
HOUSE BILL 1781

State of Washington

69th Legislature

2025 Regular Session

By Representatives Marshall, Barkis, and Dufault

Read first time 02/03/25. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to enforcement actions by the public disclosure
2 commission; amending RCW 42.17A.755 and 29B.60.020; providing an
3 effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 42.17A.755 and 2019 c 428 s 38 are each amended to
6 read as follows:

7 (1) The commission may initiate or respond to a complaint,
8 request a technical correction, or otherwise resolve matters of
9 compliance with this chapter, in accordance with this section. The
10 commission and the executive director may not consider the partisan
11 affiliation of a respondent, if any, when determining the appropriate
12 resolution of a matter pursuant to this section. If a complaint is
13 filed with or initiated by the commission, the commission must:

14 (a) Dismiss the complaint or otherwise resolve the matter in
15 accordance with subsection (2) of this section, as appropriate under
16 the circumstances after conducting a preliminary review;

17 (b) Initiate an investigation to determine whether a violation
18 has occurred, conduct hearings, and issue and enforce an appropriate
19 order, in accordance with chapter 34.05 RCW and subsection (3) of
20 this section; or

1 (c) Refer the matter to the attorney general, in accordance with
2 subsection (4) of this section.

3 (2) (a) For complaints of remediable violations or requests for
4 technical corrections, the commission may, by rule, delegate
5 authority to its executive director to resolve these matters in
6 accordance with subsection (1)(a) of this section, provided the
7 executive director consistently applies such authority. The executive
8 director shall use the scoring system developed by the commission by
9 rule pursuant to subsection (3) of this section when resolving these
10 matters.

11 (b) The commission shall, by rule, develop additional processes
12 by which a respondent may agree by stipulation to any allegations and
13 pay a penalty subject to a schedule of violations and penalties,
14 unless waived by the commission as provided for in this section. Any
15 stipulation must be referred to the commission for review. If
16 approved or modified by the commission, agreed to by the parties, and
17 the respondent complies with all requirements set forth in the
18 stipulation, the matter is then considered resolved and no further
19 action or review is allowed.

20 (3) If the commission initiates an investigation, an initial
21 hearing must be held within ninety days of the complaint being filed.
22 Following an investigation, in cases where it chooses to determine
23 whether a violation has occurred, the commission shall hold a hearing
24 pursuant to the administrative procedure act, chapter 34.05 RCW. Any
25 order that the commission issues under this section shall be pursuant
26 to such a hearing.

27 (a) The person against whom an order is directed under this
28 section shall be designated as the respondent. The order may require
29 the respondent to cease and desist from the activity that constitutes
30 a violation and in addition, or alternatively, may impose one or more
31 of the remedies provided in RCW 42.17A.750(1) (b) through (h), or
32 other requirements as the commission determines appropriate to
33 effectuate the purposes of this chapter.

34 (b) The commission may assess a penalty in an amount not to
35 exceed ten thousand dollars per violation, unless the parties
36 stipulate otherwise. Any order that the commission issues under this
37 section that imposes a financial penalty must be made pursuant to a
38 hearing, held in accordance with the administrative procedure act,
39 chapter 34.05 RCW.

1 (c)(i) The commission has the authority to waive a penalty for a
2 first-time violation. A second violation of the same requirement by
3 the same person, regardless if the person or individual committed the
4 violation for a different political committee or incidental
5 committee, shall result in a penalty. Successive violations of the
6 same requirement shall result in successively increased penalties.
7 The commission may suspend any portion of an assessed penalty
8 contingent on future compliance with this chapter. The commission
9 must create a schedule to enhance penalties based on repeat
10 violations by the person. Penalties for violations that are not
11 remediable violations or requests for technical corrections may not
12 be waived without the unanimous approval of the commission. The
13 authority of the commission to waive penalties must be consistently
14 applied. The commission shall use the scoring system developed
15 pursuant to (c)(ii) of this subsection when determining whether to
16 waive penalties.

17 (ii) The commission, by rule, shall develop a scoring system
18 consisting of objective criteria for determining situations in which
19 complaints may be dismissed with a waiver of penalties. The scoring
20 system may not take into account the political affiliation of the
21 respondent.

22 (d) Any order issued by the commission is subject to judicial
23 review under the administrative procedure act, chapter 34.05 RCW. If
24 the commission's order is not satisfied and no petition for review is
25 filed within thirty days, the commission may petition a court of
26 competent jurisdiction of any county in which a petition for review
27 could be filed under that jurisdiction, for an order of enforcement.
28 Proceedings in connection with the commission's petition shall be in
29 accordance with RCW 42.17A.760.

30 (4) In lieu of holding a hearing or issuing an order under this
31 section, the commission may refer the matter to the attorney general
32 consistent with this section, when the commission believes:

33 (a) Additional authority is needed to ensure full compliance with
34 this chapter;

35 (b) An apparent violation potentially warrants a penalty greater
36 than the commission's penalty authority; or

37 (c) The maximum penalty the commission is able to levy is not
38 enough to address the severity of the violation.

39 (5) Prior to filing a citizen's action under RCW 42.17A.775, a
40 person who has filed a complaint pursuant to this section must

1 provide written notice to the attorney general if the commission does
2 not, within (~~90 [ninety]~~) 90 days of the complaint being filed with
3 the commission, take action pursuant to subsection (1) of this
4 section. A person must simultaneously provide a copy of the written
5 notice to the commission.

6 **Sec. 2.** RCW 29B.60.020 and 2024 c 164 s 491 are each amended to
7 read as follows:

8 (1) The commission may initiate or respond to a complaint,
9 request a technical correction, or otherwise resolve matters of
10 compliance with this title, in accordance with this section. The
11 commission and the executive director may not consider the partisan
12 affiliation of a respondent, if any, when determining the appropriate
13 resolution of a matter pursuant to this section. If a complaint is
14 filed with or initiated by the commission, the commission must:

15 (a) Dismiss the complaint or otherwise resolve the matter in
16 accordance with subsection (2) of this section, as appropriate under
17 the circumstances after conducting a preliminary review;

18 (b) Initiate an investigation to determine whether a violation
19 has occurred, conduct hearings, and issue and enforce an appropriate
20 order, in accordance with chapter 34.05 RCW and subsection (3) of
21 this section; or

22 (c) Refer the matter to the attorney general, in accordance with
23 subsection (4) of this section.

24 (2)(a) For complaints of remediable violations or requests for
25 technical corrections, the commission may, by rule, delegate
26 authority to its executive director to resolve these matters in
27 accordance with subsection (1)(a) of this section, provided the
28 executive director consistently applies such authority. The executive
29 director shall use the scoring system developed by the commission by
30 rule pursuant to subsection (3) of this section when resolving these
31 matters.

32 (b) The commission shall, by rule, develop additional processes
33 by which a respondent may agree by stipulation to any allegations and
34 pay a penalty subject to a schedule of violations and penalties,
35 unless waived by the commission as provided for in this section. Any
36 stipulation must be referred to the commission for review. If
37 approved or modified by the commission, agreed to by the parties, and
38 the respondent complies with all requirements set forth in the

1 stipulation, the matter is then considered resolved and no further
2 action or review is allowed.

3 (3) If the commission initiates an investigation, an initial
4 hearing must be held within 90 days of the complaint being filed.
5 Following an investigation, in cases where it chooses to determine
6 whether a violation has occurred, the commission shall hold a hearing
7 pursuant to the administrative procedure act, chapter 34.05 RCW. Any
8 order that the commission issues under this section shall be pursuant
9 to such a hearing.

10 (a) The person against whom an order is directed under this
11 section shall be designated as the respondent. The order may require
12 the respondent to cease and desist from the activity that constitutes
13 a violation and in addition, or alternatively, may impose one or more
14 of the remedies provided in RCW 29B.60.010(1) (b) through (h), or
15 other requirements as the commission determines appropriate to
16 effectuate the purposes of this title.

17 (b) The commission may assess a penalty in an amount not to
18 exceed ten thousand dollars per violation, unless the parties
19 stipulate otherwise. Any order that the commission issues under this
20 section that imposes a financial penalty must be made pursuant to a
21 hearing, held in accordance with the administrative procedure act,
22 chapter 34.05 RCW.

23 (c) (i) The commission has the authority to waive a penalty for a
24 first-time violation. A second violation of the same requirement by
25 the same person, regardless if the person or individual committed the
26 violation for a different political committee or incidental
27 committee, shall result in a penalty. Successive violations of the
28 same requirement shall result in successively increased penalties.
29 The commission may suspend any portion of an assessed penalty
30 contingent on future compliance with this title. The commission must
31 create a schedule to enhance penalties based on repeat violations by
32 the person. Penalties for violations that are not remediable
33 violations or requests for technical corrections may not be waived
34 without the unanimous approval of the commission. The authority of
35 the commission to waive penalties must be consistently applied. The
36 commission shall use the scoring system developed pursuant to (c)(ii)
37 of this subsection when determining whether to waive penalties.

38 (ii) The commission, by rule, shall develop a scoring system
39 consisting of objective criteria for determining situations in which
40 complaints may be dismissed with a waiver of penalties. The scoring

1 system may not take into account the political affiliation of the
2 respondent.

3 (d) Any order issued by the commission is subject to judicial
4 review under the administrative procedure act, chapter 34.05 RCW. If
5 the commission's order is not satisfied and no petition for review is
6 filed within 30 days, the commission may petition a court of
7 competent jurisdiction of any county in which a petition for review
8 could be filed under that jurisdiction, for an order of enforcement.
9 Proceedings in connection with the commission's petition shall be in
10 accordance with RCW 29B.60.030.

11 (4) In lieu of holding a hearing or issuing an order under this
12 section, the commission may refer the matter to the attorney general
13 consistent with this section, when the commission believes:

14 (a) Additional authority is needed to ensure full compliance with
15 this title;

16 (b) An apparent violation potentially warrants a penalty greater
17 than the commission's penalty authority; or

18 (c) The maximum penalty the commission is able to levy is not
19 enough to address the severity of the violation.

20 (5) Prior to filing a citizen's action under RCW 29B.60.060, a
21 person who has filed a complaint pursuant to this section must
22 provide written notice to the attorney general if the commission does
23 not, within 90 days of the complaint being filed with the commission,
24 take action pursuant to subsection (1) of this section. A person must
25 simultaneously provide a copy of the written notice to the
26 commission.

27 NEW SECTION. **Sec. 3.** Section 1 of this act expires January 1,
28 2026.

29 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect January
30 1, 2026.

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