

## WASHINGTON

### Governing Agency

**1. What agency is charged with administering the state’s campaign finance laws? Does it have authority to conduct its own investigations, including public hearings and subpoena power?**

The Public Disclosure Commission is charged with administering Washington’s campaign finance laws. [WASH. REV. CODE §§ 42.17A.100\(1\), .105](#). The commission has the authority to conduct its own investigations, issue subpoenas and hold public hearings. [WASH. REV. CODE §§ 42.17A.105\(4\), \(6\), .160, .110\(4\), .755\(3\), 34.05.449\(5\)](#).

**2. Does the agency have the ability to sanction, including injunctions and fines?**

**Injunctions** – The Commission can issue cease and desist orders. [WASH. REV. CODE § 42.17A.755\(3\)\(a\)](#).

**Fines** – An individual Commissioner has the authority to issue fines for many different violations with the amount of the fine depending on the number of violations and whether the violation occurs before or after notice and any scheduled enforcement hearing. In these cases, the fines range from zero to \$1,000. [WASH. ADMIN. CODE 390-17-143](#).

The full Commission may also assess a penalty of up to \$10,000 per violation. [WASH. REV. CODE § 42.17A.755\(3\)\(b\)](#). The Commission may exceed \$10,000 if the parties stipulate it. [Id.](#)

**3. Is the agency headed by an elected official? If not, are the members of the agency protected from removal without cause?**

The commission consists of five members appointed by the governor with the approval of the senate. [WASH. REV. CODE § 42.17A.100\(1\)](#). The governor may remove members only for “neglect of duty or misconduct in office.” [WASH. REV. CODE § 42.17A.100\(2\)](#).

### Campaign Coordination

**4. (a) Are there rules defining the types of conduct and campaign spending that presumptively establish coordination between campaigns and independent expenditure committees?**

An expenditure made by a person in cooperation, consultation, concert, or collaboration with, or at the request or suggestion of a candidate, or the candidate's authorized committee or agent, is a contribution to such candidate. Coordination is presumed when:

- an arrangement or direction by the candidate, candidate’s committee or agent of either is given to the spender prior to publication or distribution of political advertising or electioneering communications, or prior to that spender making an expenditure in support

of that candidate or in opposition to that candidate's opponent. [WASH. ADMIN. CODE 390-05-210\(3\)\(a\)](#)

- an expenditure is made with the assistance of or in connection with a person who has been an officer of the candidate's committee within the 12 months prior to the expenditure [WASH. ADMIN. CODE 390-05-210\(3\)\(c\)](#)
- an expenditure is made by or in consultation with someone who has received any campaign-related compensation or reimbursement from the candidate within the 12 months prior to the expenditure [WASH. ADMIN. CODE 390-05-210\(3\)\(d\)](#). This does not include compensation or reimbursement to a person performing solely administrative functions for two or more candidates or political committees. [Id.](#); [WASH. ADMIN. CODE § 390-05-243\(1\)](#).
- An expenditure counts as a contribution when the expenditure is made based on information about the candidate's plans or needs, and that information is provided by the candidate, candidate's committee or an agent of either with a view of having an expenditure made. [WASH. ADMIN. CODE 390-05-210\(3\)\(b\)](#).

**(b) Does the state have a safe harbor rule and, if so, what does it allow?**

No.

### **Campaign Contributions**

**5. (a) Does the state limit the amount of contributions to political candidates for state level offices by individuals, corporations, other entities (PACs, 501(c)(4)s)?**

Individuals, Washington corporations and unions, and PACs are limited to contributing \$2,000 to state executive candidates and \$1,000 to legislative candidates per election. [WASH. ADMIN. CODE 390-05-400](#). Contributions are prohibited for corporations not doing business in Washington state and PACs that have not received contributions of \$10 or more from at least 10 Washington registered voters within the past 180 days. [WASH. REV. CODE § 42.17A.405\(12\)](#); [WASH. ADMIN. CODE § 390-17-315\(1\)](#).

**(b) Does the state limit the amount of contributions to state political parties?**

Contributions to political party committees are limited to \$5,500 in contributions for candidate contributions and other direct electoral activities per calendar year. [WASH. REV. CODE 42.17A.405\(7\)](#); [WASH. ADMIN. CODE 390-05-400](#). There are no limits for contributions to party committees for exempt activities, such as voter registration, voter education, get out the vote campaigns. [WASH. REV. CODE § 42.17A.405\(15\)](#).

### **Campaign Disclosure Requirements**

**6. What is the dollar amount for disclosure of campaign contributions to candidates?**

Candidates must disclose the amount and name of the contributor for contributions exceeding \$25 in the aggregate from one source. [WASH. REV. CODE § 42.17A.235\(5\)](#).

**7. Does the state require reporting of contributors to independent expenditure committees, including second level disclosure of members of contributing LLCs and donors to contributing 501(c)(4)s or similar entities?**

Any political committee, including committees that exclusively make independent expenditures, must report the name and address of each contributor giving more than \$25 (and their occupation and employer if more than \$100 in the aggregate), as well as the date and amount of each contribution. WASH. REV. CODE §§ [42.17A.205\(1\)–\(2\)](#), [240\(2\)](#); [WASH. ADMIN. CODE § 390-16-105\(2\)–\(3\)](#); [Washington Public Disclosure Commission, Form C-3 \(2016\)](#).

There are no provisions directly requiring disclosure of beneficial owners of LLCs, which make contributions to political committees. However, contributions made from or charged against the capital account of an individual partner, or member of a LLP or LLC must be aggregated with the partner's or member's individual contributions for purposes of determining the limitations on contributions. [WASH. ADMIN. CODE § 390-16-310\(5\)](#). All contributors must disclose the true and actual source of funds of the contribution. [WASH. ADMIN. CODE § 390-16-308](#). Campaigns must then report the sources of their contributions. [WASH. REV. CODE 42.17A.240](#).

Non-profit corporations that expect to make election spending of at least \$25,000 in a calendar year (referred to as “incidental” committees) must disclose the “source of the ten largest cumulative payments of \$10,000 or greater” that it received in the calendar year from a single person. [WASH. REV. CODE §§ 42.17A.207\(1\)](#), [235\(1\)](#), [235\(2\)](#).

**8. Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?**

Disclosure is required on all political advertising, including digital communications. WASH. REV. CODE §§ [42.17A.005\(39\)](#), [.320\(1\)–\(4\)](#). In the case of political advertising by an independent entity, disclosure requires the names of the top five contributors to the entity funding the advertisement and if necessary, the statement "Top Three Donors to PAC Contributors," followed by a listing of the names of the three individuals or entities, other than political committees, making the largest aggregated contributions. [Id.](#)

Any person making an “electioneering communication” (a communication that names a candidate within 60 days of an election and costs over \$1,000) must disclose the source of funds for the communication. [WASH. REV. CODE § 42.17A.305](#).

**Campaign Finance Filing Requirements**

**9. (a) Is there a requirement for candidates to report contributions of \$1,000 or more received within 30 days prior to an election and, if so, what is the filing deadline?**

During the week before the primary election and the three weeks before the general elections, candidates must report contributions of \$1,000 or more received in the aggregate from a single source within 48 hours of receipt. [WASH. REV. CODE § 42.17A.265](#). The late contribution report must include the amount and date of contributions and the name and address of the contributor. [WASH. REV. CODE § 42.17A.265\(7\)](#).

**(b) Is there a requirement for independent spenders to report expenditures of \$5,000 or more that are made during the 30 days prior to an election and, if so, what is the filing deadline? Also do these reports include information on contributions received, as well as expenditures made?**

Any initial independent expenditure is due to be reported within 5 days of being made. [WASH. REV. CODE § 42.17A.255](#). Independent spenders are required to report all expenditures made within the specified filing period on the 21st day and 7th day preceding the day of the election. [WASH. REV. CODE § 42.17A.255\(3\)](#). These reports must include the name and address of the recipients of independent expenditures exceeding \$50, and the date, amount, and purpose of such expenditure. [WASH. REV. CODE § 42.17A.255\(5\)](#). Information from contributors is not required in late independent expenditure reports. [Id.](#)

Political committees organized within the last three weeks prior to the election that expect to receive contributions or make expenditures for that election campaign must file a statement of organization within three days of organizing or when it first has the expectation of receiving contributions or making expenditures. [WASH. REV. CODE § 42.17A.205\(1\)](#).

Spending over \$1000 for political advertising or electioneering communication must be reported within 24 hours within 21 days before the election for political ads, and within 60 days before the election for electioneering communication. WASH. REV. CODE. [§§ 42.17A.260, 305](#).

**(c) Is there a requirement for candidates and independent spenders to file a post-election report within 30 days of an election and, if so, what is the filing deadline?**

Expenditure reports by candidates and independent spenders are due on the 10th of the month following the election. [WASH. REV. CODE §§ 42.17A.235\(2\)\(b\), .255\(3\)\(b\)](#).

### **Accessibility of Reports**

**10. (a) Can reports be filed through an on-line portal provided by the agency?**

Reports must be filed electronically using the [Online Reporting of Campaign Activity](#) on the website of the Public Disclosure Committee. [WASH. ADMIN. CODE § 390-19-010\(3\)](#).

**(b) Are reports available on an easily searchable and sortable website?**

### [Campaign explorer search database](#)

Search by candidates/committee -

- Name - YES
- Election Year - YES

- Office - YES
- Date and Amount of Contribution - YES
- Date and Amount of Expenditure - YES
- Contributor - YES

Search by independent expenditure -

- Election Year - YES
- Amount of Expenditure - YES
- Candidate supported or opposed - YES

The independent expenditure search includes searching by vendor (recipient of independent expenditure), sponsor (independent spender), and contributor to the independent expenditure. Candidates can also be searched by jurisdiction (if legislative candidate) and by party. Committees can be searched by type of committee. The advanced search offers many additional options, including searching by primary or general election, employer and occupation of contributor, expenditure recipient name, and expenditure description.

## **Appendix: Sources of Law & Guidance**

### **Constitution**

Washington Constitution, [Article V – Impeachment](#)

### **Statutes**

Campaign Disclosure and Contribution ([Wash. Rev. Code §§ 42.17A.04, et seq.](#))

### **Regulations**

Title 390 – Public Disclosure Commission ([Wash. Admin. Code §§ 390-05, et seq.](#))

Form C-3 ([Contributor Disclosure for Political Committees](#))

### **Guidance**

[Candidate’s Guide to Reporting](#)

[Political Committee Reporting Guide](#)

[Contribution Limits for 2021 Elections.](#)