Any person who fails to report a contribution or expenditure as
22 required by this section is subject to a civil penalty equal to the
23 contribution or expenditure not reported.

24 (4) The commission must ensure prompt public access to the reports
25 received under this section.

26 NEW SECTION. **Sec. 15.** DISQUALIFICATION FROM PROGRAM. If the
27 commission finds that a publicly financed candidate or the publicly
28 financed candidate's committee is accepting or expending money outside
29 the provisions of section 4 of this act, the candidate is disqualified
30 from the program, is subject to a civil penalty under RCW 42.17.390,
31 and must return all money received from the judicial election reform
32 act fund, less self-contributed funds.

33 NEW SECTION. **Sec. 16.** IMPLEMENTATION AND ENFORCEMENT DUTIES. In
34 implementing the provisions of the judicial election reform act, the
35 commission shall:

1 (1) Prescribe forms for reports, statements, notices, and other
2 documents as required by sections 1 through 21 of this act;

3 (2) Prepare and publish instructions to facilitate compliance with
4 sections 1 through 21 of this act and explaining the duties of persons
5 and committees under sections 1 through 21 of this act;

6 (3) Adopt rules to carry out the policies of sections 1 through 21
7 of this act. These rules are not subject to the time restrictions of
8 RCW 42.17.370(1); and

9 (4) Enforce the provisions of sections 1 through 21 of this act,
10 ensure that money transferred from the judicial election reform act
11 fund into the account of an authorized committee of a publicly financed
12 candidate is spent as specified, and monitor reports filed and
13 financial records of candidates as needed to ensure that rescue funds
14 are promptly authorized to opposing qualified candidates under section
15 13 of this act.

16 NEW SECTION. **Sec. 17.** EXPEDITED ADMINISTRATIVE REVIEW. (1) The
17 commission shall develop an expedited administrative review process
18 that is not subject to the adjudicative proceedings of chapter 34.05
19 RCW. However, commission findings are subject to judicial review under
20 RCW 34.05.570(4).

21 (2) The following individuals may seek expedited administrative
22 review of commission decisions:

23 (a) Candidates and potential candidates whom the commission finds
24 ineligible to participate in the program;

25 (b) Publicly financed candidates who are denied rescue funds; and

26 (c) Opponents of a publicly financed candidate who disagree with a
27 decision by the commission to grant rescue funds to a publicly financed
28 candidate.

29 (3) In an expedited administrative review process, the commission
30 shall issue a final decision no more than five calendar days after
31 review is requested.

32 (4) The commission may adopt rules to implement this section.

33 (5) Any petition for judicial review of a final decision in an
34 expedited administrative review must be filed within five calendar days
35 of the final decision. In any judicial review, the court may not grant
36 a stay or temporary relief unless it finds the conditions specified in
37 RCW 34.05.550(3) (a), (b), and (c).

1 NEW SECTION. **Sec. 18.** The commission may not offer the program in
2 sections 1 through 17 of this act until one million dollars is in the
3 judicial election reform act fund.

4 NEW SECTION. **Sec. 19.** For the purpose of calculations required by
5 this act, personal funds contributed by a candidate to his or her own
6 campaign must be treated as having been expended prior to the
7 expenditure of any other funds.

8 NEW SECTION. **Sec. 20.** The commission may solicit and accept
9 gifts, grants, conveyances, bequests, and devises of real or personal
10 property, or both, in trust or otherwise, and sell, lease, exchange,
11 invest, or expend these donations or the proceeds, rents, profits, and
12 income from the donations except as limited by the donor's terms.
13 Moneys received under this section must be deposited into the judicial
14 election reform act fund established in section 3 of this act and may
15 only be used for the purposes of sections 1 through 18 of this act.

16 NEW SECTION. **Sec. 21.** The public disclosure commission must
17 report to the governor and to the appropriate committees of the
18 legislature in January of even-numbered years on the effectiveness of
19 the judicial election reform act once the program is offered.

20 **Sec. 22.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to read
21 as follows:

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

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

33 (2) If any lobbyist or sponsor of any grass roots lobbying campaign
34 violates any of the provisions of this chapter, his or her registration

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

6 (3) Any person who violates any of the provisions of this chapter
7 may be subject to a civil penalty of not more than ten thousand dollars
8 for each such violation. However, a person or entity who violates RCW
9 42.17.640 and 42.17.645 may be subject to a civil penalty of ten
10 thousand dollars or three times the amount of the contribution
11 illegally made or accepted, whichever is greater.

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

16 (5) Any person who fails to report a contribution or expenditure as
17 required by this chapter may be subject to a civil penalty equivalent
18 to the amount not reported as required.

19 (6) The court may enjoin any person to prevent the doing of any act
20 herein prohibited, or to compel the performance of any act required
21 herein.

22 (7)(a) The civil penalty for a violation of a contribution or
23 expenditure limit established under section 4 of this act by or on
24 behalf of a publicly financed candidate is ten times the amount by
25 which the expenditures or contributions exceed the applicable limit.
26 If the violation occurs within five days of an election, the civil
27 penalty is twenty times the amount by which the expenditures or
28 contributions exceed the applicable limit. A publicly financed
29 candidate found to have knowingly committed a violation of the
30 expenditure or contribution limits under section 4 of this act must pay
31 the applicable fines, surrender all money in the candidate's authorized
32 committee account, less self-contributed funds, to the judicial
33 election reform act fund, and will cease to be a publicly financed
34 candidate.

35 (b) In addition to any other penalties imposed by law, the civil
36 penalty for a violation by or on behalf of a publicly financed
37 candidate of a reporting requirement imposed by this chapter is one
38 hundred dollars per day. A civil penalty imposed under this subsection

1 (7)(b) may not exceed twice the amount of expenditures or contributions
2 not reported in a timely manner. The candidate and the candidate's
3 authorized committee are jointly and severally responsible for a civil
4 penalty imposed under this subsection.

5 (c) The civil penalty for a violation of the revocation requirement
6 imposed by section 11 of this act is one thousand dollars per day for
7 each day past the period allowed for a timely revocation.

8 (d) The civil penalty for a violation of the reporting provisions
9 in section 14 of this act is equal to the amount not reported, less
10 self-contributed funds.

11 (e) All civil penalties collected under this subsection must be
12 deposited into the judicial election reform act fund.

13 **Sec. 23.** RCW 42.17A.750 and 2010 c 204 s 1001 are each amended to
14 read as follows:

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

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

26 (2) If any lobbyist or sponsor of any grass roots lobbying campaign
27 violates any of the provisions of this chapter, his or her registration
28 may be revoked or suspended and he or she may be enjoined from
29 receiving compensation or making expenditures for lobbying. However,
30 the imposition of a sanction shall not excuse the lobbyist from filing
31 statements and reports required by this chapter.

32 (3) A person who violates any of the provisions of this chapter may
33 be subject to a civil penalty of not more than ten thousand dollars for
34 each violation. However, a person or entity who violates RCW
35 42.17A.405 and 42.17A.410 may be subject to a civil penalty of ten
36 thousand dollars or three times the amount of the contribution
37 illegally made or accepted, whichever is greater.

1 (4) A person who fails to file a properly completed statement or
2 report within the time required by this chapter may be subject to a
3 civil penalty of ten dollars per day for each day each delinquency
4 continues.

5 (5) A person who fails to report a contribution or expenditure as
6 required by this chapter may be subject to a civil penalty equivalent
7 to the amount not reported as required.

8 (6) The court may enjoin any person to prevent the doing of any act
9 herein prohibited, or to compel the performance of any act required
10 herein.

11 (7)(a) The civil penalty for a violation of a contribution or
12 expenditure limit established under section 4 of this act by or on
13 behalf of a publicly financed candidate is ten times the amount by
14 which the expenditures or contributions exceed the applicable limit.
15 If the violation occurs within five days of an election, the civil
16 penalty is twenty times the amount by which the expenditures or
17 contributions exceed the applicable limit. A publicly financed
18 candidate found to have knowingly committed a violation of the
19 expenditure or contribution limits under section 4 of this act must pay
20 the applicable fines, surrender all money in the candidate's authorized
21 committee account, less self-contributed funds, to the judicial
22 election reform act fund, and will cease to be a publicly financed
23 candidate.

24 (b) In addition to any other penalties imposed by law, the civil
25 penalty for a violation by or on behalf of a publicly financed
26 candidate of a reporting requirement imposed by this chapter is one
27 hundred dollars per day. A civil penalty imposed under this subsection
28 (7)(b) may not exceed twice the amount of expenditures or contributions
29 not reported in a timely manner. The candidate and the candidate's
30 authorized committee are jointly and severally responsible for a civil
31 penalty imposed under this subsection.

32 (c) The civil penalty for a violation of the revocation requirement
33 imposed by section 11 of this act is one thousand dollars per day for
34 each day past the period allowed for a timely revocation.

35 (d) The civil penalty for a violation of the reporting provisions
36 in section 14 of this act is equal to the amount not reported, less
37 self-contributed funds.

1 (e) All civil penalties collected under this subsection must be
2 deposited into the judicial election reform act fund.

3 **Sec. 24.** RCW 3.62.060 and 2009 c 572 s 1 and 2009 c 372 s 1 are
4 each reenacted and amended to read as follows:

5 Clerks of the district courts shall collect the following fees for
6 their official services:

7 (1) In any civil action commenced before or transferred to a
8 district court, the plaintiff shall, at the time of such commencement
9 or transfer, pay to such court a filing fee of forty-three dollars plus
10 any surcharge authorized by RCW 7.75.035. Any party filing a
11 counterclaim, cross-claim, or third-party claim in such action shall
12 pay to the court a filing fee of forty-three dollars plus any surcharge
13 authorized by RCW 7.75.035. No party shall be compelled to pay to the
14 court any other fees or charges up to and including the rendition of
15 judgment in the action other than those listed.

16 (2) For issuing a writ of garnishment or other writ, or for filing
17 an attorney issued writ of garnishment, a fee of twelve dollars.

18 (3) For filing a supplemental proceeding a fee of twenty dollars.

19 (4) For demanding a jury in a civil case a fee of one hundred
20 twenty-five dollars to be paid by the person demanding a jury.

21 (5) For preparing a transcript of a judgment a fee of twenty
22 dollars.

23 (6) For certifying any document on file or of record in the clerk's
24 office a fee of five dollars.

25 (7) At the option of the district court:

26 (a) For preparing a certified copy of an instrument on file or of
27 record in the clerk's office, for the first page or portion of the
28 first page, a fee of five dollars, and for each additional page or
29 portion of a page, a fee of one dollar;

30 (b) For authenticating or exemplifying an instrument, a fee of two
31 dollars for each additional seal affixed;

32 (c) For preparing a copy of an instrument on file or of record in
33 the clerk's office without a seal, a fee of fifty cents per page;

34 (d) When copying a document without a seal or file that is in an
35 electronic format, a fee of twenty-five cents per page;

36 (e) For copies made on a compact disc, an additional fee of twenty
37 dollars for each compact disc.

1 (8) For preparing the record of a case for appeal to superior court
2 a fee of forty dollars including any costs of tape duplication as
3 governed by the rules of appeal for courts of limited jurisdiction
4 (RALJ).

5 (9) At the option of the district court, for clerk's services such
6 as processing ex parte orders, performing historical searches,
7 compiling statistical reports, and conducting exceptional record
8 searches, a fee not to exceed twenty dollars per hour or portion of an
9 hour.

10 (10) For duplication of part or all of the electronic recording of
11 a proceeding ten dollars per tape or other electronic storage medium.

12 (11) For filing any abstract of judgment or transcript of judgment
13 from a municipal court or municipal department of a district court
14 organized under the laws of this state a fee of forty-three dollars.

15 (12) At the option of the district court, a service fee of up to
16 three dollars for the first page and one dollar for each additional
17 page for receiving faxed documents, pursuant to Washington state rules
18 of court, general rule 17.

19 (13) Until July 1, 2011, in addition to the fees required by
20 subsection (1) of this section, clerks of the district courts shall
21 collect a surcharge of twenty dollars on all fees required by
22 subsection (1) of this section, which shall be remitted to the state
23 treasurer for deposit in the judicial stabilization trust account.
24 This surcharge is not subject to the division and remittance
25 requirements of RCW 3.62.020.

26 (14) Effective August 1, 2011, in addition to the fees required by
27 subsection (1) of this section, clerks of the district courts shall
28 collect a judicial integrity surcharge of three dollars on all fees
29 required by subsection (1) of this section, which must be remitted to
30 the state treasurer for deposit in the judicial election reform act
31 fund. This surcharge is not subject to the division and remittance
32 requirements of RCW 3.62.020.

33 The fees or charges imposed under this section (~~shall be~~) are
34 allowed as court costs whenever a judgment for costs is awarded.

35 NEW SECTION. Sec. 25. A new section is added to chapter 36.18 RCW
36 to read as follows:

37 Effective August 1, 2011, a three-dollar judicial integrity

1 surcharge shall be added to each of the fees in RCW 36.18.012, except
2 for subsection (10), RCW 36.18.016, and 36.18.020, and must be remitted
3 to the state treasurer for deposit in the judicial election reform act
4 fund. Surcharges collected under this section are not subject to the
5 division and remittance requirements of RCW 36.18.025 or 27.24.070.

6 NEW SECTION. **Sec. 26.** Sections 1 through 21 of this act may be
7 known and cited as the judicial election reform act.

8 NEW SECTION. **Sec. 27.** Sections 1 through 21 of this act are each
9 added to chapter 42.17 RCW.

10 NEW SECTION. **Sec. 28.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

14 NEW SECTION. **Sec. 29.** Section 23 of this act takes effect January
15 1, 2012.

16 NEW SECTION. **Sec. 30.** Section 22 of this act expires January 1,
17 2012.

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