
HOUSE BILL 1434

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Hine, Miller, Anderson, McLean, R. King, R. Meyers, Scott, R. Fisher, Cooper, Appelwick, Rasmussen, Dorn, Valle, R. Johnson, Prentice, Cantwell, Cole, Jones, Pruitt, Fraser, Winsley, Sheldon, H. Myers, Riley, Orr, Roland, O'Brien, Ogden, Braddock, Phillips, Nelson, G. Fisher, Wineberry, Haugen, Spanel, Leonard, Sprenkle and Dellwo.

Read first time January 29, 1991. Referred to Committee on State Government.

1 AN ACT Relating to campaign financing; amending RCW 29.15.050,
2 29.18.050, 42.17.095, 42.17.390, and 43.03.028; adding a new section to
3 chapter 34.05 RCW; adding a new chapter to Title 42 RCW; adding new
4 sections as a new subchapter in chapter 42.17 RCW; adding new sections
5 to chapter 42.17 RCW; adding a new section to chapter 29.80 RCW;
6 creating new sections; prescribing penalties; providing an effective
7 date; and providing an expiration date.

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

9 NEW SECTION. **Sec. 1.** INTENT. The legislature finds and declares
10 that:

11 (1) The integrity of the electoral process is essential to the
12 preservation of a free and democratic society. The central element of
13 this process is the unfettered exchange of ideas between citizens and
14 candidates for public office.

1 (2) In recent years, the cost of conducting a campaign for state
2 office has become alarmingly and unacceptably high.

3 (3) The pressure on candidates to raise and spend large sums of
4 money has created a political climate where the financial strength of
5 an individual or special interest group may permit it to exercise a
6 potentially corrupting influence on the electoral process.

7 (4) The public perception of such corruption and the potential for
8 actual corruption undermines the credibility and integrity of our
9 public officials and candidates for public office, and thus undermines
10 the public's faith that they are being fairly and honestly represented.

11 (5) It is incumbent upon the legislature to address the increasing
12 role of money in political campaigns and to ensure the preservation of
13 an electoral process where each vote carries equal weight and every
14 candidate can be heard.

15 For these reasons, the legislature enacts this law to govern the
16 financing of election campaigns for state office.

17 CAMPAIGN EXPENDITURE LIMITATIONS AND MATCHING FUNDS

18 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions under RCW
19 42.17.020 apply to sections 2 through 24 of this act except as modified
20 by this section. Unless the context clearly requires otherwise, the
21 definitions in this section apply throughout sections 2 through 24 of
22 this act:

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

1 (2) "Board" or "election board" means the state election board
2 created by this chapter.

3 (3) "Bona fide political party" means an organization which has
4 filed a valid certificate of nomination with the secretary of state
5 under chapter 29.24 RCW or the governing body of the state organization
6 of a major political party, as defined in RCW 29.01.090, which shall be
7 the body authorized by the charter or bylaws of the party to exercise
8 authority on behalf of the state party.

9 (4) "Candidate" means an individual seeking nomination for election
10 or seeking election to a state office. Such an individual shall be
11 deemed to be seeking nomination for election or seeking election when
12 the individual first:

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

14 (b) Receives contributions or makes expenditures or reserves space
15 or facilities with intent to promote his or her candidacy for the
16 office; or

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

19 (5) "Caucus of the state legislature" means the caucus of the
20 members of a major political party in the state house of
21 representatives or in the state senate.

22 (6) "Election cycle" means the period beginning on the first day of
23 December following the date of the last previous general election for
24 the office which the candidate seeks and ending on November thirtieth
25 following the next election for the office. In the case of a special
26 election to fill a vacancy in an office, "election cycle" means the
27 period beginning on the day the vacancy occurs and ending on November
28 thirtieth following the special election.

1 (7) "Eligible candidate" means a candidate for a state office who
2 is eligible under sections 3 and 7 of this act to receive payments
3 under this chapter.

4 (8) "General election" means the election which directly results in
5 the election of a person to a state office. It does not include a
6 primary.

7 (9) "Immediate family" means a candidate's spouse, and any child,
8 stepchild, grandchild, parent, stepparent, grandparent, brother, half-
9 brother, sister, or half-sister of the candidate and the spouse of any
10 such person and any child, stepchild, grandchild, parent, stepparent,
11 grandparent, brother, half-brother, sister, or half-sister of the
12 candidate's spouse and the spouse of any such person.

13 (10) "Independent expenditure" means an "expenditure" as defined in
14 RCW 42.17.020 which has each of the following elements:

15 (a) It is made in support of or in opposition to a candidate for
16 office by a person who is not (i) a candidate for that office, (ii) an
17 authorized committee of a candidate for that office, (iii) a person who
18 has received the candidate's encouragement or approval to make the
19 expenditure, if the expenditure pays in whole or in part for any
20 political advertising supporting that candidate or promoting the defeat
21 of any other candidate or candidates for that office, or (iv) a person
22 with whom the candidate has collaborated for the purpose of making the
23 expenditure, if the expenditure pays in whole or in part for any
24 political advertising supporting that candidate or promoting the defeat
25 of any other candidate or candidates for that office;

26 (b) The expenditure pays in whole or in part for any political
27 advertising which either specifically names the candidate supported or
28 opposed, or clearly and beyond any doubt identifies such candidate
29 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 five hundred dollars or
4 more. A sequence of expenditures each of which is under five hundred
5 dollars shall constitute one independent expenditure as of the time
6 that the last expenditure brings the total value of the sequence to
7 five hundred dollars or more, and no expenditure in the sequence which
8 has been reported to the board under section 12 of this act shall be
9 considered as part of any future independent expenditure.

10 (11) "Major party" means a major political party as defined in RCW
11 29.01.090.

12 (12) "Minor party" means a minor political party as defined in RCW
13 29.01.100.

14 (13) "Multicandidate political committee" means a political
15 committee which, during a period of three calendar years: Receives
16 contributions of twenty-five dollars or more from each of twenty-five
17 or more persons; and makes contributions of at least twenty-five
18 dollars to each of five or more candidates or to the authorized
19 committees of five or more candidates.

20 (14) "Primary" means the procedure for nominating a candidate to
21 state office under chapter 29.18 or 29.21 RCW or any other primary for
22 an election which uses, in large measure, the procedures established in
23 chapter 29.18 or 29.21 RCW.

24 (15) "Recall campaign" means the period of time beginning on the
25 date of the filing of recall charges pursuant to RCW 29.82.015 and
26 ending thirty days after the recall election.

27 (16) "State campaign account" or "account" means the state election
28 campaign account established in section 16 of this act.

1 (17) "State legislative office" means the office of a member of the
2 state house of representatives and the office of a member of the state
3 senate.

4 (18) "State office" means the office of a member of the state
5 legislature or of any elective state executive officer.

6 (19) "State official" means a person who holds a state office.

7 NEW SECTION. **Sec. 3.** ELIGIBILITY FOR PAYMENTS--EXPENDITURE LIMIT
8 AGREEMENT--THRESHOLD AMOUNTS--USE OF LOGO. (1) To be eligible to
9 receive payments under this chapter a candidate shall:

10 (a) Identify the office sought by the candidate; and

11 (b) Agree in writing that the candidate and the authorized
12 committee of the candidate:

13 (i) Will fully comply with the fair campaign practices code adopted
14 by the public disclosure commission as it now exists or is hereafter
15 amended;

16 (ii) Have not made and will not make expenditures during the
17 election cycle which exceed any expenditure limitation applicable to
18 the candidate under section 4 of this act for the office sought by the
19 candidate;

20 (iii) Will deposit all payments received under section 9 of this
21 act in a separate checking account which shall contain only funds so
22 received, and will make no expenditures of funds received under this
23 section except by checks drawn on that account. The account shall be
24 in a financial institution located in this state whose deposits are
25 insured by the federal deposit insurance corporation, federal savings
26 and loan insurance corporation, or national credit union
27 administration;

1 (iv) Will furnish to the election board campaign records, evidence
2 of contributions, and other appropriate information as may be required
3 by the board; and

4 (v) Will cooperate in the case of any audit and examination by or
5 for the board under section 17 of this act.

6 (2) The agreement required by subsection (1) of this section must
7 be filed with the election board by the third business day after the
8 candidate has first received during the election cycle contributions,
9 less loan repayments, in an aggregate amount of:

10 (a) For a candidate for the office of governor, twenty-five
11 thousand dollars;

12 (b) For a candidate for state executive office other than the
13 office of governor, seven thousand five hundred dollars; and

14 (c) For a candidate for state legislative office, two thousand five
15 hundred dollars.

16 Such aggregate contributions include both those which satisfy and
17 those which do not satisfy the provisions of section 10 of this act.

18 (3) The provisions of this section shall not be construed as
19 preventing a candidate from filing a statement of intent with the board
20 at any time. Such a statement shall include a promise signed by the
21 candidate that the candidate has not and will not exceed the
22 expenditure limitation applicable to the candidate under section 4 of
23 this act.

24 (4) Nothing in this chapter requires any candidate to apply for or
25 accept public funding under section 9 or 11 of this act.

26 (5) A candidate for state office who enters and abides by an
27 agreement under subsection (1) of this section is entitled to display
28 the following good campaign practices seal in the political advertising
29 and communications of the candidate during the election cycle to which
30 the agreement applies:

2 NEW SECTION. **Sec. 4.** EXPENDITURE LIMITS FOR CANDIDATES UNDER
3 AGREEMENT. (1) Except as provided in subsection (4) of this section,
4 the expenditure limit for the election cycle for a candidate for state
5 office who agrees to the limitations established in this chapter is the
6 greater of: (a) The base amount established for the office sought
7 under subsection (2) of this section; or (b) the base amount plus the
8 amount applicable to the candidate under subsection (3) of this section
9 regarding independent expenditures.

10 (2) The base amount referred to in subsection (1) of this section
11 is:

12 (a) For the office of governor, two million two hundred thousand
13 dollars;

14 (b) For state executive office other than the office of governor,
15 eight hundred thousand dollars; and

16 (c) For the office of a member of the state legislature, fifty-five
17 thousand dollars.

18 (3) If, during the twelve months preceding the election in which
19 the candidate is seeking office, independent expenditures by any person
20 or persons are made in opposition to the candidate or for any other
21 candidate for the office sought by the candidate, the expenditure
22 limitation applicable to the candidate (not the other candidate) during
23 the election cycle shall be increased by an amount equal to the amount
24 of the independent expenditures under the following circumstances:

25 (a) The candidate is a candidate for state executive office and the
26 aggregate of such independent expenditures exceeds an amount equal to
27 five percent of the base amount established in subsection (2) of this
28 section for the office sought; or

1 (b) The candidate is a candidate for state legislative office and
2 the aggregate of such independent expenditures exceeds an amount equal
3 to ten percent of the base amount established in subsection (2) of this
4 section for the office sought.

5 (4) A candidate for an office is not subject to an expenditure
6 limitation under this chapter, if during the election cycle another
7 candidate for that office:

8 (a) Enters an expenditure limitation and eligibility agreement
9 under section 3 of this act for an election cycle but expends during
10 the election cycle more than the expenditure limit applicable to that
11 other candidate; or

12 (b)(i) Receives contributions, less any loan repayments,
13 aggregating more than the amount listed in section 3(2) of this act for
14 that office; and

15 (ii) Has not filed with the board the expenditure limitation and
16 eligibility agreement under section 3 of this act within three business
17 days of receiving that aggregate amount in contributions.

18 NEW SECTION. **Sec. 5.** RULES FOR COUNTING CONTRIBUTIONS AND
19 EXPENDITURES. For the purposes of this chapter:

20 (1) The expenditures made by and the contributions received by a
21 candidate and the expenditures made by and the contributions received
22 by the authorized committee of the candidate are considered to be
23 expenditures made by and contributions received by the candidate.

24 (2) Payments made by a candidate to repay loans made to the
25 candidate shall be reported but shall not be counted when determining
26 the total expenditures made by the candidate and the candidate's
27 authorized committee with regard to any of the expenditure limitations
28 provided by this chapter.

1 (3) A contribution received within the twelve-month period
2 following a general election for a state office shall be considered to
3 be a contribution during the election cycle for the state office ending
4 with that election. This subsection only applies to the extent the
5 contribution is used to pay any debt or obligation incurred to
6 influence the outcome of that election or the primary conducted for
7 that election.

8 NEW SECTION. **Sec. 6.** ADDITIONAL RULES FOR COUNTING EXPENDITURES--
9 CHAPTER APPLIES TO ELECTIONS TO FILL VACANCIES. (1) The expenditure
10 limitations imposed by this chapter are limitations on a candidate's
11 expenditures for the candidate's own campaign for state office.

12 (2) The provisions of this chapter apply to a special election
13 conducted to fill a vacancy in a state office. However, the
14 contributions received by a candidate and the expenditures made by a
15 candidate for a primary or special election conducted to fill such a
16 vacancy shall not be counted toward any of the limitations which apply
17 to the candidate under this chapter for the election cycle for any
18 other election.

19 (3) This chapter does not apply to the recall of a state official.
20 The contributions received by a state official against whom recall
21 charges have been filed under chapter 29.82 RCW and the expenditures
22 made by the official, which contributions and expenditures are made
23 with regard to the recall and during the recall campaign, shall not be
24 counted toward any of the limitations which apply under this chapter to
25 the official as a candidate for the election cycle for any other
26 election.

27 (4) An expenditure shall be considered to be an expenditure of the
28 candidate if it is made by (a) the candidate or an authorized committee
29 of the candidate; (b) a person who has received, expressly or

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

9 (5) A contribution, donation, or gift voluntarily made by a
10 candidate or the candidate's authorized committee to the state election
11 board for deposit in the state election campaign account shall not be
12 considered to be an expenditure by the candidate for the purposes of
13 this chapter.

14 NEW SECTION. **Sec. 7.** LIMITATIONS ON EXPENDITURES FROM PERSONAL OR
15 FAMILY FUNDS. (1) A candidate who enters an expenditure limitation and
16 eligibility agreement under section 3 of this act for an election cycle
17 shall not make, during the election cycle, expenditures from the
18 personal funds of the candidate, or the funds contributed by any member
19 of the immediate family of the candidate, aggregating in excess of the
20 following:

21 (a) For a candidate for the office of governor, thirty thousand
22 dollars;

23 (b) For a candidate for state executive office other than the
24 office of governor, ten thousand dollars; and

25 (c) For a candidate for the office of a member of the state
26 legislature, three thousand dollars.

27 For the purposes of this subsection, a loan by a candidate or a
28 member of the immediate family of the candidate to the campaign of the

1 candidate shall be considered to be a campaign expenditure by the
2 candidate.

3 (2) A candidate who enters an expenditure limitation and
4 eligibility agreement under section 3 of this act for an election cycle
5 and the authorized committee of the candidate shall not make
6 expenditures during the election cycle which in the aggregate exceed
7 any expenditure limit applicable to the candidate under section 4 of
8 this act.

9 NEW SECTION. **Sec. 8.** VARIOUS CONTRIBUTION AND EXPENDITURE AMOUNTS
10 ADJUSTED FOR INFLATION. The threshold amounts established in section
11 3(2) of this act, the base amounts established in section 4(2) of this
12 act, the amounts in section 7(1) of this act, and the campaign
13 contribution limitations established in section 21 of this act shall be
14 increased or decreased by the board by rule at the beginning of each
15 odd-numbered year based on changes in economic conditions as reflected
16 in the inflationary index used by the public disclosure commission
17 under RCW 42.17.370. The base year to be used for revisions made under
18 this section is 1991.

19 The board may also adjust the base amounts in section 7(1) of this
20 act applicable to a particular legislative office if the board finds
21 that, as a result of changes in population since the latest decennial
22 census, the population in the legislative district for that office
23 differs significantly from the average population of a legislative
24 district in the state. In such a case, the board may adjust the base
25 amount applicable to that office to reflect that difference in
26 populations.

27 NEW SECTION. **Sec. 9.** AMOUNT OF STATE FINANCIAL ASSISTANCE--NO
28 ASSISTANCE IF OPPOSITION IS PARTY TO EXPENDITURE LIMIT AGREEMENT. (1)

1 Except as provided in subsections (3) and (4) of this section, an
2 eligible candidate is entitled to payments from the state campaign
3 account equal to:

4 (a) Four dollars for each qualifying dollar received by the
5 candidate as a contribution for the campaign of the candidate; and

6 (b) The aggregate total amount of independent expenditures made or
7 obligated to be made during the twelve months preceding the election by
8 any person or persons in opposition to the candidate or for any other
9 candidate for the office sought by the candidate if:

10 (i) The candidate is a candidate for state executive office and the
11 aggregate of such independent expenditures exceeds an amount equal to
12 five percent of the base amount established in section 4(2) of this act
13 for the office sought; or

14 (ii) The candidate is a candidate for state legislative office and
15 the aggregate of such independent expenditures exceeds an amount equal
16 to ten percent of the base amount established in section 4(2) of this
17 act for the office sought.

18 A qualifying dollar is one which satisfies all of the provisions of
19 section 10 of this act regarding contributions.

20 (2) Payments received by a candidate under this section shall be
21 deposited as required in section 3(1)(b)(iii) of this act and shall be
22 used to pay for goods and services furnished during the election cycle
23 for which the payments were received. Such payments shall not be used:

24 (a) To make any payments, directly or indirectly, to the candidate
25 or to any member of the immediate family of the candidate;

26 (b) To make any expenditure other than expenditures to further the
27 nomination or election of the candidate; or

28 (c) To repay any loan to any person except to the extent the
29 proceeds of such loan were used to further the nomination or election
30 of the candidate.

1 (3) A candidate shall not be eligible to receive payments from the
2 state campaign account for a primary or election for an office unless:

3 (a) At least one other candidate for the office sought by the
4 candidate: (i) Enters an expenditure limitation and eligibility
5 agreement under section 3 of this act for an election cycle but expends
6 during the election cycle more than the expenditure limit applicable to
7 that other candidate; or (ii)(A) has not filed an expenditure
8 limitation and eligibility agreement under section 3 of this act with
9 the board in a timely manner; and (B) has received during the election
10 cycle contributions, less loan repayments, which, in the aggregate,
11 exceed twice the amount listed in section 3(2) of this act for the
12 office sought. For the purposes of (a)(ii)(B) of this subsection,
13 "contribution" does not include a contribution made by a candidate for
14 state office; and

15 (b) The candidate and the authorized committee of the candidate
16 have received contributions, less loan repayments, in an aggregate
17 threshold amount of at least the amount listed in section 3(2) (a),
18 (b), or (c) of this act for the office sought and all of the
19 contributions received for this purpose satisfy the provisions of
20 section 10 of this act.

21 (4) (a) Except as provided in (b) of this subsection, the sum of
22 all payments from the state campaign account to a candidate for an
23 election cycle may not exceed the following amounts for the office
24 sought:

25 (i) For the office of governor, two hundred twenty thousand
26 dollars;

27 (ii) For state executive office other than the office of governor,
28 eighty thousand dollars;

29 (iii) For the office of a member of the state legislature, twenty-
30 five thousand dollars.

1 (b) If the expenditure limitation applicable to the candidate is
2 increased under section 4(3) of this act as a result of independent
3 expenditures, the amount listed for the office sought by the candidate
4 in (a) of this subsection, as it applies to the candidate, shall be
5 increased by an amount equal to those independent expenditures.

6 NEW SECTION. **Sec. 10.** RULES FOR DETERMINING WHETHER CONTRIBUTIONS
7 WILL COUNT FOR DETERMINING THRESHOLD AMOUNT AND FOR STATE MATCHING
8 FUNDS. For a contribution received by a candidate or the candidate's
9 authorized committee to qualify as being one which satisfies the
10 requirements of section 9(3)(b) of this act for raising a threshold
11 amount of contributions or to qualify to be matched by public moneys
12 from the state campaign account under section 9 of this act, the
13 contribution must satisfy each of the following requirements:

14 (1) The contribution shall be a gift of money made by a written
15 instrument which identifies the individual making the contribution;

16 (2) The contribution shall be made directly to the candidate or the
17 candidate's authorized committee. Contributions made through any other
18 person shall not qualify. The provisions of this subsection do not
19 disqualify money received through bona fide joint fund-raising efforts
20 conducted solely for the purpose of sponsorship of a fund-raising
21 reception, dinner, or other event, under rules prescribed by the board,
22 by: (a) Two or more candidates, or (b) one or more candidates and one
23 or more national, state, or local committees of a political party
24 acting on their own behalf;

25 (3) The contribution shall have come from an individual. However,
26 the contribution shall not have come from a candidate for any office;

27 (4)(a) Of the total amount of all contributions made by a person to
28 the candidate and the authorized committee of the candidate or for the
29 benefit of the candidate, not more than the amount listed in (b) of

1 this subsection for the office sought may be counted toward the
2 threshold amount or be matched by moneys from the state campaign
3 account. The provisions of this subsection shall not be construed as
4 limiting the total amount of contributions that may be made by a person
5 to or for the benefit of a candidate or that may be accepted by the
6 candidate or the candidate's authorized committee from the person;

7 (b) The amount referred to in (a) of this subsection is: (i) For
8 the office of governor, one thousand dollars; (ii) for state executive
9 office other than the office of governor, five hundred dollars; and
10 (iii) for state legislative office, two hundred dollars;

11 (c) For the purposes of this subsection (4), all contributions by
12 one person who is controlled by any other person shall be considered to
13 have been made by such other person. The provisions of this subsection
14 (c) shall not be construed as applying to the relationship between an
15 individual and the spouse of the individual;

16 (d) The provisions of section 23 (2) and (3) of this act apply in
17 determining whether a person is controlled by any other person for the
18 purposes of (c) of this subsection; and

19 (5) The contribution shall be received during the election cycle.

20 NEW SECTION. **Sec. 11.** PROCEDURES FOR REQUESTING PAYMENT UNDER
21 EXPENDITURE LIMIT AGREEMENT. A candidate desiring payments from the
22 state campaign account shall file a request with the board which shall
23 contain:

24 (1) Such information and be made in accordance with such procedures
25 as the board may provide by rule; and

26 (2) A verification signed by the candidate and the treasurer of the
27 authorized committee of the candidate stating that the information
28 furnished in support of the request, to the best of the knowledge of
29 each, is correct and fully satisfies the requirements of this chapter.

1 No later than two business days after an eligible candidate files
2 a request with the board to receive payments under this section, the
3 board shall determine whether the candidate is eligible to receive
4 payments from the state campaign account and, if the candidate is
5 eligible to receive such payments, disburse to the candidate from the
6 account the full amount to which the candidate is entitled.

7 A candidate is not limited to filing only one request for payments
8 under this section during each election cycle. After filing an
9 original request, a candidate may file one or more supplemental
10 requests to receive the payments to which the candidate is entitled.

11 The board may permit its executive director to approve requests
12 submitted under this section and make the disbursements authorized by
13 this chapter on behalf of the board and within guidelines adopted by
14 the board by rule.

15 NEW SECTION. **Sec. 12.** DISCLOSURE OF INDEPENDENT EXPENDITURES.
16 Within two days after the date of entering into a contract to make or
17 otherwise making an independent expenditure, the person making the
18 expenditure shall file with the board a report, on a form prescribed by
19 the board, providing the date and amount of the expenditure; what the
20 expenditure purchased; the name of the candidate supported or opposed;
21 the office sought by that candidate; and any other information which
22 the board believes will assist it in carrying out its responsibilities
23 under this chapter. The person entering into a contract to make or
24 otherwise making the independent expenditure shall also mail, within
25 two days of entering into the contract or otherwise making the
26 expenditure, a copy of the report to each candidate for the office or
27 offices for which the expenditure is made.

1 NEW SECTION. **Sec. 13.** ELECTION BOARD CREATED. There is hereby
2 created the state election board, which shall be composed of six
3 members appointed by the governor. Each member shall be appointed to
4 a permanently assigned position number on the board.

5 Initially, the legislative leader of each of the two largest
6 political parties in each house of the state legislature shall submit
7 a list of three nominees for appointment to the board. The governor
8 shall appoint one member of the board from each of the four lists
9 submitted by the four legislative leaders. These shall be positions
10 one through four. Appointment of a successor for a full term for any
11 one of these four positions or for filling a vacancy in any one of
12 these four positions shall be made from a list of three persons
13 nominated by the legislative leader of the same political party in the
14 legislature which nominated the person first appointed to the position.

15 Positions five and six shall be appointed by the governor to
16 represent the public interest generally. Any person or organization
17 may submit recommendations to the governor, which may be considered by
18 the governor in making the appointments to these two positions. A
19 person appointed to position five or six shall not also be an elected
20 public official nor may the person have held the office of an elected
21 public official in any of the six years prior to his or her
22 appointment.

23 The term of office of each member of the board is four years,
24 except that the term of office of one of the initial members shall be
25 one year, the term of two initial members shall be two years, and the
26 term of one other initial member shall be three years as designated by
27 the governor. The board shall notify the governor and any appropriate
28 nominating legislative leader regarding a vacancy created on the board
29 or the impending conclusion of a member's full term of office. The
30 governor shall make appointments to fill vacancies within thirty days

1 of their being created and shall make appointments to fill full terms
2 within thirty days of the expiration of a member's term.

3 Four members constitute a quorum for conducting the business of the
4 board.

5 The board is a class four group under the provisions of RCW
6 43.03.250 and members shall be compensated accordingly. In addition,
7 the members shall be reimbursed for travel expenses incurred while
8 engaged in the business of the board as provided in RCW 43.03.050 and
9 43.03.060.

10 NEW SECTION. **Sec. 14.** ELECTION BOARD DUTIES. The state election
11 board shall:

12 (1) Administer this chapter and adopt such rules and make such
13 orders as it finds appropriate for such administration;

14 (2) Enforce the provisions of this chapter and the rules adopted by
15 the board under this chapter, and administer oaths and affirmations,
16 issue subpoenas, and compel attendance, take evidence and require the
17 production of any books, papers, correspondence, memorandums, or other
18 records relevant or material for the purpose of any investigation under
19 this chapter;

20 (3) Develop and provide forms for the applications and reports
21 filed with the board under this chapter;

22 (4) Prepare and publish, jointly with the public disclosure
23 commission, a manual setting forth uniform methods of bookkeeping by
24 candidates who have accepted public funding;

25 (5) Compile and maintain a current list of all filed reports and
26 statements filed under this chapter;

27 (6) Upon complaint or upon its own motion, investigate possible
28 violations of this chapter and of rules adopted under this chapter;

1 (7) Employ staff, including an executive director who shall perform
2 such duties and have such powers as the board may prescribe. However,
3 the board may not delegate its authority to adopt, amend, or rescind
4 rules or to determine whether a violation of this chapter has occurred
5 or to assess penalties for such violation; and

6 (8) Prepare and publish such reports and technical studies as in
7 its judgment will tend to promote the purposes of this chapter.

8 The board may accept contributions, donations, or gifts from any
9 person or entity on behalf of the state election campaign account. The
10 money value of any such contribution, donation, or gift received by the
11 board shall be promptly deposited in the account.

12 NEW SECTION. **Sec. 15.** ELECTION BOARD PROVIDES CAMPAIGN FINANCING
13 PAYMENTS--APPEAL FROM ADVERSE BOARD DECISION. (1) The board shall
14 decide all applications for payment from the state campaign account.
15 Each application shall be decided in accordance with rules adopted by
16 the board, and the board's decision on the application shall be final
17 unless appealed as provided in subsection (2) of this section. The
18 board's review of applications, and all actions taken by the board on
19 applications, shall be exempt from chapter 34.05 RCW.

20 (2) Any person adversely affected by the board's decision and who
21 believes the decision to be unlawful may appeal to the superior court
22 of Thurston county by petition setting forth his or her reasons why the
23 decision is unlawful. A copy of the petition on appeal together with
24 a notice that an appeal has been taken shall be served upon the board,
25 upon the attorney general, and upon each candidate for the office
26 sought by the applicant. The decision of the superior court shall be
27 final. Such appeal shall be heard without costs to either party.

1 NEW SECTION. **Sec. 16.** CREATION OF STATE ELECTION CAMPAIGN
2 ACCOUNT. The state election campaign account is hereby created in the
3 custody of the state treasurer. All moneys appropriated to the board
4 for deposit in the account, all moneys received under RCW 29.15.050 or
5 29.18.050, and all earnings of investments of balances in the account
6 shall be credited to the account. Moneys may be disbursed from the
7 account only in the form of payments to eligible candidates as
8 authorized by this chapter. Only the board, or the board's executive
9 director if permitted to do so by rules adopted by the board, may
10 authorize disbursements from the account. The account is subject to
11 allotment procedures under chapter 43.88 RCW, but no appropriation is
12 required for disbursements.

13 The account shall maintain a balance of not more than
14 dollars. Any additional amounts in the account in excess of
15 dollars shall be deposited in the general fund.

16 NEW SECTION. **Sec. 17.** EXAMINATION AND AUDITS--RETURN OF UNSPENT
17 MATCHING FUNDS. (1) The public disclosure commission and the board
18 shall jointly develop and approve a program for auditing the campaign
19 accounts of candidates who accept public funding under this chapter.

20 (2) After each general election, the public disclosure commission
21 shall conduct, on behalf of the board, such examinations and audits of
22 the campaign accounts of eligible candidates and of authorized
23 committees as are sufficient to determine, among other things, whether
24 candidates have complied with the expenditure limits and other
25 conditions of eligibility and requirements of this chapter.

26 (3) The board shall review the examinations and audits conducted by
27 the commission on its behalf and may conduct any additional
28 investigations it believes to be warranted. The board shall require
29 candidates to return to the board any unexpended funds received by the

1 candidates under this chapter. The board may adopt exceptions to this
2 requirement for instances where debts are in dispute.

3 (4) Examinations and audits shall not be made by the commission
4 under this section with respect to an election cycle more than three
5 years after the cycle.

6 NEW SECTION. **Sec. 18.** VIOLATIONS. (1) It is a violation of this
7 chapter for any candidate to accept public payments under this chapter
8 which are in excess of the aggregate payments to which the candidate is
9 entitled.

10 (2) It is a violation of this chapter for any candidate or for any
11 officer, member, employee, or agent of a political committee for the
12 candidate:

13 (a) To use or transfer funds for any purpose prohibited by section
14 9(2) of this act;

15 (b) To make expenditures which he or she knows exceed any
16 expenditure limitation applicable under section 4 of this act;

17 (c) To provide false information under section 3 (1) or (2) of this
18 act; or

19 (d) To violate the agreement under section 3(1)(b) of this act.

20 (3) It is a violation of this chapter for any person:

21 (a) To furnish to the board or to the public disclosure commission
22 under this chapter any evidence, books, or information (including any
23 certification, verification, notice, or report), which is false,
24 fictitious, or fraudulent, or to include in any evidence, books, or
25 information so furnished any misrepresentation of a material fact, or
26 to falsify or conceal any evidence, books, or information relevant to
27 a payment by the board or an examination or audit by the board or the
28 commission under this chapter; or

1 (b) To fail to furnish to the board or the commission any records,
2 books, or information requested by it for purposes of this chapter.

3 (4) It is a violation of this chapter for any person to accept any
4 payment if the person knows, or has reason to know, that the payment is
5 in violation of section 9(2) of this act.

6 NEW SECTION. **Sec. 19.** BOARD TO REPORT TO GOVERNOR AND
7 LEGISLATURE--RULE-MAKING POWERS. (1) The board shall, as soon as
8 practicable after each election, submit a full report to the governor
9 and the legislature setting forth:

10 (a) The expenditures shown in such detail as the board determines
11 appropriate made by each eligible candidate and the authorized
12 committee of each candidate;

13 (b) The amounts paid by the board under section 11 of this act to
14 each eligible candidate;

15 (c) The amount of any payments returned under section 17 of this
16 act; and

17 (d) The balance in the state campaign account.

18 (2) The board is authorized to prescribe such rules in accordance
19 with chapter 34.05 RCW, to conduct such examinations and
20 investigations, and to require the keeping and submission of such
21 books, records, and information, as it deems necessary to carry out the
22 functions and duties imposed on it by this chapter.

23 CAMPAIGN CONTRIBUTION LIMITATIONS

24 NEW SECTION. **Sec. 20.** DEFINITIONS--CAMPAIGN CONTRIBUTION
25 LIMITATIONS. Unless the context clearly requires otherwise, the
26 definitions in section 2 of this act apply to this subchapter. Unless
27 the context clearly requires otherwise, the definitions in RCW

1 42.17.020 also apply to this subchapter except as they are modified by
2 the definitions in section 2 of this act.

3 For the purposes of sections 20 through 24 of this act,
4 "contribution" does not include a loan, gift, payment, pledge, or
5 transfer of anything of value owned by the candidate which is made by
6 the candidate to the candidate's own authorized political committee.

7 NEW SECTION. **Sec. 21.** CAMPAIGN CONTRIBUTION LIMITS. (1) No
8 person, other than a multicandidate political committee or a bona fide
9 political party or a caucus of the state legislature, may make
10 contributions during an election cycle which in the aggregate exceed:
11 (a) One thousand dollars to any candidate for state legislative office;
12 or (b) five thousand dollars to any candidate for any state executive
13 office. No candidate and no authorized committee of a candidate may
14 accept contributions from a person which exceed the contribution
15 limitations provided by this subsection for that person.

16 (2) No person, other than a multicandidate political committee or
17 a bona fide political party or a caucus of the state legislature, may
18 make contributions during a recall campaign which in the aggregate
19 exceed: (a) One thousand dollars to any state legislator against whom
20 recall charges have been filed or to any political committee having the
21 expectation of making expenditures in support of the recall of any
22 state legislator; or (b) five thousand dollars to any state executive
23 officer against whom recall charges have been filed or to any political
24 committee having the expectation of making expenditures in support of
25 the recall of such a state executive officer. No state official
26 against whom recall charges have been filed, no authorized committee of
27 such an official, and no political committee having the expectation of
28 making expenditures in support of the recall of any state official may

1 accept contributions from a person which exceed the contribution
2 limitation provided by this subsection for that person.

3 (3) No multicandidate political committee may make contributions
4 during an election cycle which in the aggregate exceed: (a) Three
5 thousand dollars to any candidate for state legislative office; or (b)
6 seven thousand five hundred dollars to any candidate for any state
7 executive office. No candidate and no authorized committee of a
8 candidate may accept contributions from a multicandidate political
9 committee which exceed the contribution limitation provided by this
10 subsection for that multicandidate political committee.

11 (4) No multicandidate political committee may make contributions
12 during a recall campaign which in the aggregate exceed: (a) Three
13 thousand dollars to any state legislator against whom recall charges
14 have been filed or to any political committee having the expectation of
15 making expenditures in support of the recall of any state legislator;
16 or (b) seven thousand five hundred dollars to any state executive
17 officer against whom recall charges have been filed or to any political
18 committee having the expectation of making expenditures in support of
19 the recall of such a state executive officer. No state official
20 against whom recall charges have been filed, no authorized committee of
21 such an official, and no political committee having the expectation of
22 making expenditures in support of the recall of any state official may
23 accept contributions from a multicandidate political committee which
24 exceed the contribution limitation provided by this subsection for that
25 multicandidate political committee.

26 (5) No bona fide political party and no caucus of the state
27 legislature may make contributions during an election cycle which in
28 the aggregate exceed: (a) Five thousand dollars to any candidate for
29 state legislative office; or (b) ten thousand dollars to any candidate
30 for any state executive office. No candidate and no authorized

1 committee of a candidate may accept contributions from a bona fide
2 political party or from a caucus of the state legislature which exceed
3 the contribution limitation provided by this subsection for that party
4 or caucus.

5 (6) No bona fide political party and no caucus of the state
6 legislature may make contributions during a recall campaign which in
7 the aggregate exceed: (a) Five thousand dollars to any state
8 legislator against whom recall charges have been filed or to any
9 political committee having the expectation of making expenditures in
10 support of the recall of any state legislator; or (b) ten thousand
11 dollars to any state executive officer against whom recall charges have
12 been filed or to any political committee having the expectation of
13 making expenditures in support of the recall of such a state executive
14 officer. No state official against whom recall charges have been
15 filed, no authorized committee of such an official, and no political
16 committee having the expectation of making expenditures in support of
17 the recall of any state official may accept contributions from a bona
18 fide political party or from a caucus of the state legislature which
19 exceed the contribution limitation provided by this subsection for that
20 party or caucus.

21 (7) For the purposes of this subchapter, a contribution to the
22 authorized political committee of a candidate, or of a state official
23 against whom recall charges have been filed, shall be considered to be
24 a contribution to the candidate or state official.

25 (8) Any contribution received within the twelve-month period
26 following a general election for a state office or for a recall
27 election concerning a state office shall be considered to be a
28 contribution during the election cycle ending with that election or
29 during that recall campaign if the contribution is used to pay any debt

1 or obligation incurred to influence the outcome of that election or the
2 primary conducted for that election or of that recall campaign.

3 (9)(a) The contributions allowed by subsection (2) of this section
4 are in addition to those allowed by subsection (1) of this section, the
5 contributions allowed by subsection (4) of this section are in addition
6 to those allowed by subsection (3) of this section, and the
7 contributions allowed by subsection (6) of this section are in addition
8 to those allowed by subsection (5) of this section.

9 (b) The provisions of this subchapter apply to a special election
10 conducted to fill a vacancy in a state office. However, the
11 contributions made to a candidate or received by a candidate for a
12 primary or special election conducted to fill such a vacancy shall not
13 be counted toward any of the limitations which apply to the candidate
14 or to contributions made to the candidate under this subchapter for any
15 other primary or election.

16 (10) No state legislator, or authorized political committee for
17 such legislator, may, during the course of a regular session of the
18 legislature, accept a campaign contribution for a state legislative
19 office from any person. The provisions of this subsection do not apply
20 during a recall campaign to a state legislator against whom recall
21 charges have been filed pursuant to RCW 29.82.015.

22 NEW SECTION. **Sec. 22.** CONTRIBUTIONS BY CHILDREN. Children under
23 eighteen years of age may make contributions to the extent authorized
24 in section 21 of this act only if:

25 (1) The decision to contribute is made knowingly and voluntarily by
26 the child;

27 (2) The funds, goods, or services contributed are owned or
28 controlled exclusively by the child, such as income earned by the
29 child, the proceeds of a trust for which the child is the beneficiary,

1 or a savings account opened and maintained exclusively in the child's
2 name; and

3 (3) The contribution is not made from the proceeds of a gift, the
4 purpose of which was to provide funds to be contributed, or is not in
5 any other way controlled by another individual.

6 NEW SECTION. **Sec. 23.** RULES FOR DETERMINING CONTRIBUTOR. (1) For
7 the purposes of the contribution limitations in section 21 of this act,
8 all contributions by any person who is controlled by any other person
9 shall be considered to have been made by such other person. The
10 provisions of this section shall not be construed as applying to the
11 relationship between an individual and the spouse of the individual or
12 to the relationship between a bona fide political party and any
13 district or county organization of that party or a caucus of the state
14 legislature of the members of that party.

15 (2) Without in any manner limiting its scope and effect, the
16 general rule under subsection (1) of this section or under section
17 10(4)(c) of this act means that:

18 (a) Any contribution by a subsidiary, branch, division, department,
19 or local unit of any association shall be considered to have been made
20 by the association; and

21 (b) Any contribution by a political committee controlled by any
22 person shall be considered to be a contribution by that person.

23 (3) In determining whether a person is controlled by any other
24 person for the purposes of subsection (1) of this section, the
25 following shall, if applicable, be considered:

26 (a) Ownership of a controlling interest in voting shares or
27 securities;

1 (b) Provisions of bylaws, articles of incorporation, charters,
2 constitutions, or other documents by which one person has the
3 authority, power, or ability to direct another;

4 (c) The authority, power, or ability to hire, appoint, discipline,
5 discharge, demote, or remove or influence the decision of the officers
6 or members of an entity;

7 (d) Similar patterns of contributions; and

8 (e) The extent of the transfer of funds between the persons.

9 NEW SECTION. **Sec. 24.** ADDITIONAL RULES FOR DETERMINING
10 CONTRIBUTOR. All contributions made by a person, either directly or
11 indirectly, to a candidate, to a state official against whom recall
12 charges have been filed, or to a political committee expecting to make
13 expenditures in support of the recall of a state official shall be
14 considered to be contributions from such person to the candidate, state
15 official, or political committee, as shall contributions which are in
16 any way earmarked or otherwise directed through an intermediary or
17 conduit to the candidate, state official, or political committee. For
18 purposes of this section, "earmarked" means a designation, instruction,
19 or encumbrance, whether direct or indirect, express or implied, or oral
20 or written, which is intended to result in or which does result in all
21 or any part of a contribution being made to a certain candidate or
22 state official. If a conduit or intermediary exercises any direction
23 or control over the choice of the recipient candidate or state
24 official, the contribution shall be considered to be by both the
25 original contributor and the conduit or intermediary.

26 NEW SECTION. **Sec. 25.** A new section is added to chapter 42.17 RCW
27 to read as follows:

1 RETURNED CONTRIBUTIONS NOT COUNTED. A contribution received by a
2 candidate or political committee which is returned to the contributor
3 within five days of the date on which it is received by the candidate
4 or committee is not a contribution for the purposes of this chapter.

5 NEW SECTION. **Sec. 26.** PENALTIES FOR VIOLATION OF EXPENDITURE
6 LIMIT CHAPTER. The board may impose a civil fine on any person who
7 violates any provision of this chapter or any rule adopted under this
8 chapter. The fine shall not exceed ten thousand dollars, except for
9 the following violations for which the penalty shall be as follows:

10 (1) For violations of section 18(1) of this act, up to the greater
11 of ten thousand dollars or the amount in excess of the aggregate
12 payments to which the candidate is entitled;

13 (2) For violations of section 18(2)(a) of this act, up to the
14 greater of ten thousand dollars or the amount used or transferred for
15 a prohibited purpose;

16 (3) For violations of section 18(2)(b) of this act, up to the
17 greater of ten thousand dollars or the amount of the expenditures in
18 excess of the applicable expenditure limitation; and

19 (4) For violations of section 18(4) of this act, up to the greater
20 of ten thousand dollars or the amount of the payment in violation of
21 section 9(2) of this act.

22 **Sec. 27.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read
23 as follows:

24 (1) A filing fee of one dollar shall accompany each declaration of
25 candidacy for precinct committee officer; a filing fee of ten dollars
26 shall accompany the declaration of candidacy for any office with a
27 fixed annual salary of one thousand dollars or less; except as provided
28 in subsection (2) of this section, a filing fee equal to one percent of

1 the annual salary of the office at the time of filing shall accompany
2 the declaration of candidacy for any office with a fixed annual salary
3 of more than one thousand dollars per annum. No filing fee need
4 accompany a declaration of candidacy for any office for which
5 compensation is on a per diem or per meeting attended basis, nor for
6 the filing of any declaration of candidacy by a write-in candidate.

7 (2) The filing fee for an office of the legislative or executive
8 branch of state government is equal to one and one-half percent of the
9 annual salary of the office at the time of filing and shall accompany
10 the declaration of candidacy for the office. Of each such fee: A sum
11 equal to one-half of one percent of the annual salary for the office
12 shall be promptly transmitted to the state election board for deposit
13 in the state election campaign account created in section 16 of this
14 act; and a sum equal to one percent of the annual salary for the office
15 shall be deposited as required under subsection (4) of this section.

16 (3) A candidate who lacks sufficient assets or income at the time
17 of filing to pay the filing fee required by this section shall submit
18 with his or her declaration of candidacy a nominating petition. The
19 petition shall contain not less than a number of signatures of
20 registered voters equal to the number of dollars of the filing fee.
21 The signatures shall be of voters registered to vote within the
22 jurisdiction of the office for which the candidate is filing.

23 (4) When the candidacy is for:

24 ((+1)) (a) A legislative or judicial office that includes
25 territory from more than one county, the fee shall be paid to the
26 secretary of state for equal division between the treasuries of the
27 counties comprising the district.

28 ((+2)) (b) A city or town office, the fee shall be paid to the
29 county auditor who shall transmit it to the city or town clerk for
30 deposit in the city or town treasury.

1 **Sec. 28.** RCW 29.18.050 and 1987 c 295 s 2 are each amended to read
2 as follows:

3 (1) A filing fee of one dollar shall accompany each declaration of
4 candidacy for precinct committee officer; a filing fee of ten dollars
5 shall accompany the declaration of candidacy for any office with an
6 annual salary of one thousand dollars or less; except as provided in
7 subsection (2) of this section, a filing fee equal to one percent of
8 the annual salary shall accompany the declaration of candidacy for any
9 office with an annual salary of more than one thousand dollars per
10 annum.

11 (2) The filing fee for an office of the legislative or executive
12 branch of state government is equal to one and one-half percent of the
13 annual salary of the office at the time of filing and shall accompany
14 the declaration of candidacy for the office. Of each such fee: A sum
15 equal to one-half of one percent of the annual salary for the office
16 shall be promptly transmitted to the state election board for deposit
17 in the state election campaign account created in section 16 of this
18 act; and a sum equal to one percent of the annual salary for the office
19 shall be deposited as required under subsection (4) of this section.

20 (3) A candidate who lacks sufficient assets or income at the time
21 of filing to pay the filing fee required by this section shall submit
22 with his or her declaration of candidacy a nominating petition. The
23 petition shall contain not less than a number of signatures of
24 registered voters equal to the number of dollars of the filing fee.
25 The signatures shall be of voters registered to vote within the
26 jurisdiction of the office for which the candidate is filing.

27 (4) When the candidacy is for:

28 (~~(1)~~) (a) A federal or state-wide office, the fee shall be paid
29 to the secretary of state for deposit in the state treasury.

1 ~~((2))~~ (b) A legislative or judicial office that includes
2 territory from more than one county, the fee shall be paid to the
3 secretary of state for equal division between the treasuries of the
4 counties comprising the district.

5 ~~((3))~~ (c) A county office or a legislative, judicial, or district
6 office that includes territory from a single county, the fee shall be
7 paid to the county auditor for deposit in the county treasury.

8 ~~((4))~~ (d) A city or town office, the fee shall be paid to the
9 county auditor who shall transmit it to the city or town clerk for
10 deposit in the city or town treasury.

11 **Sec. 29.** RCW 42.17.095 and 1982 c 147 s 8 are each amended to read
12 as follows:

13 (1) Except as provided in subsection (2) of this section, the
14 surplus funds of a candidate, or of a political committee supporting or
15 opposing a candidate, may only be disposed of in any one or more of the
16 following ways:

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

19 ~~((2))~~ (b) Transfer the surplus to the candidate's personal
20 account as reimbursement for lost earnings incurred as a result of that
21 candidate's election campaign. Such lost earnings shall be verifiable
22 as unpaid salary or, when the candidate is not salaried, as an amount
23 not to exceed income received by the candidate for services rendered
24 during an appropriate, corresponding time period. All lost earnings
25 incurred shall be documented and a record thereof shall be maintained
26 by the candidate or the candidate's political committee. The committee
27 shall include a copy of such record when its expenditure for such
28 reimbursement is reported pursuant to RCW 42.17.090;

1 (~~(3)~~) (c) Transfer the surplus to one or more candidates or to a
2 political committee or party;

3 (~~(4)~~) (d) Donate the surplus to a charitable organization
4 registered in accordance with chapter 19.09 RCW;

5 (~~(5)~~) (e) Transmit the surplus to the state treasurer for deposit
6 in the general fund; or

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

17 (2) Campaign funds and surplus funds may be voluntarily contributed
18 or donated to the state election board for deposit in the state
19 election campaign account.

20 **Sec. 30.** RCW 42.17.390 and 1973 c 1 s 39 are each amended to read
21 as follows:

22 PENALTIES FOR VIOLATION OF CONTRIBUTION LIMITS. (1) One or more of
23 the following civil remedies and sanctions may be imposed by court
24 order in addition to any other remedies provided by law:

25 (a) If the court finds that the violation of any provision of this
26 chapter by any candidate or political committee probably affected the
27 outcome of any election, the result of said election may be held void
28 and a special election held within sixty days of such finding. Any
29 action to void an election shall be commenced within one year of the

1 date of the election in question. It is intended that this remedy be
2 imposed freely in all appropriate cases to protect the right of the
3 electorate to an informed and knowledgeable vote.

4 (b) If any lobbyist or sponsor of any grass roots lobbying campaign
5 violates any of the provisions of this chapter, his or her registration
6 may be revoked or suspended and he or she may be enjoined from
7 receiving compensation or making expenditures for lobbying: PROVIDED,
8 HOWEVER, That imposition of such sanction shall not excuse said
9 lobbyist from filing statements and reports required by this chapter.

10 (c) Any person who violates any of the provisions of this chapter
11 may be subject to a civil penalty of not more than ten thousand dollars
12 for each such violation. However, for violations of section 21 of this
13 act, the penalty shall be up to the greater of ten thousand dollars or
14 the amount of the contribution illegally made or accepted.

15 (d) Any person who fails to file a properly completed statement or
16 report within the time required by this chapter may be subject to a
17 civil penalty of ten dollars per day for each day each such delinquency
18 continues.

19 (e) Any person who fails to report a contribution or expenditure
20 may be subject to a civil penalty equivalent to the amount he or she
21 failed to report.

22 (f) The court may enjoin any person to prevent the doing of any act
23 herein prohibited, or to compel the performance of any act required
24 herein.

25 NEW SECTION. Sec. 31. A new section is added to chapter 42.17 RCW
26 to read as follows:

27 COMMISSION TO ADOPT FEE SCHEDULE. (1) The commission is authorized
28 to adopt a fee schedule for the filing of reports, statements, and
29 registrations with the commission. The schedule shall be adequate to

1 offset a portion of the commission's appropriation as such portion is
2 designated in the legislature's operating budget for the commission.
3 The commission is vested with broad authority to set fees and to adopt
4 rules that facilitate their payment. The commission shall not impose
5 any fee on the filing of reports of contribution deposits required
6 under RCW 42.17.080(3).

7 (2) A report shall not be accepted by the commission or be
8 considered filed under this chapter unless the required fee is included
9 along with the report. However, the commission may authorize persons
10 filing multiple reports to pay an amount or amounts which will cover a
11 number of reports or to maintain an account with the commission which
12 will be used to pay the required fees.

13 (3) The commission shall deposit the fee amounts collected under
14 this section into the state election campaign account created in
15 section 16 of this act.

16 NEW SECTION. **Sec. 32.** A new section is added to chapter 42.17 RCW
17 to read as follows:

18 COMMISSION TO ASSIST BOARD. The commission shall conduct audits
19 and examinations as required by the state election board under chapter
20 42. ... RCW (sections 2 through 19, 26, and 38 of this act). The
21 commission shall also prepare and publish, jointly with the election
22 board, a manual setting forth uniform methods of bookkeeping by
23 candidates who have accepted public funding under chapter 42.--- RCW
24 (sections 2 through 19, 26, and 38 of this act).

25 **Sec. 33.** RCW 43.03.028 and 1988 c 167 s 9 are each amended to read
26 as follows:

1 SALARY OF EXECUTIVE DIRECTOR OF STATE ELECTION BOARD. (1) There is
2 hereby created a state committee on agency officials' salaries to
3 consist of seven members, or their designees, as follows: The
4 president of the University of Puget Sound; the chairperson of the
5 council of presidents of the state's four-year institutions of higher
6 education; the chairperson of the State Personnel Board; the president
7 of the Association of Washington Business; the president of the Pacific
8 Northwest Personnel Managers' Association; the president of the
9 Washington State Bar Association; and the president of the Washington
10 State Labor Council. If any of the titles or positions mentioned in
11 this subsection are changed or abolished, any person occupying an
12 equivalent or like position shall be qualified for appointment by the
13 governor to membership upon the committee.

14 (2) The committee shall study the duties and salaries of the
15 directors of the several departments and the members of the several
16 boards and commissions of state government, who are subject to
17 appointment by the governor or whose salaries are fixed by the
18 governor, and of the chief executive officers of the following agencies
19 of state government:

20 The arts commission; the human rights commission; the board of
21 accountancy; the board of pharmacy; the capitol historical association
22 and museum; the eastern Washington historical society; the Washington
23 state historical society; the interagency committee for outdoor
24 recreation; the criminal justice training commission; the department of
25 personnel; the state election board; the state finance committee; the
26 state library; the traffic safety commission; the horse racing
27 commission; the advisory council on vocational education; the public
28 disclosure commission; the hospital commission; the state conservation
29 commission; the commission on Hispanic affairs; the commission on
30 Asian-American affairs; the state board for volunteer ((firemen)) fire

1 fighters; the transportation improvement board; the public
2 ((employees)) employment relations commission; the forest practices
3 appeals board; and the energy facilities site evaluation council.

4 The committee shall report to the governor or the chairperson of
5 the appropriate salary fixing authority at least once in each fiscal
6 biennium on such date as the governor may designate, but not later than
7 seventy-five days prior to the convening of each regular session of the
8 legislature during an odd-numbered year, its recommendations for the
9 salaries to be fixed for each position.

10 (3) Committee members shall be reimbursed by the department of
11 personnel for travel expenses under RCW 43.03.050 and 43.03.060.

12 NEW SECTION. Sec. 34. CONTRIBUTIONS BEFORE EFFECTIVE DATE NOT
13 SUBJECT TO CONTRIBUTION LIMITS. Contributions made and received before
14 the effective date of this section shall not be considered to be
15 contributions under the provisions of sections 20 through 25 of this
16 act and the 1991 amendments to RCW 42.17.390 contained in section 30,
17 chapter .., Laws of 1991 (section 30 of this act).

18 NEW SECTION. Sec. 35. CONTRIBUTIONS BEFORE EFFECTIVE DATE NOT
19 SUBJECT TO CAMPAIGN FINANCING PROVISIONS. Contributions received
20 before the effective date of this section shall not be considered to be
21 contributions under the provisions of chapter 42.--- RCW (sections 2
22 through 19, 26, and 38 of this act).

23 NEW SECTION. Sec. 36. A new section is added to chapter 34.05 RCW
24 to read as follows:

25 ADMINISTRATIVE PROCEDURE ACT NOT APPLICABLE. This chapter shall
26 not apply to any action taken by the state election board under section

1 15 of this act on applications for payments from the state election
2 campaign account.

3 NEW SECTION. **Sec. 37.** A new section is added to chapter 29.80
4 RCW to read as follows:

5 CANDIDATES' PAMPHLET NOTICE. The secretary of state shall secure
6 from the state election board a list of the names of candidates for
7 state legislative and state executive offices who have agreed to limit
8 their expenditures under section 3 of this act. The secretary shall
9 add a notice in the candidates' pamphlet following the statement of
10 each person on that list indicating that the candidate has so agreed.
11 The secretary shall also prominently display the good campaign
12 practices seal specified in section 3(5) of this act next to the
13 statement of each person on that list. The secretary shall use the
14 most current list available from the board on the last date on which
15 the secretary will accept statements for publication.

16 NEW SECTION. **Sec. 38.** BOARD TO ESTIMATE PUBLIC FUNDS NEEDED FOR
17 MATCHING FUNDS. The state election board shall, on an annual basis,
18 estimate the funding needed to provide public matching moneys for
19 election campaigns under this chapter. Each annual estimate shall
20 identify funding needs for each of the successive four years. The
21 board shall transmit its estimate to the legislature on December 20th
22 of each year.

23 NEW SECTION. **Sec. 39.** SEVERABILITY CLAUSE. If any provision of
24 this act or its application to any person or circumstance is held
25 invalid, the remainder of the act or the application of the provision
26 to other persons or circumstances is not affected.

1 NEW SECTION. **Sec. 40.** CODIFICATION DIRECTIONS. Sections 2
2 through 19, 26, and 38 of this act shall constitute a new chapter in
3 Title 42 RCW.

4 NEW SECTION. **Sec. 41.** CODIFICATION DIRECTIONS. Sections 20
5 through 24 of this act are each added to chapter 42.17 RCW as a
6 subchapter and codified with the subchapter heading of "campaign
7 contribution limitations."

8 NEW SECTION. **Sec. 42.** SECTION HEADINGS. Section headings as used
9 in this act do not constitute any part of the law.

10 NEW SECTION. **Sec. 43.** Section 27 of this act shall take effect
11 July 1, 1992.

12 NEW SECTION. **Sec. 44.** Section 28 of this act shall expire July 1,
13 1992.