Chapter 390-17 WAC
CONTRIBUTION LIMITATIONS

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

390-17-011 Caucus of the state legislature—Definition. [Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-17-011, filed 7/30/93, effective 8/30/93.] Repealed by WSR 02-12-007, filed 5/23/02, effective 6/23/02. Statutory Authority: RCW 42.17.370(1).

390-17-013 Committee—Definition. [Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-013, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-17-013, filed 7/30/93, effective 8/30/93.] Repealed by WSR 18-24-074, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304.

390-17-050 Independent expenditure—Definition. [Statutory Authority: RCW 42.17.370. WSR 93-22-002, § 390-17-050, filed 10/20/93, effective 11/20/93.] Repealed by WSR 96-09-016, filed 4/8/96, effective 5/9/96. Statutory Authority: RCW 42.17.370(1).

390-17-052 Independent expenditure—Disclosure. [Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-17-052, filed 7/30/93, effective 8/30/93.] Repealed by WSR 96-09-016, filed 4/8/96, effective 5/9/96. Statutory Authority: RCW 42.17.370(1).

390-17-205 Number of registered voters—Calculation. [Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-17-205, filed 7/30/93, effective 8/30/93.] Repealed by WSR 98-12-035, filed 5/28/98, effective 6/28/98. Statutory Authority: RCW 42.17.370(1).

WAC 390-17-015 Conduit—Definition. (1) "Conduit," as that term is used in the act and these rules, is defined as a person, other than an individual, that receives and spends earmarked contributions on behalf of a designated candidate, bona fide political party, caucus of the state legislature or other political committee.

(2) Pursuant to RCW 29B.40.180, a conduit may not make or transmit contributions on behalf of another.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-015, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-015, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-015, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-17-015, filed 7/30/93, effective 8/30/93.]

WAC 390-17-017 Definition—Facilities. "Facilities," as that term is used to define candidate in the act and in these rules means that which facilitates or makes some campaign activity possible including, but not limited to: Use of stationery, postage, machines and

equipment, use of employees of an entity during working hours, vehicles, office space, room or building, publications of an entity or client list of an entity.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-017, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-017, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 96-05-001, § 390-17-017, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-17-017, filed 7/30/93, effective 8/30/93.]

WAC 390-17-019 Contribution limits to affiliated committees. This rule sets out which committees, excluding ballot measure committees, are affiliated for the purpose of receiving contributions.

Persons subject to contribution limits who establish, maintain, or control multiple political committees may not circumvent those contribution limits through contributions made to the various committees.

(1) The following committees are affiliated for purposes of this rule:

(a) The authorized committee of a candidate subject to contribution limits set out in RCW 29B.40.020 or 29B.40.030 and any other political committee established, maintained, or controlled primarily by that candidate are affiliated for the purpose of receiving contributions.

(b) A caucus campaign committee and any other political committee established, maintained, or controlled primarily by the same legislative caucus as a whole or the officers of that caucus are affiliated for the purpose of receiving contributions.

(2) As used in this rule, the terms "established, maintained, or controlled" means the ability to direct or participate, other than through a vote as a member, in the governance of another entity through provisions of constitution, bylaws, contract or other formal or informal procedure.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-019, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-019, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1). WSR 16-10-080, § 390-17-019, filed 5/3/16, effective 6/3/16.]

WAC 390-17-030 Sample ballots and slate cards. (1) **Intent.** Under certain conditions, expenditures for sample ballots fall within the scope of RCW 29B.40.020(15) and are, therefore, exempt from contribution limits and eligible for payment with a bona fide political party's exempt funds. Sample ballots remain reportable under chapter 29B.25 RCW and subject to the political advertising provisions of the act.

The purpose of this exemption from the contribution limits is to allow political parties, political committees, and other sponsors to tell the general public which candidates they support. The exemption is not intended as a device to circumvent the contribution limits and full reporting requirements.

(2) For purposes of RCW 29B.10.230 and 29B.40.020(15), **"sample ballots"** means slate cards, or other candidate listings, whether writ-

ten or oral, that satisfy the qualifying criteria specified in subsection (10) of this section.

Sample ballots constitute political advertising for a slate or list of candidates and must include sponsor identification and otherwise be in compliance with the provisions of RCW 29B.30.050 through 29B.30.080.

(3)(a) A bona fide political party may use contributions it receives pursuant to RCW 29B.40.020(15) to produce and distribute sample ballots.

(b) Expenditures for sample ballots do not count against a bona fide political party's contribution limit to the candidates listed on the sample ballot. Further, when reporting sample ballot expenditures, a bona fide political party is not required to attribute a portion of the expenditure to each of the candidates and ballot propositions (if any) listed on the sample ballot, but the names of the candidates and ballot propositions must be reported along with the other information required by chapter 29B.25 RCW and chapter 390-17 WAC.

(4) Any person, as defined by RCW 29B.10.400, who makes an expenditure for sample ballots has made an expenditure that does not count against that person's contribution limit to the candidates listed.

(5) An in-state political committee, when disclosing expenditures for sample ballots as part of its C-4 report, is not required to attribute a portion of the expenditure to the candidates and ballot propositions (if any) listed on the sample ballot, but the names of the candidates, including their respective party affiliations, and ballot propositions must be reported along with other information required by chapter 29B.25 RCW and chapter 390-17 WAC.

(6) An out-of-state committee, when disclosing expenditures for sample ballots on a C-5 report, is not required to attribute a portion of the expenditure to the candidates and ballot propositions (if any) listed on the sample ballot, but must report that an expenditure for sample ballots was made, the name and address of the person to whom the expenditure was made, the full amount of the expenditure, and the name, office sought and party affiliation of each candidate listed on the sample ballot, as well as each ballot proposition listed on the sample ballot. The report is due no later than the 10th day of the month following the month in which the expenditure was made.

(7) If a lobbyist or lobbyist employer makes expenditures for sample ballots, those expenditures are required to be reported in detail on the lobbyist's monthly L-2 report. Itemization of these expenditures must include the names and respective party affiliations of the candidates listed on the sample ballot, but no portion of the expenditure need be attributed to individual candidates or ballot propositions (if any) listed on the sample ballot.

(8) The candidates listed on a sample ballot are not required to report any portion of the expenditure as an in-kind contribution to their campaigns.

(9) Qualifying criteria for sample ballots. In order not to count against a person's contribution limit to the candidates listed on a sample ballot and, in the case of a bona fide political party, in order to be eligible for payment with contributions received pursuant to RCW 29B.40.020(15), a sample ballot must satisfy all of the criteria in (a) through (d) of this subsection.

(a) The sample ballot must list the names of at least three candidates for election to public office in Washington state and be distributed in a geographical area where voters are eligible to vote for at least three candidates listed. The candidate listing may include

any combination of three or more candidates, whether the candidates are seeking federal, state, or local office in Washington. In addition, the sample ballot may include the support or opposition to any local or state ballot proposition, so long as the number of ballot propositions appearing on the sample ballot does not outnumber the number of candidates on the sample ballot.

(b) The sample ballot must not be distributed through public political advertising; for example, through broadcast media, newspapers, magazines, billboards or the like. The sample ballot may be distributed through direct mail, telephone, electronic mail, websites, electronic bulletin boards, electronic billboards or personal delivery by volunteers.

(c) The content of a sample ballot is limited to:

(i) The identification of each candidate (pictures may be used);

(ii) The office or position currently held;

(iii) The office sought;

(iv) Party affiliation;

(v) For any ballot proposition, the assigned number, the full (or abbreviated) official ballot title, as provided in RCW 29A.72.050, 29A.36.071, or otherwise set forth in statute, and a simple statement (such as "yes" or "no"), check mark, or indication of support for, or opposition to, the proposition; and

(vi) Information about voting hours and locations.

Therefore, the sample ballot may not include any additional biographical data on candidates or their positions on issues, as well as statements about the candidate's or sponsor's philosophy, goals or accomplishments. The sample ballot may not include any other information about any ballot proposition beyond the language of the official ballot title. Public investment impact disclosures, under RCW 29A.72.027, are not considered part of the official ballot title and may not be included on the sample ballot. The sample ballot may not include statements about the sponsor's reasons for supporting or opposing the ballot proposition, and may not directly or indirectly indicate any candidate's support for or opposition to any ballot proposition.

(d) The sample ballot is a stand-alone political advertisement. It may not be a portion of a more comprehensive message or combined in the same mailing or packet with any other information, including get-out-the-vote material, candidate or campaign brochures, or statements about a candidate's or sponsor's philosophy, goals or accomplishments.

[Statutory Authority: RCW 29B.20.030. WSR 26-05-060, s 390-17-030, filed 2/13/26, effective 3/16/26. Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-030, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-030, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-030, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 07-07-005, § 390-17-030, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370 and 42.17.562. WSR 06-11-132, § 390-17-030, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). WSR 04-12-056, § 390-17-030, filed 5/28/04, effective 6/28/04; WSR 02-12-007, § 390-17-030, filed 5/23/02, effective 6/23/02; WSR 99-12-066, § 390-17-030, filed 5/27/99, effective 6/27/99; WSR 96-05-001, § 390-17-030, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-17-030, filed 7/30/93, effective 8/30/93.]

WAC 390-17-060 Exempt contributions and activities—Definitions, reporting. (1)(a) "Exempt contributions" are contributions made to a political committee which are earmarked for exempt activities as described in RCW 29B.40.020. Such contributions are required to be reported under RCW 29B.25.100, are subject to the restrictions in RCW 29B.40.070, but are not subject to the contribution limits in RCW 29B.40.020. Any written solicitation for exempt contributions must be so designated. Suggested designations are "not for individual candidates" or "for exempt activities."

(b) Contributions made to a caucus political committee, to a candidate or candidate's authorized committee which are earmarked for voter registration, absentee ballot information, get-out-the-vote campaigns, or sample ballots are presumed to be for the purpose of promoting individual candidates and therefore not exempt contributions and are subject to the contribution limits in RCW 29B.40.020.

(c) Contributions made to a caucus political committee, to a candidate or candidate's authorized committee which are earmarked for internal organization expenditures or fund-raising are presumed to be with direct association with individual candidates and therefore not exempt contributions and are subject to the contribution limits in RCW 29B.40.020.

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

(3) "Exempt activities" are those activities referenced in RCW 29B.40.020 as further clarified by subsections (4), (5), and (6) of this section. Only exempt activities are eligible for payment with exempt contributions.

(4)(a) Activities referenced in RCW 29B.40.020 (15)(a) that do not promote, or constitute political advertising for, one or more clearly identified candidates qualify as exempt activities. For example, get-out-the-vote telephone bank activity that only encourages persons called to "vote republican" or "vote democratic" in the upcoming election may be paid for with exempt contributions regardless of the number of candidates who are benefited by this message. Expenditures or contributions for electioneering communications made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent do not qualify as exempt activities, under WAC 390-05-210.

(b) Except as permitted under WAC 390-17-030, Sample ballots and slate cards, activities referenced in RCW 29B.40.020 (15)(a) that promote or constitute political advertising for one or more clearly identified candidates do not qualify as exempt activities.

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

(5)(a) "Internal organization expenditures" referenced in RCW 29B.40.020 (15)(b) are expenditures for organization purposes, including legal and accounting services, rental and purchase of equipment and office space, utilities and telephones, postage and printing of newsletters for the organization's members or contributors or staff when engaged in organizational activities such as those previously listed, all without direct association with individual candidates.

(b) "Fund-raising expenditures" referenced in RCW 29B.40.020 (15)(b) are expenditures for fund-raising purposes, including facilities for fund-raisers, consumables furnished at the event and the cost of holding social events and party conventions, all without direct association with individual candidates.

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

(6) For purposes of RCW 29B.40.020 and this section, activities that oppose one or more clearly identified candidates are presumed to promote the opponent(s) of the candidate(s) opposed.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-060, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-060, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-060, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 11-05-050, § 390-17-060, filed 2/10/11, effective 3/13/11; WSR 07-07-005, § 390-17-060, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370 and 42.17.562. WSR 06-11-132, § 390-17-060, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). WSR 02-12-007, § 390-17-060, filed 5/23/02, effective 6/23/02; WSR 02-03-018, § 390-17-060, filed 1/4/02, effective 2/4/02; WSR 96-05-001, § 390-17-060, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370. WSR 93-24-003, § 390-17-060, filed 11/18/93, effective 12/19/93.]

WAC 390-17-065 Recordkeeping and reporting of exempt contributions accounts. (1) Any political committee that receives exempt contributions as defined by RCW 29B.40.020 and WAC 390-17-060 shall keep the contributions in a separate bank account. Exempt contributions commingled with contributions subject to contribution limits are presumed to be subject to the limits. Expenditures to promote candidates or which are made for purposes other than those specified in RCW 29B.40.020 shall not be made with funds from the exempt contributions account.

(2)(a) Separate campaign disclosure reports shall be completed and filed for an exempt contributions account.

(b) Political committees maintaining an exempt contributions account shall make known the existence of the account by filing a statement of organization for the account pursuant to RCW 29B.25.020.

(c) Political committees maintaining an exempt contributions account shall be subject to the provisions of chapter 29B.25 RCW and file the disclosure reports required by this chapter for the account pursuant to RCW 29B.25.090.

(3) Contributors shall not use a single written instrument to make simultaneous contributions to an exempt contributions account and any other committee account; separate written instruments must be used to make contributions to an exempt contributions account.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-065, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-065, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 07-07-005, § 390-17-065, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370(1). WSR 96-05-001, § 390-17-065, filed 2/7/96, effective

3/9/96. Statutory Authority: RCW 42.17.370. WSR 93-24-003, § 390-17-065, filed 11/18/93, effective 12/19/93.]

WAC 390-17-070 Trade association—Definition. "Trade association," as that term is used in RCW 29B.40.150 and in these rules, means a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit, and for which no part of net earnings inures to the benefit of any member.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-070, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-070, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-070, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 93-22-002, § 390-17-070, filed 10/20/93, effective 11/20/93.]

WAC 390-17-071 Collective bargaining association—Definition. "Collective bargaining association" and "collective bargaining organization" as those terms are used in RCW 29B.40.150 and in these rules means any organization which negotiates, on behalf of labor or management, with respect to wages, hours or conditions of employment.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-071, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-071, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-071, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.390. WSR 94-05-010, § 390-17-071, filed 2/3/94, effective 3/6/94.]

WAC 390-17-100 Contribution withholding authorizations for payroll deductions. (1) Each employer or other person who withholds or otherwise diverts a portion of wages or salary of a Washington resident or a nonresident whose primary place of work is in the state of Washington shall have on file the individual's written authorization before withholding or diverting the individual's wages or salary for:

(a) The purpose of making one or more contributions to any political committee required to report pursuant to RCW 29B.25.020, 29B.25.050, 29B.25.070, 29B.25.090, or 29B.25.100; or

(b) Use, specifically designated by the contributing employee, for political contributions to candidates for state or local office.

(2) Forms used for payroll deduction may either conform to the suggested format below or be in a different format including an electronic format if it provides the following information:

(a) The name of the individual authorizing the withholding or diversion;

(b) The name of the individual's employer;

(c) The name of each political committee or candidate for which contributions are to be withheld;

(d) If more than one political committee or candidate is specified, the total dollar amount per pay period (or per week, month or year) to be withheld for each committee or candidate;

(e) A statement specifying that the authorization may be revoked at any time and such revocation shall be in writing;

(f) A statement that reads: "No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (i) the failure to contribute to, (ii) the failure in any way to support or oppose, or (iii) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee"; or a statement that informs the employee of the prohibition against employer and labor organization discrimination described in RCW 29B.40.230;

(g) The individual's signature or other reliable and secure verification that the individual is authorizing the withholding or diversion; and

(h) The date on which the form was completed.

(3) Forms used for payroll deduction may have information in addition to that listed in subsection (2) of this section. A form that satisfies subsection (2) of this section constitutes the written authorization of the individual authorizing the withholding or diversion.

(4) Employers and other persons who withhold or divert wages or salaries must:

(a) Maintain the completed forms, with the individual's signature or verification, for as long as the withholding or diversion continues;

(b) Keep the forms and other documents described in RCW 29B.40.230(4) open for public inspection for three years after the last disbursement of wages or salaries; and

(c) Provide the forms and other documents described in RCW 29B.40.230(4) to the commission upon request.

Political Contribution Withholding Authorization

No employer or other person may withhold a portion of a Washington State resident's earnings (or that of a nonresident whose primary place of work is in Washington) in order to make contributions to a political committee that must report to the Public Disclosure Commission or to a candidate for state or local office without written permission from that individual. Completion of this form entitles the entity specified to make such a withholding. This authorization form remains in effect until revoked in writing by the employee.

I, _____, authorize _____

First Name Middle Initial Last Name Name of Employer or Other Person

_____ to withhold $ _____ per/pay period/week/month/year/

Amount Circle One

from my earnings in order to make political contributions to _____

Name of

_____

political committee(s) and/or candidate(s) to receive deductions

If more than one recipient is indicated, each is to receive the following portion of the deduction made: _____.

Signature: _____ **Date:** _____

According to state law, 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.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-100, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-100, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110 and 42.17A.495. WSR 13-12-016, § 390-17-100, filed 5/24/13, effective 6/24/13. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-100, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 03-08-052, § 390-17-100, filed 3/28/03, effective 4/28/03; WSR 93-16-064, § 390-17-100, filed 7/30/93, effective 8/30/93.]

WAC 390-17-105 Payroll deductions for small contributors of $25 or less. (1) To comply with RCW 29B.40.230(4), each person or entity who withholds contributions of individuals shall, in lieu of disclosing the names and signatures, substitute unique numerical identifiers for persons making contributions in the amount of $25 or less during a calendar or fiscal year on the signed withholding authorization form or on other documents (such as payroll deductions) subject to RCW 29B.40.230(4).

(2) Contribution withholding authorization forms or payroll deduction documentation of contributors whose annual aggregate contribution is $25 or less during any calendar or fiscal year are not required by the commission to be made available for public inspection or copying when such records display the names, signatures, home addresses, Social Security numbers, or other information capable of personally identifying those contributors.

(3) The names, signatures, home addresses, Social Security numbers or other information capable of personally identifying contributors whose annual aggregate contribution to a person or entity is $25 or less during any calendar or fiscal year shall not be provided by the PDC.

(4) Each person or entity who withholds contributions under RCW 29B.40.230 shall, upon request, deliver to the PDC documents of books and accounts described in RCW 29B.40.230(4).

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-105, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-105, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-105, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 04-01-129, § 390-17-105, filed 12/18/03, effective 1/18/04.]

WAC 390-17-110 Employee notification of payroll deduction withholding provisions. (1)(a) By June 30, 2003, and at least annually by June 30 thereafter, employees from whom funds are being withheld for contributions to a candidate or political committee under RCW 29B.40.230 shall be notified, in writing, of the nondiscriminatory

provisions of RCW 29B.40.230(2). Employee notification shall include the following language:

"No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for:

(i) The failure to contribute to;

(ii) The failure in any way to support or oppose; or

(iii) In any way supporting or opposing a candidate, ballot proposition, political party, or political committee."

(b) The written notification shall be provided by the employer or labor organization. The employer or labor organization may agree on which entity shall send the notification.

(2)(a) Pursuant to RCW 29B.40.230(3), at least annually by June 30th, each employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries shall ensure written notification is directly provided to the employees from whom funds are being withheld for contributions to a candidate or political committee stating that the employee authorization for withholding of wages or salary for such contributions may be revoked at any time. The employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries and the candidate, political committee, or sponsor of the political committee may agree on which of them shall send the notification.

(b) The written notification shall identify where an employee can submit the revocation, which shall be either:

(i) The name and address of employer's contact; or

(ii) The name and address of the person or entity responsible for the disbursement of funds in payment of wages or salaries.

(c) The employee withholding authorization is revoked as of:

(i) The date specified in the revocation; or

(ii) If no date is specified, as of the date the written notification is received by the employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries pursuant to RCW 29B.40.230.

(3) "Written notification" means notice provided by mail, email, newsletter, payroll insert or other similar direct communication in writing that is addressed to the employee. Posting information on websites, bulletin boards and other passive communication vehicles shall not constitute notification under RCW 29B.40.230. If the written notification appears in a newsletter or similar publication, the notice shall be prominently displayed or announced on the first page of the written communication.

(4) Each employer or other person who provides notice pursuant to subsection (1) or (2) of this section shall maintain a copy of the annual notification and a listing of employees notified for a period of no less than five years.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-110, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-110, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-110, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 03-08-050, § 390-17-110, filed 3/28/03, effective 4/28/03.]

WAC 390-17-200 Major political party organizations. (1) With respect to a major political party, each of the following is consid-

ered a separate organization for purposes of making and receiving contributions: Governing body of the state organization, county central committee, and legislative district committee.

(2) Each major political party is restricted to one state central committee, one county central committee per county, and one legislative district committee per legislative district for making and receiving contributions.

(3) Each major political party shall designate each county central committee and each legislative district committee and shall notify the commission in writing of the names, addresses, telephone numbers, and email addresses of each committee officer within two weeks following the designation.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-200, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17.370. WSR 02-23-001, § 390-17-200, filed 11/6/02, effective 12/7/02; WSR 93-16-064, § 390-17-200, filed 7/30/93, effective 8/30/93.]

WAC 390-17-300 Contribution designation for primary and general election. (1) Pursuant to RCW 29B.40.020 and 29B.40.030, if a contribution is designated in writing by the contributor for a specific election, the contribution will be attributed to the contributor's limit for that designated election.

(2) An undesignated contribution made prior to the date of a primary election shall be attributed to the contributor's limit for the primary election. Undesignated contributions made after the date of the primary shall be attributed to the contributor's limit for the general election.

(3) Any portion of an undesignated contribution made prior to the date of the primary which exceeds the contributor's primary election contribution limit shall be attributed to the contributor's limit for the general election.

(4) Contributions for the primary election shall be accounted for separately from those for the general election, such that campaign records reflect one aggregate contribution total for each contributor giving in the primary election as well as one aggregate contribution total for each contributor giving in the general election.

(5) General election contributions shall not be spent for the primary election if to do so would cause the contributor of the general election contribution to exceed that contributor's contribution limit for the primary election.

(6) If a candidate loses in the primary election, or otherwise is not a candidate in the general election, all contributions attributed to the primary election remaining after repayment of outstanding campaign obligations shall be considered surplus funds, disposal of which is governed by RCW 29B.40.090. If a candidate loses in the primary election, or otherwise is not a candidate in the general election, all contributions attributed to the general election shall be returned to the contributors of the funds in an amount equal to the contributor's general election aggregate total. If a portion of a contributor's general election contribution was spent on the primary election consistent with subsection (5) of this section, the amount returned to the contributor may be reduced by the amount of the contribution spent on the primary election.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-300, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-300, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 07-07-005, § 390-17-300, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.390. WSR 94-07-141, § 390-17-300, filed 3/23/94, effective 4/23/94. Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-17-300, filed 7/30/93, effective 8/30/93.]

WAC 390-17-301 Eligibility to receive primary election contributions. (1) Candidates for state and certain local offices are subject to the contribution limits in RCW 29B.40.020. Judicial candidates are subject to the contribution limits in RCW 29B.40.030. Only candidates who appear on the primary election ballot or as write-in candidates in the primary election may receive primary election contributions.

(2) Once the appropriate elections official determines that no primary election for a particular office will be held, a declared candidate for that office must refund any contributions received in excess of the general election contribution limit. The candidate or the candidate's authorized committee must make the refunds within two weeks of the election's official's determination, and must disclose the refunds on the appropriate report.

(3) Failure by a candidate or a candidate's authorized committee to make refunds as required by subsection (2) of this section is a violation of RCW 29B.40.020 or 29B.40.030 by the candidate, but not by the contributors who made primary election contributions before a determination was made that no primary election would be held.

(4) WAC 390-17-303 sets out additional eligibility criteria for superior court candidates.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-301, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1). WSR 14-12-013, § 390-17-301, filed 5/22/14, effective 6/22/14.]

WAC 390-17-302 Contributions after the primary election. (1) Pursuant to RCW 29B.40.020 and 29B.40.030, the date of the primary is the last day for making primary-related contributions unless a candidate subject to contribution limits loses in the primary, that candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary, and the contributions are used to satisfy this outstanding debt.

(2) For purposes of the contribution limit in RCW 29B.40.020 and 29B.40.030, any contribution made up to 30 days after the primary election pursuant to RCW 29B.40.020 and 29B.40.030 is aggregated with contributions made on or before the date of the primary from the same contributor and any person with whom that contributor shares a limit under RCW 29B.40.150 and WAC 390-16-309.

(3) The day following the primary election is considered the first day of the 30-day period during which contributions may be made to candidates subject to contribution limits who lose in the primary election and who have outstanding primary debts.

(4) For purposes of RCW 29B.40.020 and 29B.40.030, "outstanding primary debts," "outstanding debts" and "debts outstanding" all mean:

(a) Unpaid primary-election-related debts incurred on or before the date of the primary by the authorized committee of a candidate who lost the primary election for an office subject to contribution limits; and

(b) Reasonable costs associated with activities of the losing candidate's authorized committee necessary to retire the primary-election-related debts it incurred on or before the date of the primary. Examples of such reasonable costs include:

(i) Necessary administrative expenses (office space rental, staff wages, taxes, supplies, telephone and computer costs, postage, and the like) for activities actually and directly related to retiring the committee's debt; and

(ii) Necessary expenses actually and directly related to the fund-raising activities undertaken to retire the debt, as long as all persons solicited for contributions are notified that the contributions are subject to that contributor's primary election limit for that losing candidate.

(5) Nothing in this section is to be construed as authorizing contributors to make, or candidates subject to contribution limits who lose the primary to receive, contributions that are used for a purpose not specifically authorized by RCW 29B.40.020 or 29B.40.030, including use for some future election or as surplus funds.

(6) All contributions received in excess of the sum needed to satisfy outstanding primary debts shall be returned to the original contributors in an amount not to exceed the amount contributed in accordance with the first in, first out accounting principle wherein the most recent contribution received is the first to be returned until all excess funds are returned to contributors.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-302, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-302, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-302, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 10-20-012, § 390-17-302, filed 9/24/10, effective 10/25/10. Statutory Authority: RCW 42.17.370. WSR 07-07-005, § 390-17-302, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370 and 42.17.690. WSR 01-22-050, § 390-17-302, filed 10/31/01, effective 1/1/02.]

WAC 390-17-303 Superior court candidates—Eligibility to receive contributions. (1) Candidates for judicial office are subject to the contribution limits in RCW 29B.40.030 and the timing restriction on contributions of a candidate's personal funds in RCW 29B.40.070. Pursuant to Article 4, Section 29, Amendment 41 of the state Constitution and RCW 29B.40.030, candidates for the office of judge of the superior court may only receive contributions for each election in which the candidate is on the ballot or appears as a write-in candidate.

(2) For purposes of RCW 29B.40.030:

(a) Only superior court candidates who appear on the primary election ballot or as write-in candidates in the primary election may receive contributions with respect to that primary; and

(b) Only superior court candidates who appear on the general election ballot or as write-in candidates in the general election may receive contributions with respect to that general election.

(3)(a) A superior court candidate who is issued a certificate of election before the primary election and whose name does not appear on either the primary or general election ballot may receive contributions pursuant to RCW 29B.40.030:

(i) Through the last day for withdrawal of declarations of candidacy pursuant to RCW 29A.24.131; or

(ii) If there is a reopening of filing for the position and no other candidate files, the last day for reopening of filing pursuant to RCW 29A.24.171 and 29A.24.181.

(b) Contributions remaining in the account of such a superior court candidate who is issued a certificate of election must be returned to contributors within two weeks of certification. Primary-election-related contributions are to be returned using the first-in, first-out accounting method. Any contributions received with respect to the general election must be returned in full to contributors.

(4) A superior court candidate who is issued a certificate of election after the primary election and whose name does not appear on the general election ballot may receive contributions pursuant to RCW 29B.40.030. However, contributions received with respect to the general election must be returned in full to contributors within two weeks of certification.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-303, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-303, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-303, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370 and 2006 c 348. WSR 07-14-126, § 390-17-303, filed 7/3/07, effective 11/7/07.]

WAC 390-17-305 Personal funds of a candidate. (1) The personal funds of a candidate include:

(a) Assets which the candidate has legal access to or control over, and which he or she has legal title to or an equitable interest in, at the time of candidacy;

(b) Income from employment;

(c) Dividends and proceeds from stocks and other investments;

(d) Income from trusts, if established before candidacy;

(e) Income from trusts established from bequests, even if established after candidacy;

(f) Personal gifts, if customarily received; and

(g) Proceeds from lotteries and similar games of chance.

(2) A candidate may also use, as personal funds, his or her portion of assets owned jointly with a spouse or domestic partner. If the candidate's financial interest is not specified, then the candidate's share is deemed to be half the value of the asset.

(3) If any person gives or loans the candidate funds in connection with their campaign, the funds are not considered personal funds of the candidate. Such funds are considered a contribution under Title 29B RCW unless the loan meets the exemption provided in RCW 29B.40.170(3).

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-305, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-305, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR

12-03-002, § 390-17-305, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370 and 2008 c 6 § 1303. WSR 09-01-063, § 390-17-305, filed 12/11/08, effective 1/11/09. Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-17-305, filed 7/30/93, effective 8/30/93.]

WAC 390-17-310 Definition—Doing business in Washington. A corporation or business entity is "doing business in Washington state" for purposes of RCW 29B.40.020 if it conducts continuous or substantial activities in Washington state of such character as to give rise to a legal obligation.

In determining whether a corporation or business entity is doing business in Washington state, the commission will take into consideration the following nonexclusive list of indicators:

• Purposefully availing itself of the privilege of conducting business in the state by invoking both benefits and protections of state law.

• Appointing an agent for service of process in Washington state.

• Registering as a corporation in Washington.

• Operating business locations in Washington.

• Hiring employees to work in Washington.

• Purchasing or selling goods or services in Washington.

• Operating an interactive internet website for the purpose of conducting business.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-310, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-310, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-310, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 07-07-005, § 390-17-310, filed 3/8/07, effective 4/8/07; WSR 05-04-039, § 390-17-310, filed 1/27/05, effective 2/27/05. Statutory Authority: RCW 42.17.370(1). WSR 96-05-001, § 390-17-310, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-17-310, filed 7/30/93, effective 8/30/93.]

WAC 390-17-315 Political committees—Qualifications to contribute. (1) Within 180 days of making a contribution 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, a political committee shall have received contributions of $25 or more each from at least 10 individuals registered to vote in Washington state.

(2) A political committee shall have received contributions of $25 or more each from at least 10 individuals registered to vote in Washington state before contributing to a Washington state political committee.

(3) A political committee shall maintain a list of the names and addresses of these registered voters from whom contributions are received, the amount of each contribution, and the date each contribution is received. Upon written request of the commission or other person seeking this information, the political committee shall provide the list within 14 days.

[Statutory Authority: RCW 42.17A.110, 42.17A.125, 42.17A.615, and 42.17A.640. WSR 24-01-028, § 390-17-315, filed 12/8/23, effective 1/8/24. Statutory Authority: RCW 42.17A.110 and [42.17A.]125. WSR 23-12-036, § 390-17-315, filed 5/30/23, effective 6/30/23. Statutory Authority: RCW 42.17.130 and 42.17.093. WSR 12-01-047, § 390-17-315, filed 12/14/11, effective 1/14/12. Statutory Authority: RCW 42.17.370. WSR 07-07-005, § 390-17-315, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370(1). WSR 02-03-018, § 390-17-315, filed 1/4/02, effective 2/4/02; WSR 96-05-001, § 390-17-315, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.390. WSR 94-07-141, § 390-17-315, filed 3/23/94, effective 4/23/94. Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-17-315, filed 7/30/93, effective 8/30/93.]

WAC 390-17-320 Contributions from corporations, businesses, unions and political committees. Pursuant to RCW 29B.40.020, entities prohibited from contributing to a candidate for state office, a state official against whom recall charges have been filed or a political committee having the expectation of making expenditures in support of the recall of the official shall not earmark or otherwise direct a contribution to one of these recipients through a political committee.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-320, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-320, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 07-07-005, § 390-17-320, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370(1). WSR 96-05-001, § 390-17-320, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.390. WSR 94-11-016, § 390-17-320, filed 5/5/94, effective 6/5/94.]

WAC 390-17-400 Time limit to solicit or accept contributions. The purpose of this rule is to clarify and implement the restriction period set forth in RCW 29B.45.020.

(1) "Campaign debt," as used in RCW 29B.45.020 and these rules, means any debt incurred by a candidate seeking election to a Washington state nonfederal public office, including campaigns for state, county, city, town, school district, special district or other state political subdivision elective office.

(2) "Known candidates" means individuals who are, or who become, candidates for state or local office during a legislative session freeze period.

(3) "Legislative session freeze period" means the period of time in RCW 29B.45.020 within which contributions shall not be solicited or accepted by a state official or a person employed by or acting on behalf of a state official.

(a) The freeze period begins at 12:01 a.m. on the thirtieth day before the start of the regular legislative session and ends at 11:59 p.m. on the day of adjournment of the regular legislative session.

(b) If a special session is held immediately following the end of the regular legislative session, the freeze period ends at 11:59 p.m. on the day the special session adjourns.

(c) If a special session is held other than within 30 days before a regular legislative session, the freeze period begins at 12:01 a.m.

on the first day of the special session and ends at 11:59 p.m. on the final day of the special session.

(4) A successful candidate for state office who does not already hold a state office is not required to comply with RCW 29B.45.020 until sworn into office.

(5) A state official must comply with RCW 29B.45.020 until he or she no longer holds state office.

(6) Activities allowed during a freeze period. During a legislative session freeze period, the activities in which state officials may engage include, but are not limited to:

(a) Soliciting or accepting contributions to assist their own campaign for federal office;

(b) Accepting gifts or other items permitted under chapter 42.52 RCW, so long as the gift or other item is not

- A contribution to an incumbent state official or known candidate,
- A contribution to a public office fund,
- Used to pay a nonreimbursed public office related expense, or
- Used to retire a campaign debt;

(c) Attending and speaking at a fund-raising event held by or on behalf of a bona fide political party, so long as the contributions raised are not earmarked or otherwise designated for any incumbent state official or known candidate;

(d) Attending a fund-raiser held by a candidate who is not subject to RCW 29B.45.020, provided the state official does not solicit or accept any contributions in connection with the fund-raiser.

(i) The state official's planned attendance may be included in publicity for the fund-raiser.

(ii) The state official may receive complimentary admission from the candidate so long as the official attends to show support for the candidate and the attendance does not assist the official's own campaign.

(e) Transferring their own personal funds, as defined in WAC 390-17-305, or their own "surplus funds," as defined in RCW 29B.10.520, to their own campaign account, so long as the funds are properly reported;

(f) Soliciting or accepting contributions on behalf of a nonprofit charity; or

(g) Soliciting or accepting contributions on behalf of any political committee, including a caucus political committee, a bona fide political party or a ballot measure committee, so long as the political committee does not spend the contributions for the benefit of incumbent state officials or known candidates.

(7) Activities not allowed during a freeze period. During a legislative session freeze period, a state official, or a person employed by or acting on behalf of a state official, may not solicit or accept contributions that:

(a) Go to an incumbent state official or known candidate;

(b) Go to a public office fund;

(c) Are used to pay a nonreimbursed public office related expense;

(d) Are used to retire a campaign debt;

(e) Go to a caucus political committee if the committee spends the contributions for the benefit of incumbent state officials or known candidates; or

(f) Go to a bona fide political party or a political committee if the political party or committee spends the contributions for the benefit of incumbent state officials or known candidates.

(8) "Person employed by or acting on behalf of a state official" includes a caucus political committee or any political committee financed or controlled by a legislative caucus as a whole or by one or more officers of a caucus political committee.

(a) During a legislative session freeze period, a person employed by or acting on behalf of a state official may not solicit or accept contributions for any of the purposes specified in subsection (7) of this section.

(b) During a legislative session freeze period, a caucus political committee may solicit or accept contributions from caucus members if the members make the contributions with their own personal funds, as defined in WAC 390-17-305, or with their own "surplus funds," as defined in RCW 29B.10.520.

(c) During a legislative session freeze period, a caucus political committee may not solicit or accept contributions for any of the purposes specified in subsection (7) of this rule.

(9) Bona fide political parties. During a legislative session freeze period, a bona fide political party may not solicit or accept contributions that are

- Used for a public office fund,
- Used for a state official's nonreimbursed public office related expenses,
- Used for retiring a state official's campaign debt, or
- Earmarked contributions to specific incumbent state officials or known candidates.

However, a bona fide political party may solicit or accept contributions for its own fund-raising purposes.

(10) Segregating session freeze funds. During a legislative session freeze period, if a state official, a caucus political committee, or another person employed by or acting on behalf of a state official solicits or accepts contributions to

- A caucus political committee,
- A bona fide political party, or
- Any political committee that supports or opposes state or local office candidates, the contributions are presumed to violate RCW 29B.45.020, unless the contributions are deposited into a separate bank account and not spent for the benefit of incumbent state officials or known candidates.

However, nothing in this subsection authorizes a state official, a caucus political committee or any person employed by or acting on behalf of a state official to take any of the actions prohibited by subsection (7) or (8)(c) of this section.

(11) Session freeze solicitations. If a person is solicited for a contribution during the legislative session freeze period by a state official, a caucus political committee, or another person employed by or acting on behalf of a state official; and the contribution is to a caucus political committee, a bona fide political party, or a political committee that supports or opposes candidates for state or local office; and the person makes a contribution during or after the freeze period in response to this solicitation; then the contribution is subject to RCW 29B.45.020 and subsection (12) of this section.

(12) Spending contributions to benefit incumbents or known candidates. For purposes of complying with subsections (6)(g), (7)(e) and (f), and (10) of this section, contributions are considered spent for the benefit of incumbent state officials or known candidates if the contributions are used at any time for one or more of the following purposes:

(a) Contributions to incumbent state officials or known candidates;

(b) Independent expenditures supporting incumbent state officials or known candidates, or opposing their opponents, whether or not the opponents are themselves known candidates during a legislative session freeze period;

(c) Payments to staff, consultants or advisors for performing activities that directly assist or promote the election of incumbent state officials or known candidates; or

(d) Polls or surveys that relate to incumbent state officials, known candidates or their districts, or to general voter attitudes or preferences, unless

- A poll or survey is produced, conducted, tabulated and analyzed according to the terms of a written confidentiality agreement and, if the agreement is breached, all reasonable steps are taken to enforce it, and
- The results of a poll or survey are not provided by the spender, or with the spender's permission or prior knowledge, to incumbent state officials, known candidates or their agents.

However, candidate recruitment poll or survey results may be provided to an individual who later becomes a known candidate without the expenditure being considered as benefiting a known candidate so long as the poll or survey does not constitute a contribution to the individual or does not otherwise support or promote his or her election to state or local office. For purposes of this subsection, a "candidate recruitment poll or survey" is a poll or survey that is conducted for the sole purpose of recruiting candidates to run for public office and only determines

- The respondent's party preference;
- The level of support the incumbent currently has and how strong that support is, but not why he or she has that support;
- Whether respondents recognize the names of individuals who may decide to seek that elective office;
- Whether respondents currently hold a favorable opinion about these individuals, their abilities or fitness for elective office, but not why such opinions are held;
- Whether respondents would likely vote for one or more of these individuals were they to seek office, but not why respondents would vote in the manner they indicated or whether they could be persuaded to change their vote; and
- The validity of the poll or survey results.

(e) Any other expenditure that directly benefits or promotes the election to state or local office of incumbent state officials or known candidates.

(13) For online or credit card contributions, the contribution is considered received at the time the transfer is made from the merchant account to a candidate or political committee account, except that a contribution made to a candidate who is a state official or legislator outside the restriction period established in RCW 29B.45.020, but

transferred to the candidate's account within the restricted period, is considered received outside of the restriction period.

(a) Any such contributions should be reported as received on the date the transfer is made from the merchant account to a candidate or political committee account.

(b) The PDC may request that the state official or legislator document that the contribution was received by the merchant account outside the restriction period.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-400, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-400, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110, 42.17A.125(1). WSR 16-04-081, § 390-17-400, filed 1/29/16, effective 2/29/16. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-400, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 08-01-062 and 08-06-067, § 390-17-400, filed 12/14/07 and 3/3/08, effective 1/14/08 and 4/3/08. Statutory Authority: RCW 42.17.370(1). WSR 98-23-016, § 390-17-400, filed 11/6/98, effective 12/7/98; WSR 96-01-103, § 390-17-400, filed 12/19/95, effective 1/19/96. Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-17-400, filed 7/30/93, effective 8/30/93.]

WAC 390-17-405 Volunteer services. (1) In accordance with RCW 29B.10.160 (2)(f), an individual may perform services or labor for a candidate or political committee without it constituting a contribution, so long as the individual is not compensated by any person for the services or labor rendered and the services are of the kind commonly performed by volunteer campaign workers. These commonly performed services include:

(a) Office staffing;

(b) Doorbelling or leaflet drops;

(c) Mail handling (folding, stuffing, sorting and postal preparation, processing emails to and from the campaign);

(d) Political or fund-raising event staffing;

(e) Telephone bank activity (conducting voter identification, surveys or polling, and get-out-the-vote campaigns);

(f) Construction and placement of yard signs, hand-held signs or in-door signs;

(g) Acting as a driver for candidate or candidate or committee staff;

(h) Scheduling of campaign appointments and events;

(i) Transporting voters to polling places on election day;

(j) Except as provided in subsection (2) of this section, preparing campaign disclosure reports required by chapter 29B.25 RCW and otherwise helping to ensure compliance with state election or public disclosure laws;

(k) Campaign consulting and management services, polling and survey design, public relations and advertising (including online advertising), or fund-raising performed by any individual, so long as the individual does not ordinarily charge a fee or receive compensation for providing the service;

(l) Creating, designing, posting to and maintaining a candidate or political committee's official campaign website or online forum, so long as the individual does not ordinarily charge a fee or receive compensation for providing the service; and

(m) All similar activities as determined by the PDC.

(2) An attorney or accountant may donate their professional services to a candidate, a candidate's authorized committee, a political party or a caucus political committee, without it constituting a contribution in accordance with RCW 29B.10.160 (2)(h), if the attorney or accountant is:

(a) Employed and their employer is paying for the services rendered;

(b) Self-employed; or

(c) Performing services for which no compensation is paid by any person.

However, neither RCW 29B.10.160 (2)(h) nor this section authorizes the services of an attorney or an accountant to be provided to a political committee without a contribution ensuing, unless the political committee is a candidate's authorized committee, political party or caucus political committee and the conditions of RCW 29B.10.160 (2)(h) and (a), (b) or (c) of this subsection are satisfied, or unless the political committee pays the fair market value of the services rendered.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-405, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-405, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110 and 42.17A.320. WSR 13-12-017, § 390-17-405, filed 5/24/13, effective 6/24/13. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-405, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 07-07-005, § 390-17-405, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370(1). WSR 98-12-037, § 390-17-405, filed 5/28/98, effective 6/28/98. Statutory Authority: RCW 42.17.390. WSR 94-11-017, § 390-17-405, filed 5/5/94, effective 6/5/94.]

WAC 390-17-410 Electioneering communications may constitute contributions and be subject to limit. (1) Electioneering communications are contributions when they satisfy the definition of "contribution" in RCW 29B.10.160 or 29B.30.030.

(2) Contributions are subject to all applicable provisions of Titles 29B RCW and 390 WAC, including RCW 29B.40.020, 29B.40.030, and 29B.40.070.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-17-410, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-17-410, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-17-410, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370 and 42.17.562. WSR 06-11-132, § 390-17-410, filed 5/23/06, effective 6/23/06.]