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SENATE BILL 5865

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State of Washington                      65th Legislature                      2017 Regular Session

By Senators Fain, Zeiger, and Miloscia

Read first time 03/07/17. Referred to Committee on State Government.

1            AN ACT Relating to prohibiting contributions to candidates by  
2 entities with close financial interests in state policy; amending RCW  
3 42.17A.405; reenacting and amending RCW 42.17A.005; adding a new  
4 section to chapter 82.32 RCW; and providing for submission of this  
5 act to a vote of the people.

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

7            **Sec. 1.** RCW 42.17A.005 and 2011 c 145 s 2 and 2011 c 60 s 19 are  
8 each reenacted and amended to read as follows:

9            The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11            (1) "Actual malice" means to act with knowledge of falsity or  
12 with reckless disregard as to truth or falsity.

13            (2) "Agency" includes all state agencies and all local agencies.  
14 "State agency" includes every state office, department, division,  
15 bureau, board, commission, or other state agency. "Local agency"  
16 includes every county, city, town, municipal corporation, quasi-  
17 municipal corporation, or special purpose district, or any office,  
18 department, division, bureau, board, commission, or agency thereof,  
19 or other local public agency.

20            (3) "Authorized committee" means the political committee  
21 authorized by a candidate, or by the public official against whom

1 recall charges have been filed, to accept contributions or make  
2 expenditures on behalf of the candidate or public official.

3 (4) "Ballot proposition" means any "measure" as defined by RCW  
4 29A.04.091, or any initiative, recall, or referendum proposition  
5 proposed to be submitted to the voters of the state or any municipal  
6 corporation, political subdivision, or other voting constituency from  
7 and after the time when the proposition has been initially filed with  
8 the appropriate election officer of that constituency before its  
9 circulation for signatures.

10 (5) "Benefit" means a commercial, proprietary, financial,  
11 economic, or monetary advantage, or the avoidance of a commercial,  
12 proprietary, financial, economic, or monetary disadvantage.

13 (6) "Bona fide political party" means:

14 (a) An organization that has been recognized as a minor political  
15 party by the secretary of state;

16 (b) The governing body of the state organization of a major  
17 political party, as defined in RCW 29A.04.086, that is the body  
18 authorized by the charter or bylaws of the party to exercise  
19 authority on behalf of the state party; or

20 (c) The county central committee or legislative district  
21 committee of a major political party. There may be only one  
22 legislative district committee for each party in each legislative  
23 district.

24 (7) "Candidate" means any individual who seeks nomination for  
25 election or election to public office. An individual seeks nomination  
26 or election when he or she first:

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

30 (b) Announces publicly or files for office;

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

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

36 (8) "Caucus political committee" means a political committee  
37 organized and maintained by the members of a major political party in  
38 the state senate or state house of representatives.

39 (9)(a) "Collective bargaining" means the performance of the  
40 mutual obligations of the public employer, including the state of

1 Washington or the governor, and the exclusive bargaining  
2 representative to meet at reasonable times, to confer and negotiate  
3 in good faith, and to execute a written agreement with respect to  
4 grievance procedures and collective negotiations on personnel  
5 matters, including wages, hours, and working conditions, which may be  
6 peculiar to an appropriate bargaining unit of the public employer,  
7 except that by such obligation neither party may be compelled to  
8 agree to a proposal or be required to make a concession unless  
9 otherwise allowed under chapter 41.56, 41.80, 47.64, or 74.39A RCW.

10 (b) "Collective bargaining" also includes collective bargaining  
11 as defined in chapters 41.56, 41.80, 47.64, and 74.39A RCW.

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

18 ~~((+10))~~ (11) "Commission" means the agency established under RCW  
19 42.17A.100.

20 ~~((+11))~~ (12) "Compensation" unless the context requires a  
21 narrower meaning, includes payment in any form for real or personal  
22 property or services of any kind. For the purpose of compliance with  
23 RCW 42.17A.710, "compensation" does not include per diem allowances  
24 or other payments made by a governmental entity to reimburse a public  
25 official for expenses incurred while the official is engaged in the  
26 official business of the governmental entity.

27 ~~((+12))~~ (13) "Continuing political committee" means a political  
28 committee that is an organization of continuing existence not  
29 established in anticipation of any particular election campaign.

30 ~~((+13))~~ (14)(a) "Contribution" includes:

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

35 (ii) An expenditure made by a person in cooperation,  
36 consultation, or concert with, or at the request or suggestion of, a  
37 candidate, a political committee, the person or persons named on the  
38 candidate's or committee's registration form who direct expenditures  
39 on behalf of the candidate or committee, or their agents;

1 (iii) The financing by a person of the dissemination,  
2 distribution, or republication, in whole or in part, of broadcast,  
3 written, graphic, or other form of political advertising or  
4 electioneering communication prepared by a candidate, a political  
5 committee, or its authorized agent;

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

9 (b) "Contribution" does not include:

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

12 (ii) Ordinary home hospitality;

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

17 (iv) A news item, feature, commentary, or editorial in a  
18 regularly scheduled news medium that is of primary interest to the  
19 general public, that is in a news medium controlled by a person whose  
20 business is that news medium, and that is not controlled by a  
21 candidate or a political committee;

22 (v) An internal political communication primarily limited to the  
23 members of or contributors to a political party organization or  
24 political committee, or to the officers, management staff, or  
25 stockholders of a corporation or similar enterprise, or to the  
26 members of a labor organization or other membership organization;

27 (vi) The rendering of personal services of the sort commonly  
28 performed by volunteer campaign workers, or incidental expenses  
29 personally incurred by volunteer campaign workers not in excess of  
30 fifty dollars personally paid for by the worker. "Volunteer  
31 services," for the purposes of this subsection, means services or  
32 labor for which the individual is not compensated by any person;

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

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

1 (A) A political party or caucus political committee if the person  
2 paying for the services is the regular employer of the person  
3 rendering such services; or

4 (B) A candidate or an authorized committee if the person paying  
5 for the services is the regular employer of the individual rendering  
6 the services and if the services are solely for the purpose of  
7 ensuring compliance with state election or public disclosure laws; or

8 (ix) The performance of ministerial functions by a person on  
9 behalf of two or more candidates or political committees either as  
10 volunteer services defined in (b)(vi) of this subsection or for  
11 payment by the candidate or political committee for whom the services  
12 are performed as long as:

13 (A) The person performs solely ministerial functions;

14 (B) A person who is paid by two or more candidates or political  
15 committees is identified by the candidates and political committees  
16 on whose behalf services are performed as part of their respective  
17 statements of organization under RCW 42.17A.205; and

18 (C) The person does not disclose, except as required by law, any  
19 information regarding a candidate's or committee's plans, projects,  
20 activities, or needs, or regarding a candidate's or committee's  
21 contributions or expenditures that is not already publicly available  
22 from campaign reports filed with the commission, or otherwise engage  
23 in activity that constitutes a contribution under (a)(ii) of this  
24 subsection.

25 A person who performs ministerial functions under this subsection  
26 (~~((+13+))~~) (14)(b)(ix) is not considered an agent of the candidate or  
27 committee as long as he or she has no authority to authorize  
28 expenditures or make decisions on behalf of the candidate or  
29 committee.

30 (c) Contributions other than money or its equivalent are deemed  
31 to have a monetary value equivalent to the fair market value of the  
32 contribution. Services or property or rights furnished at less than  
33 their fair market value for the purpose of assisting any candidate or  
34 political committee are deemed a contribution. Such a contribution  
35 must be reported as an in-kind contribution at its fair market value  
36 and counts towards any applicable contribution limit of the provider.

37 (~~((+14+))~~) (15) "Depository" means a bank, mutual savings bank,  
38 savings and loan association, or credit union doing business in this  
39 state.

1       (~~(15)~~) (16) "Elected official" means any person elected at a  
2 general or special election to any public office, and any person  
3 appointed to fill a vacancy in any such office.

4       (~~(16)~~) (17) "Election" includes any primary, general, or  
5 special election for public office and any election in which a ballot  
6 proposition is submitted to the voters. An election in which the  
7 qualifications for voting include other than those requirements set  
8 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
9 the state of Washington shall not be considered an election for  
10 purposes of this chapter.

11       (~~(17)~~) (18) "Election campaign" means any campaign in support  
12 of or in opposition to a candidate for election to public office and  
13 any campaign in support of, or in opposition to, a ballot  
14 proposition.

15       (~~(18)~~) (19) "Election cycle" means the period beginning on the  
16 first day of January after the date of the last previous general  
17 election for the office that the candidate seeks and ending on  
18 December 31st after the next election for the office. In the case of  
19 a special election to fill a vacancy in an office, "election cycle"  
20 means the period beginning on the day the vacancy occurs and ending  
21 on December 31st after the special election.

22       (~~(19)~~) (20)(a) "Electioneering communication" means any  
23 broadcast, cable, or satellite television or radio transmission,  
24 United States postal service mailing, billboard, newspaper, or  
25 periodical that:

26       (i) Clearly identifies a candidate for a state, local, or  
27 judicial office either by specifically naming the candidate, or  
28 identifying the candidate without using the candidate's name;

29       (ii) Is broadcast, transmitted, mailed, erected, distributed, or  
30 otherwise published within sixty days before any election for that  
31 office in the jurisdiction in which the candidate is seeking  
32 election; and

33       (iii) Either alone, or in combination with one or more  
34 communications identifying the candidate by the same sponsor during  
35 the sixty days before an election, has a fair market value of one  
36 thousand dollars or more.

37       (b) "Electioneering communication" does not include:

38       (i) Usual and customary advertising of a business owned by a  
39 candidate, even if the candidate is mentioned in the advertising when  
40 the candidate has been regularly mentioned in that advertising

1 appearing at least twelve months preceding his or her becoming a  
2 candidate;

3 (ii) Advertising for candidate debates or forums when the  
4 advertising is paid for by or on behalf of the debate or forum  
5 sponsor, so long as two or more candidates for the same position have  
6 been invited to participate in the debate or forum;

7 (iii) A news item, feature, commentary, or editorial in a  
8 regularly scheduled news medium that is:

9 (A) Of primary interest to the general public;

10 (B) In a news medium controlled by a person whose business is  
11 that news medium; and

12 (C) Not a medium controlled by a candidate or a political  
13 committee;

14 (iv) Slate cards and sample ballots;

15 (v) Advertising for books, films, dissertations, or similar works

16 (A) written by a candidate when the candidate entered into a contract  
17 for such publications or media at least twelve months before becoming  
18 a candidate, or (B) written about a candidate;

19 (vi) Public service announcements;

20 (vii) A mailed internal political communication primarily limited  
21 to the members of or contributors to a political party organization  
22 or political committee, or to the officers, management staff, or  
23 stockholders of a corporation or similar enterprise, or to the  
24 members of a labor organization or other membership organization;

25 (viii) An expenditure by or contribution to the authorized  
26 committee of a candidate for state, local, or judicial office; or

27 (ix) Any other communication exempted by the commission through  
28 rule consistent with the intent of this chapter.

29 ~~((+20))~~ (21) "Expenditure" includes a payment, contribution,  
30 subscription, distribution, loan, advance, deposit, or gift of money  
31 or anything of value, and includes a contract, promise, or agreement,  
32 whether or not legally enforceable, to make an expenditure.  
33 "Expenditure" also includes a promise to pay, a payment, or a  
34 transfer of anything of value in exchange for goods, services,  
35 property, facilities, or anything of value for the purpose of  
36 assisting, benefiting, or honoring any public official or candidate,  
37 or assisting in furthering or opposing any election campaign. For the  
38 purposes of this chapter, agreements to make expenditures, contracts,  
39 and promises to pay may be reported as estimated obligations until  
40 actual payment is made. "Expenditure" shall not include the partial

1 or complete repayment by a candidate or political committee of the  
2 principal of a loan, the receipt of which loan has been properly  
3 reported.

4 ~~((+21+))~~ (22) "Final report" means the report described as a  
5 final report in RCW 42.17A.235(2).

6 ~~((+22+))~~ (23) "General election" for the purposes of RCW  
7 42.17A.405 means the election that results in the election of a  
8 person to a state or local office. It does not include a primary.

9 ~~((+23+))~~ (24) "Gift" has the definition in RCW 42.52.010.

10 ~~((+24+))~~ (25) "Immediate family" includes the spouse or domestic  
11 partner, dependent children, and other dependent relatives, if living  
12 in the household. For the purposes of the definition of  
13 "intermediary" in this section, "immediate family" means an  
14 individual's spouse or domestic partner, and child, stepchild,  
15 grandchild, parent, stepparent, grandparent, brother, half brother,  
16 sister, or half sister of the individual and the spouse or the  
17 domestic partner of any such person and a child, stepchild,  
18 grandchild, parent, stepparent, grandparent, brother, half brother,  
19 sister, or half sister of the individual's spouse or domestic partner  
20 and the spouse or the domestic partner of any such person.

21 ~~((+25+))~~ (26) "Incumbent" means a person who is in present  
22 possession of an elected office.

23 ~~((+26+))~~ (27) "Independent expenditure" means an expenditure that  
24 has each of the following elements:

25 (a) It is made in support of or in opposition to a candidate for  
26 office by a person who is not (i) a candidate for that office, (ii)  
27 an authorized committee of that candidate for that office, (iii) a  
28 person who has received the candidate's encouragement or approval to  
29 make the expenditure, if the expenditure pays in whole or in part for  
30 political advertising supporting that candidate or promoting the  
31 defeat of any other candidate or candidates for that office, or (iv)  
32 a person with whom the candidate has collaborated for the purpose of  
33 making the expenditure, if the expenditure pays in whole or in part  
34 for political advertising supporting that candidate or promoting the  
35 defeat of any other candidate or candidates for that office;

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



1 (c) The expenditure, alone or in conjunction with another  
2 expenditure or other expenditures of the same person in support of or  
3 opposition to that candidate, has a value of eight hundred dollars or  
4 more. A series of expenditures, each of which is under eight hundred  
5 dollars, constitutes one independent expenditure if their cumulative  
6 value is eight hundred dollars or more.

7 ~~((+27+))~~ (28)(a) "Intermediary" means an individual who transmits  
8 a contribution to a candidate or committee from another person unless  
9 the contribution is from the individual's employer, immediate family,  
10 or an association to which the individual belongs.

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

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

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

18 ~~((+28+))~~ (29) "Legislation" means bills, resolutions, motions,  
19 amendments, nominations, and other matters pending or proposed in  
20 either house of the state legislature, and includes any other matter  
21 that may be the subject of action by either house or any committee of  
22 the legislature and all bills and resolutions that, having passed  
23 both houses, are pending approval by the governor.

24 ~~((+29+))~~ (30) "Legislative office" means the office of a member  
25 of the state house of representatives or the office of a member of  
26 the state senate.

27 ~~((+30+))~~ (31) "Lobby" and "lobbying" each mean attempting to  
28 influence the passage or defeat of any legislation by the legislature  
29 of the state of Washington, or the adoption or rejection of any rule,  
30 standard, rate, or other legislative enactment of any state agency  
31 under the state administrative procedure act, chapter 34.05 RCW.  
32 Neither "lobby" nor "lobbying" includes an association's or other  
33 organization's act of communicating with the members of that  
34 association or organization.

35 ~~((+31+))~~ (32) "Lobbyist" includes any person who lobbies either  
36 in his or her own or another's behalf.

37 ~~((+32+))~~ (33) "Lobbyist's employer" means the person or persons  
38 by whom a lobbyist is employed and all persons by whom he or she is  
39 compensated for acting as a lobbyist.

1       (~~(33)~~) (34) "Ministerial functions" means an act or duty  
2 carried out as part of the duties of an administrative office without  
3 exercise of personal judgment or discretion.

4       (~~(34)~~) (35) "Participate" means that, with respect to a  
5 particular election, an entity:

6       (a) Makes either a monetary or in-kind contribution to a  
7 candidate;

8       (b) Makes an independent expenditure or electioneering  
9 communication in support of or opposition to a candidate;

10       (c) Endorses a candidate before contributions are made by a  
11 subsidiary corporation or local unit with respect to that candidate  
12 or that candidate's opponent;

13       (d) Makes a recommendation regarding whether a candidate should  
14 be supported or opposed before a contribution is made by a subsidiary  
15 corporation or local unit with respect to that candidate or that  
16 candidate's opponent; or

17       (e) Directly or indirectly collaborates or consults with a  
18 subsidiary corporation or local unit on matters relating to the  
19 support of or opposition to a candidate, including, but not limited  
20 to, the amount of a contribution, when a contribution should be  
21 given, and what assistance, services or independent expenditures, or  
22 electioneering communications, if any, will be made or should be made  
23 in support of or opposition to a candidate.

24       (~~(35)~~) (36) "Person" includes an individual, partnership, joint  
25 venture, public or private corporation, association, federal, state,  
26 or local governmental entity or agency however constituted,  
27 candidate, committee, political committee, political party, executive  
28 committee thereof, or any other organization or group of persons,  
29 however organized.

30       (~~(36)~~) (37) "Political advertising" includes any advertising  
31 displays, newspaper ads, billboards, signs, brochures, articles,  
32 tabloids, flyers, letters, radio or television presentations, or  
33 other means of mass communication, used for the purpose of appealing,  
34 directly or indirectly, for votes or for financial or other support  
35 or opposition in any election campaign.

36       (~~(37)~~) (38) "Political committee" means any person (except a  
37 candidate or an individual dealing with his or her own funds or  
38 property) having the expectation of receiving contributions or making  
39 expenditures in support of, or opposition to, any candidate or any  
40 ballot proposition.

1        ~~((38))~~ (39) "Primary" for the purposes of RCW 42.17A.405 means  
2 the procedure for nominating a candidate to state or local office  
3 under chapter 29A.52 RCW or any other primary for an election that  
4 uses, in large measure, the procedures established in chapter 29A.52  
5 RCW.

6        ~~((39))~~ (40) "Public office" means any federal, state, judicial,  
7 county, city, town, school district, port district, special district,  
8 or other state political subdivision elective office.

9        ~~((40))~~ (41) "Public record" has the definition in RCW  
10 42.56.010.

11        ~~((41))~~ (42) "Recall campaign" means the period of time  
12 beginning on the date of the filing of recall charges under RCW  
13 29A.56.120 and ending thirty days after the recall election.

14        ~~((42))~~ (43)(a) "Sponsor" for purposes of an electioneering  
15 communications, independent expenditures, or political advertising  
16 means the person paying for the electioneering communication,  
17 independent expenditure, or political advertising. If a person acts  
18 as an agent for another or is reimbursed by another for the payment,  
19 the original source of the payment is the sponsor.

20        (b) "Sponsor," for purposes of a political committee, means any  
21 person, except an authorized committee, to whom any of the following  
22 applies:

23        (i) The committee receives eighty percent or more of its  
24 contributions either from the person or from the person's members,  
25 officers, employees, or shareholders;

26        (ii) The person collects contributions for the committee by use  
27 of payroll deductions or dues from its members, officers, or  
28 employees.

29        ~~((43))~~ (44) "Sponsored committee" means a committee, other than  
30 an authorized committee, that has one or more sponsors.

31        ~~((44))~~ (45) "State office" means state legislative office or  
32 the office of governor, lieutenant governor, secretary of state,  
33 attorney general, commissioner of public lands, insurance  
34 commissioner, superintendent of public instruction, state auditor, or  
35 state treasurer.

36        ~~((45))~~ (46) "State official" means a person who holds a state  
37 office.

38        ~~((46))~~ (47) "Surplus funds" mean, in the case of a political  
39 committee or candidate, the balance of contributions that remain in  
40 the possession or control of that committee or candidate subsequent

1 to the election for which the contributions were received, and that  
2 are in excess of the amount necessary to pay remaining debts incurred  
3 by the committee or candidate with respect to that election. In the  
4 case of a continuing political committee, "surplus funds" mean those  
5 contributions remaining in the possession or control of the committee  
6 that are in excess of the amount necessary to pay all remaining debts  
7 when it makes its final report under RCW 42.17A.255.

8 ((47)) (48) "Treasurer" and "deputy treasurer" mean the  
9 individuals appointed by a candidate or political committee, pursuant  
10 to RCW 42.17A.210, to perform the duties specified in that section.

11 **Sec. 2.** RCW 42.17A.405 and 2013 c 311 s 1 are each amended to  
12 read as follows:

13 (1) The contribution limits in this section apply to:

14 (a) Candidates for legislative office;

15 (b) Candidates for state office other than legislative office;

16 (c) Candidates for county office;

17 (d) Candidates for special purpose district office if that  
18 district is authorized to provide freight and passenger transfer and  
19 terminal facilities and that district has over two hundred thousand  
20 registered voters;

21 (e) Candidates for city council office;

22 (f) Candidates for mayoral office;

23 (g) Candidates for school board office;

24 (h) Candidates for public hospital district board of  
25 commissioners in districts with a population over one hundred fifty  
26 thousand;

27 (i) Persons holding an office in (a) through (h) of this  
28 subsection against whom recall charges have been filed or to a  
29 political committee having the expectation of making expenditures in  
30 support of the recall of a person holding the office;

31 (j) Caucus political committees;

32 (k) Bona fide political parties.

33 (2) No person, other than a bona fide political party or a caucus  
34 political committee, may make contributions to a candidate for a  
35 legislative office, county office, city council office, mayoral  
36 office, school board office, or public hospital district board of  
37 commissioners that in the aggregate exceed eight hundred dollars or  
38 to a candidate for a public office in a special purpose district or a  
39 state office other than a legislative office that in the aggregate

1 exceed one thousand six hundred dollars for each election in which  
2 the candidate is on the ballot or appears as a write-in candidate.  
3 Contributions to candidates subject to the limits in this section  
4 made with respect to a primary may not be made after the date of the  
5 primary. However, contributions to a candidate or a candidate's  
6 authorized committee may be made with respect to a primary until  
7 thirty days after the primary, subject to the following limitations:  
8 (a) The candidate lost the primary; (b) the candidate's authorized  
9 committee has insufficient funds to pay debts outstanding as of the  
10 date of the primary; and (c) the contributions may only be raised and  
11 spent to satisfy the outstanding debt. Contributions to candidates  
12 subject to the limits in this section made with respect to a general  
13 election may not be made after the final day of the applicable  
14 election cycle.

15 (3) No person, other than a bona fide political party or a caucus  
16 political committee, may make contributions to a state official, a  
17 county official, a city official, a school board member, a public  
18 hospital district commissioner, or a public official in a special  
19 purpose district against whom recall charges have been filed, or to a  
20 political committee having the expectation of making expenditures in  
21 support of the recall of the state official, county official, city  
22 official, school board member, public hospital district commissioner,  
23 or public official in a special purpose district during a recall  
24 campaign that in the aggregate exceed eight hundred dollars if for a  
25 legislative office, county office, school board office, public  
26 hospital district office, or city office, or one thousand six hundred  
27 dollars if for a special purpose district office or a state office  
28 other than a legislative office.

29 (4)(a) Notwithstanding subsection (2) of this section, no bona  
30 fide political party or caucus political committee may make  
31 contributions to a candidate during an election cycle that in the  
32 aggregate exceed (i) eighty cents multiplied by the number of  
33 eligible registered voters in the jurisdiction from which the  
34 candidate is elected if the contributor is a caucus political  
35 committee or the governing body of a state organization, or (ii)  
36 forty cents multiplied by the number of registered voters in the  
37 jurisdiction from which the candidate is elected if the contributor  
38 is a county central committee or a legislative district committee.

39 (b) No candidate may accept contributions from a county central  
40 committee or a legislative district committee during an election

1 cycle that when combined with contributions from other county central  
2 committees or legislative district committees would in the aggregate  
3 exceed forty cents times the number of registered voters in the  
4 jurisdiction from which the candidate is elected.

5 (5)(a) Notwithstanding subsection (3) of this section, no bona  
6 fide political party or caucus political committee may make  
7 contributions to a state official, county official, city official,  
8 school board member, public hospital district commissioner, or a  
9 public official in a special purpose district against whom recall  
10 charges have been filed, or to a political committee having the  
11 expectation of making expenditures in support of the state official,  
12 county official, city official, school board member, public hospital  
13 district commissioner, or a public official in a special purpose  
14 district during a recall campaign that in the aggregate exceed (i)  
15 eighty cents multiplied by the number of eligible registered voters  
16 in the jurisdiction entitled to recall the state official if the  
17 contributor is a caucus political committee or the governing body of  
18 a state organization, or (ii) forty cents multiplied by the number of  
19 registered voters in the jurisdiction from which the candidate is  
20 elected if the contributor is a county central committee or a  
21 legislative district committee.

22 (b) No official holding an office specified in subsection (1) of  
23 this section against whom recall charges have been filed, no  
24 authorized committee of the official, and no political committee  
25 having the expectation of making expenditures in support of the  
26 recall of the official may accept contributions from a county central  
27 committee or a legislative district committee during an election  
28 cycle that when combined with contributions from other county central  
29 committees or legislative district committees would in the aggregate  
30 exceed forty cents multiplied by the number of registered voters in  
31 the jurisdiction from which the candidate is elected.

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

36 (7) Notwithstanding subsections (2) through (5) of this section,  
37 no person other than an individual, bona fide political party, or  
38 caucus political committee may make contributions reportable under  
39 this chapter to a caucus political committee that in the aggregate  
40 exceed eight hundred dollars in a calendar year or to a bona fide

1 political party that in the aggregate exceed four thousand dollars in  
2 a calendar year. This subsection does not apply to loans made in the  
3 ordinary course of business.

4 (8) For the purposes of RCW 42.17A.125, 42.17A.405 through  
5 42.17A.415, 42.17A.450 through 42.17A.495, 42.17A.500, 42.17A.560,  
6 and 42.17A.565, a contribution to the authorized political committee  
7 of a candidate or of an official specified in subsection (1) of this  
8 section against whom recall charges have been filed is considered to  
9 be a contribution to the candidate or official.

10 (9) A contribution received within the twelve-month period after  
11 a recall election concerning an office specified in subsection (1) of  
12 this section is considered to be a contribution during that recall  
13 campaign if the contribution is used to pay a debt or obligation  
14 incurred to influence the outcome of that recall campaign.

15 (10) The contributions allowed by subsection (3) of this section  
16 are in addition to those allowed by subsection (2) of this section,  
17 and the contributions allowed by subsection (5) of this section are  
18 in addition to those allowed by subsection (4) of this section.

19 (11) RCW 42.17A.125, 42.17A.405 through 42.17A.415, 42.17A.450  
20 through 42.17A.495, 42.17A.500, 42.17A.560, and 42.17A.565 apply to a  
21 special election conducted to fill a vacancy in an office specified  
22 in subsection (1) of this section. However, the contributions made to  
23 a candidate or received by a candidate for a primary or special  
24 election conducted to fill such a vacancy shall not be counted toward  
25 any of the limitations that apply to the candidate or to  
26 contributions made to the candidate for any other primary or  
27 election.

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

1 (13) Notwithstanding the other subsections of this section, no  
2 county central committee or legislative district committee may make  
3 contributions reportable under this chapter to a candidate specified  
4 in subsection (1) of this section, or an official specified in  
5 subsection (1) of this section against whom recall charges have been  
6 filed, or political committee having the expectation of making  
7 expenditures in support of the recall of an official specified in  
8 subsection (1) of this section if the county central committee or  
9 legislative district committee is outside of the jurisdiction  
10 entitled to elect the candidate or recall the official.

11 (14) Notwithstanding the other provisions of this section, no  
12 person that engages in collective bargaining on behalf of its  
13 membership with any local agency may make contributions reportable  
14 under this chapter to any candidate for the governing body of that  
15 local agency, directly or indirectly.

16 (15) Notwithstanding the other provisions of this section, no  
17 person who currently holds, has held, or is bidding or competing for  
18 a contract of at least one million dollars with the state, a state  
19 office, or a state agency at any time since the previous  
20 gubernatorial election may make contributions reportable under this  
21 chapter to any candidate for a state office with which the person has  
22 contracted or that has supervisory authority over a state agency with  
23 which the person has contracted, directly or indirectly.

24 (16) Notwithstanding the other provisions of this section, no  
25 person who currently holds, has held, or is bidding or competing for  
26 a contract of at least one million dollars with the state senate or  
27 house of representatives at any time since the previous gubernatorial  
28 election may make contributions reportable under this chapter to any  
29 candidate for legislative office, directly or indirectly.

30 (17) Notwithstanding the other provisions of this section, no  
31 person receiving a notice from the department of revenue under  
32 section 3 of this act at any time since the previous gubernatorial  
33 election may make contributions reportable under this chapter to any  
34 candidate for state or legislative office, directly or indirectly.

35 (18) No person may accept contributions that exceed the  
36 contribution limitations provided in this section.

37 ~~((+15+))~~ (19) The following contributions are exempt from the  
38 contribution limits of this section:

39 (a) An expenditure or contribution earmarked for voter  
40 registration, for absentee ballot information, for precinct caucuses,



1 for get-out-the-vote campaigns, for precinct judges or inspectors,  
2 for sample ballots, or for ballot counting, all without promotion of  
3 or political advertising for individual candidates;

4 (b) An expenditure by a political committee for its own internal  
5 organization or fund-raising without direct association with  
6 individual candidates; or

7 (c) An expenditure or contribution for independent expenditures  
8 as defined in RCW 42.17A.005 or electioneering communications as  
9 defined in RCW 42.17A.005.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 82.32  
11 RCW to read as follows:

12 The department must notify each person that claims an individual  
13 tax preference of at least fifty thousand dollars and that is one of  
14 ten or fewer filers claiming such tax preference in that year of that  
15 status to facilitate compliance with RCW 42.17A.405(17). The notice  
16 must inform the taxpayer that it is prohibited from making  
17 contributions to any candidate for state or legislative office until  
18 after the next gubernatorial election.

19 NEW SECTION. **Sec. 4.** The secretary of state shall submit this  
20 act to the people for their adoption and ratification, or rejection,  
21 at the next general election to be held in this state, in accordance  
22 with Article II, section 1 of the state Constitution and the laws  
23 adopted to facilitate its operation.

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