
HOUSE BILL 3004

State of Washington 58th Legislature 2004 Regular Session

By Representatives Miloscia and Rockefeller

Read first time 01/26/2004. Referred to Committee on State Government.

1 AN ACT Relating to campaign finance reform; amending RCW 42.17.020,
2 42.17.103, 42.17.640, and 42.36.040; and adding new sections to chapter
3 42.17 RCW.

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

5 **Sec. 1.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read
6 as follows:

7 (1) "Agency" includes all state agencies and all local agencies.
8 "State agency" includes every state office, department, division,
9 bureau, board, commission, or other state agency. "Local agency"
10 includes every county, city, town, municipal corporation, quasi-
11 municipal corporation, or special purpose district, or any office,
12 department, division, bureau, board, commission, or agency thereof, or
13 other local public agency.

14 (2) "Authorized committee" means the political committee authorized
15 by a candidate, or by the public official against whom recall charges
16 have been filed, to accept contributions or make expenditures on behalf
17 of the candidate or public official.

18 (3) "Ballot proposition" means any "measure" as defined by RCW
19 ((29.01.110)) 29A.04.191, or any initiative, recall, or referendum

1 proposition proposed to be submitted to the voters of the state or any
2 municipal corporation, political subdivision, or other voting
3 constituency from and after the time when the proposition has been
4 initially filed with the appropriate election officer of that
5 constituency prior to its circulation for signatures.

6 (4) "Benefit" means a commercial, proprietary, financial, economic,
7 or monetary advantage, or the avoidance of a commercial, proprietary,
8 financial, economic, or monetary disadvantage.

9 (5) "Bona fide political party" means:

10 (a) An organization that has filed a valid certificate of
11 nomination with the secretary of state under chapter ((29.24)) 29A.20
12 RCW;

13 (b) The governing body of the state organization of a major
14 political party, as defined in RCW ((29.01.090)) 29A.04.085, that is
15 the body authorized by the charter or bylaws of the party to exercise
16 authority on behalf of the state party; or

17 (c) The county central committee or legislative district committee
18 of a major political party. There may be only one legislative district
19 committee for each party in each legislative district.

20 (6) "Depository" means a bank designated by a candidate or
21 political committee pursuant to RCW 42.17.050.

22 (7) "Treasurer" and "deputy treasurer" mean the individuals
23 appointed by a candidate or political committee, pursuant to RCW
24 42.17.050, to perform the duties specified in that section.

25 (8) "Candidate" means any individual who seeks nomination for
26 election or election to public office. An individual seeks nomination
27 or election when he or she first:

28 (a) Receives contributions or makes expenditures or reserves space
29 or facilities with intent to promote his or her candidacy for office;

30 (b) Announces publicly or files for office;

31 (c) Purchases commercial advertising space or broadcast time to
32 promote his or her candidacy; or

33 (d) Gives his or her consent to another person to take on behalf of
34 the individual any of the actions in (a) or (c) of this subsection.

35 (9) "Caucus political committee" means a political committee
36 organized and maintained by the members of a major political party in
37 the state senate or state house of representatives.

38 (10) "Clearly identified candidate" means:

1 (a) The name of the candidate involved appears;

2 (b) A photograph or drawing of the candidate appears; or

3 (c) The identity of the candidate is apparent by unambiguous
4 reference.

5 (11) "Commercial advertiser" means any person who sells the service
6 of communicating messages or producing printed material for broadcast
7 or distribution to the general public or segments of the general public
8 whether through the use of newspapers, magazines, television and radio
9 stations, billboard companies, direct mail advertising companies,
10 printing companies, or otherwise.

11 ~~((11))~~ (12) "Commission" means the agency established under RCW
12 42.17.350.

13 ~~((12))~~ (13) "Compensation" unless the context requires a narrower
14 meaning, includes payment in any form for real or personal property or
15 services of any kind: PROVIDED, That for the purpose of compliance
16 with RCW 42.17.241, the term "compensation" shall not include per diem
17 allowances or other payments made by a governmental entity to reimburse
18 a public official for expenses incurred while the official is engaged
19 in the official business of the governmental entity.

20 ~~((13))~~ (14) "Continuing political committee" means a political
21 committee that is an organization of continuing existence not
22 established in anticipation of any particular election campaign.

23 ~~((14))~~ (15)(a) "Contribution" includes:

24 (i) A loan, gift, deposit, subscription, forgiveness of
25 indebtedness, donation, advance, pledge, payment, transfer of funds
26 between political committees, or anything of value, including personal
27 and professional services for less than full consideration;

28 (ii) An expenditure made by a person in cooperation, consultation,
29 or concert with, or at the request or suggestion of, a candidate, a
30 political committee, or their agents;

31 (iii) The financing by a person of the dissemination, distribution,
32 or republication, in whole or in part, of broadcast, written, graphic,
33 or other form of political advertising prepared by a candidate, a
34 political committee, or its authorized agent;

35 (iv) Sums paid for tickets to fund-raising events such as dinners
36 and parties, except for the actual cost of the consumables furnished at
37 the event.

38 (b) "Contribution" does not include:

1 (i) Standard interest on money deposited in a political committee's
2 account;

3 (ii) Ordinary home hospitality;

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

7 (iv) A news item, feature, commentary, or editorial in a regularly
8 scheduled news medium that is of primary interest to the general
9 public, that is in a news medium controlled by a person whose business
10 is that news medium, and that is not controlled by a candidate or a
11 political committee;

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

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

23 (vii) Messages in the form of reader boards, banners, or yard or
24 window signs displayed on a person's own property or property occupied
25 by a person. However, a facility used for such political advertising
26 for which a rental charge is normally made must be reported as an in-
27 kind contribution and counts towards any applicable contribution limit
28 of the person providing the facility;

29 (viii) Legal or accounting services rendered to or on behalf of:

30 (A) A political party or caucus political committee if the person
31 paying for the services is the regular employer of the person rendering
32 such services; or

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

37 (c) Contributions other than money or its equivalent are deemed to
38 have a monetary value equivalent to the fair market value of the

1 contribution. Services or property or rights furnished at less than
2 their fair market value for the purpose of assisting any candidate or
3 political committee are deemed a contribution. Such a contribution
4 must be reported as an in-kind contribution at its fair market value
5 and counts towards any applicable contribution limit of the provider.

6 ~~((+15+))~~ (16) "Elected official" means any person elected at a
7 general or special election to any public office, and any person
8 appointed to fill a vacancy in any such office.

9 ~~((+16+))~~ (17) "Election" includes any primary, general, or special
10 election for public office and any election in which a ballot
11 proposition is submitted to the voters: PROVIDED, That an election in
12 which the qualifications for voting include other than those
13 requirements set forth in Article VI, section 1 (Amendment 63) of the
14 Constitution of the state of Washington shall not be considered an
15 election for purposes of this chapter.

16 ~~((+17+))~~ (18) "Election campaign" means any campaign in support of
17 or in opposition to a candidate for election to public office and any
18 campaign in support of, or in opposition to, a ballot proposition.

19 ~~((+18+))~~ (19) "Election cycle" means the period beginning on the
20 first day of December after the date of the last previous general
21 election for the office that the candidate seeks and ending on November
22 30th after the next election for the office. In the case of a special
23 election to fill a vacancy in an office, "election cycle" means the
24 period beginning on the day the vacancy occurs and ending on November
25 30th after the special election.

26 ~~((+19+))~~ (20)(a) "Electioneering communication" means a broadcast,
27 cable, or satellite communication that:

28 (i) Refers to a clearly identified candidate involved with a state
29 elective campaign under RCW 42.17.030; and

30 (ii) Is made within:

31 (A) Sixty days before a general, special, or runoff election for
32 the office sought by the candidate; or

33 (B) Thirty days before a primary or preference election, or a
34 convention or caucus of a political party that has authority to
35 nominate a candidate, for the office sought by the candidate; and

36 (iii) Is targeted to the relevant electorate.

37 (b) Exceptions. The term "electioneering communication" does not
38 include:

1 (i) A communication appearing in a news story, commentary, or
2 editorial distributed through the facilities of a broadcasting station,
3 unless the facilities are owned or controlled by a political party,
4 political committee, or candidate;

5 (ii) A communication that constitutes an expenditure or an
6 independent expenditure;

7 (iii) A communication that constitutes a candidate debate or forum
8 conducted under rules adopted by the commission, or that solely
9 promotes such a debate or forum and is made by or on behalf of the
10 person sponsoring the debate or forum; or

11 (iv) Any other communication exempted under rules adopted by the
12 commission to ensure the appropriate implementation of this subsection
13 (20).

14 (c) For purposes of this subsection (20), a communication that
15 refers to a clearly identified candidate for state office is "targeted
16 to the relevant electorate" if the communication can be received by
17 five thousand or more persons:

18 (i) In the district the candidate seeks to represent, in the case
19 of a candidate elected by an individual voting district; or

20 (ii) In this state, in the case of a candidate for a statewide
21 office.

22 (21) "Expenditure" includes a payment, contribution, subscription,
23 distribution, loan, advance, deposit, or gift of money or anything of
24 value, and includes a contract, promise, or agreement, whether or not
25 legally enforceable, to make an expenditure. The term "expenditure"
26 also includes a promise to pay, a payment, or a transfer of anything of
27 value in exchange for goods, services, property, facilities, or
28 anything of value for the purpose of assisting, benefiting, or honoring
29 any public official or candidate, or assisting in furthering or
30 opposing any election campaign. For the purposes of this chapter,
31 agreements to make expenditures, contracts, and promises to pay may be
32 reported as estimated obligations until actual payment is made. The
33 term "expenditure" shall not include the partial or complete repayment
34 by a candidate or political committee of the principal of a loan, the
35 receipt of which loan has been properly reported.

36 ((+20+)) (22) "Final report" means the report described as a final
37 report in RCW 42.17.080(2).

1 ((+21+)) (23) "General election" for the purposes of RCW 42.17.640
2 means the election that results in the election of a person to a state
3 office. It does not include a primary.

4 ((+22+)) (24) "Gift," is as defined in RCW 42.52.010.

5 ((+23+)) (25) "Immediate family" includes the spouse, dependent
6 children, and other dependent relatives, if living in the household.
7 For the purposes of RCW 42.17.640 through 42.17.790, "immediate family"
8 means an individual's spouse, and child, stepchild, grandchild, parent,
9 stepparent, grandparent, brother, half brother, sister, or half sister
10 of the individual and the spouse of any such person and a child,
11 stepchild, grandchild, parent, stepparent, grandparent, brother, half
12 brother, sister, or half sister of the individual's spouse and the
13 spouse of any such person.

14 ((+24+)) (26) "Independent expenditure" means an expenditure that
15 has each of the following elements:

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

27 (b) The expenditure pays in whole or in part for political
28 advertising that either specifically names the candidate supported or
29 opposed, or clearly ~~((and beyond any doubt))~~ identifies the candidate
30 without using the candidate's name; and

31 (c) The expenditure, alone or in conjunction with another
32 expenditure or other expenditures of the same person in support of or
33 opposition to that candidate, has a value of five hundred dollars or
34 more. A series of expenditures, each of which is under five hundred
35 dollars, constitutes one independent expenditure if their cumulative
36 value is five hundred dollars or more.

37 ((+25+)) (27)(a) "Intermediary" means an individual who transmits
38 a contribution to a candidate or committee from another person unless

1 the contribution is from the individual's employer, immediate family as
2 defined for purposes of RCW 42.17.640 through 42.17.790, or an
3 association to which the individual belongs.

4 (b) A treasurer or a candidate is not an intermediary for purposes
5 of the committee that the treasurer or candidate serves.

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

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

11 ~~((+26+))~~ (28) "Legislation" means bills, resolutions, motions,
12 amendments, nominations, and other matters pending or proposed in
13 either house of the state legislature, and includes any other matter
14 that may be the subject of action by either house or any committee of
15 the legislature and all bills and resolutions that, having passed both
16 houses, are pending approval by the governor.

17 ~~((+27+))~~ (29) "Lobby" and "lobbying" each mean attempting to
18 influence the passage or defeat of any legislation by the legislature
19 of the state of Washington, or the adoption or rejection of any rule,
20 standard, rate, or other legislative enactment of any state agency
21 under the state Administrative Procedure Act, chapter 34.05 RCW.
22 Neither "lobby" nor "lobbying" includes an association's or other
23 organization's act of communicating with the members of that
24 association or organization.

25 ~~((+28+))~~ (30) "Lobbyist" includes any person who lobbies either in
26 his or her own or another's behalf.

27 ~~((+29+))~~ (31) "Lobbyist's employer" means the person or persons by
28 whom a lobbyist is employed and all persons by whom he or she is
29 compensated for acting as a lobbyist.

30 ~~((+30+))~~ (32) "Person" includes only an individual(~~(, partnership,~~
31 ~~joint venture, public or private corporation, association, federal,~~
32 ~~state, or local governmental entity or agency however constituted,)) or
33 a candidate(~~(, committee, political committee, political party,~~
34 ~~executive committee thereof, or any other organization or group of~~
35 ~~persons, however organized)).~~~~

36 ~~((+31+))~~ (33) "Person in interest" means the person who is the
37 subject of a record or any representative designated by that person,

1 except that if that person is under a legal disability, the term
2 "person in interest" means and includes the parent or duly appointed
3 legal representative.

4 ~~((32))~~ (34) "Political advertising" includes any advertising
5 displays, newspaper ads, billboards, signs, brochures, articles,
6 tabloids, flyers, letters, radio or television presentations, or other
7 means of mass communication, used for the purpose of appealing,
8 directly or indirectly, for votes or for financial or other support in
9 any election campaign.

10 ~~((33))~~ (35) "Political committee" means any person (except a
11 candidate or an individual dealing with his or her own funds or
12 property) having the expectation of receiving contributions or making
13 expenditures in support of, or opposition to, any candidate or any
14 ballot proposition.

15 ~~((34))~~ (36) "Primary" for the purposes of RCW 42.17.640 means the
16 procedure for nominating a candidate to state office under chapter
17 ~~((29.18 or 29.21))~~ 29A.52 RCW or any other primary for an election that
18 uses, in large measure, the procedures established in chapter ~~((29.18~~
19 ~~or 29.21))~~ 29A.52 RCW.

20 ~~((35))~~ (37) "Public office" means any federal, state, county,
21 city, town, school district, port district, special district, or other
22 state political subdivision elective office.

23 ~~((36))~~ (38) "Public record" includes any writing containing
24 information relating to the conduct of government or the performance of
25 any governmental or proprietary function prepared, owned, used, or
26 retained by any state or local agency regardless of physical form or
27 characteristics. For the office of the secretary of the senate and the
28 office of the chief clerk of the house of representatives, public
29 records means legislative records as defined in RCW 40.14.100 and also
30 means the following: All budget and financial records; personnel
31 leave, travel, and payroll records; records of legislative sessions;
32 reports submitted to the legislature; and any other record designated
33 a public record by any official action of the senate or the house of
34 representatives.

35 ~~((37))~~ (39) "Recall campaign" means the period of time beginning
36 on the date of the filing of recall charges under RCW ~~((29.82.015))~~
37 29A.56.120 and ending thirty days after the recall election.

38 ~~((38))~~ (40) "State election activity" means:

1 (a) Voter registration activity during the period that begins one
2 hundred twenty days before the date of a regularly scheduled state
3 election and ends on the date of the election;

4 (b) Voter identification, get-out-the-vote activity, or generic
5 campaign activity conducted in connection with an election in which a
6 candidate for state office appears on the ballot;

7 (c) A public communication that refers to a clearly identified
8 candidate for state office and that promotes or supports a candidate
9 for that office, or attacks or opposes a candidate for that office,
10 regardless of whether the communication expressly advocates a vote for
11 or against a candidate; or

12 (d) Services provided during any month by an employee of a state,
13 district, or local committee of a political party who spends more than
14 twenty-five percent of that individual's compensated time during that
15 month on activities in connection with a state election.

16 (41) "State legislative office" means the office of a member of the
17 state house of representatives or the office of a member of the state
18 senate.

19 ~~((+39+))~~ (42) "State office" means state legislative office or the
20 office of governor, lieutenant governor, secretary of state, attorney
21 general, commissioner of public lands, insurance commissioner,
22 superintendent of public instruction, state auditor, or state
23 treasurer.

24 ~~((+40+))~~ (43) "State official" means a person who holds a state
25 office.

26 ~~((+41+))~~ (44) "Surplus funds" mean, in the case of a political
27 committee or candidate, the balance of contributions that remain in the
28 possession or control of that committee or candidate subsequent to the
29 election for which the contributions were received, and that are in
30 excess of the amount necessary to pay remaining debts incurred by the
31 committee or candidate prior to that election. In the case of a
32 continuing political committee, "surplus funds" mean those
33 contributions remaining in the possession or control of the committee
34 that are in excess of the amount necessary to pay all remaining debts
35 when it makes its final report under RCW 42.17.065.

36 ~~((+42+))~~ (45) "Writing" means handwriting, typewriting, printing,
37 photostating, photographing, and every other means of recording any
38 form of communication or representation, including, but not limited to,

1 letters, words, pictures, sounds, or symbols, or combination thereof,
2 and all papers, maps, magnetic or paper tapes, photographic films and
3 prints, motion picture, film and video recordings, magnetic or punched
4 cards, discs, drums, diskettes, sound recordings, and other documents
5 including existing data compilations from which information may be
6 obtained or translated.

7 As used in this chapter, the singular shall take the plural and any
8 gender, the other, as the context requires.

9 **Sec. 2.** RCW 42.17.103 and 2001 c 54 s 1 are each amended to read
10 as follows:

11 (1) The sponsor of political advertising who, within (~~twenty-one~~)
12 sixty days of (~~an~~) a general election, or thirty days before a
13 primary, publishes, mails, or otherwise presents to the public
14 political advertising supporting or opposing a candidate or ballot
15 proposition that qualifies as an independent expenditure with a fair
16 market value of (~~one thousand~~) five hundred dollars or more shall
17 deliver, either electronically or in written form, a special report to
18 the commission within twenty-four hours of, or on the first working day
19 after, the date the political advertising is first contracted for. If
20 no written contract is executed, then the report must be delivered
21 within twenty-four hours of, or on the first working day after, the
22 political advertising is first published, mailed, or otherwise
23 presented to the public.

24 (2) The sponsor of an electioneering communication who, within
25 sixty days of a general election, or thirty days before a primary,
26 broadcasts or otherwise presents to the public an electioneering
27 communication supporting or opposing a candidate or ballot proposition
28 that qualifies as an independent expenditure with a fair market value
29 of two thousand dollars shall deliver, either electronically or in
30 written form, a special report to the commission within twenty-four
31 hours of, or on the first working day after, the date the
32 electioneering communication is contracted for. If no written contract
33 is executed, then the report must be delivered within twenty-four hours
34 of, or on the first working day after, the electioneering communication
35 is first broadcast or otherwise presented to the public.

36 (3) If a sponsor is required to file a special report under this
37 section, the sponsor shall also deliver to the commission within the

1 delivery periods established in subsections (1) and (2) of this section
2 a special report for each subsequent independent expenditure of any
3 size supporting or opposing the same candidate who was the subject of
4 the previous independent expenditure, supporting or opposing that
5 candidate's opponent, or supporting or opposing the same ballot
6 proposition that was the subject of the previous independent
7 expenditure.

8 ~~((3))~~ (4) The special report must include at least:

- 9 (a) The name and address of the person making the expenditure;
- 10 (b) The name and address of the person to whom the expenditure was
11 made;
- 12 (c) A detailed description of the expenditure;
- 13 (d) The date the expenditure was made and the date the political
14 advertising was first published or otherwise presented to the public;
- 15 (e) The amount of the expenditure;
- 16 (f) The name of the candidate supported or opposed by the
17 expenditure, the office being sought by the candidate, and whether the
18 expenditure supports or opposes the candidate; or the name of the
19 ballot proposition supported or opposed by the expenditure and whether
20 the expenditure supports or opposes the ballot proposition; and
- 21 (g) Any other information the commission may require by rule.

22 ~~((4))~~ (5) All persons required to report under RCW 42.17.080,
23 42.17.090, and 42.17.100 are subject to the requirements of this
24 section. The commission may determine that reports filed pursuant to
25 this section also satisfy the requirements of RCW 42.17.100.

26 ~~((5))~~ (6) The sponsor of independent expenditures supporting a
27 candidate or opposing that candidate's opponent required to report
28 under this section shall file with each required report an affidavit or
29 declaration of the person responsible for making the independent
30 expenditure that the expenditure was not made in cooperation,
31 consultation, or concert with, or at the request or suggestion of, the
32 candidate, the candidate's authorized committee, or the candidate's
33 agent, or with the encouragement or approval of the candidate, the
34 candidate's authorized committee, or the candidate's agent.

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

37 (1) A state or local committee of a major or minor political party,

1 as defined by chapter 29A.04 RCW, may not solicit, receive, or direct
2 to another person a contribution, donation, or transfer of funds or any
3 other thing of value, or spend any funds, that are not subject to the
4 limitations, prohibitions, and reporting requirements of this chapter.

5 (2) The prohibition established by subsection (1) of this section
6 applies to any state or local committee, any officer or agent acting on
7 behalf of such a committee, and any entity that is directly or
8 indirectly established, financed, maintained, or controlled by a state
9 or local committee.

10 (3) An amount spent by a person described in subsection (1) or (2)
11 of this section to raise funds that are used, in whole or in part, for
12 expenditures and disbursements for state election activity must be made
13 from funds subject to the limitations, prohibitions, and reporting
14 requirements of this chapter.

15 (4) A state, district, or local committee of a major or minor
16 political party or an entity that is directly or indirectly
17 established, financed, maintained, or controlled by any such state,
18 district, or local committee or its agent, and an officer or agent
19 acting on behalf of any such party committee or entity, may not solicit
20 any funds for, or make or direct any donations to a candidate.

21 (5) A candidate, individual holding state office, agent of a
22 candidate or an individual holding state office, or an entity directly
23 or indirectly established, financed, maintained, or controlled by or
24 acting on behalf of one or more candidates or individuals holding state
25 office, may not:

26 (a) Solicit, receive, direct, transfer, or spend funds in
27 connection with an election for state office, including funds for any
28 state election activity, unless the funds are subject to the
29 limitations, prohibitions, and reporting requirements of this chapter;
30 or

31 (b) Solicit, receive, direct, transfer, or spend funds in
32 connection with any election other than an election for state office or
33 disburse funds in connection with such an election.

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

36 (1) In an election for state office no person may make
37 contributions that, in the aggregate, exceed one hundred dollars to:

- 1 (a) A candidate;
2 (b) A state officer;
3 (c) An agent of a candidate or an individual holding state office;
4 or
5 (d) An entity directly or indirectly established, financed,
6 maintained or controlled by, or acting on behalf of, one or more
7 candidates or individuals holding state office.

8 (2) The limitations on contributions to those named in subsection
9 (1) of this section apply separately with respect to each election.

10 (3) For purposes of this section contributions to a named candidate
11 made to a political committee authorized by the candidate to accept
12 contributions on his or her behalf are considered to be contributions
13 made to the candidate.

14 (4) Expenditures made by a person in cooperation, consultation, or
15 concert, with, or at the request or suggestion of, a candidate, his or
16 her authorized political committees, or their agents, are considered to
17 be a contribution to the candidate.

18 (5) The financing by a person of the dissemination, distribution,
19 or republication, in whole or in part, of a broadcast or a written,
20 graphic, or other form of campaign materials prepared by the candidate,
21 his or her campaign committees, or their authorized agents is
22 considered to be an expenditure for purposes of this section.

23 (6) No person may make, or contract to make, a disbursement for an
24 electioneering communication where that disbursement is coordinated
25 with an entity named in subsection (1) of this section.

26 (7) For purposes of the limitations imposed by this section, all
27 contributions made by a person, either directly or indirectly, on
28 behalf of a particular candidate, including contributions that are in
29 any way earmarked or otherwise directed through an intermediary or
30 conduit to the candidate, must be treated as contributions from the
31 person to the candidate. The intermediary or conduit shall report the
32 original source and the intended recipient of the contribution to the
33 commission and to the intended recipient.

34 (8) Prohibited contributions and expenditures. No candidate may
35 knowingly accept a contribution or make an expenditure in violation of
36 this section. No officer or employee of a political committee may
37 knowingly accept a contribution made for the benefit or use of a

1 candidate, or knowingly make an expenditure on behalf of a candidate,
2 in violation of a limitation imposed on contributions and expenditures
3 under this section.

4 **Sec. 5.** RCW 42.17.640 and 2001 c 208 s 1 are each amended to read
5 as follows:

6 (1) No person, other than a bona fide political party or a caucus
7 political committee, may make contributions to a candidate for a state
8 legislative office that in the aggregate exceed five hundred dollars or
9 to a candidate for a state office other than a state legislative office
10 that in the aggregate exceed one thousand dollars for each election in
11 which the candidate is on the ballot or appears as a write-in
12 candidate. Contributions made with respect to a primary may not be
13 made after the date of the primary. However, contributions to a
14 candidate or a candidate's authorized committee may be made with
15 respect to a primary until thirty days after the primary, subject to
16 the following limitations: (a) The candidate lost the primary; (b) the
17 candidate's authorized committee has insufficient funds to pay debts
18 outstanding as of the date of the primary; and (c) the contributions
19 may only be raised and spent to satisfy the outstanding debt.
20 Contributions made with respect to a general election may not be made
21 after the final day of the applicable election cycle.

22 (2) No person, other than a bona fide political party or a caucus
23 political committee, may make contributions to a state official against
24 whom recall charges have been filed, or to a political committee having
25 the expectation of making expenditures in support of the recall of the
26 state official, during a recall campaign that in the aggregate exceed
27 five hundred dollars if for a state legislative office or one thousand
28 dollars if for a state office other than a state legislative office.

29 (3)(a) Notwithstanding subsection (1) of this section, no bona fide
30 political party or caucus political committee may make contributions to
31 a candidate during an election cycle that in the aggregate exceed (i)
32 fifty cents multiplied by the number of eligible registered voters in
33 the jurisdiction from which the candidate is elected if the contributor
34 is a caucus political committee or the governing body of a state
35 organization, or (ii) twenty-five cents multiplied by the number of
36 registered voters in the jurisdiction from which the candidate is

1 elected if the contributor is a county central committee or a
2 legislative district committee.

3 (b) No candidate may accept contributions from a county central
4 committee or a legislative district committee during an election cycle
5 that when combined with contributions from other county central
6 committees or legislative district committees would in the aggregate
7 exceed twenty-five cents times the number of registered voters in the
8 jurisdiction from which the candidate is elected.

9 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
10 political party or caucus political committee may make contributions to
11 a state official against whom recall charges have been filed, or to a
12 political committee having the expectation of making expenditures in
13 support of the state official, during a recall campaign that in the
14 aggregate exceed (i) fifty cents multiplied by the number of eligible
15 registered voters in the jurisdiction entitled to recall the state
16 official if the contributor is a caucus political committee or the
17 governing body of a state organization, or (ii) twenty-five cents
18 multiplied by the number of registered voters in the jurisdiction from
19 which the candidate is elected if the contributor is a county central
20 committee or a legislative district committee.

21 (b) No state official against whom recall charges have been filed,
22 no authorized committee of the official, and no political committee
23 having the expectation of making expenditures in support of the recall
24 of a state official may accept contributions from a county central
25 committee or a legislative district committee during an election cycle
26 that when combined with contributions from other county central
27 committees or legislative district committees would in the aggregate
28 exceed twenty-five cents multiplied by the number of registered voters
29 in the jurisdiction from which the candidate is elected.

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

34 (6) Notwithstanding subsections (1) through (4) of this section, no
35 person other than an individual, bona fide political party, or caucus
36 political committee may make contributions reportable under this
37 chapter to a caucus political committee that in the aggregate exceed
38 five hundred dollars in a calendar year or to a bona fide political

1 party that in the aggregate exceed two thousand five hundred dollars in
2 a calendar year. This subsection does not apply to loans made in the
3 ordinary course of business.

4 (7) For the purposes of RCW 42.17.640 through 42.17.790, a
5 contribution to the authorized political committee of a candidate, or
6 of a state official against whom recall charges have been filed, is
7 considered to be a contribution to the candidate or state official.

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

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

17 (10) RCW 42.17.640 through 42.17.790 apply to a special election
18 conducted to fill a vacancy in a state office. However, the
19 contributions made to a candidate or received by a candidate for a
20 primary or special election conducted to fill such a vacancy shall not
21 be counted toward any of the limitations that apply to the candidate or
22 to contributions made to the candidate for any other primary or
23 election.

24 (11) Notwithstanding the other subsections of this section, no
25 corporation or business entity (~~(not doing business in Washington~~
26 ~~state, no)) or labor union (~~(with fewer than ten members who reside in~~
27 ~~Washington state, and no political committee that has not received~~
28 ~~contributions of ten dollars or more from at least ten persons~~
29 ~~registered to vote in Washington state during the preceding one hundred~~
30 ~~eighty days)) may make contributions reportable under this chapter to
31 a candidate, to a state official against whom recall charges have been
32 filed, or to a political committee having the expectation of making
33 expenditures in support of the recall of the official. This subsection
34 does not apply to loans made in the ordinary course of business.~~~~

35 (12) Notwithstanding the other subsections of this section, no
36 county central committee or legislative district committee may make
37 contributions reportable under this chapter to a candidate, state
38 official against whom recall charges have been filed, or political

1 committee having the expectation of making expenditures in support of
2 the recall of a state official if the county central committee or
3 legislative district committee is outside of the jurisdiction entitled
4 to elect the candidate or recall the state official.

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

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

9 (a) An expenditure or contribution earmarked for voter
10 registration, for absentee ballot information, for precinct caucuses,
11 for get-out-the-vote campaigns, for precinct judges or inspectors, for
12 sample ballots, or for ballot counting, all without promotion of or
13 political advertising for individual candidates; or

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

17 **Sec. 6.** RCW 42.36.040 and 1982 c 229 s 4 are each amended to read
18 as follows:

19 Prior to declaring as a candidate for public office or while
20 campaigning for public office as defined by RCW 42.17.020 (~~(+5)~~ and
21 ~~(+25)~~) no public discussion or expression of an opinion by a person
22 subsequently elected to a public office, on any pending or proposed
23 quasi-judicial actions, shall be a violation of the appearance of
24 fairness doctrine.

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