

HOUSE INITIATIVE 134  
to the Washington State Legislature

Chapter 2, Laws of 1993

FAIR CAMPAIGN PRACTICES ACT

Approved by the  
People of the State of Washington  
in the General Election on  
November 3, 1992

ORIGINALLY FILED

June 12, 1991

**Secretary of State  
State of Washington**

1 AN ACT Relating to the regulation of political contributions and  
2 campaign expenditures; amending RCW 42.17.095, 42.17.125, 42.17.510,  
3 41.04.230, 42.17.180, 42.17.390, and 42.17.240; adding new sections  
4 to chapter 42.17 RCW; creating new sections; repealing RCW  
5 42.17.243; and prescribing penalties.

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

7 **PART I**  
8 **FINDINGS AND INTENT**

9 NEW SECTION. **Sec. 1.** FINDINGS. The people of the state of  
10 Washington find and declare that:

11 (1) The financial strength of certain individuals or  
12 organizations should not permit them to exercise a disproportionate  
13 or controlling influence on the election of candidates.

14 (2) Rapidly increasing political campaign costs have led many  
15 candidates to raise larger percentages of money from special  
16 interests with a specific financial stake in matters before state

1 government. This has caused the public perception that decisions of  
2 elected officials are being improperly influenced by monetary  
3 contributions.

4 (3) Candidates are raising less money in small contributions  
5 from individuals and more money from special interests. This has  
6 created the public perception that individuals have an insignificant  
7 role to play in the political process.

8 NEW SECTION. **Sec. 2.** INTENT. By limiting campaign  
9 contributions, the people intend to:

10 (1) Ensure that individuals and interest groups have fair and  
11 equal opportunity to influence elective and governmental processes;

12 (2) Reduce the influence of large organizational contributors;  
13 and

14 (3) Restore public trust in governmental institutions and the  
15 electoral process.

16 **PART II**  
17 **DEFINITIONS**

18 NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions of RCW  
19 42.17.020 apply to sections 4 through 19 of this act except as  
20 modified by this section. Unless the context clearly requires  
21 otherwise, the definitions in this section apply throughout sections  
22 4 through 19 of this act.

23 (1) "Authorized committee" means the political committee  
24 authorized by a candidate, or by the state official against whom  
25 recall charges have been filed, to accept contributions or make  
26 expenditures on behalf of the candidate or state official.

27 (2) "Bona fide political party" means:

28 (a) An organization that has filed a valid certificate of  
29 nomination with the secretary of state under chapter 29.24 RCW; or

30 (b) The governing body of the state organization of a major  
31 political party, as defined in RCW 29.01.090, which is the body  
32 authorized by the charter or bylaws of the party to exercise

1 authority on behalf of the state party; or

2 (c) The county central committee or legislative district  
3 committee of a major political party.

4 (3) "Candidate" means an individual seeking nomination for  
5 election or seeking election to a state office. An individual is  
6 deemed to be seeking nomination for election or seeking election  
7 when the individual first:

8 (a) Announces publicly or files for the office;

9 (b) Purchases commercial advertising space or broadcast time to  
10 promote his or her candidacy;

11 (c) Receives contributions or makes expenditures for facilities  
12 with intent to promote his or her candidacy for the office; or

13 (d) Gives his or her consent to another person to take on  
14 behalf of the individual any of the actions in (b) or (c) of this  
15 subsection.

16 (4) "Caucus of the state legislature" means the caucus of  
17 members of a major political party in the state house of  
18 representatives or in the state senate.

19 (5)(a) "Contribution" includes a loan, gift, deposit,  
20 subscription, forgiveness of indebtedness, donation, advance,  
21 pledge, payment, transfer of funds between political committees, or  
22 transfer of anything of value, including personal and professional  
23 services for less than full consideration.

24 (b) Subject to further definition by the commission,  
25 "contribution" does not include the following:

26 (i) Interest on money deposited in a political committee's  
27 account;

28 (ii) Ordinary home hospitality;

29 (iii) A contribution received by a candidate or political  
30 committee that is returned to the contributor within five business  
31 days of the date on which it is received by the candidate or  
32 political committee;

33 (iv) An expenditure or contribution earmarked for voter  
34 registration, for absentee ballot information, for precinct  
35 caucuses, for get-out-the-vote campaigns, for precinct judges or

1 inspectors, for sample ballots, or for ballot counting, all without  
2 promotion of or political advertising for individual candidates;

3 (v) A news item, feature, commentary, or editorial in a  
4 regularly scheduled news medium that is of primary interest to the  
5 general public, that is in a news medium controlled by a person  
6 whose primary business is that news medium, and that is not  
7 controlled by a candidate or political committee;

8 (vi) An expenditure by a political committee for its own  
9 internal organization or fund raising without direct association  
10 with individual candidates;

11 (vii) An internal political communication primarily limited to  
12 the contributors to a political party organization or political  
13 action committee, or the officers, management staff, and  
14 stockholders of a corporation or similar enterprise, or the members  
15 of a labor organization or other membership organization;

16 (viii) The rendering of personal services of the sort commonly  
17 performed by volunteer campaign workers, or incidental expenses  
18 personally incurred by volunteer campaign workers not in excess of  
19 fifty dollars personally paid for by the worker. "Volunteer  
20 services," for the purposes of this section, means services or labor  
21 for which the individual is not compensated by any person and that  
22 are performed outside the individual's normal working hours; or

23 (ix) Legal or accounting services rendered to or on behalf of:

24 (A) A political party or caucus of the state legislature if the  
25 person paying for the services is the regular employer of the person  
26 rendering such services; or

27 (B) A candidate or an authorized committee if the person paying  
28 for the services is the regular employer of the individual rendering  
29 the services and if the services are solely for the purpose of  
30 ensuring compliance with state election or public disclosure laws.

31 (c) Contributions other than money or its equivalent are deemed  
32 to have a monetary value equivalent to the fair market value of the  
33 contribution.

34 (d) Sums paid for tickets to fund-raising events such as  
35 dinners and parties are contributions, except for the actual cost of

1 the consumables furnished at the event.

2 (e) An expenditure made by a person in cooperation,  
3 consultation, or concert with, or at the request or suggestion of,  
4 a candidate, a political committee, or their agents, is considered  
5 to be a contribution to such candidate or political committee.

6 (f) The financing by a person of the dissemination,  
7 distribution, or republication, in whole or in part, of broadcast,  
8 written, graphic, or other form of political advertising prepared by  
9 a candidate, a political committee, or its authorized agent, is  
10 considered to be a contribution to the candidate or political  
11 committee.

12 (6) "Election" means a primary or a general or special election  
13 in which a candidate is on the ballot.

14 (7) "Election cycle" means the period beginning on the first  
15 day of December after the date of the last previous general election  
16 for the office that the candidate seeks and ending on November 30th  
17 after the next election for the office. In the case of a special  
18 election to fill a vacancy in an office, "election cycle" means the  
19 period beginning on the day the vacancy occurs and ending on  
20 November 30th after the special election.

21 (8) "General election" means the election that results in the  
22 election of a person to a state office. It does not include a  
23 primary.

24 (9) "Immediate family" means a candidates's spouse, and any  
25 child, stepchild, grandchild, parent, stepparent, grandparent,  
26 brother, half-brother, sister, or half-sister of the candidate and  
27 the spouse of any such person and any child, stepchild, grandchild,  
28 parent, stepparent, grandparent, brother, half-brother, sister, or  
29 half-sister of the candidate's spouse and the spouse of any such  
30 person.

31 (10) "Independent expenditure" means an "expenditure" as  
32 defined in RCW 42.17.020 that has each of the following elements:

33 (a) It is made in support of or in opposition to a candidate  
34 for office by a person who is not (i) a candidate for that office,  
35 (ii) an authorized committee of that candidate for that office,

1 (iii) a person who has received the candidate's encouragement or  
2 approval to make the expenditure, if the expenditure pays in whole  
3 or in part for any political advertising supporting that candidate  
4 or promoting the defeat of any other candidate or candidates for  
5 that office, or (iv) a person with whom the candidate has  
6 collaborated for the purpose of making the expenditure, if the  
7 expenditure pays in whole or in part for any political advertising  
8 supporting that candidate or promoting the defeat of any other  
9 candidate or candidates for that office;

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

14 (c) The expenditure, alone or in conjunction with another  
15 expenditure or other expenditures of the same person in support of  
16 or opposition to that candidate, has a value of five hundred dollars  
17 or more. A series of expenditures, each of which is under five  
18 hundred dollars, constitutes one independent expenditure if their  
19 cumulative value is five hundred dollars or more.

20 (11)(a) "Intermediary" means an individual who transmits a  
21 contribution to a candidate or committee from another person unless  
22 the contribution is from the individual's employer, immediate  
23 family, or an association to which the individual belongs.

24 (b) A treasurer or a candidate is not an intermediary for  
25 purpose of the committee that the treasurer or candidate serves.

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

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

31 (12) "Person" includes:

32 (a) An individual;

33 (b) A partnership, limited partnership, public or private  
34 corporation, or joint venture;

35 (c) A nonprofit corporation, organization, or association,

1 including but not limited to, a national, state, or local labor  
2 union or collective bargaining organization and a national, state,  
3 or local trade or professional association;

4 (d) A federal, state, or local governmental entity or agency,  
5 however constituted;

6 (e) A candidate, committee, political committee, bona fide  
7 political party, or executive committee thereof; and

8 (f) Any other organization or group of persons, however  
9 organized.

10 (13) "Primary" means the procedure for nominating a candidate  
11 to state office under chapter 29.18 or 29.21 RCW or any other  
12 primary for an election which uses, in large measure, the procedures  
13 established in chapter 29.18 or 29.21 RCW.

14 (14) "Recall campaign" means the period of time beginning on  
15 the date of the filing of recall charges under RCW 29.82.015 and  
16 ending thirty days after the recall election.

17 (15) "State legislative office" means the office of a member of  
18 the state house of representatives and the office of a member of the  
19 state senate.

20 (16) "State office" means state legislative office or the  
21 office of governor, lieutenant governor, secretary of state,  
22 attorney general, commissioner of public lands, insurance  
23 commissioner, superintendent of public instruction, state auditor,  
24 or state treasurer.

25 (17) "State official" means a person who holds a state office.

26 **PART III**  
27 **CONTRIBUTIONS**

28 NEW SECTION. **Sec. 4.** CAMPAIGN CONTRIBUTION LIMITS. (1) No  
29 person, other than a bona fide political party or a caucus of the  
30 state legislature, may make contributions to a candidate for a state  
31 legislative office that in the aggregate exceed five hundred dollars  
32 or to a candidate for a state office other than a state legislative  
33 office that in the aggregate exceed one thousand dollars for each

1 election in which the candidate is on the ballot or appears as a  
2 write-in candidate. Contributions made with respect to a primary  
3 may not be made after the date of the primary. Contributions made  
4 with respect to a general election may not be made after the final  
5 day of the applicable election cycle.

6 (2) No person, other than a bona fide political party or a  
7 caucus of the state legislature, may make contributions to a state  
8 official against whom recall charges have been filed, or to a  
9 political committee having the expectation of making expenditures in  
10 support of the recall of the state official, during a recall  
11 campaign that in the aggregate exceed five hundred dollars if for a  
12 state legislative office or one thousand dollars if for a state  
13 office other than a state legislative office.

14 (3)(a) Notwithstanding subsection (1) of this section, no bona  
15 fide political party or caucus of the state legislature may make  
16 contributions to a candidate during an election cycle that in the  
17 aggregate exceed (i) fifty cents multiplied by the number of  
18 eligible registered voters in the jurisdiction from which the  
19 candidate is elected if the contributor is a caucus of the state  
20 legislature or the governing body of a state organization, or (ii)  
21 twenty-five cents multiplied by the number of registered voters in  
22 the jurisdiction from which the candidate is elected if the  
23 contributor is a county central committee or a legislative district  
24 committee.

25 (b) No candidate may accept contributions from a county central  
26 committee or a legislative district committee during an election  
27 cycle that when combined with contributions from other county  
28 central committees or legislative district committees would in the  
29 aggregate exceed twenty-five cents times the number of registered  
30 voters in the jurisdiction from which the candidate is elected.

31 (4)(a) Notwithstanding subsection (2) of this section, no bona  
32 fide political party or caucus of the state legislature may make  
33 contributions to a state official against whom recall charges have  
34 been filed, or to a political committee having the expectation of  
35 making expenditures in support of the state official, during a

1 recall campaign that in the aggregate exceed (i) fifty cents  
2 multiplied by the number of eligible registered voters in the  
3 jurisdiction entitled to recall the state official if the  
4 contributor is a caucus of the state legislature of the governing  
5 body of a state organization, or (ii) twenty-five cents multiplied  
6 by the number of registered voters in the jurisdiction from which  
7 the candidate is elected if the contributor is a county central  
8 committee or a legislative district committee.

9 (b) No state official against whom recall charges have been  
10 filed, no authorized committee of the official, and no political  
11 committee having the expectation of making expenditures in support  
12 of the recall of a state official may accept contributions from a  
13 county central committee or a legislative district committee or a  
14 legislative district committee during an election cycle that when  
15 combined with contributions from other county central committees or  
16 legislative district committees would in the aggregate exceed  
17 twenty-five cents multiplied by the number of registered voters in  
18 the jurisdiction from which the candidate is elected.

19 (5) Notwithstanding subsections (1) through (4) of this  
20 section, no person other than an individual, bona fide political  
21 party, or caucus of the state legislature may make contributions  
22 reportable under this chapter to a caucus of the state legislature  
23 that in the aggregate exceed five hundred dollars in a calendar year  
24 or to a bona fide political party that in the aggregate exceed two  
25 thousand five hundred dollars in a calendar year. This subsection  
26 does not apply to loans made in the ordinary course of business.

27 (6) For the purposes of sections 4 through 19 of this act, a  
28 contribution to the authorized political committee of a candidate,  
29 or of a state official against whom recall charges have been filed,  
30 is considered to be a contribution to the candidate or state  
31 official.

32 (7) A contribution received within the twelve-month period  
33 after a recall election concerning a state office is considered to  
34 be a contribution during that recall campaign if the contribution is  
35 used to pay a debt or obligation incurred to influence the outcome

1 of that recall campaign.

2 (8) The contributions allowed by subsection (2) of this section  
3 are in addition to those allowed by subsection (1) of this section,  
4 and the contributions allowed by subsection (4) of this section are  
5 in addition to those allowed by subsection (3) of this section.

6 (9) Sections 4 through 19 of this act apply to a special  
7 election conducted to fill a vacancy in a state office. However,  
8 the contributions made to a candidate or received by a candidate for  
9 a primary or special election conducted to fill such a vacancy shall  
10 not be counted toward any of the limitations that apply to the  
11 candidate or to contributions made to the candidate for any other  
12 primary or election.

13 (10) Notwithstanding the other subsections of this section, no  
14 corporation or business entity not doing business in Washington  
15 state, no labor union with fewer than ten members who reside in  
16 Washington state, and no political committee that has not received  
17 contributions of ten dollars or more from at least ten persons  
18 registered to vote in Washington state during the preceding one  
19 hundred eighty days may make contributions reportable under this  
20 chapter to a candidate, to a state official against whom recall  
21 charges have been filed, or to a political committee having the  
22 expectation of making expenditures in support of the recall of the  
23 official. This subsection does not apply to loans made in the  
24 ordinary course of business.

25 (11) Notwithstanding the other subsections of this section, no  
26 county central committee or legislative district committee may make  
27 contributions reportable under this chapter to a candidate, state  
28 official against whom recall charges have been filed, or political  
29 committee having the expectation of making expenditures in support  
30 of the recall of a state official if the county central committee or  
31 legislative district committee is outside of the jurisdiction  
32 entitled to elect the candidate or recall the state official.

33 (12) No person may accept contributions that exceed the  
34 contribution limitations provided in this section.

1           NEW SECTION.   **Sec. 5.**   ATTRIBUTION AND AGGREGATION OF FAMILY  
2 CONTRIBUTIONS.   (1) Contributions by a husband and wife are  
3 considered separate contributions.

4           (2) Contributions by unemancipated children under eighteen  
5 years of age are considered contributions by their parents and are  
6 attributed proportionately to each parent. Fifty percent of the  
7 contributions are attributed to each parent or, in the case of a  
8 single custodial parent, the total amount is attributed to the  
9 parent.

10           NEW SECTION.   **Sec. 6.**   ATTRIBUTION OF CONTRIBUTIONS BY  
11 CONTROLLED ENTITIES. For purposes of this chapter:

12           (1) A contribution by a political committee with funds that  
13 have all been contributed by one person who exercises exclusive  
14 control over the distribution of the funds of the political  
15 committee is a contribution by the controlling person.

16           (2) Two or more entities are treated as a single entity if one  
17 of the two or more entities is a subsidiary, branch, or department  
18 of a corporation or a local unit, branch, or affiliate of a trade  
19 association, labor union, or collective bargaining association. All  
20 contributions made by a person or political committee whose  
21 contribution or expenditure activity is financed, maintained, or  
22 controlled by a trade association, labor union, collective  
23 bargaining organization, or the local unit of a trade association,  
24 labor union, or collective bargaining organization are considered  
25 made by the same person or entity.

26           NEW SECTION.   **Sec. 7.**   ATTRIBUTION OF CONTRIBUTIONS. All  
27 contributions made by a person or entity, either directly or  
28 indirectly, to a candidate, to a state official against whom recall  
29 charges have been filed, or to a political committee, are considered  
30 to be contributions from that person or entity to the candidate,  
31 state official, or political committee, as are contributions that  
32 are in any way earmarked or otherwise directed through an  
33 intermediary or conduit to the candidate, state official, or

1 political committee. For the purposes of this section, "earmarked"  
2 means a designation, instruction, or encumbrance, whether direct or  
3 indirect, expressed or implied, or oral or written, that is intended  
4 to result in or does result in all or any part of a contribution  
5 being made to a certain candidate or state official. If a conduit  
6 or intermediary exercises any direction or control over the choice  
7 of the recipient candidate or state official, the contribution is  
8 considered to be by both the original contributor and the conduit or  
9 intermediary.

10 NEW SECTION. **Sec. 8.** LIMITATIONS ON EMPLOYERS OR LABOR  
11 ORGANIZATIONS. (1) No employer or labor organization may increase  
12 the salary of an officer or employee, or give an emolument to an  
13 officer, employee, or other person or entity, with the intention  
14 that the increase in salary, or the emolument, or a part of it, be  
15 contributed or spent to support or oppose a candidate, state  
16 official against whom recall charges have been filed, political  
17 party, or political committee.

18 (2) No employer or labor organization may discriminate against  
19 an officer or employee in the terms or conditions of employment for  
20 (a) the failure to contribute to, (b) the failure in any way to  
21 support or oppose, or (c) in any way supporting or opposing a  
22 candidate, ballot proposition, political party, or political  
23 committee.

24 (3) No employer or other person or entity responsible for the  
25 disbursement of funds in payment of wages or salaries may withhold  
26 or divert a portion of an employee's wages or salaries for  
27 contributions to political committees or for use as political  
28 contributions except upon the written request of the employee. The  
29 request must be made on a form prescribed by the commission  
30 informing the employee of the prohibition against employer and labor  
31 organization discrimination described in subsection (2) of this  
32 section. The request is valid for no more than twelve months from  
33 the date it is made by the employee.

34 (4) Each person or entity who withholds contributions under

1 subsection (3) of this section shall maintain open for public  
2 inspection for a period of no less than three years, during normal  
3 business hours, documents and books of accounts that shall include  
4 a copy of each employee's request, the amounts and dates funds were  
5 actually withheld, and the amounts and dates funds were transferred  
6 to a political committee. Copies of such information shall be  
7 delivered to the commission upon request.

8 NEW SECTION. **Sec. 9.** CHANGING MONETARY LIMITS. At the  
9 beginning of each even-numbered calendar year, the commission shall  
10 increase or decrease all dollar amounts in this chapter based on  
11 changes in economic conditions as reflected in the inflationary  
12 index used by the commission under RCW 42.17.370. The new dollar  
13 amounts established by the commission under this section shall be  
14 rounded off by the commission to amounts as judged most convenient  
15 for public understanding and so as to be within ten percent of the  
16 target amount equal to the base amount provided in this chapter  
17 multiplied by the increase in the inflationary index since the  
18 effective date of this act.

19 NEW SECTION. **Sec. 10.** CONTRIBUTIONS FROM BEFORE EFFECTIVE  
20 DATE OF ACT. Contributions made and received before the effective  
21 date of this act are considered to be contributions under sections  
22 4 through 19 of this act. Monetary contributions that exceed the  
23 contribution limitations and that have not been spent by the  
24 recipient of the contribution by the effective date of this act must  
25 be disposed of in accordance with RCW 42.17.095.

26 NEW SECTION. **Sec. 11.** TIME LIMIT FOR STATE OFFICIAL TO  
27 SOLICIT OR ACCEPT CONTRIBUTIONS. During the period beginning on the  
28 thirtieth day before the date a regular legislative session convenes  
29 and continuing thirty days past the date of final adjournment, and  
30 during the period beginning on the date a special legislative  
31 session convenes and continuing through the date that session  
32 adjourns, no state official or a person employed by or acting on

1 behalf of a state official or state legislator may solicit or accept  
2 contributions to a public office fund, to a candidate or authorized  
3 committee, or to retire a campaign debt.

4 NEW SECTION. **Sec. 12.** RESTRICTION ON LOANS. (1) A loan is  
5 considered to be a contribution from the maker and the guarantor of  
6 the loan and is subject to the contribution limitations of this  
7 chapter.

8 (2) A loan to a candidate or the candidate committee must be by  
9 written agreement.

10 (3) The proceeds of a loan made to a candidate:

11 (a) By a commercial lending institution;

12 (b) Made in the regular course of business;

13 (c) On the same terms ordinarily available to members of the  
14 public; and

15 (d) That is secured or guaranteed,

16 are not subject to the contribution limits of this chapter.

17 NEW SECTION. **Sec. 13.** CONTRIBUTIONS ON BEHALF OF ANOTHER.

18 (1) A person, other than an individual, may not be an intermediary  
19 or an agent for a contribution.

20 (2) An individual may not make a contribution on behalf of  
21 another person or entity, or while acting as the intermediary or  
22 agent of another person or entity, without disclosing to the  
23 recipient of the contribution both his or her full name, street  
24 address, occupation, name of employer, if any, or place of business  
25 if self-employed, and the same information for each contributor for  
26 whom the individual serves as intermediary or agent.

27 NEW SECTION. **Sec. 14.** CERTAIN CONTRIBUTIONS REQUIRED TO BE BY

28 WRITTEN INSTRUMENT. (1) An individual may not make a contribution  
29 of more than fifty dollars, other than an in-kind contribution,  
30 except by a written instrument containing the name of the donor and  
31 the name of the payee.

32 (2) A committee may not make a contribution, other than in-

1 kind, except by a written instrument containing the name of the  
2 donor and the name of the payee.

3 NEW SECTION. **Sec. 15.** SOLICITATION OF CONTRIBUTIONS BY  
4 GOVERNMENT EMPLOYEES. (1) No state official or state official's  
5 agent may knowingly solicit, directly or indirectly, a contribution  
6 from an employee in the state official's agency.

7 (2) No state official or state employee may provide an  
8 advantage or disadvantage to an employee or applicant for employment  
9 in the classified civil service concerning the applicant's or  
10 employee's:

11 (a) Employment;

12 (b) Conditions of employment; or

13 (c) Application for employment,

14 based on the employee's or applicant's contribution or promise to  
15 contribute or failure to make a contribution or contribute to a  
16 political party or committee.

17 NEW SECTION. **Sec. 16.** AGENCY SHOP FEES AS CONTRIBUTIONS. A  
18 labor organization may not use agency shop fees paid by an  
19 individual who is not a member of the organization to make  
20 contributions or expenditures to influence an election or to operate  
21 a political committee, unless affirmatively authorized by the  
22 individual.

23 NEW SECTION. **Sec. 17.** SOLICITATION FOR ENDORSEMENT FEES. A  
24 person or entity may not solicit from a candidate, committee,  
25 political party, or other person or entity money or other property  
26 as a condition or consideration for an endorsement, article, or  
27 other communication in the news media promoting or opposing a  
28 candidate, committee, or political party.

29 NEW SECTION. **Sec. 18.** REIMBURSEMENT FOR CONTRIBUTIONS. A  
30 person or entity may not, directly or indirectly, reimburse another  
31 person or entity for a contribution to a candidate, committee, or

1 political party.

2 NEW SECTION. **Sec. 19.** PROHIBITION ON USE OF CONTRIBUTIONS FOR  
3 A DIFFERENT OFFICE. (1) Except as provided in subsection (2) of  
4 this section, a candidate committee may not use or permit the use of  
5 contributions solicited for or received by the candidate committee  
6 to further the candidacy of the individual for an office other than  
7 the office designated on the statement of organization. A  
8 contribution solicited for or received on behalf of the candidate is  
9 considered solicited or received for the candidacy for which the  
10 individual is then a candidate if the contribution is solicited or  
11 received before the general elections for which the candidate is a  
12 nominee or is unopposed.

13 (2) With the written approval of the contributor, a candidate  
14 committee may use or permit the use of contributions solicited for  
15 or received by the candidate committee from that contributor to  
16 further the candidacy of the individual for an office other than the  
17 office designated on the statement of organization.

18 **Sec. 20.** TRANSFER OF FUNDS--USE OF FUNDS FOR OTHER OFFICE  
19 ELIMINATED. RCW 42.17.095 and 1982 c 147 s 8 are each amended to  
20 read as follows:

21 The surplus funds of a candidate, or of a political committee  
22 supporting or opposing a candidate, may only be disposed of in any  
23 one or more of the following ways:

24 (1) Return the surplus to a contributor in an amount not to  
25 exceed that contributor's original contribution;

26 (2) Transfer the surplus to the candidate's personal account as  
27 reimbursement for lost earnings incurred as a result of that  
28 candidate's election campaign. Such lost earnings shall be  
29 verifiable as unpaid salary or, when the candidate is not salaried,  
30 as an amount not to exceed income received by the candidate for  
31 services rendered during an appropriate, corresponding time period.  
32 All lost earnings incurred shall be documented and a record thereof  
33 shall be maintained by the candidate or the candidate's political

1 committee. The committee shall include a copy of such record when  
2 its expenditure for such reimbursement is reported pursuant to RCW  
3 42.17.090;

4 (3) Transfer the surplus to (~~one or more candidates or to~~) a  
5 political (~~committee or~~) party or to a caucus of the state  
6 legislature;

7 (4) Donate the surplus to a charitable organization registered  
8 in accordance with chapter 19.09 RCW;

9 (5) Transmit the surplus to the state treasurer for deposit in  
10 the general fund; or

11 (6) Hold the surplus in the campaign depository or depositories  
12 designated in accordance with RCW 42.17.050 for possible use in a  
13 future election campaign(~~, for political activity, for community~~  
14 ~~activity, or for nonreimbursed public office related expenses~~) for  
15 the same office last sought by the candidate and report any such  
16 disposition in accordance with RCW 42.17.090: PROVIDED, That if the  
17 candidate subsequently announces or publicly files for office,  
18 information as appropriate is reported to the commission in  
19 accordance with RCW 42.17.040 through 42.17.090. If a subsequent  
20 office is not sought the surplus held shall be disposed of in  
21 accordance with the requirements of this section.

22 (7) No candidate or authorized committee may transfer funds to  
23 any other candidate or other political committee.

24 **Sec. 21.** CANDIDATE PERSONAL FUND LOANS LIMITED. RCW 42.17.125  
25 and 1989 c 280 s 12 are each amended to read as follows:

26 Contributions received and reported in accordance with RCW  
27 42.17.060 through 42.17.090 may only be transferred to the personal  
28 account of a candidate, or of a treasurer or other individual or  
29 expended for such individual's personal use under the following  
30 circumstances:

31 (1) Reimbursement for or loans to cover lost earnings incurred  
32 as a result of campaigning or services performed for the committee.  
33 Such lost earnings shall be verifiable as unpaid salary, or when the  
34 individual is not salaried, as an amount not to exceed income

1 received by the individual for services rendered during an  
2 appropriate, corresponding time period. All lost earnings incurred  
3 shall be documented and a record thereof shall be maintained by the  
4 individual or the individual's political committee. The committee  
5 shall include a copy of such record when its expenditure for such  
6 reimbursement is reported pursuant to RCW 42.17.090.

7 (2) Reimbursement for direct out-of-pocket election campaign  
8 and postelection campaign related expenses made by the individual.  
9 To receive reimbursement from the political committee, the  
10 individual shall provide the committee with written documentation as  
11 to the amount, date, and description of each expense, and the  
12 committee shall include a copy of such information when its  
13 expenditure for such reimbursement is reported pursuant to RCW  
14 42.17.090.

15 (3) Repayment of loans made by the individual to political  
16 committees, which repayment shall be reported pursuant to RCW  
17 42.17.090. However, contributions may not be used to reimburse a  
18 candidate for loans totaling more than three thousand dollars made  
19 by the candidate to the candidate's own authorized committee or  
20 campaign.

#### 21 PART IV

#### 22 INDEPENDENT EXPENDITURES

23 **Sec. 22.** INDEPENDENT EXPENDITURE ADVERTISING DISCLOSURE. RCW  
24 42.17.510 and 1984 c 216 s 1 are each amended to read as follows:

25 (1) All written political advertising, whether relating to  
26 candidates or ballot propositions, shall include the sponsor's name  
27 and address. All radio and television political advertising,  
28 whether relating to candidates or ballot propositions, shall include  
29 the sponsor's name. The use of an assumed name shall be unlawful.  
30 The party with which a candidate files shall be clearly identified  
31 in political advertising for partisan office.

32 (2) In addition to the materials required by subsection (1) of  
33 this section, all political advertising undertaken as an independent

1 expenditure by a person or entity other than a party organization  
2 must include the following statement on the communication "NOTICE TO  
3 VOTERS (Required by law): This advertisement is not authorized or  
4 approved by any candidate. It is paid for by (name, address, city,  
5 state)." If the advertisement is undertaken by a nonindividual,  
6 then the following notation must also be included: "Top Five  
7 Contributors," followed by a listing of the names of the five  
8 persons or entities making the largest contributions reportable  
9 under this chapter during the twelve-month period before the date of  
10 the advertisement.

11 (3) The statements and listings of contributors required by  
12 subsections (1) and (2) of this section shall:

13 (a) Appear on each page or fold of the written communication in  
14 at least ten-point type, or in type at least ten percent of the  
15 largest size type used in a written communication directed at more  
16 than one voter, such as a billboard or poster, whichever is larger;

17 (b) Not be subject to the half-tone or screening process;

18 (c) Be in a printed or drawn box set apart from any other  
19 printed matter; and

20 (d) Be clearly spoken on any broadcast advertisement.

21 (4) Political yard signs are exempt from the requirement of  
22 subsections (1) and (2) of this section that the name and address of  
23 the sponsor of political advertising be listed on the advertising.  
24 In addition, the public disclosure commission shall, by rule, exempt  
25 from the identification requirements of subsections (1) and (2) of  
26 this section forms of political advertising such as campaign  
27 buttons, balloons, pens, pencils, sky-writing, inscriptions, and  
28 other forms of advertising where identification is impractical.

29 ((+3)) (5) For the purposes of this section, "yard sign" means  
30 any outdoor sign with dimensions no greater than eight feet by four  
31 feet.

32 NEW SECTION. Sec. 23. INDEPENDENT EXPENDITURE DISCLOSURE. A  
33 person or entity other than a party organization making an  
34 independent expenditure by mailing one thousand or more identical or

1 nearly identical cumulative pieces of political advertising in a  
2 single calendar year shall, within two working days after the date  
3 of the mailing, file a statement disclosing the number of pieces in  
4 the mailing and an example of the mailed political advertising with  
5 the election officer of the county or residence for the candidate  
6 supported or opposed by the independent campaign expenditure or, in  
7 the case of an expenditure made in support of or in opposition to a  
8 ballot proposition, the county of residence for the person making  
9 the expenditure.

10 **PART V**

11 **USE OF PUBLIC FUNDS OR OFFICE FOR POLITICAL PURPOSES**

12 NEW SECTION. **Sec. 24.** Public funds, whether derived through  
13 taxes, fees, penalties, or any other sources, shall not be used to  
14 finance political campaigns for state or local office.

15 NEW SECTION. **Sec. 25.** FRANKING PRIVILEGE LIMITED. During the  
16 twelve-month period preceding the expiration of a state legislator's  
17 term in office, no incumbent to that office may mail to a  
18 constituent at public expense a letter, newsletter, brochure, or  
19 other piece of literature that is not in direct response to that  
20 constituent's request for a response or for information. However,  
21 one mailing mailed within thirty days after the start of a regular  
22 legislative session and one mailing mailed within sixty days after  
23 the end of a regular legislative session of identical newsletters to  
24 constituents are permitted. A violation of this section constitutes  
25 use of the facilities of a public office for the purpose of  
26 assisting a campaign under RCW 42.17.130.

27 The house of representatives and senate shall specifically  
28 limit expenditures per member for the total cost of mailings,  
29 including but not limited to production costs, printing costs, and  
30 postage.

31 **Sec. 26.** STATE PAYROLL POLITICAL CHECK-OFF ELIMINATED. RCW

1 41.04.230 and 1988 c 107 s 19 are each amended to read as follows:

2 Any official of the state authorized to disburse funds in  
3 payment of salaries and wages of public officers or employees is  
4 authorized, upon written request of the officer or employee, to  
5 deduct from the salaries or wages of the officers or employees, the  
6 amount or amounts of subscription payments, premiums, contributions,  
7 or continuation thereof, for payment of the following:

8 (1) Credit union deductions: PROVIDED, That the credit union  
9 is organized solely for public employees: AND PROVIDED FURTHER,  
10 That twenty-five or more employees of a single state agency or a  
11 total of one hundred or more state employees of several agencies  
12 have authorized such a deduction for payment to the same credit  
13 union.

14 (2) Parking fee deductions: PROVIDED, That payment is made for  
15 parking facilities furnished by the agency or by the department of  
16 general administration.

17 (3) U.S. savings bond deductions: PROVIDED, That a person  
18 within the particular agency shall be appointed to act as trustee.  
19 The trustee will receive all contributions; purchase and deliver all  
20 bond certificates; and keep such records and furnish such bond or  
21 security as will render full accountability for all bond  
22 contributions.

23 (4) Board, lodging or uniform deductions when such board,  
24 lodging and uniforms are furnished by the state, or deductions for  
25 academic tuitions or fees or scholarship contributions payable to  
26 the employing institution.

27 (5) Dues and other fees deductions: PROVIDED, That the  
28 deduction is for payment of membership dues to any professional  
29 organization formed primarily for public employees or college and  
30 university professors: AND PROVIDED, FURTHER, That twenty-five or  
31 more employees of a single state agency, or a total of one hundred  
32 or more state employees of several agencies have authorized such a  
33 deduction for payment to the same professional organization.

34 (6) Labor or employee organization dues may be deducted in the  
35 event that a payroll deduction is not provided under a collective

1 bargaining agreement under the provisions of RCW 41.06.150:  
2 PROVIDED, That twenty-five or more officers or employees of a single  
3 agency, or a total of one hundred or more officers or employees of  
4 several agencies have authorized such a deduction for payment to the  
5 same labor or employee organization: PROVIDED, FURTHER, That labor  
6 or employee organizations with five hundred or more members in state  
7 government may have payroll deduction for employee benefit programs.

8 ~~(7) ((Voluntary deductions for political committees duly  
9 registered with the public disclosure commission and/or the federal  
10 election commission: PROVIDED, That twenty-five or more officers or  
11 employees of a single agency or a total of one hundred or more  
12 officers or employees of several agencies have authorized such a  
13 deduction for payment to the same political committee.~~

14 ~~(8))~~ Insurance contributions to the authority for payment of  
15 premiums under contracts authorized by the state health care  
16 authority.

17 Deductions from salaries and wages of public officers and  
18 employees other than those enumerated in this section or by other  
19 law, may be authorized by the director of financial management for  
20 purposes clearly related to state employment or goals and objectives  
21 of the agency and for plans authorized by the state health care  
22 authority.

23 The authority to make deductions from the salaries and wages of  
24 public officers and employees as provided for in this section shall  
25 be in addition to such other authority as may be provided by law:  
26 PROVIDED, That the state or any department, division, or separate  
27 agency of the state shall not be liable to any insurance carrier or  
28 contractor for the failure to make or transmit any such deduction.

29 **PART VI**

30 **POLITICAL EXPENDITURE AND CONTRIBUTION REPORTING**

31 **Sec. 27.** INDEPENDENT EXPENDITURE ANNUAL REPORTING. RCW  
32 42.17.180 and 1990 c 139 s 4 are each amended to read as follows:

33 (1) Every employer of a lobbyist registered under this chapter

1 during the preceding calendar year and every person other than an  
2 individual that made contributions aggregating to more than ten  
3 thousand dollars or independent expenditures aggregating to more  
4 than five hundred dollars during the preceding calendar year shall  
5 file with the commission on or before (~~March 31st~~) the last day of  
6 February of each year a statement disclosing for the preceding  
7 calendar year the following information:

8 (a) The name of each state elected official and the name of  
9 each candidate for state office who was elected to the office and  
10 any member of the immediate family of those persons to whom the  
11 (~~employer~~) person reporting has paid any compensation in the  
12 amount of five hundred dollars or more during the preceding calendar  
13 year for personal employment or professional services, including  
14 professional services rendered by a corporation, partnership, joint  
15 venture, association, union, or other entity in which the person  
16 holds any office, directorship, or any general partnership interest,  
17 or an ownership interest of ten percent or more, the value of the  
18 compensation in accordance with the reporting provisions set out in  
19 RCW 42.17.241(2), and the consideration given or performed in  
20 exchange for the compensation.

21 (b) The name of each state elected official, successful  
22 candidate for state office, or members of his immediate family to  
23 whom the (~~lobbyist-employer~~) person reporting made expenditures,  
24 directly or indirectly, either through a lobbyist or otherwise, the  
25 amount of the expenditures and the purpose for the expenditures.  
26 For the purposes of this subsection, the term expenditure shall not  
27 include any expenditure made by the employer in the ordinary course  
28 of business if the expenditure is not made for the purpose of  
29 influencing, honoring, or benefiting the elected official,  
30 successful candidate, or member of his immediate family, as an  
31 elected official or candidate.

32 (c) The total expenditures made by the (~~employer~~) person  
33 reporting for lobbying purposes, whether through or on behalf of a  
34 registered lobbyist or otherwise.

35 (d) All contributions made to a (~~candidate for state office,~~

1 to a)) political committee supporting or opposing a candidate for  
2 state office, or to a political committee supporting or opposing a  
3 state-wide ballot proposition. Such contributions shall be  
4 identified by the name and the address of the recipient and the  
5 aggregate amount contributed to each such recipient.

6 (e) The name and address of each registered lobbyist employed  
7 by the ((employer)) person reporting and the total expenditures made  
8 by ((the employer)) such person for each such lobbyist for lobbying  
9 purposes.

10 (f) The names, offices sought, and party affiliations of  
11 candidates for state offices supported or opposed by independent  
12 expenditures of the person reporting and the amount of each such  
13 expenditure.

14 (g) The identifying proposition number and a brief description  
15 of any state-wide ballot proposition supported or opposed by  
16 expenditures not reported under (d) of this subsection and the  
17 amount of each such expenditure.

18 (h) Such other information as the commission prescribes by  
19 rule.

20 (2)(a) Except as provided in (b) of this subsection, an  
21 employer of a lobbyist registered under this chapter shall file a  
22 special report with the commission if the employer makes a  
23 contribution or contributions aggregating more than one hundred  
24 dollars in a calendar month to any one of the following: A  
25 candidate, elected official, officer or employee of an agency, or  
26 political committee. The report shall identify the date and amount  
27 of each such contribution and the name of the candidate, elected  
28 official, agency officer or employee, or political committee  
29 receiving the contribution or to be benefited by the contribution.  
30 The report shall be filed on a form prescribed by the commission and  
31 shall be filed within fifteen days after the last day of the  
32 calendar month during which the contribution was made.

33 (b) The provisions of (a) of this subsection do not apply to a  
34 contribution which is made through a registered lobbyist and  
35 reportable under RCW 42.17.170.



1 expenditure may be subject to a civil penalty equivalent to the  
2 amount he failed to report.

3 ~~((f))~~ (6) The court may enjoin any person to prevent the  
4 doing of any act herein prohibited, or to compel the performance of  
5 any act required herein.

6 **PART VIII**

7 **PUBLIC DISCLOSURE COMMISSION**

8 NEW SECTION. **Sec. 29.** COMMISSION AUDITS. The commission  
9 shall conduct a sufficient number of audits and field investigations  
10 so as to provide a statistically valid finding regarding the degree  
11 of compliance with the provisions of this chapter by all required  
12 filers.

13 **PART IX**

14 **GIFTS**

15 NEW SECTION. **Sec. 30.** DEFINITIONS. Unless the context  
16 clearly requires otherwise, the definitions in this section apply  
17 throughout this chapter.

18 (1) "Benefit" means a commercial, proprietary, financial,  
19 economic, or monetary advantage, or the avoidance of a commercial,  
20 proprietary, financial, economic, or monetary disadvantage.

21 (2) "Gift" means a rendering of money, property, services,  
22 discount, loan forgiveness, payment of indebtedness, reimbursements  
23 from or payments by persons, other than the state of Washington or  
24 an agency or political subdivision thereof, for travel or anything  
25 else of value in excess of fifty dollars in return for which legal  
26 consideration of equal or greater value is not given and received  
27 but does not include:

28 (a) A contribution that is required to be reported under RCW  
29 42.17.090 or 42.17.243;

30 (b) Informational material that is transferred for the purpose  
31 of informing the recipient about matters pertaining to official

1 agency business, and that is not intended to financially benefit  
2 that recipient;

3 (c) A symbolic presentation that is not intended to financially  
4 benefit the recipient;

5 (d) An honorarium that is required to be reported under this  
6 chapter;

7 (e) Hosting in the form of entertainment, meals, or  
8 refreshments, the value of which does not exceed fifty dollars,  
9 furnished in connection with official appearances, official  
10 ceremonies, and occasions where official agency business is  
11 discussed;

12 (f) Gifts that are not used and that, within thirty days after  
13 receipt, are returned to the donor or delivered to a charitable  
14 organization without being claimed as a charitable contribution for  
15 tax purposes;

16 (g) Intrafamily gifts; or

17 (h) Gifts received in the normal course of private business or  
18 social interaction that are not related to public policy decisions  
19 or agency actions.

20 **Sec. 31.** PUBLIC OFFICIAL ANNUAL REPORTING OF "GIFTS." RCW  
21 42.17.240 and 1989 c 158 s 1 are each amended to read as follows:

22 (1) Every elected official and every executive state officer  
23 shall after January 1st and before April 15th of each year file with  
24 the commission a statement of financial affairs for the preceding  
25 calendar year. However, any local elected official whose term of  
26 office expires immediately after December 31st shall file the  
27 statement required to be filed by this section for the year that  
28 ended on that December 31st. In addition to and in conjunction with  
29 the statement of financial affairs, every official and officer shall  
30 file a statement describing any gifts received during the preceding  
31 calendar year.

32 (2) Every candidate shall within two weeks of becoming a  
33 candidate file with the commission a statement of financial affairs  
34 for the preceding twelve months.

1 (3) Every person appointed to a vacancy in an elective office  
2 or executive state officer position shall within two weeks of being  
3 so appointed file with the commission a statement of financial  
4 affairs for the preceding twelve months.

5 (4) A statement of a candidate or appointee filed during the  
6 period from January 1st to April 15th shall cover the period from  
7 January 1st of the preceding calendar year to the time of candidacy  
8 or appointment if the filing of the statement would relieve the  
9 individual of a prior obligation to file a statement covering the  
10 entire preceding calendar year.

11 (5) No individual may be required to file more than once in any  
12 calendar year.

13 (6) Each statement of financial affairs filed under this  
14 section shall be sworn as to its truth and accuracy.

15 (7) For the purposes of this section, the term "executive state  
16 officer" includes those listed in RCW 42.17.2401.

17 (8) This section does not apply to incumbents or candidates for  
18 a federal office or the office of precinct committee officer.

19 NEW SECTION. **Sec. 32.** LOBBYIST NOTIFICATION OF GIFTS. When  
20 a listing or a report of contributions is made to the commission  
21 under RCW 42.17.170(2)(c), a copy of the listing or report must be  
22 given to the candidate, elected official, professional staff member  
23 of the legislature, or officer or employee of an agency, or a  
24 political committee supporting or opposing a ballot proposition  
25 named in the listing or report.

26 **PART X**  
27 **MISCELLANEOUS**

28 NEW SECTION. **Sec. 33.** CODIFICATION DIRECTIONS. (1) Sections  
29 1 through 19 of this act are each added to chapter 42.17 RCW as a  
30 subchapter and codified with the subchapter heading of "CAMPAIGN  
31 CONTRIBUTION LIMITATIONS."

32 (2) Sections 23 through 25, 29, 30, and 32 of this act are each

1 added to chapter 42.17 RCW.

2 NEW SECTION. **Sec. 34.** CAPTIONS. Section captions and part  
3 headings used in this act do not constitute any part of the law.

4 NEW SECTION. **Sec. 35.** REPEALER. RCW 42.17.243 and 1977 ex.s.  
5 c 336 s 5 are each repealed.

6 NEW SECTION. **Sec. 36.** SHORT TITLE. This act may be known and  
7 cited as the Fair Campaign Practices Act.

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