

**WAC 390-17-060 Exempt contributions and activities—Definitions, reporting.** (1) (a) "Exempt contributions" are contributions made to a political committee which are earmarked for exempt activities as described in RCW 42.17A.405. Such contributions are required to be reported under RCW 42.17A.240, are subject to the restrictions in RCW 42.17A.420, but are not subject to the contribution limits in RCW 42.17A.405. Any written solicitation for exempt contributions must be so designated. Suggested designations are "not for individual candidates" or "for exempt activities."

(b) Contributions made to a caucus political committee, to a candidate or candidate's authorized committee which are earmarked for voter registration, absentee ballot information, get-out-the-vote campaigns, or sample ballots are presumed to be for the purpose of promoting individual candidates and therefore not exempt contributions and are subject to the contribution limits in RCW 42.17A.405.

(c) Contributions made to a caucus political committee, to a candidate or candidate's authorized committee which are earmarked for internal organization expenditures or fund-raising are presumed to be with direct association with individual candidates and therefore not exempt contributions and are subject to the contribution limits in RCW 42.17A.405.

(2) "Exempt contributions account" is the separate bank account into which only exempt contributions are deposited and out of which only expenditures for exempt activities shall be made.

(3) "Exempt activities" are those activities referenced in RCW 42.17A.405 as further clarified by subsections (4), (5), and (6) of this section. Only exempt activities are eligible for payment with exempt contributions.

(4) (a) Activities referenced in RCW 42.17A.405 (15) (a) that do not promote, or constitute political advertising for, one or more clearly identified candidates qualify as exempt activities. For example, get-out-the-vote telephone bank activity that only encourages persons called to "vote republican" or "vote democratic" in the upcoming election may be paid for with exempt contributions regardless of the number of candidates who are benefited by this message. Expenditures or contributions for electioneering communications made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent do not qualify as exempt activities, under WAC 390-05-210.

(b) Except as permitted under WAC 390-17-030, Sample ballots and slate cards, activities referenced in RCW 42.17A.405 (15) (a) that promote or constitute political advertising for one or more clearly identified candidates do not qualify as exempt activities.

(c) A candidate is deemed to be clearly identified if the name of the candidate is used, a photograph or likeness of the candidate appears, or the identity of the candidate is apparent by unambiguous reference.

(5) (a) "Internal organization expenditures" referenced in RCW 42.17A.405 (15) (b) are expenditures for organization purposes, including legal and accounting services, rental and purchase of equipment and office space, utilities and telephones, postage and printing of newsletters for the organization's members or contributors or staff when engaged in organizational activities such as those previously listed, all without direct association with individual candidates.

(b) "Fund-raising expenditures" referenced in RCW 42.17A.405 (15)(b) are expenditures for fund-raising purposes, including facilities for fund-raisers, consumables furnished at the event and the cost of holding social events and party conventions, all without direct association with individual candidates.

(c) If expenditures made pursuant to (a) and (b) of this subsection are made in direct association with individual candidates, they shall not be paid with exempt contributions.

(6) For purposes of RCW 42.17A.405 and this section, activities that oppose one or more clearly identified candidates are presumed to promote the opponent(s) of the candidate(s) opposed.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-060, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-060, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 11-05-050, § 390-17-060, filed 2/10/11, effective 3/13/11; WSR 07-07-005, § 390-17-060, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370 and 42.17.562. WSR 06-11-132, § 390-17-060, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). WSR 02-12-007, § 390-17-060, filed 5/23/02, effective 6/23/02; WSR 02-03-018, § 390-17-060, filed 1/4/02, effective 2/4/02; WSR 96-05-001, § 390-17-060, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370. WSR 93-24-003, § 390-17-060, filed 11/18/93, effective 12/19/93.]