Chapter 29B.60 RCW
ENFORCEMENT

Sections

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RCW 29B.60.010 Civil remedies and sanctions—Referral for criminal prosecution. (1) In addition to the penalties in subsection (2) of this section, and any other remedies provided by law, one or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this title by any candidate, committee, or incidental committee probably affected the outcome of any election, the result of that election may be held void and a special election held within 60 days of the finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this title, the lobbyist's or sponsor's registration may be revoked or suspended and the lobbyist or sponsor may be enjoined from receiving compensation or making expenditures for lobbying. The imposition of a sanction shall not excuse the lobbyist from filing statements and reports required by this title.

(c) A person who violates any of the provisions of this title may be subject to a civil penalty of not more than ten thousand dollars for each violation. However, a person or entity who violates RCW 29B.40.020 may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

(d) When assessing a civil penalty, the court may consider the nature of the violation and any relevant circumstances, including the following factors:

(i) The respondent's compliance history, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, resulted from a knowing or intentional effort to conceal, deceive or mislead, or from collusive behavior, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(ii) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period or otherwise had a significant or material impact on the public;

(iii) Experience with campaign finance law and procedures or the financing, staffing, or size of the respondent's campaign or organization;

(iv) The amount of financial activity by the respondent during the statement period or election cycle;

(v) Whether the late or unreported activity was within three times the contribution limit per election, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(vi) Whether the respondent or any person benefited politically or economically from the noncompliance;

(vii) Whether there was a personal emergency or illness of the respondent or member of the respondent's immediate family;

(viii) Whether other emergencies such as fire, flood, or utility failure prevented filing;

(ix) Whether there was commission staff or equipment error, including technical problems at the commission that prevented or delayed electronic filing;

(x) The respondent's demonstrated good-faith uncertainty concerning commission staff guidance or instructions;

(xi) Whether the respondent is a first-time filer;

(xii) Good faith efforts to comply, including consultation with commission staff prior to initiation of enforcement action and cooperation with commission staff during enforcement action and a demonstrated wish to acknowledge and take responsibility for the violation;

(xiii) Penalties imposed in factually similar cases; and

(xiv) Other factors relevant to the particular case.

(e) A person who fails to file a properly completed statement or report within the time required by this title may be subject to a civil penalty of ten dollars per day for each day each delinquency continues.

(f) Each state agency director who knowingly fails to file statements required by RCW 29B.50.090 shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars per statement. These penalties are in addition to any other civil remedies or sanctions imposed on the agency.

(g) A person who fails to report a contribution or expenditure as required by this title may be subject to a civil penalty equivalent to the amount not reported as required.

(h) Any state agency official, officer, or employee who is responsible for or knowingly directs or expends public funds in violation of RCW 29B.50.090 (2) or (3) may be subject to personal liability in the form of a civil penalty in an amount that is at least equivalent to the amount of public funds expended in the violation.

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

(2) The commission may refer the following violations for criminal prosecution:

(a) A person who, with actual malice, violates a provision of this title is guilty of a misdemeanor under chapter 9.92 RCW;

(b) A person who, within a five-year period, with actual malice, violates three or more provisions of this title is guilty of a gross misdemeanor under chapter 9.92 RCW; and

(c) A person who, with actual malice, procures or offers any false or forged document to be filed, registered, or recorded with the commission under this title is guilty of a class C felony under chapter 9.94A RCW. [2024 c 164 s 490; 2019 c 428 s 37; 2018 c 304 s 12; 2013 c 166 s 1; 2011 c 145 s 6; 2010 c 204 s 1001; 2006 c 315 s 2; 1993 c 2 s 28 (Initiative Measure No. 134, approved November 3, 1992); 1973 c 1 s 39 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17A.750, 42.17.390.]

Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.

Finding—Effective date—2019 c 428: See notes following RCW 29B.20.110.

Finding—Intent—2018 c 304: See note following RCW 29B.25.090.

Effective date—2013 c 166: See note following RCW 29B.15.010.

Findings—Intent—Effective date—2011 c 145: See notes following RCW 29B.25.020.

Effective date—2010 c 204 ss 101-504, 506-601, 603-702, and 801-1103: See note following RCW 29B.15.010.

Intent—2006 c 315: "It is the intent of the legislature to increase the authority of the public disclosure commission to more effectively foster compliance with our state's public disclosure and fair campaign practices act. It is the intent of the legislature to make the agency's penalty authority for violations of this chapter more consistent with other agencies that enforce state ethics laws and more commensurate with the level of political spending in the state of Washington." [2006 c 315 s 1.]

Severability—2006 c 315: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2006 c 315 s 4.]

Short title—1993 c 2: See note following RCW 29B.40.010.

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

RCW 29B.60.020 Violations—Determination by commission—Penalties—Procedure. (1) The commission may initiate or respond to a complaint, request a technical correction, or otherwise resolve matters of compliance with this title, in accordance with this section. If a complaint is filed with or initiated by the commission, the commission must:

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

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

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

(2)(a) For complaints of remediable violations or requests for technical corrections, the commission may, by rule, delegate authority to its executive director to resolve these matters in accordance with subsection (1)(a) of this section, provided the executive director consistently applies such authority.

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

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

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

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

(c) The commission has the authority to waive a penalty for a first-time violation. A second violation of the same requirement by the same person, regardless if the person or individual committed the violation for a different political committee or incidental committee, shall result in a penalty. Successive violations of the same requirement shall result in successively increased penalties. The commission may suspend any portion of an assessed penalty contingent on future compliance with this title. The commission must create a schedule to enhance penalties based on repeat violations by the person.

(d) Any order issued by the commission is subject to judicial review under the administrative procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within 30 days, the commission may petition a court of competent

jurisdiction of any county in which a petition for review could be filed under that jurisdiction, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 29B.60.030.

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

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

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

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

(5) Prior to filing a citizen's action under RCW 29B.60.060, a person who has filed a complaint pursuant to this section must provide written notice to the attorney general if the commission does not, within 90 days of the complaint being filed with the commission, take action pursuant to subsection (1) of this section. A person must simultaneously provide a copy of the written notice to the commission. [2024 c 164 s 491; 2019 c 428 s 38; 2018 c 304 s 13; 2011 c 145 s 7; 2010 c 204 s 1002; 2006 c 315 s 3; 1989 c 175 s 91; 1985 c 367 s 12; 1982 c 147 s 16; 1975-'76 2nd ex.s. c 112 s 12. Formerly RCW 42.17A.755, 42.17.395.]

Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.

Finding—Effective date—2019 c 428: See notes following RCW 29B.20.110.

Finding—Intent—2018 c 304: See note following RCW 29B.25.090.

Findings—Intent—Effective date—2011 c 145: See notes following RCW 29B.25.020.

Effective date—2010 c 204 ss 101-504, 506-601, 603-702, and 801-1103: See note following RCW 29B.15.010.

Intent—Severability—2006 c 315: See notes following RCW 29B.60.010.

Effective date—1989 c 175: See note following RCW 34.05.010.

Construction—1975-'76 2nd ex.s. c 112: "The provisions of this 1976 amendatory act are intended to be remedial and shall be liberally construed, and nothing in this 1976 amendatory act shall be construed to limit the power of the commission under any other provision of chapter 42.17 RCW." [1975-'76 2nd ex.s. c 112 s 15. Formerly RCW 42.17A.907, 42.17.945.]

RCW 29B.60.030 Procedure upon petition for enforcement of order of commission—Court's order of enforcement. The following procedure shall apply in all cases where the commission has petitioned a court of competent jurisdiction for enforcement of any order it has issued pursuant to this title:

(1) A copy of the petition shall be served by certified mail directed to the respondent at his or her last known address. The court shall issue an order directing the respondent to appear at a time designated in the order, not less than five days from the date thereof, and show cause why the commission's order should not be enforced according to its terms.

(2) The commission's order shall be enforced by the court if the respondent does not appear, or if the respondent appears and the court finds, pursuant to a hearing held for that purpose:

(a) That the commission's order is unsatisfied;

(b) That the order is regular on its face; and

(c) That the respondent's answer discloses no valid reason why the commission's order should not be enforced or that the respondent had an appropriate remedy by review under RCW 34.05.570(3) and failed to avail himself or herself of that remedy without valid excuse.

(3) Upon appropriate application by the respondent, the court may, after hearing and for good cause, alter, amend, revise, suspend, or postpone all or part of the commission's order. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and the action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) The court's order of enforcement, when entered, shall have the same force and effect as a civil judgment.

(5) Notwithstanding RCW 34.05.578 through 34.05.590, this section is the exclusive method for enforcing an order of the commission. [2024 c 164 s 492; 2010 c 204 s 1003; 1989 c 175 s 92; 1982 c 147 s 17; 1975-'76 2nd ex.s. c 112 s 13. Formerly RCW 42.17A.760, 42.17.397.]

Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.

Effective date—2010 c 204 ss 101-504, 506-601, 603-702, and 801-1103: See note following RCW 29B.15.010.

Effective date—1989 c 175: See note following RCW 34.05.010.

Construction—1975-'76 2nd ex.s. c 112: See note following RCW 29B.60.020.

RCW 29B.60.040 Enforcement—Attorney general. (1)(a) The attorney general may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 29B.60.010 upon:

(i) Referral by the commission pursuant to RCW 29B.60.020(4);

(ii) Receipt of a notice provided in accordance with RCW 29B.60.020(5); or

(iii) Receipt of a notice of intent to commence a citizen's action, as provided under RCW 29B.60.060(3).

(b) Within 45 days of receiving a referral from the commission or notice of the commission's failure to take action provided in accordance with RCW 29B.60.020(5), or within 10 days of receiving a citizen's action notice, the attorney general must publish a decision whether to commence an action on the attorney general's office

website. Publication of the decision within the 45 day period, or ten-day period, whichever is applicable, shall preclude a citizen's action pursuant to RCW 29B.60.060.

(c) The attorney general should use the enforcement powers in this section in a consistent manner that provides guidance in complying with the provisions of this title to candidates, political committees, or other individuals subject to the regulations of this title.

(2) The attorney general may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this title, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, paper and documents which may be relevant or material to any investigation authorized under this title.

(3) When the attorney general requires the attendance of any person to obtain such information or produce the accounts, bills, receipts, books, papers, and documents that may be relevant or material to any investigation authorized under this title, the attorney general shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least 14 days before the date fixed for attendance. The order shall have the same force and effect as a subpoena, shall be effective statewide, and, upon application of the attorney general, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and the action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding. [2024 c 164 s 493; 2019 c 428 s 39; 2018 c 304 s 14; 2010 c 204 s 1004; 2007 c 455 s 1; 1975 1st ex.s. c 294 s 27; 1973 c 1 s 40 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17A.765, 42.17.400.]

Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.

Finding—Effective date—2019 c 428: See notes following RCW 29B.20.110.

Finding—Intent—2018 c 304: See note following RCW 29B.25.090.

Effective date—2010 c 204 ss 101-504, 506-601, 603-702, and 801-1103: See note following RCW 29B.15.010.

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

RCW 29B.60.050 Limitation on actions. Except as provided in RCW 29B.60.060(4), any action brought under the provisions of this title must be commenced within five years after the date when the violation occurred. [2024 c 164 s 494; 2018 c 304 s 15; 2011 c 60 s 26; 2007 c 455 s 2; 1982 c 147 s 18; 1973 c 1 s 41 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17A.770, 42.17.410.]

Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.

Effective date—2011 c 60: See note following RCW 29B.20.030.

Finding—Intent—2018 c 304: See note following RCW 29B.25.090.

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

RCW 29B.60.060 Citizen's action. (1) A person who has reason to believe that a provision of this title is being or has been violated may bring a citizen's action in the name of the state, in accordance with the procedures of this section.

(2) A citizen's action may be brought and prosecuted only if the person first has filed a complaint with the commission and:

(a) The commission has not taken action authorized under RCW 29B.60.020(1) within 90 days of the complaint being filed with the commission, and the person who initially filed the complaint with the commission provided written notice to the attorney general in accordance with RCW 29B.60.020(5) and the attorney general has not commenced an action, or published a decision whether to commence action pursuant to RCW 29B.60.040(1)(b), within 45 days of receiving the notice;

(b) For matters referred to the attorney general within 90 days of the commission receiving the complaint, the attorney general has not commenced an action, or published a decision whether to commence an action pursuant to RCW 29B.60.040(1)(b), within 45 days of receiving referral from the commission; and

(c) The person who initially filed the complaint with the commission has provided notice of a citizen's action in accordance with subsection (3) of this section and the commission or the attorney general has not commenced action within the 10 days provided under subsection (3) of this section.

(3) To initiate the citizen's action, after meeting the requirements under subsection (2) (a) and (b) of this section, a person must notify the attorney general and the commission that the person will commence a citizen's action within 10 days if the commission does not take action authorized under RCW 29B.60.020(1), or the attorney general does not commence an action or publish a decision whether to commence an action pursuant to RCW 29B.60.040(1)(b). The attorney general and the commission must notify the other of its decision whether to commence an action.

(4) The citizen's action must be commenced within two years after the date when the alleged violation occurred and may not be commenced against a committee or incidental committee before the end of such period if the committee or incidental committee has received an acknowledgment of dissolution.

(5) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state for reasonable costs and reasonable attorneys' fees the person incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all trial costs and reasonable attorneys' fees incurred by the defendant. [2024 c 164 s 495; 2019 c 428 s 40; 2018 c 304 s 16. Formerly RCW 42.17A.775.]

Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.

Finding—Effective date—2019 c 428: See notes following RCW 29B.20.110.

Finding—Intent—2018 c 304: See note following RCW 29B.25.090.

RCW 29B.60.070 Damages, costs, and attorneys' fees—Joint and several liability. In any action brought under this title, the court may award to the commission all reasonable costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he or she shall be awarded all costs of trial and may be awarded reasonable attorneys' fees to be fixed by the court and paid by the state of Washington. [2024 c 164 s 496; 2018 c 304 s 17. Formerly RCW 42.17A.780.]

Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.

Finding—Intent—2018 c 304: See note following RCW 29B.25.090.

RCW 29B.60.080 Public disclosure transparency account. The public disclosure transparency account is created in the state treasury. All receipts from penalties collected pursuant to enforcement actions or settlements under this title, including any fees or costs, must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account may be used only for the implementation of chapter 304, Laws of 2018 and duties under this title, and may not be used to supplant general fund appropriations to the commission, except during the 2025-2027 fiscal biennium. [2026 c 268 s 913; 2024 c 164 s 497; 2018 c 304 s 18. Formerly RCW 42.17A.785.]

Effective date—2026 c 268: See note following RCW 28B.15.210.

Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.

Finding—Intent—2018 c 304: See note following RCW 29B.25.090.