

Initiative Measure No. 1593, filed January 17, 2018

TAXPAYER PROTECTION ACT

AN ACT Relating to the collection or commingling of funds used for political purposes; adding a new section to chapter 42.17A RCW; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17A RCW to read as follows:

(1) To guard against an employee being coerced by their employer or others to support a political purpose that the employee may personally oppose, an employer is prohibited from deducting money from an employee's paycheck and using all or any portion of such deducted money for a political purpose.

(a) The prohibition in this section does not apply to deducting money for employee pensions, savings, health plans or charitable contributions as long as the recipient of the employee's money does not use any portion of those moneys for a political purpose or commingle such monies with funds used for a political purpose.

(b) After receiving their pay, an employee is free, subject to existing campaign finance limitations, to voluntarily contribute any portion of their take-home pay to any political purpose they choose to support.

(2) Commingling political funds with funds collected by means of a public resource is prohibited.

(3) Public resources are prohibited from being used to collect or help collect money for a political purpose.

(4) The provisions of this section shall be overseen by and be subject to the policies, procedures, and penalties of the Washington state Public Disclosure Commission and the office of the Attorney General.

(5) This section does not apply to resources used or spent preparing, printing, or distributing an official voters' pamphlet or conducting an election.

(6) For purposes of this section:

(a) "Political purpose" means money or any other resource, including in-kind contributions, pass-through contributions, and independent expenditures that are contributed to or expended for the benefit of a candidate, political committee, committee for or against a ballot measure including any effort to collect signatures to place a measure on the ballot, or any effort to legally challenge or defend a measure including any ballot title challenge, or any effort to solicit signatures for a measure or to discourage citizens from signing a petition. The term "political purpose" does not include lobbying or any other activity not specifically listed in this subsection (6)(a).

(b) "Public resource" means public money and public employee time on the job during working hours, but does not include the use of the United States Postal Service, the use of public buildings or other public spaces. A "resource" is deemed to have been used, even if the public entity is reimbursed for the cost of using or providing the public resource; and

(c) "Entity" means individuals, corporations, firms, partnerships, limited liability companies, joint stock companies, unions, organizations, associations, committees and other such groups.

(8) Nothing in this section shall be construed as limiting the right of any person or entity to donate to political causes, provided that they do so without the use of a public resource.

(9) Nothing in this act shall be construed as limiting the right of any person or entity to donate to a charity by means of a payroll deduction.

(10) If a person or entity violates this section and uses, for a political purpose, any money collected for it by means of a public resource, or if a person or entity commingles political funds with funds collected wholly or in part by means of a public resource, the person or entity is subject to penalties imposed by the Washington state Public Disclosure Commission or office of the Attorney General and, thereafter, no public employer or government entity may collect money for any purpose for that person or entity.

(11) This act supersedes any preexisting law, rule, policy, or ordinance with which it conflicts.

(12) If any phrase, clause, or part of this section is invalidated by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect. This section shall not be applied so as to violate the right to free speech, freedom of association, or any other right guaranteed under the United States Constitution, but shall be effective in all circumstances and for all individuals and groups for which no violation or infringement has been found.

NEW SECTION. **Sec. 2.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 3.** 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.

NEW SECTION. **Sec. 4.** This act is called the "Taxpayer Protection Act."

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