

2005 – 2006 PDC Law and Rule Change Highlights

[underlining denotes change]

Electioneering Communications. (new) An electioneering communication is political advertising that 1) clearly identifies at least one candidate for state, local, or judicial office; 2) appears within 60 days of an election in the candidate's jurisdiction; 3) is distributed through radio, television, postal mailing, billboard, newspaper or periodical; **and** 4) either alone, or in combination with other communications by the sponsor identifying the candidate, has a fair market value of \$5,000 or more. Each person sponsoring an electioneering communication, regardless of whether the sponsor acted individually or as part of a group, reports expenditures exceeding \$100 and funding sources giving more than \$250. Electioneering communications are reported on PDC Form C-6 within 24 hours of, or on the first working day after, the date the communication was first broadcast, mailed, erected, or published. The C-6 must be filed electronically. [Effective January 1, 2006, Chapter 445, Laws of 2005.]

Public Inspection of Campaign Records. Candidates and political committees no longer have to make their campaign books available for a specified two-hour inspection period on the eight day before an election. Instead, a candidate's or political committee's books of account must be kept current within one business day and available for public inspection by appointment during the eight days immediately preceding the date of the election (Saturday, Sunday, and legal holidays are excluded). Inspection will occur at the address designated on the C-1 or C-1pc. [RCW 42.17.080(5)]

Candidate Registration (PDC C-1 form) was amended to accommodate the change to the public inspection requirement and to include space for the candidate to supply a personal e-mail address. [WAC 390-16-012]

Reporting by Out-of-State Political Committees. An out-of-state political committee, including any committee filing campaign reports with the Federal Election Commission, that is not otherwise required to file campaign disclosure reports in Washington state shall file a statement (C-5 report) with the PDC when it makes an expenditure supporting or opposing Washington state candidates or ballot measures. The statement shall disclose:

- The committee's name and address, its purpose(s), and the names, addresses and titles of its officers or, if it has no officers, the names, addresses, and the titles of its responsible leaders;
- The name, office sought, and party affiliation of each candidate in the state of Washington whom the committee is supporting or opposing and the name of the political party if the out-of-state committee is supporting or opposing the entire ticket of any party;
- Any Washington ballot proposition supported or opposed and whether the committee is supporting or opposing the measure;
- The name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has contributed more than \$25 in the aggregate to the out-of-state committee during the current calendar year, together with the amounts of such contributions;
- The name, address, and employer of each person and the name and address of each corporation residing outside the state of Washington who has contributed more than \$2,500 in the aggregate to the out-of-state committee during the current calendar year, together with the amounts of such contributions;
- The name and address of each person in the state of Washington to whom an expenditure of \$50 or more was made by the out-of-state committee with respect to a candidate or political committee, the amount, date, purpose of the expenditure, and the total sum of expenditures.

This statement is due on the 10th day of the month following any month in which the contributions are made to or expenditures are made on behalf of Washington state candidates or ballot measures. An out-of-state committee incurring an obligation to file additional statements in a calendar year may satisfy the obligation by timely filing supplemental reports. [SSB 1226, effective 6/7/06]

Candidate Contribution Limits.

<u>OFFICE SOUGHT:</u>	<u>LIMIT</u>
State Executive (Governor, Treasurer, Attorney General, etc.)	\$1,400 per election*
Legislative (Senator and State Representative)	\$700 per election*
Judicial [Supreme Court, state Courts of Appeal, Superior, District & Municipal Courts]	<u>\$1,400 per election</u>
<u>County-wide office in a county that has over 200,000 registered voters as of the last</u> <u>General Election</u> [King, Pierce, Snohomish & Spokane Counties in 2006]	<u>\$700 per election*</u>
<u>Port Commissioner in a port district that has over 200,000 registered voters as of the last</u> <u>General Election</u> [Port of Seattle and Port of Tacoma in 2006]	<u>\$1,400 per election*</u>

*Contributions made by political party and caucus committees are subject to different limits.

Contributions received by judicial, county, and port district candidates that exceed the contribution limit that have not been spent by the recipient by June 7, 2006 must be disposed of in accordance with RCW 42.17.095 except for subsections (6) and (7) of that section. [SSB 1226, effective 6/7/2006]

Session Freeze. Candidates who are subject to the session freeze period may accept contributions received through the mail after the start of the session freeze period if the contribution is postmarked prior to the session freeze start date. [SSB 1226, effective 6/7/2006]

The session freeze will be in effect during the period beginning on the 30th 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. [ESB 6236, effective 1/1/2007]

Candidates Who Must File Campaign Disclosure Reports (“C” Series). Candidates who seek election to a state- or county-wide office or an office in a jurisdiction that had 5,000 or more registered voters as of the last General Election are subject to all provisions of the state public disclosure law. Candidates who seek election to an office in any political subdivision with less than 5,000 registered voters as of the last General Election are subject to all provisions of the state public disclosure law if they receive or expect to receive campaign contributions totaling \$5,000 or more [including the candidate’s own funds]. [SSB 6323, effective 6/7/2006]

Public Disclosure Commission’s Penalty Authority. The Commission’s penalty authority is \$1,700 for a single violation of law and \$4,200 for multiple violations of law. [ESB 6152, effective 6/7/2006]

Political Advertising: A candidate’s party affiliation or independent designation expressed ... on the declaration of candidacy shall be included in all political advertising and independent expenditures supporting or opposing the candidate and electioneering communications identifying the candidate.

(NEW SECTION) In an independent expenditure or electioneering communication transmitted via TV or other medium that includes a visual image, the following statement must be either clearly spoken, or appear in print and be visible for at least 4 seconds, appear in letters greater than 4% 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 ad 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 \$700 reportable under [RCW 42.17] during the 12-month period before the date of the advertisement.** Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(NEW SECTION) 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 \$700 reportable under [RCW 42.17] during the 12-month period before the date of the advertisement.** Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement. [Effective January 1, 2006, Chapter 445, Laws of 2005.]