

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5140

Chapter 467, Laws of 2005

59th Legislature
2005 Regular Session

SURPLUS CAMPAIGN FUNDS--DISPOSITION

EFFECTIVE DATE: 5/13/05

Passed by the Senate April 16, 2005
YEAS 39 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 5, 2005
YEAS 90 NAYS 4

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5140** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved May 13, 2005.

FILED

May 13, 2005 - 3:49 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5140

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Berkey, Kastama and Kohl-Welles)

READ FIRST TIME 02/03/05.

1 AN ACT Relating to the disposal of surplus funds of candidates or
2 political committees; amending RCW 42.17.095; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 42.17.095 and 1995 c 397 s 31 are each amended to read
6 as follows:

7 The surplus funds of a candidate, or of a political committee
8 supporting or opposing a candidate, may only be disposed of in any one
9 or more of the following ways:

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

12 (2) Transfer the surplus to the candidate's personal account as
13 reimbursement for lost earnings incurred as a result of that
14 candidate's election campaign. Such lost earnings shall be verifiable
15 as unpaid salary or, when the candidate is not salaried, as an amount
16 not to exceed income received by the candidate for services rendered
17 during an appropriate, corresponding time period. All lost earnings
18 incurred shall be documented and a record thereof shall be maintained

1 by the candidate or the candidate's political committee. The committee
2 shall include a copy of such record when its expenditure for such
3 reimbursement is reported pursuant to RCW 42.17.090;

4 (3) Transfer the surplus without limit to a political party or to
5 a caucus political committee;

6 (4) Donate the surplus to a charitable organization registered in
7 accordance with chapter 19.09 RCW;

8 (5) Transmit the surplus to the state treasurer for deposit in the
9 general fund, the oral history, state library, and archives account
10 under RCW 43.07.380, or the legislative international trade account
11 under RCW 44.04.270, as specified by the candidate or political
12 committee; or

13 (6) Hold the surplus in the campaign depository or depositories
14 designated in accordance with RCW 42.17.050 for possible use in a
15 future election campaign for the same office last sought by the
16 candidate and report any such disposition in accordance with RCW
17 42.17.090: PROVIDED, That if the candidate subsequently announces or
18 publicly files for office, information as appropriate is reported to
19 the commission in accordance with RCW 42.17.040 through 42.17.090. If
20 a subsequent office is not sought the surplus held shall be disposed of
21 in accordance with the requirements of this section.

22 (7) Hold the surplus campaign funds in a separate account for
23 nonreimbursed public office-related expenses or as provided in this
24 section, and report any such disposition in accordance with RCW
25 42.17.090. The separate account required under this subsection shall
26 not be used for deposits of campaign funds that are not surplus.

27 (8) No candidate or authorized committee may transfer funds to any
28 other candidate or other political committee.

29 The disposal of surplus funds under this section shall not be
30 considered a contribution for purposes of this chapter.

31 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and takes effect
34 immediately.

Passed by the Senate April 16, 2005.

Passed by the House April 5, 2005.

Approved by the Governor May 13, 2005.

Filed in Office of Secretary of State May 13, 2005.