S-1898.1

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**SUBSTITUTE SENATE BILL 5409**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Government Operations & Security (originally sponsored by Senators Roach, Rivers, Angel, and Benton)

AN ACT Relating to the use of credit cards for campaign expenditures; amending RCW 42.17A.240, 42.17A.425, and 42.17A.445; and reenacting and amending RCW 42.17A.210.

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

**Sec.**  RCW 42.17A.210 and 2010 c 205 s 2 and 2010 c 204 s 403 are each reenacted and amended to read as follows:

(1) Each candidate, within two weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the commission the name and address of one legally competent individual, who may be the candidate, to serve as a treasurer.

(2) A candidate, a political committee, or a treasurer may appoint as many deputy treasurers as is considered necessary and shall file the names and addresses of the deputy treasurers with the commission.

(3)(a) A candidate or political committee may at any time remove a treasurer or deputy treasurer.

(b) In the event of the death, resignation, removal, or change of a treasurer or deputy treasurer, the candidate or political committee shall designate and file with the commission the name and address of any successor.

(4) No treasurer or deputy treasurer may be deemed to be in compliance with the provisions of this chapter until his or her name and address is filed with the commission.

(5) Each candidate must declare whether he or she will use a credit card for campaign expenditures on the day the treasurer is designated pursuant to subsection (1) of this section or twenty-four hours after first utilizing a credit card for campaign expenditures.

**Sec.**  RCW 42.17A.240 and 2010 c 204 s 409 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) and (2) must be certified as correct by the treasurer and the candidate and shall disclose the following:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

(a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;

(b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

(c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor; and

(d) The money value of contributions of postage shall be the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(6) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, method of payment, and purpose of each expenditure, and the total sum of all expenditures. When an expenditure is a reimbursement for an out-of-pocket expense, including expenditures made by credit card, the report must also include the amount, date, method of payment, and purpose of the original expenditure that is being reimbursed;

(7) The name and address of each person directly compensated for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (6) of this section;

(8) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;

(9) The credit card balance for campaign expenditures paid during the period and sources of funds used to pay the credit card balance, which shall be reported under this subsection in addition to what is required to be reported under subsection (8) of this section;

(10) The surplus or deficit of contributions over expenditures;

((~~(10)~~)) (11) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

((~~(11)~~)) (12) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

**Sec.**  RCW 42.17A.425 and 2010 c 204 s 605 are each amended to read as follows:

(1) No expenditures may be made or incurred by any candidate or political committee unless authorized by the candidate or the person or persons named on the candidate's or committee's registration form. A record of all such expenditures shall be maintained by the treasurer.

(2) No expenditure of more than fifty dollars may be made in currency unless a receipt, signed by the recipient and by the candidate or treasurer, is prepared and made a part of the campaign's or political committee's financial records.

(3) Candidates and their authorized committees may not make any expenditure by credit card unless the credit card statements reflecting the charges and subsequent payments related to those charges are made part of the committee's books of account under RCW 42.17A.235(4). If a candidate makes a documented out-of-pocket campaign expenditure by credit card, the candidate's authorized committee must repay the candidate within twenty-one days of the expenditure or the candidate will be deemed to have made a loan to his or her campaign subject to the limits in RCW 42.17A.445. Payment by a third party for any portion of a candidate's credit card balance incurred for campaign expenditures is an in-kind contribution to the candidate, subject to applicable contribution limits and disclosure requirements. The candidate and his or her authorized committee must timely and accurately report these credit card payments and in-kind contributions.

**Sec.**  RCW 42.17A.445 and 2010 c 204 s 608 are each amended to read as follows:

Contributions received and reported in accordance with RCW 42.17A.220 through 42.17A.240 and 42.17A.425 may only be paid to a candidate, or a treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or payments to cover lost earnings incurred as a result of campaigning or services performed for the political committee. Lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record shall be maintained by the candidate or the candidate's authorized committee in accordance with RCW 42.17A.235.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the political committee with written documentation as to the amount, date, and description of each expense, and the political committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17A.240.

(3) Repayment of loans made by the individual to political committees shall be reported pursuant to RCW 42.17A.240. However, contributions may not be used to reimburse a candidate for loans totaling more than ((~~four thousand seven~~)) five thousand five hundred dollars made by the candidate to the candidate's own authorized committee. If a candidate makes a documented out-of-pocket campaign expenditure by credit card and the candidate's authorized committee fails to repay the candidate within twenty-one days of the expenditure, the candidate has made a loan subject to the limits in this subsection.

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