

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
2/15/2019 11:25 AM  
BY SUSAN L. CARLSON  
CLERK

NO. 96476-9

---

**SUPREME COURT OF THE STATE OF WASHINGTON**

---

STATE OF WASHINGTON, *ex rel.*, WASHINGTON STATE PUBLIC  
DISCLOSURE COMMISSION,

Respondent,

v.

FOOD DEMOCRACY ACTION! and FOOD DEMOCRACY ACTION!  
YES ON I-522 COMMITTEE TO LABEL GMOs IN WASHINGTON,

Petitioners.

---

**STATE OF WASHINGTON'S  
ANSWER TO FOOD DEMOCRACY ACTION!, ET AL.'S  
PETITION FOR REVIEW**

---

ROBERT W. FERGUSON  
*Attorney General*

LINDA A. DALTON, WSBA No. 15467  
*Senior Assistant Attorney General*

S. TODD SIPE, WSBA No. 23203  
*Assistant Attorney General*

Office ID 91151  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100  
(360) 753-6200

## TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	STATEMENT OF THE CASE.....	2
	A. Overview of Campaign Finance Law .....	2
	B. Factual History.....	3
	C. Procedural History .....	5
	1. Complaint and summary judgment motion .....	5
	2. August 2016 pre-trial conferences.....	6
	3. September 19, 2016, trial date.....	7
	4. November 21, 2016, trial.....	7
	5. Court of Appeals’ October 2, 2018, decision affirming the trial court’s judgment .....	8
III.	ARGUMENT .....	9
	A. The Court of Appeals’ Interpretation of RCW 42.17A.435 Is Consistent with Its Prior Published Decisions and Upholds the Plain Language of the Statute .....	9
	1. No conflict exists between the <i>FDA</i> decision and any other appellate decision .....	10
	2. The Court of Appeals’ decision upholds the plain language of RCW 42.17A.435 .....	12
	3. <i>FDA</i> ’s reliance on the dissenting opinion as grounds for granting review is misplaced .....	14
	B. <i>FDA</i> ’s Substantial Public Interest Argument Relies on Unsupportable Speculation and the False Premise That Its	

Misconduct Was Limited to Its Failure to Timely File Reports .....	15
C. The Court of Appeals' Decision Does Not Raise a Significant Question of Constitutional Law .....	17
1. FDA waived any constitutional challenge by failing to raise the issue in the trial court.....	17
2. The Fair Campaign Practices Act comports with the United States and Washington Constitutions' free speech requirements .....	19
IV. CONCLUSION .....	20
APPENDIX.....	Title 42 RCW: Public Officers and Agencies

## TABLE OF AUTHORITIES

### Cases

<i>Am. Legion Post No. 149 v. Dep't of Health</i> , 164 Wn.2d 570, 192 P.3d 306 (2008).....	13
<i>Bour v. Johnson</i> , 80 Wn. App. 643, 910 P.2d 548 (1996).....	17
<i>Human Life of Wash., Inc. v. Brumsickle</i> , 624 F.3d 990 (9th Cir. 2010) .....	19, 20
<i>In re Estate of Haviland</i> , 177 Wn.2d 68, 301 P.3d 31 (2013).....	12
<i>Mangat v. Snohomish Cty.</i> , 176 Wn. App. 324, 308 P.3d 786 (2013).....	18
<i>State ex rel. Pub. Disclosure Comm'n v. Food Democracy Action!</i> ( <i>State v. FDA</i> ), 5 Wn. App. 2d 542, 427 P.3d 699 (2018).....	9, 14, 17
<i>State ex rel. Pub. Disclosure Comm'n v. Permanent Offense</i> , 136 Wn. App. 277, 150 P.3d 568 (2006), <i>rev. denied</i> , 162 Wn.2d 1003, 175 P.3d 1092 (2007).....	10, 11, 19, 20
<i>State v. Evergreen Freedom Found.</i> , 432 P.3d 805 (Wash. Jan 10, 2019) .....	20
<i>State v. Grocery Manufacturers Association</i> , 5 Wn. App. 2d 169, 425 P.3d 927 (2018).....	11
<i>State v. Lynn</i> , 67 Wn. App. 339, 835 P.2d 251 (1992).....	18
<i>State v. WWJ Corp.</i> , 138 Wn.2d 595, 980 P.2d 1257 (1999).....	18
<i>Tingey v. Haisch</i> , 159 Wn.2d 652, 152 P.3d 1020 (2007).....	12

<i>Utter v. Bldg. Indus. Ass'n of Wash.</i> , 182 Wn.2d 398, 341 P.3d 953 (2015).....	12
--	----

**Statutes**

RCW 42.17.120 (re-codified in 2010 as RCW 42.17A.435).....	11
RCW 42.17A.....	3, 12
RCW 42.17A.001.....	2
RCW 42.17A.235.....	3
RCW 42.17A.240.....	3
RCW 42.17A.435.....	3, 5, 9, 10, 11, 12, 13, 14, 15, 17
RCW 42.17A.750.....	8
RCW 42.17A.750(1).....	16
RCW 42.17A.750(1)(c) .....	3
RCW 42.17A.750(1)(d) .....	3
RCW 42.17A.750(1)(f).....	3
RCW 42.17A.765(5).....	13

**Rules**

RAP 2.5(a)(3).....	18
RAP 13.4(b)(2) .....	12
RAP 13.4(b)(4) .....	17

## I. INTRODUCTION

Petitioners Food Democracy Action! and Food Democracy Action! Yes on I-522 Committee to Label GMOs in Washington (collectively FDA) seek this Court's review based on an inaccurate description of the record. The petition should be rejected for that reason alone.

FDA's arguments depend on the false premise that its violations of the State's concealment statute violation were solely the result of its failure to file timely reports with the PDC. This is false. The record shows that FDA solicited contributions for Initiative 522 from its members and then disbursed those funds in its own name. If FDA had instead made its disbursements in the names of the members who contributed those funds, the public would have been made aware of those members even though FDA failed to file its reports. Over 7,000 mostly out-of-state supporters of Initiative 522 remained hidden from the public until after the election took place. Under these circumstances, the trial court correctly concluded that FDA's conduct constituted concealment based on the plain language of the applicable statute, and the Court of Appeals correctly affirmed that ruling.

Moreover, the State's charges were separated into violations based on FDA's failure to file timely reports and those based on FDA's concealment of its fund-raising activities and spending. The Court of Appeals' decision is similarly based.

Finally, contrary to FDA's contention, the Court of Appeals' decision is fully consistent with its previous decisions interpreting and applying the state concealment statute. It comports with the stated purpose of the campaign finance law of keeping the public fully informed of the identities of those seeking to influence their elections and avoiding secrecy. By so deciding, the decision works to assure public confidence in the fairness of those elections.

FDA's petition should be denied.

## II. STATEMENT OF THE CASE

### A. Overview of Campaign Finance Law

In 1972, voters declared that it is "the public policy of the state of Washington: (1) [t]hat political campaign . . . contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided. . . . (10) That the public's right to know of the financing of political campaigns . . . far outweighs any right that these matters remain secret and private." RCW 42.17A.001. Voters also directed that campaign disclosure laws be liberally construed "so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected." *Id.*

Under Washington's campaign finance disclosure law, all "political committees" are required to register with the Public Disclosure Commission

(PDC) and file regular reports with the PDC of all contributions received and expenditures made. RCW 42.17A.235, .240.<sup>1</sup> In addition, to ensure that the true source of all contributions and expenditures is transparent to the public, RCW 42.17A.435 provides:

No contribution[s] shall be made and no expenditure shall be incurred, directly or indirectly, . . . by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or *in any other manner so as to effect concealment*. (Emphasis added).

The law provides Washington courts with options for assessing penalties when these requirements are violated. These remedies include imposing *one or more* of the following penalties: (1) a “per violation” penalty of not more than \$10,000; (2) a penalty equal to \$10 per day for every day a required report is late; and (3) a penalty equal to the amount that went undisclosed. RCW 42.17A.750(1)(c), (d), (f).

## **B. Factual History**

Initiative 522 relating to labeling of genetically modified organisms (GMOs) was placed on the November 5, 2013 ballot. CP<sup>2</sup> 240 (FF 10), 258 (FF 4). Starting in July 2013, FDA sent newsletters seeking money from its

---

<sup>1</sup> In 2018, the Legislature significantly revised the Fair Campaign Practice Act, RCW 42.17A, including recodifying many provisions relevant to this case. To remain consistent with the record and the Court of Appeals’ opinion, this Answer cites the pre-2018 version of the law. A copy of the pre-2018 statutes is attached as an appendix for the Court’s ease of reference.

<sup>2</sup> The clerk’s papers in this case shall be referred to as “CP” in this brief. The trial court’s findings of fact shall be referred to as “FF” in this brief.



members and supporters to support the GMO labeling efforts in Washington, including Initiative 522. CP 239 (FF 1), 241 (FF 12). FDA specifically labeled these efforts as a fundraising campaign to raise and receive money to support Initiative 522. CP 241 (FF 12).

FDA started receiving contributions from its members and supporters in late July 2013. CP 241 (FF 15). Over 7,000 people, most from outside the state of Washington, gave money to FDA. CP 259. FDA raised \$295,661.58 in contributions for its fundraising campaign to support Initiative 522, \$250,036 of which was cash. CP 241 (FF 16, 18).

FDA sent \$200,000 in contributions to the Yes on I-522 political committee from the amount it collected. CP 241 (FF 17). FDA made those contributions in its own name, rather than in the names of the individuals who gave the money to FDA. CP 241 (FF 18). FDA collected and spent those contributions to support Initiative 522 without registering as a political committee or filing reports with the PDC prior to the election. CP 242 (FF 24); CP 130.

On November 5, 2013, the voters rejected Initiative 522. CP 240 (FF 10). On November 13, 2013, eight days after the election, FDA finally registered defendant Food Democracy Action! Yes on I-522 Committee to Label GMOs in Washington (FDA PAC) as a political committee, and subsequently filed contributions reports (Form C-3) and expenditures

reports (C-4 Reports) with the PDC. CP 242 (FF 20, 22, 24).

FDA admitted to filing 18 untimely registration and disclosure reports, all after the 2013 election. CP 242 (FF 25-26). FDA did not disclose the identity of the contributors to FDA PAC until November 22, 2013. CP 243 (FF 32). FDA committed these violations even though the PDC had posted information on its website explaining what disclosure reports must be filed and how to file them and had compliance staff available to answer questions. CP 242 (FF 27).

### **C. Procedural History**

#### **1. Complaint and summary judgment motion**

The State initiated this enforcement proceeding against FDA on December 16, 2014, in Thurston County Superior Court. On April 22, 2016, the trial court granted the State's partial summary judgment motion. CP 261. It found that FDA had violated the state's campaign finance law by failing to timely register as a political committee and file required reports with the PDC. CP 182. The trial court also ruled that FDA had violated the state's concealment statute, RCW 42.17A.435 "by concealing the identity and source of contributions it received that it then used to make contributions to the Yes on I-522 committee as well as the value of in-kind contributions made to the Yes on I-522 committee." *Id.*

## 2. August 2016 pre-trial conferences

After the trial court granted partial summary judgment, the case proceeded “on the sole issue of the appropriate penalty to be assessed against FDA for their established violations of RCW 42.17A . . . .” CP 262.

Shortly before the pre-trial conference scheduled on August 19, 2016, FDA’s counsel filed notice of his intent to withdraw from the case effective August 20, 2016. CP 269-70. At that time, the trial court left the September 19, 2016, trial date intact, but instructed FDA’s counsel to advise his client that the court expected a response from FDA regarding the September trial date. RP II 4:21-5:6, 5:17-19, 5:25-6:6.<sup>3</sup> FDA did not provide a response. RP III 3-4.

Despite rescheduling the pre-trial conference to allow FDA the opportunity to provide its position on the trial date, no one appeared on behalf of FDA at the August 26, 2016, pre-trial conference. RP III 3; RP IV 4:7-14; *see also* RP IV 6:14-22. At that conference, the trial court entered a pre-trial order that set deadlines for, among other things, witness lists, exhibit lists, motions in limine, and trial briefs in anticipation of the September 19, 2016 trial. RP IV 4:7-14; CP 273-75. In addition to setting

---

<sup>3</sup> The six transcripts from the trial court proceedings are referred to as “RP I” for the summary judgment motion heard on Apr. 22, 2016; “RP II” for the Pre-Trial Conference on Aug. 19, 2016; “RP III” for the Pre-Trial Conference on Aug. 26, 2016; “RP IV” for the first trial date on Sep. 19, 2016; “RP V” for the second trial commenced on Nov. 21, 2016; and “RP VI” for the presentation of judgment on Dec. 16, 2016.

deadlines, the pre-trial order provided that “parties shall be in the court room, ready at 8:30 a.m. on the first morning of the trial [September 19, 2016].” CP 275.

### **3. September 19, 2016 trial date**

The State complied with all of the Court’s deadlines set in the August 26, 2017 pre-trial order and served FDA with all trial filings. RP IV 4:23-5:4; CP 184-212. On September 19, 2016, the day the trial was set to begin, David Murphy, the president and treasurer of FDA, emailed the trial court requesting a continuance of the trial. RP IV 5:5-22; *see also* RP IV 7:5-8:10. The State was prepared to present its case, but the trial court granted Mr. Murphy’s request and continued the trial date until November 21, 2016 (RP IV 12:5-25), and set a deadline of October 7, 2016 for FDA to identify its new counsel. RP IV 12:13-15; CP 276-77. A copy of this order was delivered to Mr. Murphy and he confirmed receiving it. RP V 5:6-11.

### **4. November 21, 2016 trial**

FDA did not retain counsel, and once again nobody appeared on behalf of FDA at the November 21, 2016 trial to determine the appropriate penalty for FDA. RP V 4:10-11. FDA again attempted to seek a continuance by emailing the trial judge directly with its request. RP V 4:3-9, 4:22-5:9. The trial court did not grant the request and proceeded with the trial as

scheduled. RP V 5:10-15.

The State presented its case on penalties and fees, requesting a civil penalty under RCW 42.17A.750 in the amount of \$487,181.58 consisting of: (1) \$180,000 penalty for the 18 late filed reports (\$10,000 each); (2) \$11,520 for the cumulative days late (\$10 per day); and (3) \$295,661.58, as the amount equal to the amount that went unreported. The State also requested \$2,895.16 in investigation costs, plus an award of reasonable attorneys' fees. RP V 7:20-52:11.

The trial court issued a penalty substantially less than the State requested. It awarded \$295,661.58 (the amount withheld from the public), plus \$18,000 (\$1,000 for each of the 18 late filed reports), plus \$5,410 (\$5 per day for the cumulative 1082 days that the reports were late). RP V 54:19-55:22. The total civil penalty award was \$319,281.58. CP 245.

On December 16, 2016, the trial court considered the final judgment in the matter. CP 216-20; RP VI 4:8-5:8. Again, FDA failed to attend. RP VI 3:25-4:7. On January 6, 2017, the trial court entered its final judgment that included a civil penalty of \$319,281.58. CP 245.

**5. Court of Appeals' October 2, 2018, decision affirming the trial court's judgment**

FDA appealed the trial court's judgment on two grounds: first, that the trial court erred in granting summary judgment on the State's

concealment claim without a finding that FDA had engaged in intentional or knowing conduct (FDA's Op. Br. at 17-25); second, that the penalties assessed against it were an abuse of discretion and violated the Eighth Amendment of the United States Constitution (FDA's Op. Br. at 32).<sup>4</sup>

The Court of Appeals rejected both contentions and affirmed the trial court. *State ex rel. Pub. Disclosure Comm'n v. Food Democracy Action!* (*State v. FDA*), 5 Wn. App. 2d 542, 427 P.3d 699 (2018). The Court held that the plain meaning of the statute prohibiting concealment, RCW 42.17A.435, "does not require intentional or knowing conduct," but "prohibits any conduct that conceals the source of campaign contributions." *Id.* at 549-550. It declined to address the other claims, finding the record insufficient to address FDA's Eighth Amendment claim, and that FDA's "abuse of discretion" challenge to the penalty amount had been waived. *Id.* at 553-554.

### III. ARGUMENT

#### A. **The Court of Appeals' Interpretation of RCW 42.17A.435 Is Consistent with Its Prior Published Decisions and Upholds the Plain Language of the Statute**

The Court of Appeals' decision to affirm the trial court's summary judgment on the State's concealment claim is in accord with its prior

---

<sup>4</sup> FDA's appellate brief also briefly referenced free speech, which the Court of Appeals addressed in a footnote. *See* FDA's Opening Brief at 30; *FDA*, 5 Wn. App. 2d at 552 n.9.

published decisions interpreting RCW 42.17A.435 and upholds the plain language of that statute.

**1. No conflict exists between the *FDA* decision and any other appellate decision**

RCW 42.17A.435 has never been restricted to instances in which a showing of a specific intent to conceal exists. The plain language of RCW 42.17A.435 does not support such an interpretation.

FDA contends the Court of Appeals' opinion in this case stands in conflicts with *State ex rel. Pub. Disclosure Comm'n v. Permanent Offense*, 136 Wn. App. 277, 150 P.3d 568 (2006), *rev. denied*, 162 Wn.2d 1003, 175 P.3d 1092 (2007). Pet. at 6-7. FDA, however, concedes that the Court of Appeals in *Permanent Offense* never in fact stated that concealment requires deceptive intent. Pet. at 8. FDA's concession is accurate. The Court of Appeals neither found nor implied an intentionality restriction for RCW 42.17A.435 violations. *Permanent Offense*, 136 Wn. App. at 288-89. Rather, it reaffirmed that courts should read RCW 42.17A.435 broadly to uphold the statute's purpose of promoting integrity and transparency in elections. *Id.*

In *Permanent Offense*, the State brought claims against the officers of a political committee who formed a for-profit corporation as a conduit to receive contributed funds in a manner that concealed the ultimate recipient

of the committee expenditures. *Id.* at 280. In finding the officers liable under former RCW 42.17.120 (re-codified in 2010 as RCW 42.17A.435), the Court of Appeals did not require proof of intent. *Id.* at 289. While the officers were found to have acted in an intentional manner, the Court relied upon the statutory provision's "broad" language prohibiting persons from acting in "any" manner " 'so as to effect concealment,' especially considering the stated policy of interpreting the statute liberally." *Id.* at 288-89. ("[T]he State has a substantial interest in promoting integrity and preventing concealment that could harm the public and mislead voters." *Id.* at 284). Thus, the *Permanent Offense* decision stands for the proposition that the concealment statute must be construed broadly, directly contradicting the restrictive reading of that statute that FDA seeks.

The Court of Appeals' ruling in this case is also consistent with its recent decision in *State v. Grocery Manufacturers Association*, 5 Wn. App. 2d 169, 425 P.3d 927 (2018), a decision FDA fails to mention in its petition. In *Grocery Manufacturers Association*, the Court of Appeals confirmed that RCW 42.17A.435 should be "broadly interpreted to cover concealment of any manner" and affirmed the application of the concealment statute to a similarly structured scheme. *Id.* at 206. At no point, did the Court of Appeals suggest that RCW 42.17A.435 required any form of specific intent. *Id.*

Because there is no conflict with any appellate decision interpreting



RCW 42.17A.435, review is not warranted under RAP 13.4(b)(2).

**2. The Court of Appeals' decision upholds the plain language of RCW 42.17A.435**

Contrary to FDA's contention, RCW 42.17A.435 contains no restriction limiting its coverage to intentional misconduct, but rather expressly encompasses actions that *effect concealment* of the "identity of the source of the contribution." Pet. at 9. Here, the "effect" of FDA's misconduct was to conceal the identities of the true sources of its contributions to the Yes on I-522 committee—its members and supporters. Specifically, FDA solicited funds from its members and supporters and then disbursed those funds in its own name as if its members and supporters never existed.

If a statute's meaning is plain on its face, then a court must give effect to that plain meaning as an expression of legislative intent. *In re Estate of Haviland*, 177 Wn.2d 68, 76, 301 P.3d 31 (2013). Plain meaning is "discerned from the ordinary meaning of the language at issue, the context of the statute in which that provision is found, related provisions, and the statutory scheme as a whole." *Tingey v. Haisch*, 159 Wn.2d 652, 657, 152 P.3d 1020 (2007).<sup>5</sup>

---

<sup>5</sup> Laws such as RCW 42.17A enacted through the initiative process are construed in the same manner. *See Utter v. Bldg. Indus. Ass'n of Wash.*, 182 Wn.2d 398, 410 n.3, 341 P.3d 953 (2015).

Here, the plain text of RCW 42.17A.435 contains no intentionality requirement; it only requires conduct that operates in a manner so as to “effect concealment.” The FCPA does, however, recognize that some violations may be found to be intentional and makes those violations punishable through the trebling of a judgment pursuant to RCW 42.17A.765(5). “Statutes are to be read together, whenever possible, to achieve a ‘harmonious total statutory scheme . . . which maintains the integrity of the respective statutes.’” *Am. Legion Post No. 149 v. Dep’t of Health*, 164 Wn.2d 570, 588, 192 P.3d 306 (2008). Only by finding that no intent is required under RCW 42.17A.435 can one harmonize these two related statutory provisions. The FCPA’s statutory scheme does not support FDA’s novel claim that *all* violations of the statute are subject to treble damages. *See* Pet. at 15, n.8.

FDA’s conduct falls within the plain language of RCW 42.17A.435. It did more than simply fail to timely file reports with the PDC. Its conduct included: (1) asking its members and supporters for money to support Initiative 522; (2) accepting money from its members and supporters for the express purpose of supporting Initiative 522; (3) making contributions to the Yes on I-522 committee using its own name instead of its members and supporters from whom it received the money; and (4) withholding the names of the true contributors within the time frames required under the

statute. The net effect of these acts was that the information was withheld from the public until after the 2013 election. CP 241-44. Only then did FDA finally file the required reports. CP 242 (FF 20). These acts, taken together, support the trial court's finding that FDA's conduct violated RCW 42.17A.435. This interpretation of RCW 42.17A.435 is wholly consistent with the statute's purpose of providing the public with all information about who contributed to a political campaign.

**3. FDA's reliance on the dissenting opinion as grounds for granting review is misplaced**

Relying on the use of the term "manner" and the examples provided in RCW 42.17A.435, the dissenting judge construed RCW 42.17A.435 to cover only concealment that results from "the circumstances of the transaction" and not "the failure to file subsequent reports." *FDA*, 5 Wn. App. 2d at 556 (Bjorgen, J., dissenting). However, this interpretation actually supports the trial court's ruling that FDA's conduct violated RCW 42.17A.435.

FDA's concealment *was* dependent on the circumstances of FDA's financial transactions. In particular, FDA solicited contributions from its members and supporters, then acted to hide their identities by taking the affirmative step of transferring those funds to the Yes on I-522 political committee in its *own* name. CP 149. By choosing to disburse the

contributions it solicited to the YES on I-522 committee in its own name, rather than in the names of its contributing members and supporters, FDA acted in a manner having the effect of concealment as defined by the statute. No other conclusion could be found.

Indeed the statute specifically prohibits the precise conduct FDA engaged in: arranging for a person's contribution to be made through another person in such manner to conceal the identity of the person making the contribution. RCW 42.17A.435. The trial court's judgment was not based solely on the late filing of reports, but also on the particular manner FDA employed to obtain and then disburse the contributions it received. CP 241 (FF 17-18). FDA's actions had the effect of concealing the identities of its members from the public. CP 244-45; RP I 22:19:22 ("That's the primary basis for my ruling is that listing the contributions in the name of FDA and not in the names of the 7,000 people was in a manner so as to effect concealment."). FDA's attempt to rely on the dissent is misplaced.

**B. FDA's Substantial Public Interest Argument Relies on Unsupportable Speculation and the False Premise That Its Misconduct Was Limited to Its Failure to Timely File Reports**

FDA again relies on the false premise that this case merely involves inadvertent late-filed reports in an attempt to fashion a substantial public interest argument. Pet. at 16. FDA claims that the trial court's judgment would mean that persons who "inadvertent[ly]" fail to timely register and

properly file reports with the PDC would find themselves at risk of being penalized “vast sums of money” for concealment. Pet. at 5, 16-18.

The record does not support this argument. As explained above, the trial court’s findings went beyond filing late reports and included the manner in which FDA concealed its members and supporters from the public by disbursing those members and supporters’ money in its own name. CP 241 (FF 17, 18). If FDA’s disbursements had identified the true sources of the contributions, those members and supporters would have been publicly disclosed by the Yes on I-522 committee even if FDA failed to file its own reports with the PDC. This did not happen; as such, FDA was penalized for its misconduct.

Nothing in the record indicates that FDA was assessed “duplicative” or “compounding” penalties of “vast sums” based on concealment. Pet. at 16-18. The State’s trial brief made clear the penalty it sought under RCW 42.17A.750(1), but FDA chose not to attend the trial or argue for a different outcome. Notwithstanding the State’s penalty request, and despite the trial court’s finding that FDA had not only filed late reports, but also violated the concealment statute, the trial court exercised its discretion under the statute to impose a civil penalty permitted by the late-filed reports alone. CP 245; RP V 54:19-55:22.

Even had the trial court enhanced the penalty assessed against FDA

for violating RCW 42.17A.435, the penalty would not have been duplicative because, as explained above, the misconduct underlying FDA's concealment violation extended beyond its failure to timely file reports with the PDC.

FDA has not articulated a viable basis for review under RAP 13.4(b)(4).

**C. The Court of Appeals' Decision Does Not Raise a Significant Question of Constitutional Law**

In the Court of Appeals, FDA for the first time raised an argument under the Eighth Amendment to the U.S. Constitution. The Court of Appeals properly declined to address the merits of FDA's Eighth Amendment argument because FDA had not created a sufficient record in the trial court to allow review. *FDA*, 5 Wn. App. 2d at 553. In its petition to this Court, FDA abandoned its Eighth Amendment argument, raising instead for the first time a First Amendment challenge to the assessed penalties. It too should be rejected.

**1. FDA waived any constitutional challenge by failing to raise the issue in the trial court**

FDA never argued to the trial court that the penalties assessed against it were unconstitutional. Accordingly, FDA's argument that the civil penalties are unconstitutional because they were duplicative or excessive has been waived. *See, e.g., Bour v. Johnson*, 80 Wn. App. 643, 650, 910

P.2d 548 (1996) (failure to raise defense in the trial court waived review in the appellate court); *Mangat v. Snohomish Cty.*, 176 Wn. App. 324, 334, 308 P.3d 786 (2013) (declining to consider arguments made for the first time on appeal that were not made to the trial court).

Nor can FDA invoke the narrow exception in RAP 2.5(a)(3), which applies only where there has been a “manifest error affecting a constitutional right.” *State v. WWJ Corp.*, 138 Wn.2d 595, 601, 980 P.2d 1257 (1999). To fall within this narrow exception, FDA must demonstrate that the error sought to be reviewed is “manifest.” *State v. Lynn*, 67 Wn. App. 339, 344, 835 P.2d 251 (1992). An alleged error is manifest “only if it results in a concrete detriment to the claimant’s constitutional rights, *and* the claimed error rests upon a plausible argument that is supported by the record.” *WWJ Corp.*, 138 Wn.2d at 603. “To determine whether a newly claimed constitutional error is supported by a plausible argument, the court must preview the merits of the claimed constitutional error to see if the argument has a likelihood of succeeding.” *Id.* at 603. “If the record from the trial court is insufficient to determine the merits of the constitutional claim, then the claimed error is not manifest” and review unwarranted. *Id.* at 602.

Because FDA declined to participate in the trial court proceedings to determine the appropriate penalties, the trial record includes no factual submissions or legal arguments from FDA regarding the penalties. There is

no manifest error because the trial court record is insufficient to determine the merits of the constitutional claim.

Even if FDA had not waived its First Amendment argument, it relies on the same false or unsupported premises as its other arguments—that its misconduct was limited to “inadvertently” filing reports late with the PDC and that “duplicative penalties” were imposed against it on a “strict liability basis” for concealment. Pet. at 18-21. As explained above, the record does not support either of these assertions.

**2. The Fair Campaign Practices Act comports with the United States and Washington Constitutions’ free speech requirements**

FDA’s constitutional justification for seeking review has no legal merit. Pet. at 18-21. State and federal courts have repeatedly rejected similar challenges to the FCPA under the applicable “exacting scrutiny” test, concluding that the law’s disclosure requirements have a substantial relationship with an important government interest in providing voters with information involved with initiatives. *See, e.g., Permanent Offense*, 136 Wn. App. at 284; *Human Life of Wash., Inc. v. Brumsickle*, 624 F.3d 990, 1007 (9th Cir. 2010).

In both *Permanent Offense* and *Brumsickle*, the courts emphasized the particular importance of the FCPA’s disclosure rules in the context of initiatives, where voters essentially act as legislatures and need to know who



is attempting to affect their vote. *Permanent Offense*, 136 Wn. App. at 284; *Brumsickle*, 624 F.3d at 1008. The *Brumsickle* court held that disclosure of this information to the electorate is “vital to the efficient functioning of the marketplace of ideas, and thus to advancing the democratic objectives underlying the First Amendment.” *Brumsickle*, 624 F.3d at 1005. And just last month, this Court applied the exacting scrutiny standard to reaffirm the “vital role” that the FCPA serves in advancing the important government interest in informing the public about the influence of money behind ballot measures. *State v. Evergreen Freedom Found.*, 432 P.3d 805, 814-15 (Wash. Jan 10, 2019).

FDA provides no factual or legal ground for revisiting well-established case law upholding the constitutionality of the FCPA’s requirements. FDA’s purported constitutional justification for its Petition has no basis in fact or law.

#### IV. CONCLUSION

For these reasons, the State respectfully requests that this Court deny FDA’s Petition for Review.

RESPECTFULLY SUBMITTED this 15th day of February, 2019.

ROBERT W. FERGUSON

*Attorney General*



S. TODD SIPE, WSBA No. 23203

*Assistant Attorney General*

LINDA A. DALTON, WSBA No. 15467  
*Senior Assistant Attorney General*  
*Attorneys for Respondent State of*  
*Washington*  
Office ID 91151

**PROOF OF SERVICE**

I certify that I served a copy of this document, via electronic mail and U.S. Mail, postage prepaid, through Consolidated Mail Services, on the following:

Kenneth Kagan  
Law Office of Kenneth S. Kagan, PLLC  
600 Fifth Avenue, Suite 512  
Seattle, WA 98104-2253  
ken@kenkaganlaw.com

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 15th day of February, 2019, at Olympia, Washington.

  
\_\_\_\_\_  
JESSICA BUSWELL, Legal Assistant

# **APPENDIX**

of traffic infraction is not entitled to receive witness fees or mileage in a contested traffic infraction case. [2012 c 117 § 111; 1981 c 19 § 3; 1903 c 10 § 1; 1901 c 101 § 1; RRS § 499.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.16.030 Disposition of fees.** All officers enumerated in \*this section, who are paid a salary in lieu of fees, shall collect the fees herein prescribed for the use of the state or county, as the case may be, and shall pay the same into the state or county treasury, as the case may be, on the first Monday of each month. [1907 c 56 § 1, part; RRS § 4217. Prior: 1903 c 151 § 1, part; 1893 c 130 § 1, part.]

**\*Reviser's note:** The term "this section" refers to 1907 c 56 § 1, of which RCW 42.16.030 is but a part. The other parts of 1907 c 56 § 1, as amended, are codified as RCW 2.32.070 (supreme court clerk's fees), 2.40.010 (witnesses' fees), 36.18.020 (superior court clerks' fees), 36.18.040 (sheriff's fees), 36.18.010 (county auditor's fees), 36.18.030 (county coroner's fees), 2.36.150 (jurors' fees), 3.16.100 (constables' fees), and 42.28.090 (notaries' fees).

*Daily remittance of moneys to state treasury required: RCW 43.01.050.*

**42.16.040 Official fees payable in advance.** All fees are invariably due in advance where demanded by the officer required to perform any official act, and no officer shall be required to perform any official act unless his or her fees are paid when he or she demands the same: PROVIDED, This section shall not apply when the officer performs any official act for his or her county or the state. [2012 c 117 § 112; Code 1881 § 2099; 1869 p 374 § 21; RRS § 505. Formerly codified as RCW 42.04.050.]

*County officers, fees payable in advance: RCW 36.18.060.*

*County sheriff, demand of fees payable in advance: RCW 36.28.040.*

## Chapter 42.17A RCW

### CAMPAIGN DISCLOSURE AND CONTRIBUTION

#### Sections

42.17A.001 Declaration of policy.

#### GENERAL PROVISIONS

42.17A.005 Definitions.  
42.17A.010 Conservation district exception.  
42.17A.020 Statements and reports public records.

#### ELECTRONIC ACCESS

42.17A.050 Web site for commission documents.  
42.17A.055 Electronic filing—Availability.  
42.17A.060 Access to reports—Legislative intent.  
42.17A.061 Access goals.  
42.17A.065 Access performance measures.

#### ADMINISTRATION

42.17A.100 Public disclosure commission—Established—Membership—Prohibited activities—Compensation, travel expenses.  
42.17A.105 Commission—Duties.  
42.17A.110 Commission—Additional powers.  
42.17A.120 Suspension or modification of reporting requirements.  
42.17A.125 Changing monetary limits.  
42.17A.130 Duties of attorney general.  
42.17A.135 Application of reporting requirements in small political subdivisions.  
42.17A.140 Date of receipt—Exceptions—Electronic filings.  
42.17A.145 Certification of reports.  
42.17A.150 Duty to preserve statements and reports.

#### CAMPAIGN FINANCE REPORTING

42.17A.200 Application of chapter—Exceptions.  
42.17A.205 Statement of organization by political committees.

42.17A.210 Treasurer.  
42.17A.215 Depositories.  
42.17A.220 Deposit of contributions—Investment—Unidentified contributions.  
42.17A.225 Filing and reporting by continuing political committee.  
42.17A.230 Fund-raising activities—Alternative reporting method.  
42.17A.235 Reporting of contributions and expenditures—Public inspection of accounts.  
42.17A.240 Contents of report.  
42.17A.245 Electronic filing—When required.  
42.17A.250 Out-of-state political committees—Reports.  
42.17A.255 Special reports—Independent expenditures.  
42.17A.260 Special reports—Political advertising.  
42.17A.265 Special reports—Late contributions or large totals—Certain late contributions prohibited.  
42.17A.270 Earmarked contributions.

#### POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS

42.17A.300 Findings—Intent—Rule-making authority.  
42.17A.305 Report—Information required—Time—Method—By whom—Penalty.  
42.17A.310 When a contribution.  
42.17A.315 Recordkeeping.  
42.17A.320 Identification of sponsor—Exemptions.  
42.17A.330 Picture of candidate.  
42.17A.335 Political advertising or electioneering communication—Libel or defamation per se.  
42.17A.340 Responsibility for compliance.  
42.17A.345 Commercial advertisers—Public inspection of documents—Copies to commission.

#### CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS

42.17A.400 Findings—Intent.  
42.17A.405 Limits specified—Exemptions.  
42.17A.410 Candidates for judicial office—Special elections to fill vacancies—Contribution limits—Adjustments.  
42.17A.415 Contributions.  
42.17A.420 Reportable contributions—Preelection limitations.  
42.17A.425 Expenditures—Authorization of and restrictions on.  
42.17A.430 Disposal of surplus funds.  
42.17A.435 Identification of contributions and communications.  
42.17A.440 Candidates' political committees—Limitations.  
42.17A.442 Contributions by political committees to political committees.  
42.17A.445 Personal use of contributions—When permitted.  
42.17A.450 Attribution and aggregation of family contributions.  
42.17A.455 Attribution of contributions by controlled entities.  
42.17A.460 Attribution of contributions generally—"Earmarking."  
42.17A.465 Restriction on loans.  
42.17A.470 Contributions on behalf of another.  
42.17A.475 Certain contributions required to be by written instrument.  
42.17A.480 Solicitation of endorsement fees.  
42.17A.485 Reimbursement for contributions.  
42.17A.490 Prohibition on use of contributions for a different office.  
42.17A.495 Limitations on employers or labor organizations.  
42.17A.500 Agency shop fees as contributions.  
42.17A.550 Use of public funds for political purposes.

#### PUBLIC OFFICIALS', EMPLOYEES', AND AGENCIES' CAMPAIGN RESTRICTIONS AND PROHIBITIONS—REPORTING

42.17A.555 Use of public office or agency facilities in campaigns—Prohibition—Exceptions.  
42.17A.560 Time limit for state official to solicit or accept contributions.  
42.17A.565 Solicitation of contributions by public officials or employees.  
42.17A.570 Public accounts of governmental entities held by financial institutions—Statements and reports—Contents—Filing.  
42.17A.575 Public service announcements.

#### LOBBYING DISCLOSURE AND RESTRICTIONS

42.17A.600 Registration of lobbyists.  
42.17A.605 Photograph and information—Booklet—Publication.  
42.17A.610 Exemption from registration.  
42.17A.615 Reporting by lobbyists—Rules.  
42.17A.620 Notification to person named in report.  
42.17A.625 Special reports—Lobbyists—Late contributions or large totals.  
42.17A.630 Reports by employers of registered lobbyists, other persons.  
42.17A.635 Legislative activities of state agencies, other units of government, elective officials, employees.  
42.17A.640 Grass roots lobbying campaigns.  
42.17A.645 Employment of legislators, board or commission members, or state employees—Statement, contents.

- 42.17A.650 Employment of unregistered persons.
- 42.17A.655 Lobbyists' duties, restrictions—Penalties for violations.

PERSONAL FINANCIAL AFFAIRS REPORTING BY CANDIDATES AND PUBLIC OFFICIALS

- 42.17A.700 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts.
- 42.17A.705 "Executive state officer" defined.
- 42.17A.710 Contents of report.
- 42.17A.715 Concealing identity of source of payment prohibited—Exception.

ENFORCEMENT

- 42.17A.750 Civil remedies and sanctions—Referral for criminal prosecution.
- 42.17A.755 Violations—Determination by commission—Penalties—Procedure.
- 42.17A.760 Procedure upon petition for enforcement of order of commission—Court's order of enforcement.
- 42.17A.765 Enforcement.
- 42.17A.770 Limitation on actions.

CONSTRUCTION

- 42.17A.900 Effective date—1973 c 1.
- 42.17A.904 Construction—1973 c 1.
- 42.17A.905 Chapter, section headings not part of law.
- 42.17A.906 Repealer—1973 c 1.
- 42.17A.907 Construction—1975-'76 2nd ex.s. c 112.
- 42.17A.908 Captions.
- 42.17A.909 Short title—1993 c 2.
- 42.17A.910 Effective date—1995 c 397.
- 42.17A.911 Captions—1995 c 397.
- 42.17A.915 Effective dates—2005 c 445.
- 42.17A.917 Effective date—2010 c 204 §§ 505, 602, and 703.
- 42.17A.918 Effective date—2010 c 204.
- 42.17A.919 Effective date—2011 c 60.

**42.17A.001 Declaration of policy.** It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the Congress of

(2016 Ed.)

the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. In promoting such complete disclosure, however, this chapter shall be enforced so as to insure that the information disclosed will not be misused for arbitrary and capricious purposes and to insure that all persons reporting under this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed. [1975 1st ex.s. c 294 § 1; 1973 c 1 § 1 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.010.]

GENERAL PROVISIONS

**42.17A.005 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

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

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

(4) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

[Title 42 RCW—page 11]

(5) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(6) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

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

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

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

(b) Announces publicly or files for office;

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

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

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

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

(10) "Commission" means the agency established under RCW 42.17A.100.

(11) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(12) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(13)(a) "Contribution" includes:

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

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, the person or persons

named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

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

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

(b) "Contribution" does not include:

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

(ii) Ordinary home hospitality;

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

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

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

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

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

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

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

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

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection (13)(b)(ix) is not considered an agent of the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

(14) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

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

(16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

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

(18) "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

(19)(a) "Electioneering communication" means any broadcast, cable, or satellite television or radio transmission, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of primary interest to the general public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) A mailed internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

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

(21) "Final report" means the report described as a final report in RCW 42.17A.235(2).

(22) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.



(23) "Gift" has the definition in RCW 42.52.010.

(24) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

(25) "Incumbent" means a person who is in present possession of an elected office.

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

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

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

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

(27)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

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

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

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

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

(29) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

(30) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(31) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

(32) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

(33) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

(34) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

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

(36) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

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

(38) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary

for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

(39) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(40) "Public record" has the definition in RCW 42.56.010.

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

(42)(a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

(43) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

(44) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(45) "State official" means a person who holds a state office.

(46) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17A.255.

(47) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section. [2011 c 145 § 2; 2011 c 60 § 19. Prior: 2010 c 204 § 101; 2008 c 6 § 201; prior: 2007 c 358 § 1; 2007 c 180 § 1; 2005 c 445 § 6; 2002 c 75 § 1; 1995 c 397 § 1; 1992 c 139 § 1; 1991 sp.s. c 18 § 1; 1990 c 139 § 2; prior: 1989 c 280 § 1; 1989 c 175 § 89; 1984 c 34 § 5; 1979 ex.s. c 50 § 1; 1977 ex.s. c 313 § 1; 1975 1st ex.s. c 294 § 2; 1973 c 1 § 2 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.020.]

**Reviser's note:** \*(1) The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17A.125. For current dollar amounts, see WAC 390-05-400.

(2016 Ed.)

(2) This section was amended by 2011 c 60 § 19 and by 2011 c 145 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Findings—Intent—2011 c 145:** "The legislature finds that timely and full disclosure of election campaign funding and expenditures is essential to a well-functioning democracy in which Washington's voters can judge for themselves what is appropriate based on ideologies, programs, and policies. Long-term voter engagement and confidence depends on the public knowing who is funding the multiple and targeted messages distributed during election campaigns.

The legislature also finds that recent events have revealed the need for refining certain elements of our state's election campaign finance laws that have proven inadequate in preventing efforts to hide information from voters. The legislature intends, therefore, to promote greater transparency for the public by enhancing penalties for violations; regulating the formation of, and contributions between, political committees; and reducing the expenditure thresholds for purposes of mandatory electronic filing and disclosure." [2011 c 145 § 1.]

**Effective date—2011 c 145:** "This act takes effect January 1, 2012." [2011 c 145 § 8.]

**Part headings not law—Severability—2008 c 6:** See RCW 26.60.900 and 26.60.901.

**Effective date—2007 c 358:** "This act takes effect January 1, 2008." [2007 c 358 § 4.]

**Legislative intent—1990 c 139:** "The provisions of this act which repeal the reporting requirements established by chapter 423, Laws of 1987 for registered lobbyists and employers of lobbyists are not intended to alter, expand, or restrict whatsoever the definition of "lobby" or "lobbying" contained in RCW 42.17.020 as it existed prior to the enactment of chapter 423, Laws of 1987." [1990 c 139 § 1.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.010 Conservation district exception.** Elections of conservation district supervisors held pursuant to chapter 89.08 RCW shall not be considered general or special elections for purposes of the campaign disclosure and personal financial affairs reporting requirements of this chapter. Elected conservation district supervisors are not considered elected officials for purposes of the annual personal financial affairs reporting requirement of this chapter. [2002 c 43 § 4. Formerly RCW 42.17.035.]

**Intent—Effective date—2002 c 43:** See notes following RCW 29A.04.330.

**42.17A.020 Statements and reports public records.** All statements and reports filed under this chapter shall be public records of the agency where they are filed, and shall be available for public inspection and copying during normal business hours at the expense of the person requesting copies, provided that the charge for such copies shall not exceed actual cost to the agency. [1973 c 1 § 44 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.440.]

#### ELECTRONIC ACCESS

**42.17A.050 Web site for commission documents.** The commission shall operate a web site or contract for the operation of a web site that allows access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17A.205, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.265, 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630. In addition, the commission shall attempt to make available via the web site other public records submitted to or generated by

[Title 42 RCW—page 15]

the commission that are required by this chapter to be available for public use or inspection. [2010 c 204 § 201; 1999 c 401 § 9; 1994 c 40 § 2. Formerly RCW 42.17.367.]

**Findings—1994 c 40:** "The legislature finds that government information is a strategic resource and needs to be managed as such and that broad public access to nonrestricted public information and records must be guaranteed. The legislature further finds that reengineering government processes along with capitalizing on advancements made in digital technology can build greater efficiencies in government service delivery. The legislature further finds that providing citizen electronic access to presently available public documents will allow increased citizen involvement in state policies and empower citizens to participate in state policy decision making." [1994 c 40 § 1.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.055 Electronic filing—Availability.** (1) The commission shall make available to candidates, public officials, and political committees that are required to file reports under this chapter an electronic filing alternative for submitting financial affairs reports, contribution reports, and expenditure reports.

(2) The commission shall make available to lobbyists and lobbyists' employers required to file reports under RCW 42.17A.600, 42.17A.615, 42.17A.625, or 42.17A.630 an electronic filing alternative for submitting these reports.

(3) State agencies required to report under RCW 42.17A.635 must file all reports electronically.

(4) The commission shall make available to candidates, public officials, political committees, lobbyists, and lobbyists' employers an electronic copy of the appropriate reporting forms at no charge. [2013 c 166 § 2; 2010 c 204 § 202; 2000 c 237 § 3; 1999 c 401 § 11. Formerly RCW 42.17.369.]

**Effective date—2013 c 166:** "This act takes effect January 1, 2014." [2013 c 166 § 3.]

**42.17A.060 Access to reports—Legislative intent.** It is the intent of the legislature to ensure that the commission provide the general public timely access to all contribution and expenditure reports submitted by candidates, continuing political committees, bona fide political parties, lobbyists, and lobbyists' employers. The legislature finds that failure to meet goals for full and timely disclosure threatens to undermine our electoral process.

Furthermore, the legislature intends for the commission to consult with the office of the chief information officer as it seeks to implement chapter 401, Laws of 1999, and that the commission follow the standards and procedures established by the office of the chief information officer in chapter 43.105 RCW as they relate to information technology. [2011 1st sp.s. c 43 § 732; 1999 c 401 § 1. Formerly RCW 42.17.460.]

**Effective date—2011 1st sp.s. c 43 § 732:** "Section 732 of this act takes effect January 1, 2012." [2011 1st sp.s. c 43 § 1015.]

**Purpose—2011 1st sp.s. c 43:** See note following RCW 43.19.003.

**42.17A.061 Access goals.** The commission shall establish goals that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17A.205, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.265, 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630, that are:

(1) Submitted using the commission's electronic filing system must be accessible in the commission's office and on

the commission's web site within two business days of the commission's receipt of the report; and

(2) Submitted on paper must be accessible in the commission's office and on the commission's web site within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17A.140, as specified in rule adopted by the commission. [2010 c 204 § 203; 2000 c 237 § 5; 1999 c 401 § 2. Formerly RCW 42.17.461.]

**42.17A.065 Access performance measures.** By July 1st of each year, the commission shall calculate the following performance measures, provide a copy of the performance measures to the governor and appropriate legislative committees, and make the performance measures available to the public:

(1) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17A.205, 42.17A.225, 42.17A.235, and 42.17A.255 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(2) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17A.265 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(3) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(4) The percentage of candidates, categorized as statewide, legislative, or local, that have used each of the following methods to file reports under RCW 42.17A.235 or 42.17A.265: (a) Hard copy paper format; or (b) electronic format via the Internet;

(5) The percentage of continuing political committees that have used each of the following methods to file reports under RCW 42.17A.225 or 42.17A.265: (a) Hard copy paper format; or (b) electronic format via the Internet; and

(6) The percentage of lobbyists and lobbyists' employers that have used each of the following methods to file reports under RCW 42.17A.600, 42.17A.615, 42.17A.625, or 42.17A.630: (a) Hard copy paper format; or (b) electronic format via the Internet. [2010 c 204 § 204; 1999 c 401 § 3. Formerly RCW 42.17.463.]

## ADMINISTRATION

**42.17A.100 Public disclosure commission—Established—Membership—Prohibited activities—Compensation, travel expenses.** (1) The public disclosure commission is established. The commission shall be composed of five members appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity

and qualifications. No more than three members shall have an identification with the same political party.

(2) The term of each member shall be five years. No member is eligible for appointment to more than one full term. Any member may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

(3) During his or her tenure, a member of the commission is prohibited from engaging in any of the following activities, either within or outside the state of Washington:

(a) Holding or campaigning for elective office;

(b) Serving as an officer of any political party or political committee;

(c) Permitting his or her name to be used in support of or in opposition to a candidate or proposition;

(d) Soliciting or making contributions to a candidate or in support of or in opposition to any candidate or proposition;

(e) Participating in any way in any election campaign; or

(f) Lobbying, employing, or assisting a lobbyist, except that a member or the staff of the commission may lobby to the limited extent permitted by RCW 42.17A.635 on matters directly affecting this chapter.

(4) A vacancy on the commission shall be filled within thirty days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his or her predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission.

(5) Three members of the commission shall constitute a quorum. The commission shall elect its own chair and adopt its own rules of procedure in the manner provided in chapter 34.05 RCW.

(6) Members shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for travel expenses incurred while engaged in the business of the commission as provided in RCW 43.03.050 and 43.03.060. The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created under the laws of this state. [2010 c 204 § 301; 1998 c 30 § 1; 1984 c 287 § 74; 1982 c 147 § 15; 1975-'76 2nd ex.s. c 112 § 8; 1975-'76 2nd ex.s. c 34 § 93; 1975 1st ex.s. c 294 § 23; 1973 c 1 § 35 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.350.]

**Legislative findings—Severability—Effective date—1984 c 287:** See notes following RCW 43.03.220.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.105 Commission—Duties.** The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this chapter;

(2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

(3) Compile and maintain a current list of all filed reports and statements;

(4) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;

(2016 Ed.)

(5) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities;

(6) Conduct a sufficient number of audits and field investigations to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers. Any documents, records, reports, computer files, papers, or materials provided to the commission for use in conducting audits and investigations must be returned to the candidate, campaign, or political committee from which they were received within one week of the commission's completion of an audit or field investigation;

(7) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities;

(8) Enforce this chapter according to the powers granted it by law;

(9) Adopt rules governing the arrangement, handling, indexing, and disclosing of those reports required by this chapter to be filed with a county auditor or county elections official. The rules shall:

(a) Ensure ease of access by the public to the reports; and

(b) Include, but not be limited to, requirements for indexing the reports by the names of candidates or political committees and by the ballot proposition for or against which a political committee is receiving contributions or making expenditures;

(10) Adopt rules to carry out the policies of chapter 348, Laws of 2006. The adoption of these rules is not subject to the time restrictions of RCW 42.17A.110(1);

(11) Adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports; and

(12) Maintain and make available to the public and political committees of this state a toll-free telephone number. [2010 c 204 § 302; 1973 c 1 § 36 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.360.]

**42.17A.110 Commission—Additional powers.** The commission may:

(1) Adopt, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint an executive director and set, within the limits established by the office of financial management under RCW 43.03.028, the executive director's compensation. The executive director shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor may it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign

[Title 42 RCW—page 17]

financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Conduct, as it deems appropriate, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence, and require the production of any records relevant to any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt a code of fair campaign practices;

(8) Adopt rules relieving candidates or political committees of obligations to comply with the election campaign provisions of this chapter, if they have not received contributions nor made expenditures in connection with any election campaign of more than \*five thousand dollars;

(9) Adopt rules prescribing reasonable requirements for keeping accounts of, and reporting on a quarterly basis, costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. For the purposes of this subsection, "legislative information" means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations concerning those agencies; and

(10) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds. [2015 c 225 § 55. Prior: 2011 1st sp.s. c 43 § 448; 2011 c 60 § 20; prior: 2010 1st sp.s. c 7 § 4; 2010 c 204 § 303; 1995 c 397 § 17; 1994 c 40 § 3; 1986 c 155 § 11; 1985 c 367 § 11; 1984 c 34 § 7; 1977 ex.s. c 336 § 7; 1975 1st ex.s. c 294 § 25; 1973 c 1 § 37 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.370.]

**\*Reviser's note:** The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of subsection (11) of this section. For current dollar amounts, see chapter 390-16 of the Washington Administrative Code (WAC).

**Effective date—2011 1st sp.s. c 43 § 448:** "Section 448 of this act takes effect January 1, 2012." [2011 1st sp.s. c 43 § 481.]

**Purpose—2011 1st sp.s. c 43:** See note following RCW 43.19.003.

**Effective date—2010 1st sp.s. c 26; 2010 1st sp.s. c 7:** See note following RCW 43.03.027.

**Findings—Severability—Effective date—1994 c 40:** See notes following RCW 42.17A.050.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.120 Suspension or modification of reporting requirements.** (1) The commission may suspend or modify any of the reporting requirements of this chapter if it finds that literal application of this chapter works a manifestly unreasonable hardship in a particular case and the suspension or modification will not frustrate the purposes of this chapter. The commission may suspend or modify reporting requirements only after a hearing is held and the suspension or mod-

ification receives approval from a majority of the commission. The commission shall act to suspend or modify any reporting requirements:

(a) Only if it determines that facts exist that are clear and convincing proof of the findings required under this section; and

(b) Only to the extent necessary to substantially relieve the hardship.

(2) A manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17A.710(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report, or any member of his or her immediate family, holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more.

(3) Requests for renewals of reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. No initial request may be heard in a brief adjudicative proceeding. No request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted.

(4) Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order.

(5) The commission shall adopt rules governing the proceedings. [2010 c 204 § 304.]

**42.17A.125 Changing monetary limits.** (1) At the beginning of each even-numbered calendar year, the commission shall increase or decrease the dollar amounts in RCW 42.17A.005(26), 42.17A.405, 42.17A.410, 42.17A.445(3), 42.17A.475, and 42.17A.630(1) based on changes in economic conditions as reflected in the inflationary index recommended by the office of financial management. The new dollar amounts established by the commission under this section shall be rounded off to amounts as judged most convenient for public understanding and so as to be within ten percent of the target amount equal to the base amount provided in this chapter multiplied by the increase in the inflationary index since July 2008.

(2) The commission may revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter, reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials, the revisions shall equally affect all thresholds within each category. The revisions authorized by this subsection shall reflect economic

changes from the time of the last legislative enactment affecting the respective code or threshold.

(3) Revisions made in accordance with subsections (1) and (2) of this section shall be adopted as rules under chapter 34.05 RCW. [2011 c 60 § 21; 2010 c 204 § 305; 1993 c 2 § 9 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.690.]

**42.17A.130 Duties of attorney general.** The attorney general, through his or her office, shall provide assistance as required by the commission to carry out its responsibilities under this chapter. The commission may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this chapter. [2010 c 205 § 8; 2010 c 204 § 306; 1982 c 35 § 196; 1975 1st ex.s. c 294 § 26; 1973 c 1 § 38 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.380.]

**Reviser's note:** This section was amended by 2010 c 204 § 306 and by 2010 c 205 § 8, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Intent—Severability—Effective dates—Application—1982 c 35:** See notes following RCW 43.07.160.

**42.17A.135 Application of reporting requirements in small political subdivisions.** (1) Except as provided in subsections (2), (3), and (7) of this section, the reporting provisions of this chapter do not apply to:

(a) Candidates, elected officials, and agencies in political subdivisions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction;

(b) Political committees formed to support or oppose candidates or ballot propositions in such political subdivisions; or

(c) Persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The reporting provisions of this chapter apply in any exempt political subdivision from which a "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters, as of the date of the most recent general election in the political subdivision, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the political subdivision is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(3) The reporting provisions of this chapter apply in any exempt political subdivision that by ordinance, resolution, or other official action has petitioned the commission to make the provisions applicable to elected officials and candidates of the exempt political subdivision. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or

authority, the commission shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(4) The commission shall void any order issued by it pursuant to subsection (2) or (3) of this section when, at least four years after issuing the order, the commission is presented a petition or official action so requesting from the affected political subdivision. Such petition or official action shall meet the respective requirements of subsection (2) or (3) of this section.

(5) Any petition for disclosure, ordinance, resolution, or official action of an agency petitioning the commission to void the exemption in RCW 42.17A.200(3) shall not be considered unless it has been filed with the commission:

(a) In the case of a ballot measure, at least sixty days before the date of any election in which campaign finance reporting is to be required;

(b) In the case of a candidate, at least sixty days before the first day on which a person may file a declaration of candidacy for any election in which campaign finance reporting is to be required.

(6) Any person exempted from reporting under this chapter may at his or her option file the statement and reports.

(7) The reporting provisions of this chapter apply to a candidate in any political subdivision if the candidate receives or expects to receive five thousand dollars or more in contributions. [2010 c 204 § 307; 2006 c 240 § 2; 1986 c 12 § 3; 1985 c 367 § 13; 1982 c 60 § 1. Formerly RCW 42.17.405.]

**42.17A.140 Date of receipt—Exceptions—Electronic filings.** (1) Except as provided in subsection (2) of this section, the date of receipt of any properly addressed application, report, statement, notice, or payment required to be made under the provisions of this chapter is the date shown by the post office cancellation mark on the envelope of the submitted material. The provisions of this section do not apply to reports required to be delivered under RCW 42.17A.265 and 42.17A.625.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. The commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail, facsimile, or electronic mail. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer his or her own proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17A.265 and 42.17A.625. [2010 c 204 § 308; 1999 c 401 § 10; 1995 c 397 § 18; 1983 c 176 § 2; 1973 c 1 § 42 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.420.]

**42.17A.145 Certification of reports.** Every report and statement required to be filed under this chapter shall identify the person preparing it, and shall be certified as complete and correct, both by the person preparing it and by the person on whose behalf it is filed. [1973 c 1 § 43 (Initiative Measure



No. 276, approved November 7, 1972). Formerly RCW 42.17.430.]

**42.17A.150 Duty to preserve statements and reports.**

The commission must preserve statements or reports required to be filed under this chapter for not less than ten years. [2010 c 205 § 9; 1973 c 1 § 45 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.450.]

CAMPAIGN FINANCE REPORTING

**42.17A.200 Application of chapter—Exceptions.**

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (1) for precinct committee officer; (2) for a federal elective office; and (3) for an office of a political subdivision of the state that does not encompass a whole county and that contains fewer than five thousand registered voters as of the date of the most recent general election in the subdivision, unless required by RCW 42.17A.135 (2) through (5) and (7). [2010 c 204 § 401; 2006 c 240 § 1; 1987 c 295 § 18; 1986 c 12 § 1; 1985 c 367 § 2; 1977 ex.s. c 313 § 2; 1973 c 1 § 3 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.030.]

*Cemetery district commissioners exempt from chapter: RCW 68.52.140, 68.52.220.*

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.205 Statement of organization by political committees.** (1) Every political committee shall file a statement of organization with the commission. The statement must be filed within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier. A political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

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

(a) The name and address of the committee;

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

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

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

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

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

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

(h) What distribution of surplus funds will be made, in accordance with RCW 42.17A.430, in the event of dissolution;

(i) The street address of the place and the hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with RCW 42.17A.235;

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

(k) The name, address, and title of any person who authorizes expenditures or makes decisions on behalf of the candidate or committee; and

(l) The name, address, and title of any person who is paid by or is a volunteer for a candidate or political committee to perform ministerial functions and who performs ministerial functions on behalf of two or more candidates or committees.

(3) No two political committees may have the same name.

(4) Any material change in information previously submitted in a statement of organization shall be reported to the commission within the ten days following the change.

(5) As used in this section, the "name" of a sponsored committee must include the name of the person that is the sponsor of the committee. If more than one person meets the definition of sponsor, the name of the committee must include the name of at least one sponsor, but may include the names of other sponsors. A person may sponsor only one political committee for the same elected office or same ballot measure per election cycle. [2011 c 145 § 3. Prior: 2010 c 205 § 1; 2010 c 204 § 402; 2007 c 358 § 2; 1989 c 280 § 2; 1982 c 147 § 1; 1977 ex.s. c 336 § 1; 1975 1st ex.s. c 294 § 3; 1973 c 1 § 4 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.040.]

**Findings—Intent—Effective date—2011 c 145:** See notes following RCW 42.17A.005.

**Effective date—2007 c 358:** See note following RCW 42.17A.005.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.210 Treasurer.** (1) Each candidate, within two weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the commission the name and address of one legally competent individual, who may be the candidate, to serve as a treasurer.

(2) A candidate, a political committee, or a treasurer may appoint as many deputy treasurers as is considered necessary and shall file the names and addresses of the deputy treasurers with the commission.

(3)(a) A candidate or political committee may at any time remove a treasurer or deputy treasurer.

(b) In the event of the death, resignation, removal, or change of a treasurer or deputy treasurer, the candidate or political committee shall designate and file with the commission the name and address of any successor.

(4) No treasurer or deputy treasurer may be deemed to be in compliance with the provisions of this chapter until his or her name and address is filed with the commission. [2010 c 205 § 2; 2010 c 204 § 403; 1989 c 280 § 3; 1985 c 367 § 3; 1982 c 147 § 2; 1973 c 1 § 5 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.050.]

**Reviser's note:** This section was amended by 2010 c 204 § 403 and by 2010 c 205 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.215 Depositories.** Each candidate and each political committee shall designate and file with the commission and the appropriate county elections officer the name and address of not more than one depository for each county in which the campaign is conducted in which the candidate's or political committee's accounts are maintained and the name of the account or accounts maintained in that depository on behalf of the candidate or political committee. The candidate or political committee may at any time change the designated depository and shall file with the commission and the appropriate county elections officer the same information for the successor depository as for the original depository. The candidate or political committee may not be deemed in compliance with the provisions of this chapter until the information required for the depository is filed with the commission and the appropriate county elections officer. [2010 c 204 § 404.]

**42.17A.220 Deposit of contributions—Investment—Unidentified contributions.** (1) All monetary contributions received by a candidate or political committee shall be deposited by the treasurer or deputy treasurer in a depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution.

(2) Political committees that support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose only if:

- (a) Each such account bears the same name;
- (b) Each such account is followed by an appropriate designation that accurately identifies its separate purpose; and
- (c) Transfers of funds that must be reported under \*RCW 42.17A.240(1)(e) are not made from more than one such account.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a depository in bonds, certificates, or tax-exempt securities, or in savings accounts or other similar instruments in financial institutions, or in mutual funds other than the depository but only if:

- (a) The commission are [is] notified in writing of the initiation and the termination of the investment; and
- (b) The principal of such investment, when terminated together with all interest, dividends, and income derived from the investment, is deposited in the depository in the account from which the investment was made and properly reported to the commission before any further disposition or expenditure.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's treasurer pursuant to \*\*RCW 42.17A.240(1)(b), in excess of one percent of the total accumulated contributions received in the current calendar year, or three hundred dollars, whichever is more, may not be deposited, used, or expended, but shall be

returned to the donor if his or her identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state and shall be paid to the state treasurer for deposit in the state general fund. [2010 c 205 § 3; 2010 c 204 § 405; 1989 c 280 § 4; 1987 c 268 § 1; 1985 c 367 § 4; 1982 c 147 § 3; 1977 ex.s. c 313 § 3; 1975 1st ex.s. c 294 § 4; 1973 c 1 § 6 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.060.]

**Reviser's note:** \*(1) The correct reference is RCW 42.17A.240(5) as a result of the recodification of RCW 42.17.090 by 2010 c 204 § 1102 and the subsection renumbering of RCW 42.17.090 by 2010 c 204 § 409.

\*\* (2) The correct reference is RCW 42.17A.240(2) as a result of the recodification of RCW 42.17.090 by 2010 c 204 § 1102 and the subsection renumbering of RCW 42.17.090 by 2010 c 204 § 409.

(3) This section was amended by 2010 c 204 § 405 and by 2010 c 205 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.225 Filing and reporting by continuing political committee.** (1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17A.205, 42.17A.210, and 42.17A.220.

(2) A continuing political committee shall file with the commission a report on the tenth day of each month detailing expenditures made and contributions received for the preceding calendar month. This report need only be filed if either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. The report shall be on a form supplied by the commission and shall include the following information:

- (a) The information required by RCW 42.17A.240;
- (b) Each expenditure made to retire previously accumulated debts of the committee identified by recipient, amount, and date of payments;
- (c) Other information the commission shall prescribe by rule.

(3) If a continuing political committee makes a contribution in support of or in opposition to a candidate or ballot proposition within sixty days before the date that the candidate or ballot proposition will be voted upon, the committee shall report pursuant to RCW 42.17A.235.

(4) A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports.

(5) The treasurer shall maintain books of account, current within five business days, that accurately reflect all contributions and expenditures. During the eight days immediately preceding the date of any election that the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection in the same manner as provided for candidates and other political committees in RCW 42.17A.235(4).

(6) All reports filed pursuant to this section shall be certified as correct by the treasurer.



(7) The treasurer shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred. [2011 c 60 § 22. Prior: 2010 c 205 § 4; 2010 c 204 § 406; 2000 c 237 § 1; 1989 c 280 § 5; 1982 c 147 § 4; 1975 1st ex.s. c 294 § 5. Formerly RCW 42.17.065.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.230 Fund-raising activities—Alternative reporting method.** (1) Fund-raising activities meeting the standards of subsection (2) of this section may be reported in accordance with the provisions of this section in lieu of reporting in accordance with RCW 42.17A.235.

(2) Standards:

(a) The activity consists of one or more of the following:

(i) A sale of goods or services sold at a reasonable approximation of the fair market value of each item or service; or

(ii) A gambling operation that is licensed, conducted, or operated in accordance with the provisions of chapter 9.46 RCW; or

(iii) A gathering where food and beverages are purchased and the price of admission or the per person charge for the food and beverages is no more than twenty-five dollars; or

(iv) A concert, dance, theater performance, or similar entertainment event and the price of admission is no more than twenty-five dollars; or

(v) An auction or similar sale for which the total fair market value of items donated by any person is no more than fifty dollars; and

(b) No person responsible for receiving money at the fund-raising activity knowingly accepts payments from a single person at or from such an activity to the candidate or committee aggregating more than fifty dollars unless the name and address of the person making the payment, together with the amount paid to the candidate or committee, are disclosed in the report filed pursuant to subsection (6) of this section; and

(c) Any other standards established by rule of the commission to prevent frustration of the purposes of this chapter.

(3) All funds received from a fund-raising activity that conforms with subsection (2) of this section must be deposited in the depository within five business days of receipt by the treasurer or deputy treasurer.

(4) At the time reports are required under RCW 42.17A.235, the treasurer or deputy treasurer making the deposit shall file with the commission a report of the fund-raising activity which must contain the following information:

(a) The date of the activity;

(b) A precise description of the fund-raising methods used in the activity; and

(c) The total amount of cash receipts from persons, each of whom paid no more than fifty dollars.

(5) The treasurer or deputy treasurer shall certify the report is correct.

(6) The treasurer shall report pursuant to RCW 42.17A.235 and 42.17A.240:

(a) The name and address and the amount contributed by each person contributing goods or services with a fair market value of more than fifty dollars to a fund-raising activity reported under subsection (4) of this section; and

(b) The name and address and the amount paid by each person whose identity can be ascertained, who made a contribution to the candidate or committee aggregating more than fifty dollars at or from such a fund-raising activity. [2010 c 205 § 5; 2010 c 204 § 407; 1989 c 280 § 6; 1982 c 147 § 5; 1975-'76 2nd ex.s. c 112 § 9. Formerly RCW 42.17.067.]

**Reviser's note:** This section was amended by 2010 c 204 § 407 and by 2010 c 205 § 5, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.235 Reporting of contributions and expenditures—Public inspection of accounts.** (1) In addition to the information required under RCW 42.17A.205 and 42.17A.210, on the day the treasurer is designated, each candidate or political committee must file with the commission a report of all contributions received and expenditures made prior to that date, if any.

(2) Each treasurer shall file with the commission a report containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held;

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer shall file with the commission a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than twenty-five dollars in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her

records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4)(a) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any day from the eighth day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection (4) of this section, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

(6) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(7) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(8) When there is no outstanding debt or obligation, the campaign fund is closed, and the campaign is concluded in all respects or in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there is no obligation to make any further reports. [2015 c 54 § 1; 2011 c 60 § 23. Prior: 2010 c 205 § 6; 2010 c 204 § 408; 2008 c 73 § 1; 2006 c 344 § 30; 2005 c 184 § 1; 2002 c 75 § 2; 2000 c 237 § 2; 1999 c 401 § 13; 1995 c 397 § 2; 1989 c 280 § 8; 1986 c 28 § 1; 1982 c 147 § 6; 1975 1st ex.s. c 294 § 6; 1973 c 1 § 8 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.080.]

**Effective date—**2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

(2016 Ed.)

**42.17A.240 Contents of report.** Each report required under RCW 42.17A.235 (1) and (2) must be certified as correct by the treasurer and the candidate and shall disclose the following:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

(a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;

(b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

(c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor; and

(d) The money value of contributions of postage shall be the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(6) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures;

(7) The name and address of each person directly compensated for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (6) of this section;

(8) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;

(9) The surplus or deficit of contributions over expenditures;

(10) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

(11) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter. [2010 c 204 § 409; 2003 c 123 § 1; 1993 c 256 § 6; 1989 c 280 § 9. Prior: 1986 c 228 § 1; 1986 c 12 § 2; 1983 c

[Title 42 RCW—page 23]

96 § 1; 1982 c 147 § 7; 1977 ex.s. c 336 § 2; 1975-'76 2nd ex.s. c 112 § 3; 1975 1st ex.s. c 294 § 7; 1973 c 1 § 9 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.090.]

*Appearance of fairness doctrine—Application to candidates for public office—Campaign contributions: RCW 42.36.040, 42.36.050.*

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

#### 42.17A.245 Electronic filing—When required. (1)

Each candidate or political committee that expended five thousand dollars or more in the preceding year or expects to expend five thousand dollars or more in the current year shall file all contribution reports and expenditure reports required by this chapter by the electronic alternative provided by the commission under RCW 42.17A.055. The commission may make exceptions on a case-by-case basis for candidates whose authorized committees lack the technological ability to file reports using the electronic alternative provided by the commission.

(2) Failure by a candidate or political committee to comply with this section is a violation of this chapter. [2011 c 145 § 4; 2010 c 204 § 410; 2000 c 237 § 4; 1999 c 401 § 12. Formerly RCW 42.17.3691.]

**Findings—Intent—Effective date—2011 c 145:** See notes following RCW 42.17A.005.

#### 42.17A.250 Out-of-state political committees—

**Reports.** (1) An out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17A.205 through 42.17A.240 shall report as required in this section when it makes an expenditure supporting or opposing a Washington state candidate or political committee. The committee shall file with the commission a statement disclosing:

- (a) Its name and address;
- (b) The purposes of the out-of-state committee;
- (c) The names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and the titles of its responsible leaders;

(d) The name, office sought, and party affiliation of each candidate in the state of Washington whom the out-of-state committee is supporting or opposing and, if the committee is supporting or opposing the entire ticket of any party, the name of the party;

(e) The ballot proposition supported or opposed in the state of Washington, if any, and whether the committee is in favor of or opposed to that proposition;

(f) The name and address of each person residing in the state of Washington or corporation that has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than \*twenty-five dollars to the out-of-state committee during the current calendar year, together with the money value and date of the contributions;

(g) The name, address, and employer of each person or corporation residing outside the state of Washington who has made one or more contributions in the aggregate of more than \*two thousand five hundred fifty dollars to the out-of-state committee during the current calendar year, together with the money value and date of the contributions. Annually, the

commission must modify the \*two thousand five hundred fifty dollar limit in this subsection based on percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce;

(h) The name and address of each person in the state of Washington to whom an expenditure was made by the out-of-state committee with respect to a candidate or political committee in the aggregate amount of more than \*fifty dollars, the amount, date, and purpose of the expenditure, and the total sum of the expenditures; and

(i) Any other information as the commission may prescribe by rule in keeping with the policies and purposes of this chapter.

(2) Each statement shall be filed no later than the tenth day of the month following any month in which a contribution or other expenditure reportable under subsection (1) of this section is made. An out-of-state committee incurring an obligation to file additional statements in a calendar year may satisfy the obligation by timely filing reports that supplement previously filed information. [2010 c 204 § 411; 2006 c 348 § 6; 2003 c 123 § 2. Formerly RCW 42.17.093.]

**\*Reviser's note:** The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17A.110. For current dollar amounts, see WAC 390-16-050.

#### 42.17A.255 Special reports—Independent expenditures.

(1) For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17A.220, 42.17A.235, and 42.17A.240. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission a further report of the independent expenditures made since the date of the last report:

(a) On the twenty-first day and the seventh day preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be filed if the reporting person has made an independent expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent expenditure, and ending not more than one business day before the date the report is due:

(a) The name and address of the person filing the report;

(b) The name and address of each person to whom an independent expenditure was made in the aggregate amount of more than fifty dollars, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent expenditures made during the campaign to date; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter. [2011 c 60 § 24; 2010 c 205 § 7; 1995 c 397 § 28; 1989 c 280 § 10; 1985 c 367 § 6; 1982 c 147 § 9; 1975-'76 2nd ex.s. c 112 § 4; 1973 c 1 § 10 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.100.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

#### 42.17A.260 Special reports—Political advertising.

(1) The sponsor of political advertising who, within twenty-one days of an election, publishes, mails, or otherwise presents to the public political advertising supporting or opposing a candidate or ballot proposition that qualifies as an independent expenditure with a fair market value of one thousand dollars or more shall deliver, either electronically or in written form, a special report to the commission within twenty-four hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public.

(2) If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a special report for each subsequent independent expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's oppo-

(2016 Ed.)

nent, or supporting or opposing the same ballot proposition that was the subject of the previous independent expenditure.

(3) The special report must include:

(a) The name and address of the person making the expenditure;

(b) The name and address of the person to whom the expenditure was made;

(c) A detailed description of the expenditure;

(d) The date the expenditure was made and the date the political advertising was first published or otherwise presented to the public;

(e) The amount of the expenditure;

(f) The name of the candidate supported or opposed by the expenditure, the office being sought by the candidate, and whether the expenditure supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the expenditure and whether the expenditure supports or opposes the ballot proposition; and

(g) Any other information the commission may require by rule.

(4) All persons required to report under RCW 42.17A.225, 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the requirements of this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255.

(5) The sponsor of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent. [2010 c 204 § 413; 2005 c 445 § 7; 2001 c 54 § 1. Formerly RCW 42.17.103.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.265 Special reports—Late contributions or large totals—Certain late contributions prohibited.** (1) Treasurers shall prepare and deliver to the commission a special report when a contribution or aggregate of contributions totals one thousand dollars or more, is from a single person or entity, and is received during a special reporting period.

(2) A political committee shall prepare and deliver to the commission a special report when it makes a contribution or an aggregate of contributions to a single entity that totals one thousand dollars or more during a special reporting period.

(3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. Any subsequent contribution of any size made to or received from the same person or entity during the special reporting period must also be reported.

(4) Special reporting periods, for purposes of this section, include:

(a) The period beginning on the day after the last report required by RCW 42.17A.235 and 42.17A.240 to be filed before a primary and concluding on the end of the day before that primary;

[Title 42 RCW—page 25]

(b) The period twenty-one days preceding a general election; and

(c) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.

(5) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.

(6) Special reports required by this section shall be delivered electronically or in written form, including but not limited to mailgram, telegram, or nightletter. The special report may be transmitted orally by telephone to the commission if the written form of the report is postmarked and mailed to the commission or the electronic filing is transferred to the commission within the delivery periods established in (a) and (b) of this subsection.

(a) The special report required of a contribution recipient under subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after: The contribution of one thousand dollars or more is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first equals one thousand dollars or more; or any subsequent contribution from the same source is received by the candidate or treasurer.

(b) The special report required of a contributor under subsection (2) of this section or RCW 42.17A.625 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within twenty-four hours of the time, or on the first working day after: The contribution is made; the aggregate of contributions made first equals one thousand dollars or more; or any subsequent contribution to the same person or entity is made.

(7) The special report shall include:

(a) The amount of the contribution or contributions;

(b) The date or dates of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(8) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(9) The commission shall prepare daily a summary of the special reports made under this section and RCW 42.17A.625.

(10) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270. [2010 c 204 § 414; 2001 c 54

§ 2; 1995 c 397 § 4; 1991 c 157 § 1; 1989 c 280 § 11; 1986 c 228 § 2; 1985 c 359 § 1; 1983 c 176 § 1. Formerly RCW 42.17.105.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.270 Earmarked contributions.** A political committee receiving a contribution earmarked for the benefit of a candidate or another political committee shall:

(1) Report the contribution as required in RCW 42.17A.235 and 42.17A.240;

(2) Complete a report, entitled "Earmarked contributions," on a form prescribed by the commission that identifies the name and address of the person who made the contribution, the candidate or political committee for whose benefit the contribution is earmarked, the amount of the contribution, and the date that the contribution was received; and

(3) Mail or deliver to the commission and the candidate or political committee benefiting from the contribution a copy of the "Earmarked contributions" report within two working days of receipt of the contribution.

(4) A candidate or political committee receiving notification of an earmarked contribution under subsection (3) of this section shall report the contribution, once notification of the contribution is received by the candidate or committee, in the same manner as any other contribution, as required by RCW 42.17A.235 and 42.17A.240. [2010 c 204 § 416; 1989 c 280 § 13; 1986 c 228 § 3. Formerly RCW 42.17.135.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

#### POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS

**42.17A.300 Findings—Intent—Rule-making authority.** (1) The legislature finds that:

(a) Timely disclosure to voters of the identity and sources of funding for electioneering communications is vitally important to the integrity of state, local, and judicial elections.

(b) Electioneering communications that identify political candidates for state, local, or judicial office and that are distributed sixty days before an election for those offices are intended to influence voters and the outcome of those elections.

(c) The state has a compelling interest in providing voters information about electioneering communications in political campaigns concerning candidates for state, local, or judicial office so that voters can be fully informed as to the: (i) Source of support or opposition to those candidates; and (ii) identity of persons attempting to influence the outcome of state, local, and judicial candidate elections.

(d) Nondisclosure of financial information about advertising that masquerades as relating only to issues and not to candidate campaigns fosters corruption or the appearance of corruption. These consequences can be substantially avoided by full disclosure of the identity and funding of those persons paying for such advertising.

(e) The United States supreme court held in *McConnell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003) that speakers seeking to influence elections do not possess an inviolable free speech right to engage in electioneering communications regarding

elections, including when issue advocacy is the functional equivalent of express advocacy. Therefore, such election campaign communications can be regulated and the source of funding disclosed.

(f) The state has a sufficiently compelling interest in preventing corruption in political campaigns to justify and restore contribution limits and restrictions on the use of soft money in RCW 42.17A.405. Those interests include restoring restrictions on the use of such funds for electioneering communications, as well as the laws preventing circumvention of those limits and restrictions.

(2) Based upon the findings in this section, chapter 445, Laws of 2005 is narrowly tailored to accomplish the following and is intended to:

(a) Improve the disclosure to voters of information concerning persons and entities seeking to influence state, local, and judicial campaigns through reasonable and effective mechanisms, including improving disclosure of the source, identity, and funding of electioneering communications concerning state, local, and judicial candidate campaigns;

(b) Regulate electioneering communications that mention state, local, and judicial candidates and that are broadcast, mailed, erected, distributed, or otherwise published right before the election so that the public knows who is paying for such communications;

(c) Reenact and amend the contribution limits in RCW 42.17A.405 (7) and (15) and the restrictions on the use of soft money, including as applied to electioneering communications, as those limits and restrictions were in effect following the passage of chapter 2, Laws of 1993 (Initiative Measure No. 134) and before the state supreme court decision in *Washington State Republican Party v. Washington State Public Disclosure Commission*, 141 Wn.2d 245, 4 P.3d 808 (2000). The commission is authorized to fully restore the implementation of the limits and restrictions of RCW 42.17A.405 (7) and (15) in light of *McConnell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003). The United States supreme court upheld the disclosure and regulation of electioneering communications in political campaigns, including but not limited to issue advocacy that is the functional equivalent of express advocacy; and

(d) Authorize the commission to adopt rules to implement chapter 445, Laws of 2005. [2010 c 204 § 501; 2005 c 445 § 1. Formerly RCW 42.17.561.]

**42.17A.305 Report—Information required—Time—Method—By whom—Penalty.** (1) A payment for or promise to pay for any electioneering communication shall be reported to the commission by the sponsor on forms the commission shall develop by rule to include, at a minimum, the following information:

(a) Name and address of the sponsor;

(b) Source of funds for the communication, including:

(i) General treasury funds. The name and address of businesses, unions, groups, associations, or other organizations using general treasury funds for the communication, however, if a business, union, group, association, or other organization undertakes a special solicitation of its members or other persons for an electioneering communication, or it otherwise receives funds for an electioneering communi-

tion, that entity shall report pursuant to (b)(ii) of this subsection;

(ii) Special solicitations and other funds. The name, address, and, for individuals, occupation and employer, of a person whose funds were used to pay for the electioneering communication, along with the amount, if such funds from the person have exceeded two hundred fifty dollars in the aggregate for the electioneering communication; and

(iii) Any other source information required or exempted by the commission by rule;

(c) Name and address of the person to whom an electioneering communication related expenditure was made;

(d) A detailed description of each expenditure of more than one hundred dollars;

(e) The date the expenditure was made and the date the electioneering communication was first broadcast, transmitted, mailed, erected, distributed, or otherwise published;

(f) The amount of the expenditure;

(g) The name of each candidate clearly identified in the electioneering communication, the office being sought by each candidate, and the amount of the expenditure attributable to each candidate; and

(h) Any other information the commission may require or exempt by rule.

(2) Electioneering communications shall be reported as follows: The sponsor of an electioneering communication shall report to the commission within twenty-four hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, or otherwise published.

(3) Electioneering communications shall be reported electronically by the sponsor using software provided or approved by the commission. The commission may make exceptions on a case-by-case basis for a sponsor who lacks the technological ability to file reports using the electronic means provided or approved by the commission.

(4) All persons required to report under RCW 42.17A.225, 42.17A.235, 42.17A.240, and 42.17A.255 are subject to the requirements of this section, although the commission may determine by rule that persons filing according to those sections may be exempt from reporting some of the information otherwise required by this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255 and 42.17A.260.

(5) Failure of any sponsor to report electronically under this section shall be a violation of this chapter. [2010 c 204 § 502; 2005 c 445 § 3. Formerly RCW 42.17.565.]

**42.17A.310 When a contribution.** (1) An electioneering communication made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents is a contribution to the candidate.

(2) An electioneering communication made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a political committee or its agents is a contribution to the political committee.

(3) If an electioneering communication is not a contribution pursuant to subsection (1) or (2) of this section, the sponsor shall file an affidavit or declaration so stating at the time



the sponsor is required to report the electioneering communication expense under RCW 42.17A.305. [2010 c 204 § 503; 2005 c 445 § 4. Formerly RCW 42.17.570.]

**42.17A.315 Recordkeeping.** (1) The sponsor of an electioneering communication shall preserve all financial records relating to the communication, including books of account, bills, receipts, contributor information, and ledgers, for not less than five calendar years following the year in which the communication was broadcast, transmitted, mailed, erected, or otherwise published.

(2) All reports filed under RCW 42.17A.305 shall be certified as correct by the sponsor. If the sponsor is an individual using his or her own funds to pay for the communication, the certification shall be signed by the individual. If the sponsor is a political committee, the certification shall be signed by the committee treasurer. If the sponsor is another entity, the certification shall be signed by the individual responsible for authorizing the expenditure on the entity's behalf. [2010 c 204 § 504; 2005 c 445 § 5. Formerly RCW 42.17.575.]

**42.17A.320 Identification of sponsor—Exemptions.**

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.

(2) In addition to the information required by subsection (1) of this section, except as specifically addressed in subsections (4) and (5) of this section, all political advertising undertaken as an independent expenditure or an electioneering communication by a person or entity other than a bona fide political party must include as part of the communication:

(a) The statement: "No candidate authorized this ad. It is paid for by (name, address, city, state)";

(b) If the sponsor is a political committee, the statement: "Top Five Contributors," followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement or communication; and

(c) If the sponsor is a political committee established, maintained, or controlled directly, or indirectly through the formation of one or more political committees, by an individual, corporation, union, association, or other entity, the full name of that individual or entity.

(3) The information required by subsections (1) and (2) of this section shall:

(a) Appear on the first page or fold of the written advertisement or communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written advertisement or communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process; and

(c) Be set apart from any other printed matter.

(4) In an independent expenditure or electioneering communication transmitted via television or other medium that includes a visual image, the following statement must either be clearly spoken, or appear in print and be visible for at least four seconds, appear in letters greater than four percent of the visual screen height, and have a reasonable color contrast with the background: "No candidate authorized this ad. Paid for by (name, city, state)." If the advertisement or communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period preceding the date on which the advertisement is initially published or otherwise presented to the public. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(5) The following statement shall be clearly spoken in an independent expenditure or electioneering communication transmitted by a method that does not include a visual image: "No candidate authorized this ad. Paid for by (name, city, state)." If the independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following statement must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period preceding the date on which the advertisement is initially published or otherwise presented to the public. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(6) Political advertising costing one thousand dollars or more supporting or opposing ballot measures sponsored by a political committee must include the information on the "Top Five Contributors" consistent with subsections (2), (4), and (5) of this section. A series of political advertising sponsored by the same political committee, each of which is under one thousand dollars, must include the "Top Five Contributors" information required by this section once their cumulative value reaches one thousand dollars or more.

(7) Political yard signs are exempt from the requirements of this section that the sponsor's name and address, and "Top Five Contributor" information, be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

(8) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet. [2013 c 138 § 1; 2012 c 226 § 1; 2010 c 204 § 505; 2005 c 445 § 9; 1995 c 397 § 19; 1993 c 2 § 22 (Initiative Measure No. 134, approved November 3, 1992); 1984 c 216 § 1. Formerly RCW 42.17.510.]

Advertising rates for political candidates: RCW 65.16.095.

**42.17A.330 Picture of candidate.** At least one picture of the candidate used in any political advertising shall have been taken within the last five years and shall be no smaller than any other picture of the same candidate used in the same advertisement. [2010 c 204 § 506; 1984 c 216 § 2. Formerly RCW 42.17.520.]

**42.17A.335 Political advertising or electioneering communication—Libel or defamation per se.** (1) It is a violation of this chapter for a person to sponsor with actual malice a statement constituting libel or defamation per se under the following circumstances:

(a) Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office;

(b) Political advertising or an electioneering communication that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent;

(c) Political advertising or an electioneering communication that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.

(2) For the purposes of this section, "libel or defamation per se" means statements that tend (a) to expose a living person to hatred, contempt, ridicule, or obloquy, or to deprive him or her of the benefit of public confidence or social intercourse, or to injure him or her in his or her business or occupation, or (b) to injure any person, corporation, or association in his, her, or its business or occupation.

(3) It is not a violation of this section for a candidate or his or her agent to make statements described in subsection (1)(a) or (b) of this section about the candidate himself or herself because a person cannot defame himself or herself. It is not a violation of this section for a person or organization referenced in subsection (1)(c) of this section to make a statement about that person or organization because such persons and organizations cannot defame themselves.

(4) Any violation of this section shall be proven by clear and convincing evidence. If a violation is proven, damages are presumed and do not need to be proven. [2009 c 222 § 2; 2005 c 445 § 10; 1999 c 304 § 2; 1988 c 199 § 2; 1984 c 216 § 3. Formerly RCW 42.17.530.]

**Intent—Findings—2009 c 222:** "(1) The concurring opinion of the Washington state supreme court in *Rickert v. State, Public Disclosure Commission*, 161 Wn.2d 843, 168 P. 3d 826 (2007) found the statute that prohibits persons from sponsoring, with actual malice, political advertising and electioneering communications about a candidate containing false statements of material fact to be invalid under the First Amendment to the United States Constitution because it posed no requirement that the prohibited statements be defamatory.

(2) It is the intent of the legislature to amend \*chapter 42.17 RCW to find that a violation of state law occurs if a person sponsors false statements about candidates in political advertising and electioneering communications when the statements are made with actual malice and are defamatory.

(3) The legislature finds that in such circumstances damages are presumed and do not need to be established when such statements are made with actual malice in political advertising and electioneering communications and constitute libel or defamation per se. The legislature finds that incumbents, challengers, voters, and the political process will benefit from vigorous political debate that is not made with actual malice and is not defamatory.

(2016 Ed.)

(4) The legislature finds that when such defamatory statements contain a false statement of material fact about a candidate for public office they expose the candidate to contempt, ridicule, or reproach and can deprive the candidate of the benefit of public confidence, or prejudice him or her in his or her profession, trade, or vocation. The legislature finds that when such statements falsely represent that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent they deprive the actual incumbent and the candidates of the benefit of public confidence and injure the actual incumbent in the ability to effectively serve as an elected official. The legislature further finds that defamatory statements made by an incumbent regarding the incumbent's challenger may deter individuals from seeking public office and harm the democratic process. Further, the legislature finds that when such statements make, either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement, they deprive the person or organization of the benefit of public confidence and/or will expose the person or organization to contempt, ridicule, or reproach, or injure the person or organization in their business or occupation.

(5) The legislature finds that defamatory statements, made with actual malice, damage the integrity of elections by distorting the electoral process. Democracy is premised on an informed electorate. To the extent such defamatory statements misinform the voters, they interfere with the process upon which democracy is based. Such defamatory statements also lower the quality of campaign discourse and debate, and lead or add to voter alienation by fostering voter cynicism and distrust of the political process." [2009 c 222 § 1.]

**\*Reviser's note:** Provisions in chapter 42.17 RCW relating to campaign finance were recodified in chapter 42.17A RCW by 2010 c 204, effective January 1, 2012.

**Finding—Intent—1999 c 304:** "(1) The Washington supreme court in a case involving a ballot measure, *State v. 119 Vote No! Committee*, 135 Wn.2d 618 (1998), found the statute that prohibits persons from sponsoring, with actual malice, political advertising containing false statements of material fact to be invalid under the First Amendment to the United States Constitution.

(2) The legislature finds that a review of the opinions indicates that a majority of the supreme court may find valid a statute that limited such a prohibition on sponsoring with actual malice false statements of material fact in a political campaign to statements about a candidate in an election for public office.

(3) It is the intent of the legislature to amend the current law to provide protection for candidates for public office against false statements of material fact sponsored with actual malice." [1999 c 304 § 1.]

**42.17A.340 Responsibility for compliance.** (1) Except as provided in subsection (2) of this section, the responsibility for compliance with RCW 42.17A.320 through 42.17A.335 shall be with the sponsor of the political advertising and not with the broadcasting station or other medium.

(2) If a broadcasting station or other medium changes the content of a political advertisement, the station or medium shall be responsible for any failure of the advertisement to comply with RCW 42.17A.320 through 42.17A.335 that results from that change. [2010 c 204 § 507; 1984 c 216 § 4. Formerly RCW 42.17.540.]

**42.17A.345 Commercial advertisers—Public inspection of documents—Copies to commission.** (1) Each commercial advertiser who has accepted or provided political advertising or electioneering communications during the election campaign shall maintain documents and books of account that shall be open for public inspection during normal business hours during the campaign and for a period of no less than three years after the date of the applicable election. The documents and books of account shall specify:

(a) The names and addresses of persons from whom it accepted political advertising or electioneering communications;

[Title 42 RCW—page 29]



(b) The exact nature and extent of the services rendered; and

(c) The total cost and the manner of payment for the services.

(2) At the request of the commission, each commercial advertiser required to comply with subsection (1) of this section shall deliver to the commission copies of the information that must be maintained and be open for public inspection pursuant to subsection (1) of this section. [2010 c 204 § 508; 2005 c 445 § 8; 1975-'76 2nd ex.s. c 112 § 5; 1973 c 1 § 11 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.110.]

#### CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS

**42.17A.400 Findings—Intent.** (1) The people of the state of Washington find and declare that:

(a) The financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates.

(b) Rapidly increasing political campaign costs have led many candidates to raise larger percentages of money from special interests with a specific financial stake in matters before state government. This has caused the public perception that decisions of elected officials are being improperly influenced by monetary contributions.

(c) Candidates are raising less money in small contributions from individuals and more money from special interests. This has created the public perception that individuals have an insignificant role to play in the political process.

(2) By limiting campaign contributions, the people intend to:

(a) Ensure that individuals and interest groups have fair and equal opportunity to influence elective and governmental processes;

(b) Reduce the influence of large organizational contributors; and

(c) Restore public trust in governmental institutions and the electoral process. [2010 c 204 § 601; 1993 c 2 § 1 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.610.]

**42.17A.405 Limits specified—Exemptions.** (1) The contribution limits in this section apply to:

(a) Candidates for legislative office;

(b) Candidates for state office other than legislative office;

(c) Candidates for county office;

(d) Candidates for special purpose district office if that district is authorized to provide freight and passenger transfer and terminal facilities and that district has over two hundred thousand registered voters;

(e) Candidates for city council office;

(f) Candidates for mayoral office;

(g) Candidates for school board office;

(h) Candidates for public hospital district board of commissioners in districts with a population over one hundred fifty thousand;

(i) Persons holding an office in (a) through (h) of this subsection against whom recall charges have been filed or to

a political committee having the expectation of making expenditures in support of the recall of a person holding the office;

(j) Caucus political committees;

(k) Bona fide political parties.

(2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a legislative office, county office, city council office, mayoral office, school board office, or public hospital district board of commissioners that in the aggregate exceed \*eight hundred dollars or to a candidate for a public office in a special purpose district or a state office other than a legislative office that in the aggregate exceed \*one thousand six hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions to candidates subject to the limits in this section made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions to candidates subject to the limits in this section made with respect to a general election may not be made after the final day of the applicable election cycle.

(3) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official, a county official, a city official, a school board member, a public hospital district commissioner, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, county official, city official, school board member, public hospital district commissioner, or public official in a special purpose district during a recall campaign that in the aggregate exceed \*eight hundred dollars if for a legislative office, county office, school board office, public hospital district office, or city office, or \*one thousand six hundred dollars if for a special purpose district office or a state office other than a legislative office.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) eighty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

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

(5)(a) Notwithstanding subsection (3) of this section, no bona fide political party or caucus political committee may make contributions to a state official, county official, city official, school board member, public hospital district commissioner, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, county official, city official, school board member, public hospital district commissioner, or a public official in a special purpose district during a recall campaign that in the aggregate exceed (i) eighty cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No official holding an office specified in subsection (1) of this section against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of the official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

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

(7) Notwithstanding subsections (2) through (5) of this section, no person other than an individual, bona fide political party, or caucus political committee may make contributions reportable under this chapter to a caucus political committee that in the aggregate exceed \*eight hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed \*four thousand dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(8) For the purposes of RCW 42.17A.125, 42.17A.405 through 42.17A.415, 42.17A.450 through 42.17A.495, 42.17A.500, 42.17A.560, and 42.17A.565, a contribution to the authorized political committee of a candidate or of an official specified in subsection (1) of this section against whom recall charges have been filed is considered to be a contribution to the candidate or official.

(9) A contribution received within the twelve-month period after a recall election concerning an office specified in subsection (1) of this section is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(10) The contributions allowed by subsection (3) of this section are in addition to those allowed by subsection (2) of this section, and the contributions allowed by subsection (5) of this section are in addition to those allowed by subsection (4) of this section.

(11) RCW 42.17A.125, 42.17A.405 through 42.17A.415, 42.17A.450 through 42.17A.495, 42.17A.500, 42.17A.560, and 42.17A.565 apply to a special election conducted to fill a vacancy in an office specified in subsection (1) of this section. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

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

(13) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate specified in subsection (1) of this section, or an official specified in subsection (1) of this section against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of an official specified in subsection (1) of this section if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the official.

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

(15) The following contributions are exempt from the contribution limits of this section:

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

(b) An expenditure by a political committee for its own internal organization or fund-raising without direct association with individual candidates; or

(c) An expenditure or contribution for independent expenditures as defined in RCW 42.17A.005 or electioneering communications as defined in RCW 42.17A.005. [2013 c 311 § 1; 2012 c 202 § 1. Prior: 2010 c 206 § 1; 2010 c 204 § 602; 2006 c 348 § 1; 2005 c 445 § 11; prior: 2001 c 208 § 1; 1995 c 397 § 20; 1993 c 2 § 4 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.640.]

\*Reviser's note: The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17A.125. For current dollar amounts, see WAC 390-05-400.

**42.17A.410 Candidates for judicial office—Special elections to fill vacancies—Contribution limits—Adjustments.** (1) No person may make contributions to a candidate

for judicial office that in the aggregate exceed \*one thousand six hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) This section through RCW 42.17A.490 apply to a special election conducted to fill a vacancy in an office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy will not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

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

(4) The dollar limits in this section must be adjusted according to RCW 42.17A.125. [2010 c 204 § 603; 2006 c 348 § 2. Formerly RCW 42.17.645.]

**\*Reviser's note:** The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17A.125. For current dollar amounts, see WAC 390-05-400.

**42.17A.415 Contributions.** (1) Contributions to candidates for state office made and received before December 3, 1992, are considered to be contributions under \*RCW 42.17.640 through 42.17.790. Monetary contributions that exceed the contribution limitations and that have not been spent by the recipient of the contribution by December 3, 1992, must be disposed of in accordance with RCW 42.17A.430.

(2) Contributions to other candidates subject to the contribution limits of this chapter made and received before June 7, 2006, are considered to be contributions under \*RCW 42.17.640 through 42.17.790. Contributions that exceed the contribution limitations and that have not been spent by the recipient of the contribution by June 7, 2006, must be disposed of in accordance with RCW 42.17A.430 except for subsections (6) and (7) of that section. [2011 c 60 § 25; 2006 c 348 § 4; 1993 c 2 § 10 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.700.]

**\*Reviser's note:** RCW 42.17.640 through 42.17.790 were recodified as RCW 42.17A.125, 42.17A.405 through 42.17A.415, 42.17A.450 through 42.17A.495, 42.17A.500, 42.17A.560, and 42.17A.565 pursuant to 2010 c 204 § 1102, effective January 1, 2012.

**42.17A.420 Reportable contributions—Preelection limitations.** (1) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17A.240 in the aggregate exceeding fifty thousand dollars for any campaign for statewide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or

accepted from, a bona fide political party as defined in this chapter, excluding the county central committee or legislative district committee.

(2) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270. [2010 c 204 § 604.]

**42.17A.425 Expenditures—Authorization of and restrictions on.** No expenditures may be made or incurred by any candidate or political committee unless authorized by the candidate or the person or persons named on the candidate's or committee's registration form. A record of all such expenditures shall be maintained by the treasurer.

No expenditure of more than fifty dollars may be made in currency unless a receipt, signed by the recipient and by the candidate or treasurer, is prepared and made a part of the campaign's or political committee's financial records. [2010 c 204 § 605; 2007 c 358 § 3; 1989 c 280 § 7; 1985 c 367 § 5; 1973 c 1 § 7 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.070.]

**Effective date—2007 c 358:** See note following RCW 42.17A.005.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.430 Disposal of surplus funds.** The surplus funds of a candidate or a candidate's authorized committee may only be disposed of in any one or more of the following ways:

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

(2) Using surplus, reimburse the candidate for lost earnings incurred as a result of that candidate's election campaign. Lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's authorized committee. The committee shall maintain a copy of this record in accordance with \*RCW 42.17A.235(6);

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

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

(5) Transmit the surplus to the state treasurer for deposit in the general fund, the Washington state legacy project, state library, and archives account under RCW 43.07.380, or the legislative international trade account under RCW 43.15.050, as specified by the candidate or political committee; or

(6) Hold the surplus in the depository or depositories designated in accordance with RCW 42.17A.215 for possible use in a future election campaign for the same office last sought by the candidate and report any such disposition in accordance with RCW 42.17A.240. If the candidate subsequently announces or publicly files for office, the appropriate information must be reported to the commission in accordance with RCW 42.17A.205 through 42.17A.240. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

(7) Hold the surplus campaign funds in a separate account for nonreimbursed public office-related expenses or as provided in this section, and report any such disposition in accordance with RCW 42.17A.240. The separate account required under this subsection shall not be used for deposits of campaign funds that are not surplus.

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

The disposal of surplus funds under this section shall not be considered a contribution for purposes of this chapter. [2010 c 204 § 606; 2005 c 467 § 1; 1995 c 397 § 31; 1993 c 2 § 20 (Initiative Measure No. 134, approved November 3, 1992); 1982 c 147 § 8; 1977 ex.s. c 336 § 3. Formerly RCW 42.17.095.]

**\*Reviser's note:** RCW 42.17.080(6) was recodified as RCW 42.17A.235(6) pursuant to 2010 c 204 § 1102. However, RCW 42.17.080 was also amended by 2010 c 205 § 6, changing subsection (6) to subsection (5).

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.435 Identification of contributions and communications.** No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment. [1975 1st ex.s. c 294 § 8; 1973 c 1 § 12 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.120.]

**42.17A.440 Candidates' political committees—Limitations.** A candidate may not knowingly establish, use, direct, or control more than one political committee for the purpose of supporting that candidate during a particular election campaign. This does not prohibit: (1) In addition to a candidate's having his or her own political committee, the candidate's participation in a political committee established to support a slate of candidates that includes the candidate; or (2) joint fund-raising efforts by candidates when a separate political committee is established for that purpose and all contributions are disbursed to and accounted for on a pro rata basis by the benefiting candidates. [2010 c 204 § 607.]

**42.17A.442 Contributions by political committees to political committees.** A political committee may make a contribution to another political committee only when the contributing political committee has received contributions of ten dollars or more each from at least ten persons registered to vote in Washington state. [2011 c 145 § 5.]

**Findings—Intent—Effective date—2011 c 145:** See notes following RCW 42.17A.005.

**42.17A.445 Personal use of contributions—When permitted.** Contributions received and reported in accordance with RCW 42.17A.220 through 42.17A.240 and 42.17A.425 may only be paid to a candidate, or a treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or payments to cover lost earnings incurred as a result of campaigning or services performed for the political committee. Lost earnings shall be

(2016 Ed.)

verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record shall be maintained by the candidate or the candidate's authorized committee in accordance with RCW 42.17A.235.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the political committee with written documentation as to the amount, date, and description of each expense, and the political committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17A.240.

(3) Repayment of loans made by the individual to political committees shall be reported pursuant to RCW 42.17A.240. However, contributions may not be used to reimburse a candidate for loans totaling more than \*four thousand seven hundred dollars made by the candidate to the candidate's own authorized committee. [2010 c 204 § 608; 1995 c 397 § 29; 1993 c 2 § 21 (Initiative Measure No. 134, approved November 3, 1992); 1989 c 280 § 12; 1985 c 367 § 7; 1977 ex.s. c 336 § 6. Formerly RCW 42.17.125.]

**\*Reviser's note:** The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17A.125. For current dollar amounts, see WAC 390-05-400.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.450 Attribution and aggregation of family contributions.** (1) Contributions by a husband and wife are considered separate contributions.

(2) Contributions by unemancipated children under eighteen years of age are considered contributions by their parents and are attributed proportionately to each parent. Fifty percent of the contributions are attributed to each parent or, in the case of a single custodial parent, the total amount is attributed to the parent. [1993 c 2 § 5 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.650.]

**42.17A.455 Attribution of contributions by controlled entities.** For purposes of this chapter:

(1) A contribution by a political committee with funds that have all been contributed by one person who exercises exclusive control over the distribution of the funds of the political committee is a contribution by the controlling person.

(2) Two or more entities are treated as a single entity if one of the two or more entities is a subsidiary, branch, or department of a corporation that is participating in an election campaign or making contributions, or a local unit or branch of a trade association, labor union, or collective bargaining association that is participating in an election campaign or making contributions. All contributions made by a person or political committee whose contribution or expenditure activity is financed, maintained, or controlled by a trade association, labor union, collective bargaining organization, or the local unit of a trade association, labor union, or collective bargaining organization are considered made by the trade

[Title 42 RCW—page 33]

association, labor union, collective bargaining organization, or local unit of a trade association, labor union, or collective bargaining organization.

(3) The commission shall adopt rules to carry out this section and is not subject to the time restrictions of RCW 42.17A.110(1). [2010 c 204 § 609; 2005 c 445 § 12; 1993 c 2 § 6 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.660.]

**42.17A.460 Attribution of contributions generally—"Earmarking."** All contributions made by a person or entity, either directly or indirectly, to a candidate, to a state official against whom recall charges have been filed, or to a political committee, are considered to be contributions from that person or entity to the candidate, state official, or political committee, as are contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate, state official, or political committee. For the purposes of this section, "earmarked" means a designation, instruction, or encumbrance, whether direct or indirect, expressed or implied, or oral or written, that is intended to result in or does result in all or any part of a contribution being made to a certain candidate or state official. If a conduit or intermediary exercises any direction or control over the choice of the recipient candidate or state official, the contribution is considered to be by both the original contributor and the conduit or intermediary. [1993 c 2 § 7 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.670.]

**42.17A.465 Restriction on loans.** (1) A loan is considered to be a contribution from the lender and any guarantor of the loan and is subject to the contribution limitations of this chapter. The full amount of the loan shall be attributed to the lender and to each guarantor.

(2) A loan to a candidate for public office or the candidate's authorized committee must be by written agreement.

(3) The proceeds of a loan made to a candidate for public office:

- (a) By a commercial lending institution;
- (b) Made in the regular course of business; and

(c) On the same terms ordinarily available to members of the public, are not subject to the contribution limits of this chapter. [2010 c 204 § 610; 1995 c 397 § 22; 1993 c 2 § 12 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.720.]

**42.17A.470 Contributions on behalf of another.** (1) A person, other than an individual, may not be an intermediary or an agent for a contribution.

(2) An individual may not make a contribution on behalf of another person or entity, or while acting as the intermediary or agent of another person or entity, without disclosing to the recipient of the contribution both his or her full name, street address, occupation, name of employer, if any, or place of business if self-employed, and the same information for each contributor for whom the individual serves as intermediary or agent. [1993 c 2 § 13 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.730.]

**42.17A.475 Certain contributions required to be by written instrument.** (1) A person may not make a contribution of more than \*eighty dollars, other than an in-kind contribution, except by a written instrument containing the name of the donor and the name of the payee.

(2) A political committee may not make a contribution, other than in-kind, except by a written instrument containing the name of the donor and the name of the payee. [2010 c 204 § 611; 1995 c 397 § 23; 1993 c 2 § 14 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.740.]

\*Reviser's note: The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17A.125. For current dollar amounts, see WAC 390-05-400.

**42.17A.480 Solicitation of endorsement fees.** A person may not solicit from a candidate for public office, political committee, political party, or other person money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate for public office, political committee, or political party. [1995 c 397 § 25; 1993 c 2 § 17 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.770.]

**42.17A.485 Reimbursement for contributions.** A person may not, directly or indirectly, reimburse another person for a contribution to a candidate for public office, political committee, or political party. [1995 c 397 § 26; 1993 c 2 § 18 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.780.]

**42.17A.490 Prohibition on use of contributions for a different office.** (1) Except as provided in subsection (2) of this section, a candidate for public office or the candidate's authorized committee may not use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate or the candidate's authorized committee to further the candidacy of the individual for an office other than the office designated on the statement of organization. A contribution solicited for or received on behalf of the candidate is considered solicited or received for the candidacy for which the individual is then a candidate if the contribution is solicited or received before the general election for which the candidate is a nominee or is unopposed.

(2) With the written approval of the contributor, a candidate or the candidate's authorized committee may use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate or the candidate's authorized committee from that contributor to further the candidacy of the individual for an office other than the office designated on the statement of organization. If the contributor does not approve the use of his or her contribution to further the candidacy of the individual for an office other than the office designated on the statement of organization at the time of the contribution, the contribution must be considered surplus funds and disposed of in accordance with RCW 42.17A.430. [2010 c 204 § 612; 1995 c 397 § 27; 1993 c 2 § 19 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.790.]

**42.17A.495 Limitations on employers or labor organizations.** (1) No employer or labor organization may increase the salary of an officer or employee, or compensate an officer, employee, or other person or entity, with the intention that the increase in salary, or the compensation, or a part of it, be contributed or spent to support or oppose a candidate, state official against whom recall charges have been filed, political party, or political committee.

(2) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee. At least annually, an employee from whom wages or salary are withheld under subsection (3) of this section shall be notified of the provisions of this subsection.

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. The request must be made on a form prescribed by the commission informing the employee of the prohibition against employer and labor organization discrimination described in subsection (2) of this section. The employee may revoke the request at any time. At least annually, the employee shall be notified about the right to revoke the request.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request. [2010 c 204 § 613; 2002 c 156 § 1; 1993 c 2 § 8 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.680.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.500 Agency shop fees as contributions.** (1) A labor organization may not use agency shop fees paid by an individual who is not a member of the organization to make contributions or expenditures to influence an election or to operate a political committee, unless affirmatively authorized by the individual.

(2) A labor organization does not use agency shop fees when it uses its general treasury funds to make such contributions or expenditures if it has sufficient revenues from sources other than agency shop fees in its general treasury to fund such contributions or expenditures. [2007 c 438 § 1; 1993 c 2 § 16 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.760.]

**Effective date—2007 c 438:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 11, 2007]." [2007 c 438 § 2.]

**42.17A.550 Use of public funds for political purposes.** Public funds, whether derived through taxes, fees,

(2016 Ed.)

penalties, or any other sources, shall not be used to finance political campaigns for state or school district office. A county, city, town, or district that establishes a program to publicly finance local political campaigns may only use funds derived from local sources to fund the program. A local government must submit any proposal for public financing of local political campaigns to voters for their adoption and approval or rejection. [2008 c 29 § 1; 1993 c 2 § 24 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.128.]

**PUBLIC OFFICIALS', EMPLOYEES', AND AGENCIES'  
CAMPAIGN RESTRICTIONS AND PROHIBITIONS—  
REPORTING**

**42.17A.555 Use of public office or agency facilities in campaigns—Prohibition—Exceptions.** No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

(4) This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010. [2010 c 204 § 701; 2006 c 215 § 2; 1979 ex.s. c 265 § 2; 1975-'76 2nd ex.s. c 112 § 6; 1973 c 1 § 13 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.130.]

**Finding—Intent—2006 c 215:** "(1) The legislature finds that the public benefits from an open and inclusive discussion of proposed ballot measures by local elected leaders, and that for twenty-five years these discussions have included the opportunity for elected boards, councils, and commissions of special purpose districts to vote in open public meetings in order to express their support of, or opposition to, ballot propositions affecting their jurisdictions.

[Title 42 RCW—page 35]



(2) The legislature intends to affirm and clarify the state's long-standing policy of promoting informed public discussion and understanding of ballot propositions by allowing elected boards, councils, and commissions of special purpose districts to adopt resolutions supporting or opposing ballot propositions." [2006 c 215 § 1.]

**Disposition of violations before January 1, 1995:** "Any violations occurring prior to January 1, 1995, of any of the following laws shall be disposed of as if chapter 154, Laws of 1994 were not enacted and such laws continued in full force and effect: \*RCW 42.17.130, chapter 42.18 RCW, chapter 42.21 RCW, and chapter 42.22 RCW." [1994 c 154 § 226.]

\*Reviser's note: RCW 42.17.130 was recodified as RCW 42.17A.555 pursuant to 2010 c 204 § 1102, effective January 1, 2012.

**42.17A.560 Time limit for state official to solicit or accept contributions.** (1) During the period beginning on the thirtieth day before the date a regular legislative session convenes and continuing through the date of final adjournment, and during the period beginning on the date a special legislative session convenes and continuing through the date that session adjourns, no state official or a person employed by or acting on behalf of a state official or state legislator may solicit or accept contributions to a public office fund, to a candidate or authorized committee, or to retire a campaign debt. Contributions received through the mail after the thirtieth day before a regular legislative session may be accepted if the contribution is postmarked prior to the thirtieth day before the session.

(2) This section does not apply to activities authorized in RCW 43.07.370. [2006 c 348 § 5; 2006 c 344 § 31; 2003 c 164 § 3; 1993 c 2 § 11 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.710.]

**Reviser's note:** This section was amended by 2006 c 344 § 31 and by 2006 c 348 § 5, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—2006 c 344 §§ 1-16 and 18-40:** See note following RCW 29A.04.311.

**42.17A.565 Solicitation of contributions by public officials or employees.** (1) No state or local official or state or local official's agent may knowingly solicit, directly or indirectly, a contribution to a candidate for public office, political party, or political committee from an employee in the state or local official's agency.

(2) No state or local official or public employee may provide an advantage or disadvantage to an employee or applicant for employment in the classified civil service concerning the applicant's or employee's:

- (a) Employment;
- (b) Conditions of employment; or
- (c) Application for employment,

based on the employee's or applicant's contribution or promise to contribute or failure to make a contribution or contribute to a political party or political committee. [1995 c 397 § 24; 1993 c 2 § 15 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.750.]

**42.17A.570 Public accounts of governmental entities held by financial institutions—Statements and reports—Contents—Filing.** After January 1st and before April 15th of each calendar year, the state treasurer, each county, public utility district, and port district treasurer, and each treasurer

of an incorporated city or town whose population exceeds one thousand shall file with the commission:

(1) A statement under oath that no public funds under that treasurer's control were invested in any institution where the treasurer or, in the case of a county, a member of the county finance committee, held during the reporting period an office, directorship, partnership interest, or ownership interest; or

(2) A report disclosing for the previous calendar year: (a) The name and address of each financial institution in which the treasurer or, in the case of a county, a member of the county finance committee, held during the reporting period an office, directorship, partnership interest, or ownership interest which holds or has held during the reporting period public accounts of the governmental entity for which the treasurer is responsible; (b) the aggregate sum of time and demand deposits held in each such financial institution on December 31; and (c) the highest balance held at any time during such reporting period. The state treasurer shall disclose the highest balance information only upon a public records request under chapter 42.56 RCW. The statement or report required by this section shall be filed either with the statement required under RCW 42.17A.700 or separately. [2010 c 204 § 702; 2005 c 274 § 282; 1983 c 213 § 1; 1981 c 102 § 1; 1975-'76 2nd ex.s. c 112 § 10. Formerly RCW 42.17.245.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.575 Public service announcements.** No state-elected official or municipal officer may speak or appear in a public service announcement that is broadcast, shown, or distributed in any form whatsoever during the period beginning January 1st and continuing through the general election if that official or officer is a candidate. If the official or officer does not control the broadcast, showing, or distribution of a public service announcement in which he or she speaks or appears, then the official or officer shall contractually limit the use of the public service announcement to be consistent with this section prior to participating in the public service announcement. This section does not apply to public service announcements that are part of the regular duties of the office that only mention or visually display the office or office seal or logo and do not mention or visually display the name of the official or officer in the announcement. [2010 c 204 § 703.]

#### LOBBYING DISCLOSURE AND RESTRICTIONS

**42.17A.600 Registration of lobbyists.** (1) Before lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, that includes the following information:

(a) The lobbyist's name, permanent business address, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of the lobbyist's employment;

(d) The compensation to be received for lobbying, the amount to be paid for expenses, and what expenses are to be reimbursed;

(e) Whether the lobbyist is employed solely as a lobbyist or whether the lobbyist is a regular employee performing services for his or her employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects to be lobbied;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations, or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments, or other consideration paid to such entity during either of the prior two years have exceeded \*five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments, or other consideration exceeding \*five hundred dollars to such entity during the current year.

(2) Any lobbyist who receives or is to receive compensation from more than one person for lobbying shall file a separate notice of representation for each person. However, if two or more persons are jointly paying or contributing to the payment of the lobbyist, the lobbyist may file a single statement detailing the name, business address, and occupation of each person paying or contributing and the respective amounts to be paid or contributed.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall file with the commission an amended registration statement within one week of the change, modification, or termination.

(4) Each registered lobbyist shall file a new registration statement, revised as appropriate, on the second Monday in January of each odd-numbered year. Failure to do so terminates the lobbyist's registration. [2010 c 204 § 801; 1987 c 201 § 1; 1982 c 147 § 10; 1973 c 1 § 15 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.150.]

*\*Reviser's note:* The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17A.110. For current dollar amounts, see WAC 390-20-0101.

**42.17A.605 Photograph and information—Booklet—Publication.** Each lobbyist shall at the time he or she registers submit to the commission a recent photograph of himself or herself of a size and format as determined by rule of the commission, together with the name of the lobbyist's employer, the length of his or her employment as a lobbyist before the legislature, a brief biographical description, and any other information he or she may wish to submit not to exceed fifty words in length. The photograph and information shall be published by the commission at least biennially in a booklet form for distribution to legislators and the public. [2010 c 204 § 802; 1995 c 397 § 6; 1985 c 367 § 8; 1982 c 147 § 11; 1975 1st ex.s. c 294 § 21. Formerly RCW 42.17.155.]

(2016 Ed.)

**42.17A.610 Exemption from registration.** The following persons and activities are exempt from registration and reporting under RCW 42.17A.600, 42.17A.615, and 42.17A.640:

(1) Persons who limit their lobbying activities to appearing before public sessions of committees of the legislature, or public hearings of state agencies;

(2) Activities by lobbyists or other persons whose participation has been solicited by an agency under RCW 34.05.310(2);

(3) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station;

(4) Persons who lobby without compensation or other consideration for acting as a lobbyist, if the person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. The exemption contained in this subsection is intended to permit and encourage citizens of this state to lobby any legislator, public official, or state agency without incurring any registration or reporting obligation provided they do not exceed the limits stated above. Any person exempt under this subsection (4) may at his or her option register and report under this chapter;

(5) Persons who restrict their lobbying activities to no more than four days or parts of four days during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed \*twenty-five dollars. The commission shall adopt rules to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection (5) may at his or her option register and report under this chapter;

(6) The governor;

(7) The lieutenant governor;

(8) Except as provided by RCW 42.17A.635(1), members of the legislature;

(9) Except as provided by RCW 42.17A.635(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties;

(10) Elected officials, and officers and employees of any agency reporting under RCW 42.17A.635(5). [2010 c 204 § 803; 1998 c 55 § 3; 1995 c 397 § 32; 1982 c 147 § 12; 1977 ex.s. c 313 § 4; 1975 1st ex.s. c 294 § 9; 1973 c 1 § 16 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.160.]

*\*Reviser's note:* The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17A.110. For current dollar amounts, see chapter 390-20 of the Washington Administrative Code (WAC).

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.615 Reporting by lobbyists—Rules.** (1) Any lobbyist registered under RCW 42.17A.600 and any person

[Title 42 RCW—page 37]



who lobbies shall file with the commission monthly reports of his or her lobbying activities. The reports shall be made in the form and manner prescribed by the commission and must be signed by the lobbyist. The monthly report shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) The monthly report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by the lobbyist or on behalf of the lobbyist by the lobbyist's employer during the period covered by the report. Expenditure totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than \*twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons taking part in the entertainment, along with the dollar amount attributable to each person, including the lobbyist's portion.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of expenditures in each category incurred on behalf of each of the lobbyist's employers.

(c) An itemized listing of each contribution of money or of tangible or intangible personal property, whether contributed by the lobbyist personally or delivered or transmitted by the lobbyist, to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule making under chapter 34.05 RCW, the state administrative procedure act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period, unless exempt under RCW 42.17A.610(2).

(e) A listing of each payment for an item specified in RCW 42.52.150(5) in excess of \*fifty dollars and each item specified in \*\*RCW 42.52.010(10) (d) and (f) made to a state elected official, state officer, or state employee. Each item shall be identified by recipient, date, and approximate value of the item.

(f) The total expenditures paid or incurred during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist or otherwise, for (i) political advertising as defined in RCW 42.17A.005; and (ii) public relations, telemarketing, polling, or similar activities if the activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule, standard, or rate by an agency under the administrative procedure act. The report shall spec-

ify the amount, the person to whom the amount was paid, and a brief description of the activity.

(3) Lobbyists are not required to report the following:

(a) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(b) Any expenses incurred for his or her own living accommodations;

(c) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(d) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(4) The commission may adopt rules to vary the content of lobbyist reports to address specific circumstances, consistent with this section. Lobbyist reports are subject to audit by the commission. [2010 c 204 § 804; 1995 c 397 § 33; 1991 sp.s. c 18 § 2; 1990 c 139 § 3; 1989 c 175 § 90; 1987 c 423 § 1; 1985 c 367 § 9; 1982 c 147 § 13; 1977 ex.s. c 313 § 5; 1975 1st ex.s. c 294 § 10; 1973 c 1 § 17 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.170.]

**Reviser's note:** \*(1) The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17A.110. For current dollar amounts, see WAC 390-20-020.

\*\* (2) RCW 42.52.010 was amended by 2011 c 60 § 28, changing subsection (10)(d) and (f) to subsection (9)(d) and (f).

**Legislative intent—1990 c 139:** See note following RCW 42.17A.005. Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

#### 42.17A.620 Notification to person named in report.

(1) When a listing or a report of contributions is made to the commission under RCW 42.17A.615(2)(c), a copy of the listing or report must be given to the candidate, elected official, professional staff member of the legislature, or officer or employee of an agency, or a political committee supporting or opposing a ballot proposition named in the listing or report.

(2) If a state elected official or a member of the official's immediate family is identified by a lobbyist in a lobbyist report as having received from the lobbyist an item specified in RCW 42.52.150(5) or \*42.52.010(10) (d) or (f), the lobbyist shall transmit to the official a copy of the completed form used to identify the item in the report at the same time the report is filed with the commission. [2010 c 204 § 805; 1993 c 2 § 32 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.172.]

**\*Reviser's note:** RCW 42.52.010 was amended by 2011 c 60 § 28, changing subsection (10)(d) or (f) to subsection (9)(d) or (f).

**42.17A.625 Special reports—Lobbyists—Late contributions or large totals.** Any lobbyist registered under RCW 42.17A.600, any person who lobbies, and any lobbyist's employer making a contribution or an aggregate of contributions to a single entity that is one thousand dollars or more during a special reporting period, as specified in RCW 42.17A.265, before a primary or general election shall file one or more special reports in the same manner and to the same extent that a contributing political committee must file under RCW 42.17A.265. [2010 c 204 § 806; 2001 c 54 § 3; 1991 c 157 § 2; 1985 c 359 § 2. Formerly RCW 42.17.175.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.630 Reports by employers of registered lobbyists, other persons.** (1) Every employer of a lobbyist registered under this chapter during the preceding calendar year and every person other than an individual that made contributions aggregating to more than \*sixteen thousand dollars or independent expenditures aggregating to more than \*eight hundred dollars during the preceding calendar year shall file with the commission on or before the last day of February of each year a statement disclosing for the preceding calendar year the following information:

(a) The name of each state elected official and the name of each candidate for state office who was elected to the office and any member of the immediate family of those persons to whom the person reporting has paid any compensation in the amount of eight hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which the person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of the compensation in accordance with the reporting provisions set out in RCW 42.17A.710(2), and the consideration given or performed in exchange for the compensation.

(b) The name of each state elected official, successful candidate for state office, or members of his or her immediate family to whom the person reporting made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of the expenditures and the purpose for the expenditures. For the purposes of this subsection, "expenditure" shall not include any expenditure made by the employer in the ordinary course of business if the expenditure is not made for the purpose of influencing, honoring, or benefiting the elected official, successful candidate, or member of his immediate family, as an elected official or candidate.

(c) The total expenditures made by the person reporting for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise.

(d) All contributions made to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a statewide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.

(e) The name and address of each registered lobbyist employed by the person reporting and the total expenditures made by the person reporting for each lobbyist for lobbying purposes.

(f) The names, offices sought, and party affiliations of candidates for state offices supported or opposed by independent expenditures of the person reporting and the amount of each such expenditure.

(g) The identifying proposition number and a brief description of any statewide ballot proposition supported or opposed by expenditures not reported under (d) of this subsection and the amount of each such expenditure.

(h) Any other information the commission prescribes by rule.

(2)(a) Except as provided in (b) of this subsection, an employer of a lobbyist registered under this chapter shall file a special report with the commission if the employer makes a

contribution or contributions aggregating more than one hundred dollars in a calendar month to any one of the following: A candidate, elected official, officer or employee of an agency, or political committee. The report shall identify the date and amount of each such contribution and the name of the candidate, elected official, agency officer or employee, or political committee receiving the contribution or to be benefited by the contribution. The report shall be filed on a form prescribed by the commission and shall be filed within fifteen days after the last day of the calendar month during which the contribution was made.

(b) The provisions of (a) of this subsection do not apply to a contribution that is made through a registered lobbyist and reportable under RCW 42.17A.425. [2010 c 204 § 807; 1993 c 2 § 27 (Initiative Measure No. 134, approved November 3, 1992); 1990 c 139 § 4; 1987 c 423 § 2; 1984 c 34 § 6; 1975 1st ex.s. c 294 § 11; 1973 c 1 § 18 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.180.]

\*Reviser's note: The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17A.110 or 42.17A.125. For current dollar amounts, see WAC 390-05-400 and chapter 390-20 WAC.

Legislative intent—1990 c 139: See note following RCW 42.17A.005.

**42.17A.635 Legislative activities of state agencies, other units of government, elective officials, employees.**

(1) The house of representatives and the senate shall report annually: The total budget; the portion of the total attributed to staff; and the number of full-time and part-time staff positions by assignment, with dollar figures as well as number of positions.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying. However, this does not prevent officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations that are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties. This subsection does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency. Public funds may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, "gift" means a voluntary transfer of any thing of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business. This section does not permit the printing of a state publication that has been otherwise prohibited by law.

(4) No elective official or any employee of his or her office or any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, in any effort to support or oppose an initiative to the legislature. "Facilities of a public office or agency" has the same meaning as in RCW 42.17A.555 and 42.52.180. The provisions of this subsection shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose an initiative to the legislature so long as (i) any required notice of the meeting includes the title and number of the initiative to the legislature, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any initiative to the legislature at an open press conference or in response to a specific inquiry;

(c) Activities that are part of the normal and regular conduct of the office or agency;

(d) Activities conducted regarding an initiative to the legislature that would be permitted under RCW 42.17A.555 and 42.52.180 if conducted regarding other ballot measures.

(5) Each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district that expends public funds for lobbying shall file with the commission, except as exempted by (d) of this subsection, quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each elected official, officer, or employee who lobbied, a general description of the nature of the lobbying, and the proportionate amount of time spent on the lobbying;

(c) A listing of expenditures incurred by the agency for lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

(d) For purposes of this subsection, "lobbying" does not include:

(i) Requests for appropriations by a state agency to the office of financial management pursuant to chapter 43.88 RCW nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;

(ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;

(iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;

(iv) Requests, recommendations, or other communication between or within state agencies or between or within local agencies;

(v) Any other lobbying to the extent that it includes:

(A) Telephone conversations or preparation of written correspondence;

(B) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period by officers or employees of that agency and in-person lobbying by any elected official of such agency on behalf of such agency or in connection with the powers, duties, or compensation of such official. The total expenditures of nonpublic funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington may not exceed fifteen dollars for any three-month period. The exemption under this subsection (5)(d)(v)(B) is in addition to the exemption provided in (d)(v)(A) of this subsection;

(C) Preparation or adoption of policy positions.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within one month after the end of the quarter covered by the report.

(6) In lieu of reporting under subsection (5) of this section, any county, city, town, municipal corporation, quasi municipal corporation, or special purpose district may determine and so notify the public disclosure commission that elected officials, officers, or employees who, on behalf of any such local agency, engage in lobbying reportable under subsection (5) of this section shall register and report such reportable lobbying in the same manner as a lobbyist who is required to register and report under RCW 42.17A.600 and 42.17A.615. Each such local agency shall report as a lobbyist employer pursuant to RCW 42.17A.630.

(7) The provisions of this section do not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

(8) The purpose of this section is to require each state agency and certain local agencies to report the identities of those persons who lobby on behalf of the agency for compensation, together with certain separately identifiable and measurable expenditures of an agency's funds for that purpose. This section shall be reasonably construed to accomplish that purpose and not to require any agency to report any of its general overhead cost or any other costs that relate only indirectly or incidentally to lobbying or that are equally attributable to or inseparable from nonlobbying activities of the agency.

The public disclosure commission may adopt rules clarifying and implementing this legislative interpretation and policy. [2010 c 204 § 808; 1995 c 397 § 7; 1986 c 239 § 1; 1979 ex.s. c 265 § 1; 1977 ex.s. c 313 § 6; 1975 1st ex.s. c 294 § 12; 1973 c 1 § 19 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.190.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.640 Grass roots lobbying campaigns.** (1) Any person who has made expenditures, not reported by a registered lobbyist under RCW 42.17A.615 or by a candidate or political committee under RCW 42.17A.225 or 42.17A.235, exceeding \*one thousand dollars in the aggregate within any three-month period or exceeding \*five hundred dollars in the aggregate within any one-month period in presenting a program to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation

shall register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation; and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs;

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

(c) The names and addresses of each person contributing twenty-five dollars or more to the campaign, and the aggregate amount contributed;

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

(e) The totals of all expenditures made or incurred to date on behalf of the campaign segregated according to financial category, including but not limited to the following: Advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report. The final report shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement. [2010 c 204 § 809; 1990 c 139 § 5; 1985 c 367 § 10; 1973 c 1 § 20 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.200.]

*\*Reviser's note:* The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17A.110. For current dollar amounts, see chapter 390-20 WAC.

*Legislative intent—1990 c 139:* See note following RCW 42.17A.005.

**42.17A.645 Employment of legislators, board or commission members, or state employees—Statement, contents.** If any person registered or required to be registered as a lobbyist, or any employer of any person registered or required to be registered as a lobbyist, employs a member or an employee of the legislature, a member of a state board or commission, or a full-time state employee, and that new employee remains in the partial employ of the state, the new employer must file within fifteen days after employment a

statement with the commission, signed under oath, setting out the nature of the employment, the name of the person employed, and the amount of pay or consideration. [2010 c 204 § 810; 1973 c 1 § 21 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.210.]

**42.17A.650 Employment of unregistered persons.** It is a violation of this chapter for any person to employ for pay or any consideration, or pay or agree to pay any consideration to, a person to lobby who is not registered under this chapter except upon the condition that such a person must register as a lobbyist as provided by this chapter. [2010 c 204 § 811; 1973 c 1 § 22 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.220.]

**42.17A.655 Lobbyists' duties, restrictions—Penalties for violations.** (1) A person required to register as a lobbyist under RCW 42.17A.600 shall substantiate financial reports required to be made under this chapter with accounts, bills, receipts, books, papers, and other necessary documents. All such documents must be obtained and preserved for a period of at least five years from the date of filing the statement containing such items and shall be made available for inspection by the commission at any time. If the terms of the lobbyist's employment contract require that these records be turned over to his or her employer, responsibility for the preservation and inspection of these records under this subsection shall be with such employer.

(2) A person required to register as a lobbyist under RCW 42.17A.600 shall not:

(a) Engage in any lobbying activity before registering as a lobbyist;

(b) Knowingly deceive or attempt to deceive a legislator regarding the facts pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of a bill or amendment to that bill for the purpose of later being employed to secure its defeat;

(d) Knowingly represent an interest adverse to his or her employer without full disclosure of the adverse interest to the employer and obtaining the employer's written consent;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator due to the legislator's position or vote on any pending or proposed legislation;

(f) Enter into any agreement, arrangement, or understanding in which any portion of his or her compensation is or will be contingent upon his or her success in influencing legislation.

(3) A violation by a lobbyist of this section shall be cause for revocation of his or her registration, and may subject the lobbyist and the lobbyist's employer, if the employer aids, abets, ratifies, or confirms the violation, to other civil liabilities as provided by this chapter. [2010 c 204 § 812; 1987 c 201 § 2; 1982 c 147 § 14; 1973 c 1 § 23 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.230.]

PERSONAL FINANCIAL AFFAIRS REPORTING BY  
CANDIDATES AND PUBLIC OFFICIALS

**42.17A.700 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts.** (1) After January 1st and before April 15th of each year, every elected official and every executive state officer shall file with the commission a statement of financial affairs for the preceding calendar year. However, any local elected official whose term of office ends on December 31st shall file the statement required to be filed by this section for the final year of his or her term.

(2) Within two weeks of becoming a candidate, every candidate shall file with the commission a statement of financial affairs for the preceding twelve months.

(3) Within two weeks of appointment, every person appointed to a vacancy in an elective office or executive state officer position shall file with the commission a statement of financial affairs for the preceding twelve months.

(4) A statement of a candidate or appointee filed during the period from January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

(5) No individual may be required to file more than once in any calendar year.

(6) Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

(7) Every elected official and every executive state officer shall file with their statement of financial affairs a statement certifying that they have read and are familiar with RCW 42.17A.555 or 42.52.180, whichever is applicable.

(8) For the purposes of this section, the term "executive state officer" includes those listed in RCW 42.17A.705.

(9) This section does not apply to incumbents or candidates for a federal office or the office of precinct committee officer. [2010 c 204 § 901; 1995 c 397 § 8; 1993 c 2 § 31 (Initiative Measure No. 134, approved November 3, 1992); 1989 c 158 § 1; 1987 c 295 § 19. Prior: 1984 c 125 § 14; 1984 c 34 § 1; 1983 c 161 § 27; 1982 c 10 § 9; prior: 1981 c 311 § 20; 1981 c 67 § 15; 1979 ex.s. c 265 § 3; 1979 c 151 § 73; prior: 1975-'76 2nd ex.s. c 112 § 7; 1975-'76 2nd ex.s. c 104 § 1 (Ref. Bill No. 36); 1975 1st ex.s. c 294 § 13; 1973 c 1 § 24 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.240.]

*Cemetery district commissioners exempt from chapter: RCW 68.52.140, 68.52.220.*

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.705 "Executive state officer" defined.** For the purposes of RCW 42.17A.700, "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of commerce, the director of the consolidated technology services agency, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the director of

enterprise services, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of the recreation and conservation office, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, the boards of trustees of each community college and each technical college, each member of the state board for community and technical colleges, state convention and trade center board of directors, Eastern Washington University board of trustees, Washington economic development finance authority, Washington energy northwest executive board, The Evergreen State College board of trustees, executive ethics board, fish and wildlife commission, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, student achievement council, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, state investment board, commission on judicial conduct, legislative ethics board, life sciences discovery fund authority board of trustees, \*liquor control board, lottery commission, Pacific Northwest electric power and conservation planning council, parks and recreation commission, Washington personnel resources board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public employees' benefits board, recreation and conservation funding board, salmon recovery funding board, shorelines hearings board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington State University board of regents, and Western Washington University board of trustees. [2015 3rd sp.s. c 1 § 406; 2015 3rd sp.s. c 1 § 317; 2012 c 229 § 582; 2011 1st sp.s. c 43 § 109; 2010 c 204 § 902; 2009 c 565 § 24.

(2016 Ed.)

Prior: 2007 c 341 § 48; 2007 c 241 § 2; 2007 c 15 § 1; 2006 c 265 § 113; 2005 c 424 § 17; prior: 2001 c 36 § 1; 2001 c 9 § 1; 1996 c 186 § 504; prior: 1995 c 399 § 60; 1995 c 397 § 10; prior: 1993 sp.s. c 2 § 18; 1993 c 492 § 488; 1993 c 281 § 43; 1991 c 200 § 404; 1991 c 3 § 293; prior: 1989 1st ex.s. c 9 § 812; 1989 c 279 § 22; 1989 c 158 § 2; 1988 c 36 § 13; 1987 c 504 § 14; 1985 c 6 § 8; 1984 c 34 § 2. Formerly RCW 42.17.2401.]

**Reviser's note:** \*(1) The "state liquor control board" was renamed the "state liquor and cannabis board" by 2015 c 70 § 3.

(2) This section was amended by 2015 3rd sp.s. c 1 § 317 and by 2015 3rd sp.s. c 1 § 406, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—2015 3rd sp.s. c 1 §§ 101-109, 201-224, 406-408, 410, 501-507, 601, and 602:** See note following RCW 43.105.007.

**Effective date—2012 c 229 §§ 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 43 § 109:** "Section 109 of this act takes effect January 1, 2012." [2011 1st sp.s. c 43 § 111.]

**Purpose—2011 1st sp.s. c 43:** See note following RCW 43.19.003.

**Alphabetization—2010 c 204 § 902:** "When RCW 42.17A.705 is codified, the code reviser shall arrange the names of the agencies in each subsection in alphabetical order, arranged according to the first distinctive word of each agency's name." [2010 c 204 § 1101.]

**Effective date—2007 c 341:** See RCW 90.71.907.

**Intent—Effective date—2007 c 241:** See notes following RCW 79A.25.005.

**Effective date—2006 c 265:** See RCW 43.215.905.

**Findings—Intent—Part headings not law—Effective date—1996 c 186:** See notes following RCW 43.330.904.

**Findings—Intent—1993 c 492:** See notes following RCW 43.20.050.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.710 Contents of report.** (1) The statement of financial affairs required by RCW 42.17A.700 shall disclose the following information for the reporting individual and each member of his or her immediate family:

(a) Occupation, name of employer, and business address;

(b) Each bank account, savings account, and insurance policy in which a direct financial interest was held that exceeds \*twenty thousand dollars at any time during the reporting period; each other item of intangible personal property in which a direct financial interest was held that exceeds \*two thousand dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each direct financial interest during the reporting period;

(c) The name and address of each creditor to whom the value of \*two thousand dollars or more was owed; the original amount of each debt to each creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each debt; and the security given, if any, for each such debt. Debts arising from a "retail installment transaction" as defined in chapter 63.14 RCW (retail installment sales act) need not be reported;

(d) Every public or private office, directorship, and position held as trustee;

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation. For the purposes of this subsection, "compensation" does not include payments made to the

(2016 Ed.)

person reporting by the governmental entity for which the person serves as an elected official or state executive officer or professional staff member for his or her service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid;

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of \*two thousand dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation;

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and: (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in any form in the amount of \*ten thousand dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation. As used in (g)(ii) of this subsection, "compensation" does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service. With respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds \*two thousand four hundred dollars;

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds \*ten thousand dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest;

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds \*ten thousand dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received

[Title 42 RCW—page 43]



in exchange for that interest, and the name and address of the person furnishing the consideration;

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds \*ten thousand dollars in which a direct financial interest was held. If a description of the property has been included in a report previously filed, the property may be listed, for purposes of this subsection (1)(j), by reference to the previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds \*twenty thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held;

(l) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in \*\*RCW 42.52.010(10) (d) and (f) were accepted; and

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it shall be sufficient to comply with the requirement to report whether the amount is less than \*four thousand dollars, at least \*four thousand dollars but less than \*twenty thousand dollars, at least \*twenty thousand dollars but less than \*forty thousand dollars, at least \*forty thousand dollars but less than \*one hundred thousand dollars, or \*one hundred thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member. [2010 c 204 § 903; 2008 c 6 § 202; 1995 c 397 § 9; 1984 c 34 § 3; 1979 ex.s. c 126 § 42. Formerly RCW 42.17.241.]

**Reviser's note:** \*(1) The dollar amounts in this section may have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17A.110. For current dollar amounts, see WAC 390-24-301.

\*\* (2) RCW 42.52.010 was amended by 2011 c 60 § 28, changing subsection (10)(d) and (f) to subsection (9)(d) and (f).

**Part headings not law—Severability—2008 c 6:** See RCW 26.60.900 and 26.60.901.

**Purpose—1979 ex.s. c 126:** See RCW 29A.60.280(1).

**42.17A.715 Concealing identity of source of payment prohibited—Exception.** No payment shall be made to any person required to report under RCW 42.17A.700 and no payment shall be accepted by any such person, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a man-

ner as to conceal the identity of the source of the payment or in any other manner so as to effect concealment. The commission may issue categorical and specific exemptions to the reporting of the actual source when there is an undisclosed principal for recognized legitimate business purposes. [2010 c 204 § 904; 1977 ex.s. c 336 § 4. Formerly RCW 42.17.242.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

## ENFORCEMENT

**42.17A.750 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 chapter by any candidate or political committee probably affected the outcome of any election, the result of that election may be held void and a special election held within sixty 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 chapter, his or her registration may be revoked or suspended and he or she 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 chapter.

(c) A person who violates any of the provisions of this chapter 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 42.17A.405 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) A person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each delinquency continues.

(e) Each state agency director who knowingly fails to file statements required by RCW 42.17A.635 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.

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

(g) Any state agency official, officer, or employee who is responsible for or knowingly directs or expends public funds in violation of RCW 42.17A.635 (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.

(h) 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 chapter 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 chapter 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 chapter is guilty of a class C felony under chapter 9.94A RCW. [2013 c 166 § 1; 2011 c 145 § 6; 2010 c 204 § 1001; 2006 c 315 § 2; 1993 c 2 § 28 (Initiative Measure No. 134, approved November 3, 1992); 1973 c 1 § 39 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.390.]

**Effective date—2013 c 166:** See note following RCW 42.17A.055.

**Findings—Intent—Effective date—2011 c 145:** See notes following RCW 42.17A.005.

**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 § 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 § 4.]

**42.17A.755 Violations—Determination by commission—Penalties—Procedure.** (1) The commission may (a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such a determination.

(2) The commission, in cases where it chooses to determine whether an actual violation has occurred, shall hold a hearing pursuant to the administrative procedure act, chapter 34.05 RCW, to make a determination. Any order that the commission issues under this section shall be pursuant to such a hearing.

(3) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general or other enforcement agency as provided in RCW 42.17A.105.

(4) 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 42.17A.750(1) (b) through (e). The commission may assess a penalty in an amount not to exceed ten thousand dollars.

(5) The commission has the authority to waive a fine for a first-time violation. A second violation of the same rule by the same person or individual, regardless if the person or individual committed the violation for a different political committee, shall result in a fine. Succeeding violations of the same rule shall result in successively increased fines.

(6) An order issued by the commission under this section shall be subject to judicial review under the administrative

(2016 Ed.)

procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17A.760. [2011 c 145 § 7; 2010 c 204 § 1002; 2006 c 315 § 3; 1989 c 175 § 91; 1985 c 367 § 12; 1982 c 147 § 16; 1975-'76 2nd ex.s. c 112 § 12. Formerly RCW 42.17.395.]

**\*Reviser's note:** RCW 42.17A.750 was amended by 2013 c 166 § 1, changing subsection (1)(b) through (e) to subsection (1)(b) through (f), effective January 1, 2014.

**Findings—Intent—Effective date—2011 c 145:** See notes following RCW 42.17A.005.

**Intent—Severability—2006 c 315:** See notes following RCW 42.17A.750.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.760 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 chapter:

(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. [2010 c 204 § 1003; 1989 c 175 § 92; 1982 c 147 § 17; 1975-'76 2nd ex.s. c 112 § 13. Formerly RCW 42.17.397.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**42.17A.765 Enforcement.** (1) The attorney general and the prosecuting authorities of political subdivisions of this

[Title 42 RCW—page 45]



state 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 42.17A.750.

(2) The attorney general and the prosecuting authorities of political subdivisions of this state 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 chapter, 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 chapter.

(3) When the attorney general or the prosecuting authority of any political subdivision of this state 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 chapter, he or she 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 fourteen 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 or the prosecuting authority, 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.

(4) A person who has notified the attorney general and the prosecuting attorney in the county in which the violation occurred in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself or herself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter.

(a) This citizen action may be brought only if:

(i) The attorney general and the prosecuting attorney have failed to commence an action hereunder within forty-five days after the notice;

(ii) The person has thereafter further notified the attorney general and prosecuting attorney that the person will commence a citizen's action within ten days upon their failure to do so;

(iii) The attorney general and the prosecuting attorney have in fact failed to bring such action within ten days of receipt of said second notice; and

(iv) The citizen's action is filed within two years after the date when the alleged violation occurred.

(b) 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 of Washington

for costs and attorneys' fees he or she has 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 costs of trial and reasonable attorneys' fees incurred by the defendant.

(5) In any action brought under this section, the court may award to the state all 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 to be paid by the state of Washington. [2010 c 204 § 1004; 2007 c 455 § 1; 1975 1st ex.s. c 294 § 27; 1973 c 1 § 40 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.400.]

**42.17A.770 Limitation on actions.** Except as provided in RCW 42.17A.765(4)(a)(iv), any action brought under the provisions of this chapter must be commenced within five years after the date when the violation occurred. [2011 c 60 § 26; 2007 c 455 § 2; 1982 c 147 § 18; 1973 c 1 § 41 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.410.]

#### CONSTRUCTION

**42.17A.900 Effective date—1973 c 1.** The effective date of this act shall be January 1, 1973. [1973 c 1 § 49 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.900.]

**42.17A.904 Construction—1973 c 1.** The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern. [1973 c 1 § 47 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.920.]

**42.17A.905 Chapter, section headings not part of law.** Chapter and section captions or headings as used in this act do not constitute any part of the law. [1973 c 1 § 48 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.930.]

**42.17A.906 Repealer—1973 c 1.** Chapter 9, Laws of 1965, as amended by section 9, chapter 150, Laws of 1965 ex. sess., and RCW 29.18.140; and chapter 131, Laws of 1967 ex. sess. and RCW 44.64 [chapter 44.64 RCW]; and chapter 82, Laws of 1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 24; and chapter 98, Laws of 1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 25 are each hereby repealed. [1973 c 1 § 50 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.940.]

**42.17A.907 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 § 15. Formerly RCW 42.17.945.]

**\*Reviser's note:** Provisions in chapter 42.17 RCW relating to campaign disclosure and contribution were recodified in chapter 42.17A RCW by 2010 c 204, effective January 1, 2012.

**42.17A.908 Captions.** Section captions and part headings used in this act do not constitute any part of the law. [1993 c 2 § 34 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.950.]

**42.17A.909 Short title—1993 c 2.** This act may be known and cited as the Fair Campaign Practices Act. [1993 c 2 § 36 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.955.]

**42.17A.910 Effective date—1995 c 397.** Sections 1 through 32, 34, and 37 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995. [1995 c 397 § 35. Formerly RCW 42.17.960.]

**42.17A.911 Captions—1995 c 397.** Captions as used in chapter 397, Laws of 1995 constitute no part of the law. [1995 c 397 § 37. Formerly RCW 42.17.961.]

**42.17A.915 Effective dates—2005 c 445.** Sections 6 and 12 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2005. The remainder of this act takes effect January 1, 2006. [2005 c 445 § 17. Formerly RCW 42.17.965.]

**42.17A.917 Effective date—2010 c 204 §§ 505, 602, and 703.** Sections 505, 602, and 703 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [March 25, 2010]. [2010 c 204 § 1104.]

**42.17A.918 Effective date—2010 c 204.** Sections 101 through 504, 506 through 601, 603 through 702, and 801 through 1103 of chapter 204, Laws of 2010 take effect January 1, 2012. [2010 1st sp.s. c 26 § 10; 2010 c 204 § 1105.]

**42.17A.919 Effective date—2011 c 60.** This act takes effect January 1, 2012. [2011 c 60 § 53.]

**Chapter 42.20 RCW**

**MISCONDUCT OF PUBLIC OFFICERS**

Sections

- 42.20.020 Powers may not be delegated for profit.
- 42.20.030 Intrusion into and refusal to surrender public office.
- 42.20.040 False report.
- 42.20.050 Public officer making false certificate.
- 42.20.060 Falsely auditing and paying claims.

(2016 Ed.)

- 42.20.070 Misappropriation and falsification of accounts by public officer.
- 42.20.080 Other violations by officers.
- 42.20.090 Misappropriation, etc., by treasurer.
- 42.20.100 Failure of duty by public officer a misdemeanor.
- 42.20.110 Improper conduct by certain justices.

*Bidding offenses: Chapter 9.18 RCW.*

*Bribery or corrupt solicitation prohibited: State Constitution Art. 2 § 30.*

*Cities*

*optional municipal code, council-manager plan, forfeiture of office for misconduct: RCW 35A.13.020.*

*optional municipal code, mayor-council plan, forfeiture of office for misconduct: RCW 35A.12.060.*

*Cities and towns, commission form, misconduct of officers and employees: RCW 35.17.150.*

*County officers, misconduct: RCW 36.18.160, 36.18.170.*

*County treasurer, suspension for misconduct: RCW 36.29.090.*

*Election officials, misconduct: Chapter 29A.84 RCW.*

*Flood control district officers, interest in contracts prohibited: RCW 86.09.286.*

*Forfeiture of office upon conviction of felony or malfeasance: RCW 9.92.120.*

*Free transportation for public officers prohibited: State Constitution Art. 2 § 39, Art. 12 § 20.*

*Impersonating public officer: RCW 9A.60.045.*

*Juries, misconduct of public officers concerning: Chapter 9.51 RCW.*

*Militia, misconduct: Chapter 38.32 RCW.*

*Official misconduct: RCW 9A.80.010.*

*Penitentiary employees, misconduct: RCW 72.01.060.*

*Private use of public funds, penalty: State Constitution Art. 11 § 14.*

*School funds, failure to turn over: RCW 28A.635.070.*

*School officials*

*disclosing examination questions: RCW 28A.635.040.*

*grafting: RCW 28A.635.050.*

*School teachers*

*failure to display flag: RCW 28A.230.140.*

*failure to enforce rules: RCW 28A.405.060.*

*revocation or suspension of certificate or permit to teach—investigation by superintendent of public instruction—mandatory revocation for crimes against children: RCW 28A.410.090.*

*State and judicial officers, impeachment: State Constitution Art. 5.*

*State treasurer, embezzlement: RCW 43.08.140.*

*Subversive activities, disqualification from holding public office: RCW 9.81.040.*

*Utilities and transportation commission members and employees, interest in regulated companies prohibited: RCW 80.01.020.*

**42.20.020 Powers may not be delegated for profit.**

Every public officer who, for any reward, consideration, or gratuity paid or agreed to be paid, shall, directly or indirectly, grant to another the right or authority to discharge any function of his or her office, or permit another to perform any of his or her duties, shall be guilty of a gross misdemeanor. [2012 c 117 § 113; 1909 c 249 § 83; RRS § 2335.]

**42.20.030 Intrusion into and refusal to surrender public office.**

Every person who shall falsely personate or represent any public officer, or who shall willfully intrude himself or herself into a public office to which he or she has not been duly elected or appointed, or who shall willfully exercise any of the functions or perform any of the duties of such officer, without having duly qualified therefor, as required by law, or who, having been an executive or administrative officer, shall willfully exercise any of the functions

[Title 42 RCW—page 47]

**OFFICE OF THE ATTORNEY GENERAL CAMPAIGN FINANCE UNIT**

**February 15, 2019 - 11:25 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 96476-9  
**Appellate Court Case Title:** State Public Disclosure Commission v. Food Democracy Action!, et al.  
**Superior Court Case Number:** 14-2-02381-0

**The following documents have been uploaded:**

- 964769\_Answer\_Reply\_20190215111904SC462817\_7030.pdf  
This File Contains:  
Answer/Reply - Answer to Petition for Review  
*The Original File Name was Ans-20190215-PetRev.pdf*

**A copy of the uploaded files will be sent to:**

- franco@workerlaw.com
- iglitzin@workerlaw.com
- ken@kenkaganlaw.com
- lindsay@atg.wa.gov

**Comments:**

---

Sender Name: Jessica Buswell - Email: jessicab5@atg.wa.gov

**Filing on Behalf of:** Stephen Todd Sipe - Email: toddds4@atg.wa.gov (Alternate Email: cfuolyef@atg.wa.gov)

Address:  
PO Box 40100  
1125 Washington St SE  
Olympia, WA, 98504  
Phone: (360) 570-3403

**Note: The Filing Id is 20190215111904SC462817**