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HOUSE BILL 1175

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State of Washington

64th Legislature

2015 Regular Session

**By** Representatives Van De Wege, S. Hunt, Pettigrew, Moeller, Tharinger, Bergquist, Fitzgibbon, Tarleton, Gregerson, Ormsby, Ryu, Stanford, Walkinshaw, and Farrell

Read first time 01/14/15. Referred to Committee on Public Safety.

1 AN ACT Relating to creating a penalty for concealing the source  
2 of a campaign contribution; amending RCW 42.17A.750; and prescribing  
3 penalties.

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

5 **Sec. 1.** RCW 42.17A.750 and 2013 c 166 s 1 are each amended to  
6 read as follows:

7 (1) In addition to the penalties in subsection (2) of this  
8 section, and any other remedies provided by law, one or more of the  
9 following civil remedies and sanctions may be imposed by court order  
10 in addition to any other remedies provided by law:

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

19 (b) If any lobbyist or sponsor of any grass roots lobbying  
20 campaign violates any of the provisions of this chapter, his or her  
21 registration may be revoked or suspended and he or she may be

1 enjoined from receiving compensation or making expenditures for  
2 lobbying. The imposition of a sanction shall not excuse the lobbyist  
3 from filing statements and reports required by this chapter.

4 (c) A person who violates any of the provisions of this chapter  
5 may be subject to a civil penalty of not more than ten thousand  
6 dollars for each violation. However, a person or entity who violates  
7 RCW 42.17A.405 may be subject to a civil penalty of ten thousand  
8 dollars or three times the amount of the contribution illegally made  
9 or accepted, whichever is greater.

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

14 (e) Each state agency director who knowingly fails to file  
15 statements required by RCW 42.17A.635 shall be subject to personal  
16 liability in the form of a civil penalty in the amount of one hundred  
17 dollars per statement. These penalties are in addition to any other  
18 civil remedies or sanctions imposed on the agency.

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

22 (g) Any state agency official, officer, or employee who is  
23 responsible for or knowingly directs or expends public funds in  
24 violation of RCW 42.17A.635 (2) or (3) may be subject to personal  
25 liability in the form of a civil penalty in an amount that is at  
26 least equivalent to the amount of public funds expended in the  
27 violation.

28 (h) The court may enjoin any person to prevent the doing of any  
29 act herein prohibited, or to compel the performance of any act  
30 required herein.

31 (2) The commission may refer the following violations for  
32 criminal prosecution:

33 (a) A person who, with actual malice, violates a provision of  
34 this chapter is guilty of a misdemeanor under chapter 9.92 RCW;

35 (b) A person who, within a five-year period, with actual malice,  
36 violates three or more provisions of this chapter is guilty of a  
37 gross misdemeanor under chapter 9.92 RCW; and

38 (c) A person who, with actual malice, procures or offers any  
39 false or forged document to be filed, registered, or recorded with

1 the commission under this chapter is guilty of a class C felony under  
2 chapter 9.94A RCW.

3 (3) A person who, directly or indirectly, knowingly makes a  
4 contribution or incurs an expenditure in such a way as to conceal the  
5 identity of the source of the contribution in violation of RCW  
6 42.17A.435 is guilty of a class C felony under chapter 9.94A RCW. If  
7 the commission believes a knowing violation of RCW 42.17A.435 has  
8 occurred, it must refer the violation to the attorney general for  
9 criminal prosecution.

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