
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6249

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Quigley, Smith and Goings)

Read first time 02/06/96.

1 AN ACT Relating to campaign finance reform; amending RCW 42.17.040,
2 42.17.390, 42.17.395, 42.17.640, 42.17.690, and 42.17.790; adding new
3 sections to chapter 42.17 RCW; adding a new section to chapter 29.80
4 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17 RCW
7 to read as follows:

8 (1) This section applies to contributions to a candidate, state
9 official, or political committee who has failed to file a statement of
10 acceptance of voluntary expenditure limits set forth in section 3 of
11 this act.

12 (2) A candidate for a state office may not accept from any person
13 contributions that in the aggregate exceed twenty-five percent of the
14 contribution limits provided for in RCW 42.17.640.

15 (3) A state official against whom recall charges have been filed,
16 and a political committee having the expectation of making expenditures
17 in support of the recall of the state official, may not accept from any
18 person contributions that in the aggregate exceed twenty-five percent
19 of the contribution limits provided for in RCW 42.17.640.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW
2 to read as follows:

3 (1) This section applies to contributions to a candidate, state
4 official, or political committee who has filed a statement of
5 acceptance of voluntary expenditure limits set forth in section 3 of
6 this act.

7 (2) A candidate for a state office may not accept from any person
8 contributions that in the aggregate exceed the contribution limits
9 provided for in RCW 42.17.640.

10 (3) A state official against whom recall charges have been filed,
11 and a political committee having the expectation of making expenditures
12 in support of the recall of the state official, may not accept from any
13 person contributions during a recall campaign that in the aggregate
14 exceed the contribution limits provided for in RCW 42.17.640.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17 RCW
16 to read as follows:

17 When a person becomes a candidate or files for state office, he or
18 she shall sign and file with the commission a statement of acceptance
19 or rejection of the voluntary expenditure limits in section 4 of this
20 act. A state official whose recall is demanded or a political
21 committee having the expectation of making expenditures in support of
22 a recall shall sign and file with the commission a statement of
23 acceptance or rejection of the voluntary expenditure limits in section
24 4 of this act. The commission shall provide the form of the statement
25 and agreement by rule. The commission shall index and make available
26 for public inspection and copying a list of the statements of
27 acceptance or rejection filed by candidates.

28 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17 RCW
29 to read as follows:

30 (1) In accordance with RCW 42.17.690, the commission shall revise
31 expenditure limits applicable in an election cycle for a candidate who
32 files a statement of acceptance under section 3 of this act.

33 (2) The initial expenditure limits shall be as follows for the
34 following offices and classes of offices:

35 (a) Governor: One million dollars;

36 (b) All other state executive offices: Two hundred fifty thousand
37 dollars;

- 1 (c) State senator: Eighty thousand dollars; and
2 (d) State representative: Fifty thousand dollars.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.17 RCW
4 to read as follows:

5 (1) It is a violation of this chapter for a person to make a
6 contribution or expenditure in support of or opposition to a candidate
7 other than one within the limits in this chapter or an independent
8 expenditure as defined in RCW 42.17.020.

9 (2) If a candidate has agreed to expenditure limits under section
10 3 of this act and: (a) Knowingly accepts a contribution in excess of
11 the amounts allowed; or (b) has encouraged, approved, or collaborated
12 in the making of an unlawful expenditure by another in connection with
13 his or her campaign, the expenditure limit must be reduced by the
14 amount of the unlawful contribution or expenditure.

15 (3) Payments of candidate filing fees, fees or assessments relating
16 to the primary or general election candidates' pamphlet, or costs
17 incurred in the course of defending against a challenge of a person's
18 eligibility to become a candidate or a motion for injunction under RCW
19 42.17.390, do not constitute expenditures for the purpose of
20 determining whether a candidate has exceeded an expenditure limit.

21 **Sec. 6.** RCW 42.17.040 and 1989 c 280 s 2 are each amended to read
22 as follows:

23 (1) Every political committee, within two weeks after its
24 organization or, within two weeks after the date when it first has the
25 expectation of receiving contributions or making expenditures in any
26 election campaign, whichever is earlier, shall file a statement of
27 organization with the commission and with the county auditor or
28 elections officer of the county in which the candidate resides, or in
29 the case of any other political committee, the county in which the
30 treasurer resides. A political committee organized within the last
31 three weeks before an election and having the expectation of receiving
32 contributions or making expenditures during and for that election
33 campaign shall file a statement of organization within three business
34 days after its organization or when it first has the expectation of
35 receiving contributions or making expenditures in the election
36 campaign.

1 (2) The statement of organization shall include but not be limited
2 to:

3 (a) The name and address of the committee;

4 (b) The names and addresses of all related or affiliated committees
5 or other persons, and the nature of the relationship or affiliation;

6 (c) The names, addresses, and titles of its officers; or if it has
7 no officers, the names, addresses, and titles of its responsible
8 leaders;

9 (d) The name and address of its treasurer and depository;

10 (e) A statement whether the committee is a continuing one;

11 (f) The name, office sought, and party affiliation of each
12 candidate whom the committee is supporting or opposing, and, if the
13 committee is supporting the entire ticket of any party, the name of the
14 party;

15 (g) The ballot proposition concerned, if any, and whether the
16 committee is in favor of or opposed to such proposition;

17 (h) What distribution of surplus funds will be made, in accordance
18 with RCW 42.17.095, in the event of dissolution;

19 (i) The street address of the place and the hours during which the
20 committee will make available for public inspection its books of
21 account and all reports filed in accordance with RCW 42.17.080; and

22 (j) Such other information as the commission may by regulation
23 prescribe, in keeping with the policies and purposes of this chapter.

24 (3) A committee filing under this section that intends to support
25 or oppose only one candidate or ballot measure, or to contribute to or
26 expend fifty percent or more of its funds on behalf of, or in
27 opposition to, one candidate or ballot measure, shall include the name
28 of that candidate or ballot measure as part of the name of the
29 committee. The commission shall promptly notify the named candidate of
30 the group's organization and intent.

31 (4) Any material change in information previously submitted in a
32 statement of organization shall be reported to the commission and to
33 the appropriate county elections officer within the ten days following
34 the change.

35 **Sec. 7.** RCW 42.17.390 and 1993 c 2 s 28 are each amended to read
36 as follows:

1 One or more of the following civil remedies and sanctions may be
2 imposed by court order in addition to any other remedies provided by
3 law:

4 (1) ~~((If the court finds that the violation of any provision of
5 this chapter by any candidate or political committee probably affected
6 the outcome of any election, the result of said election may be held))~~
7 The court or the legislature, as applicable, shall presume that a
8 material and substantial violation of this chapter has affected the
9 outcome of the election. Unless the presumption is defeated by clear,
10 cogent, and convincing evidence, the court or the legislature, as
11 applicable, shall declare the election void, and a special election
12 must be held within sixty days of such finding. Any action to void an
13 election shall be commenced within one year of the date of the election
14 in question. It is intended that this remedy be imposed freely in all
15 appropriate cases to protect the right of the electorate to an informed
16 and knowledgeable vote.

17 (2) If any lobbyist or sponsor of any grass roots lobbying campaign
18 violates any of the provisions of this chapter, his registration may be
19 revoked or suspended and he may be enjoined from receiving compensation
20 or making expenditures for lobbying: PROVIDED, HOWEVER, That
21 imposition of such sanction shall not excuse said lobbyist from filing
22 statements and reports required by this chapter.

23 (3) Any person who violates any of the provisions of this chapter
24 may be subject to a civil penalty of not more than ten thousand dollars
25 for each such violation. However, a person or entity who violates
26 ~~((RCW 42.17.640))~~ this chapter may be subject to a civil penalty of ten
27 thousand dollars or three times the amount of the contribution
28 illegally made or accepted, whichever is greater. The penalty may not
29 be paid from campaign funds, and solicitations to political committees
30 may not be made in connection with the penalty.

31 (4) Any person who fails to file a properly completed statement or
32 report within the time required by this chapter may be subject to a
33 civil penalty of ten dollars per day for each day each such delinquency
34 continues.

35 (5) Any person who fails to report a contribution or expenditure
36 may be subject to a civil penalty equivalent to the amount he failed to
37 report.

38 (6) Any person who makes an independent expenditure that is
39 unlawful because of the encouragement, approval, or collaboration of a

1 candidate may be subject to a penalty of up to three times the amount
2 of the unlawful independent expenditure.

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

6 **Sec. 8.** RCW 42.17.395 and 1989 c 175 s 91 are each amended to read
7 as follows:

8 (1) The commission may (a) determine whether an actual violation of
9 this chapter has occurred; and (b) issue and enforce an appropriate
10 order following such determination.

11 (2) The commission, in cases where it chooses to determine whether
12 an actual violation of this chapter has occurred, shall hold a hearing
13 pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to
14 make such determination. Any order that the commission issues under
15 this section shall be pursuant to such hearing.

16 (3) In lieu of holding a hearing or issuing an order under this
17 section, the commission may refer the matter to the attorney general or
18 other enforcement agency as provided in RCW 42.17.360.

19 (4) The person against whom an order is directed under this section
20 shall be designated as the respondent. The order may require the
21 respondent to cease and desist from the activity that constitutes a
22 violation and in addition, or alternatively, may impose one or more of
23 the remedies provided in RCW 42.17.390(~~((1) (b), (c), (d), or (e))~~):
24 PROVIDED, That no individual penalty assessed by the commission may
25 exceed one thousand dollars, and in any case where multiple violations
26 are involved in a single complaint or hearing, the maximum aggregate
27 penalty may not exceed two thousand five hundred dollars.

28 (5) An order issued by the commission under this section shall be
29 subject to judicial review under the Administrative Procedure Act,
30 chapter 34.05 RCW. If the commission's order is not satisfied and no
31 petition for review is filed within thirty days as provided in RCW
32 34.05.542, the commission may petition a court of competent
33 jurisdiction of any county in which a petition for review could be
34 filed under that section, for an order of enforcement. Proceedings in
35 connection with the commission's petition shall be in accordance with
36 RCW 42.17.397.

1 **Sec. 9.** RCW 42.17.640 and 1995 c 397 s 20 are each amended to read
2 as follows:

3 (1) No person, other than a bona fide political party or a caucus
4 political committee, may make contributions to a candidate for a state
5 legislative office that in the aggregate exceed five hundred dollars or
6 to a candidate for a state office other than a state legislative office
7 that in the aggregate exceed one thousand dollars for each election in
8 which the candidate is on the ballot or appears as a write-in
9 candidate. Contributions made with respect to a primary may not be
10 made after the date of the primary. Contributions made with respect to
11 a general election may not be made after the final day of the
12 applicable election cycle.

13 (2) No person, other than a bona fide political party or a caucus
14 political committee, may make contributions to a state official against
15 whom recall charges have been filed, or to a political committee having
16 the expectation of making expenditures in support of the recall of the
17 state official, during a recall campaign that in the aggregate exceed
18 five hundred dollars if for a state legislative office or one thousand
19 dollars if for a state office other than a state legislative office.

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

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

36 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
37 political party or caucus political committee may make contributions to
38 a state official against whom recall charges have been filed, or to a
39 political committee having the expectation of making expenditures in

1 support of the state official, during a recall campaign that in the
2 aggregate exceed (i) fifty cents multiplied by the number of eligible
3 registered voters in the jurisdiction entitled to recall the state
4 official if the contributor is a caucus political committee or the
5 governing body of a state organization, or (ii) twenty-five cents
6 multiplied by the number of registered voters in the jurisdiction from
7 which 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 filed,
10 no authorized committee of the official, and no political committee
11 having the expectation of making expenditures in support of the recall
12 of a state official may accept contributions from a county central
13 committee or a legislative district committee during an election cycle
14 that when combined with contributions from other county central
15 committees or legislative district committees would in the aggregate
16 exceed twenty-five cents multiplied by the number of registered voters
17 in the jurisdiction from which the candidate is elected.

18 (5) For purposes of determining contribution limits under
19 subsections (3) and (4) of this section, the number of eligible
20 registered voters in a jurisdiction is the number at the time of the
21 most recent general election in the jurisdiction.

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

30 (7) For the purposes of ((RCW 42.17.640 through 42.17.790)) this
31 chapter, a contribution to the authorized political committee of a
32 candidate, or of a state official against whom recall charges have been
33 filed, is considered to be a contribution to the candidate or state
34 official.

35 (8) A contribution received within the twelve-month period after a
36 recall election concerning a state office is considered to be a
37 contribution during that recall campaign if the contribution is used to
38 pay a debt or obligation incurred to influence the outcome of that
39 recall campaign.

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

5 (10) (~~RCW 42.17.640 through 42.17.790 apply~~) This chapter applies
6 to a special election conducted to fill a vacancy in a state office.
7 However, the contributions made to a candidate or received by a
8 candidate for a primary or special election conducted to fill such a
9 vacancy shall not be counted toward any of the limitations that apply
10 to the candidate or to contributions made to the candidate for any
11 other primary or election.

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

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

31 (13) No person may accept contributions that exceed the
32 contribution limitations provided in this section.

33 (14) The following contributions are exempt from the contribution
34 limits of this section:

35 (a) An expenditure or contribution earmarked for voter
36 registration, for absentee ballot information, for precinct caucuses,
37 for get-out-the-vote campaigns, for precinct judges or inspectors, for
38 sample ballots, or for ballot counting, all without promotion of or
39 political advertising for individual candidates; or

1 (b) An expenditure by a political committee for its own internal
2 organization or fund raising without direct association with individual
3 candidates.

4 (15) Contributions to a state legislative candidate may be accepted
5 by the candidate or a political committee supporting the candidate only
6 if the person making the contribution resides or works in the
7 legislative district of the candidate.

8 (16) Contributions to a state legislator against whom recall
9 charges have been filed or to a political committee having the
10 expectation of making expenditures in support of the recall of a state
11 legislator may be accepted by the legislator or committee only if the
12 person making the contribution resides or works in the legislative
13 district of the state legislator against whom the recall charges have
14 been filed.

15 NEW SECTION. Sec. 10. A new section is added to chapter 29.80 RCW
16 to read as follows:

17 The secretary of state shall add to each candidates' pamphlet a
18 list of the campaign spending limits recommended by the public
19 disclosure commission for each of the state offices for which the
20 statements of candidates appear in the pamphlet and a brief explanation
21 of the effect of a promise filed with the commission under section 3 of
22 this act.

23 In preparing the candidates' pamphlet for publication, the
24 secretary of state shall secure from the public disclosure commission
25 its most current list of candidates who have promised to limit
26 spending, in accordance with section 3 of this act. Using this list,
27 the secretary of state shall print a notice, explaining the voluntary
28 campaign limits or referring to the location in the pamphlet of the
29 explanation required by this section, on each page of the pamphlet
30 containing the statements and photographs of candidates. The secretary
31 of state shall develop distinctive symbols or logos that will identify
32 whether a particular candidate has or has not accepted the voluntary
33 spending limits for that campaign. Based on the information supplied
34 by the public disclosure commission under this section immediately
35 prior to publication of the pamphlet, the secretary of state shall
36 print the appropriate symbol or logo in conjunction with the statement
37 of each candidate to indicate whether or not the candidate has accepted
38 the voluntary spending limits for that campaign.

1 **Sec. 11.** RCW 42.17.690 and 1993 c 2 s 9 are each amended to read
2 as follows:

3 (~~At the beginning of each even numbered calendar year, the~~
4 ~~commission shall increase or decrease all dollar amounts in this~~
5 ~~chapter based on changes in economic conditions as reflected in the~~
6 ~~inflationary index used by the commission under RCW 42.17.370.)) The
7 commission shall, by January 1, 1998, and by January 1st of each even-
8 numbered year thereafter, adopt revisions in the existing contribution
9 and expenditure limits. Revisions must be for the purpose of
10 recognizing: (1) Changes in the number of registered voters state-
11 wide; and (2) economic changes as reflected by an inflationary index
12 recommended by the office of financial management. The revisions must
13 be guided by the change in the index for the two-year period before the
14 date the revision is to be adopted. The new dollar amounts established
15 by the commission under this section shall be rounded off by the
16 commission to amounts as judged most convenient for public
17 understanding and so as to be within ten percent of the target amount
18 equal to the base amount provided in this chapter multiplied by the
19 increase in the inflationary index since December 3, 1992.~~

20 **NEW SECTION. Sec. 12.** A new section is added to chapter 42.17 RCW
21 to read as follows:

22 Notwithstanding RCW 42.17.640, no person other than a bona fide
23 political party or a caucus political committee may make contributions
24 reportable under this chapter to a political committee other than a
25 candidate, a state official against whom recall charges have been
26 filed, a bona fide political party, or a caucus political committee,
27 that in the aggregate exceed five hundred dollars in a calendar year.

28 **Sec. 13.** RCW 42.17.790 and 1995 c 397 s 27 are each amended to
29 read as follows:

30 (1) (~~Except as provided in subsection (2) of this section,~~) A
31 candidate for public office or the candidate's political committee is
32 prohibited from accepting contributions or expending any funds
33 contributed to the candidate or the candidate's political committee
34 before the designation by the candidate of the office to which the
35 candidate is seeking election.

36 (2) A candidate for public office or the candidate's political
37 committee may not use or permit the use of contributions, whether or

1 not surplus, solicited for or received by the candidate for public
2 office or the candidate's political committee to further the candidacy
3 of the individual for an office (~~(other than the)~~) unless that specific
4 office is designated on the statement of organization or has been
5 expressly designated by the candidate. With regard to contributions
6 accepted after the effective date of this act, within thirty days after
7 the individual becomes a candidate for an office other than the office
8 expressly designated by the candidate on the statement of organization,
9 the candidate or the candidate's political committee shall return
10 unspent contributions on a pro rata basis according to the
11 proportionate amount that the original unspent contributions bear to
12 the total contributions received by the candidate and the candidate's
13 political committee. Unspent contributions that cannot be returned
14 after reasonable efforts shall be contributed to a charitable
15 organization registered under chapter 19.09 RCW. Alternatively, the
16 candidate may maintain unspent contributions in a separate account
17 until after filing of the last report under RCW 42.17.080 or 42.17.105,
18 whichever is later, and may then dispose of these unspent contributions
19 under RCW 42.17.095. A contribution solicited for or received on
20 behalf of the candidate for public office is considered solicited or
21 received for the candidacy for which the individual is then a candidate
22 if the contribution is solicited or received before the general
23 elections for which the candidate for public office is a nominee or is
24 unopposed.

25 ~~((2) With the written approval of the contributor, a candidate for~~
26 ~~public office or the candidate's political committee may use or permit~~
27 ~~the use of contributions, whether or not surplus, solicited for or~~
28 ~~received by the candidate for public office or the candidate's~~
29 ~~political committee from that contributor to further the candidacy of~~
30 ~~the individual for an office other than the office designated on the~~
31 ~~statement of organization. If the contributor does not approve the use~~
32 ~~of his or her contribution to further the candidacy of the individual~~
33 ~~for an office other than the office designated on the statement of~~
34 ~~organization at the time of the contribution, the contribution must be~~
35 ~~considered surplus funds and disposed of in accordance with RCW~~
36 ~~42.17.095.))~~

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