

---

HOUSE BILL 2570

---

State of Washington

61st Legislature

2010 Regular Session

By Representatives Simpson and Chase

Prefiled 01/06/10. Read first time 01/11/10. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to protecting the integrity of the initiative and  
2 referendum process; amending RCW 42.17.020 and 42.17.240; adding a new  
3 section to chapter 29A.72 RCW; adding new sections to chapter 42.17  
4 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds:

7 (a) The initiative and referendum process is a valued right for the  
8 people of Washington. It provides citizens with the opportunity to  
9 collect signatures on a proposal, place it on the ballot, have their  
10 fellow citizens vote on it, and see it become law.

11 (b) Passing laws in Washington is done in the legislature or by  
12 initiative and referendum. Upon taking office, legislators swear to  
13 uphold the Constitution, are required to file financial disclosure  
14 reports, must recuse themselves from acting on bills where there is a  
15 conflict, take required ethics classes, abide by limits on gifts, and  
16 receive a salary recommended by the salary commission. Sponsors of  
17 initiatives or referenda seeking to also pass laws that apply to  
18 Washington residents are not required to follow any of these  
19 provisions.

1 (2) It is the intent of the legislature to limit the making of laws  
2 from being a profit-making activity for those engaged in putting  
3 initiatives and referenda on the ballot, to require transparency with  
4 financial disclosure, to limit conflicts of interest with gift  
5 restrictions, and to require that petition sponsors swear to uphold the  
6 Constitution.

7 **Sec. 2.** RCW 42.17.020 and 2008 c 6 s 201 are each amended to read  
8 as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

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

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

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

24 (4) "Ballot proposition" means any "measure" as defined by RCW  
25 29A.04.091, or any initiative, recall, or referendum proposition  
26 proposed to be submitted to the voters of the state or any municipal  
27 corporation, political subdivision, or other voting constituency from  
28 and after the time when the proposition has been initially filed with  
29 the appropriate election officer of that constituency prior to its  
30 circulation for signatures.

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

34 (6) "Bona fide political party" means:

35 (a) An organization that has filed a valid certificate of  
36 nomination with the secretary of state under chapter 29A.20 RCW;

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

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

8 (7) "Depository" means a bank designated by a candidate or  
9 political committee pursuant to RCW 42.17.050.

10 (8) "Treasurer" and "deputy treasurer" mean the individuals  
11 appointed by a candidate or political committee, pursuant to RCW  
12 42.17.050, to perform the duties specified in that section.

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

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

18 (b) Announces publicly or files for office;

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

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

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

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

32 (12) "Commission" means the agency established under RCW 42.17.350.

33 (13) "Compensation" unless the context requires a narrower meaning,  
34 includes payment in any form for real or personal property or services  
35 of any kind: PROVIDED, That for the purpose of compliance with RCW  
36 42.17.241, the term "compensation" shall not include per diem  
37 allowances or other payments made by a governmental entity to reimburse

1 a public official for expenses incurred while the official is engaged  
2 in the official business of the governmental entity.

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

6 (15)(a) "Contribution" includes:

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

11 (ii) An expenditure made by a person in cooperation, consultation,  
12 or concert with, or at the request or suggestion of, a candidate, a  
13 political committee, the person or persons named on the candidate's or  
14 committee's registration form who direct expenditures on behalf of the  
15 candidate or committee, or their agents;

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

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

24 (b) "Contribution" does not include:

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

27 (ii) Ordinary home hospitality;

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

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

36 (v) An internal political communication primarily limited to the  
37 members of or contributors to a political party organization or

1 political committee, or to the officers, management staff, or  
2 stockholders of a corporation or similar enterprise, or to the members  
3 of a labor organization or other membership organization;

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

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

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

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

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

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

29 (A) The person performs solely ministerial functions;

30 (B) A person who is paid by two or more candidates or political  
31 committees is identified by the candidates and political committees on  
32 whose behalf services are performed as part of their respective  
33 statements of organization under RCW 42.17.040; and

34 (C) The person does not disclose, except as required by law, any  
35 information regarding a candidate's or committee's plans, projects,  
36 activities, or needs, or regarding a candidate's or committee's  
37 contributions or expenditures that is not already publicly available

1 from campaign reports filed with the commission, or otherwise engage in  
2 activity that constitutes a contribution under (a)(ii) of this  
3 subsection.

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

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

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

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

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

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

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

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

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

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

12 (21) "Electioneering communication" does not include:

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

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

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

24 (i) Of primary interest to the general public;

25 (ii) In a news medium controlled by a person whose business is that  
26 news medium; and

27 (iii) Not a medium controlled by a candidate or a political  
28 committee;

29 (d) Slate cards and sample ballots;

30 (e) Advertising for books, films, dissertations, or similar works  
31 (i) written by a candidate when the candidate entered into a contract  
32 for such publications or media at least twelve months before becoming  
33 a candidate, or (ii) written about a candidate;

34 (f) Public service announcements;

35 (g) A mailed internal political communication primarily limited to  
36 the members of or contributors to a political party organization or  
37 political committee, or to the officers, management staff, or

1 stockholders of a corporation or similar enterprise, or to the members  
2 of a labor organization or other membership organization;

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

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

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

21 (23) "Final report" means the report described as a final report in  
22 RCW 42.17.080(2).

23 (24) "General election" for the purposes of RCW 42.17.640 means the  
24 election that results in the election of a person to a state office.  
25 It does not include a primary.

26 (25) "Gift," is as defined in RCW 42.52.010.

27 (26) "Immediate family" includes the spouse or domestic partner,  
28 dependent children, and other dependent relatives, if living in the  
29 household. For the purposes of RCW 42.17.640 through 42.17.790,  
30 "immediate family" means an individual's spouse or domestic partner,  
31 and child, stepchild, grandchild, parent, stepparent, grandparent,  
32 brother, half brother, sister, or half sister of the individual and the  
33 spouse or the domestic partner of any such person and a child,  
34 stepchild, grandchild, parent, stepparent, grandparent, brother, half  
35 brother, sister, or half sister of the individual's spouse or domestic  
36 partner and the spouse or the domestic partner of any such person.

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



1 (28) "Independent expenditure" means an expenditure that has each  
2 of the following elements:

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

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

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

24 (29)(a) "Intermediary" means an individual who transmits a  
25 contribution to a candidate or committee from another person unless the  
26 contribution is from the individual's employer, immediate family as  
27 defined for purposes of RCW 42.17.640 through 42.17.790, or an  
28 association to which the individual belongs.

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

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

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

36 (30) "Legislation" means bills, resolutions, motions, amendments,  
37 nominations, and other matters pending or proposed in either house of  
38 the state legislature, and includes any other matter that may be the

1 subject of action by either house or any committee of the legislature  
2 and all bills and resolutions that, having passed both houses, are  
3 pending approval by the governor.

4 (31) "Lobby" and "lobbying" each mean attempting to influence the  
5 passage or defeat of any legislation by the legislature of the state of  
6 Washington, or the adoption or rejection of any rule, standard, rate,  
7 or other legislative enactment of any state agency under the state  
8 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor  
9 "lobbying" includes an association's or other organization's act of  
10 communicating with the members of that association or organization.

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

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

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

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

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

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

24 (c) Endorses a candidate prior to contributions being made by a  
25 subsidiary corporation or local unit with respect to that candidate or  
26 that candidate's opponent;

27 (d) Makes a recommendation regarding whether a candidate should be  
28 supported or opposed prior to a contribution being made by a subsidiary  
29 corporation or local unit with respect to that candidate or that  
30 candidate's opponent; or

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

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

7 (37) "Person in interest" means the person who is the subject of a  
8 record or any representative designated by that person, except that if  
9 that person is under a legal disability, the term "person in interest"  
10 means and includes the parent or duly appointed legal representative.

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

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

21 (40) "Primary" for the purposes of RCW 42.17.640 means the  
22 procedure for nominating a candidate to state office under chapter  
23 29A.52 RCW or any other primary for an election that uses, in large  
24 measure, the procedures established in chapter 29A.52 RCW.

25 (41) "Prime sponsor or sponsors of a ballot proposition" means the  
26 registered voter or voters who complete the affidavit for a proposed  
27 initiative or referendum as well as any person who holds themselves out  
28 publicly as the sponsor of an initiative or referendum.

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

32 ((+42+)) (43) "Public record" includes any writing containing  
33 information relating to the conduct of government or the performance of  
34 any governmental or proprietary function prepared, owned, used, or  
35 retained by any state or local agency regardless of physical form or  
36 characteristics. For the office of the secretary of the senate and the  
37 office of the chief clerk of the house of representatives, public  
38 records means legislative records as defined in RCW 40.14.100 and also

1 means the following: All budget and financial records; personnel  
2 leave, travel, and payroll records; records of legislative sessions;  
3 reports submitted to the legislature; and any other record designated  
4 a public record by any official action of the senate or the house of  
5 representatives.

6 ~~((43))~~ (44) "Recall campaign" means the period of time beginning  
7 on the date of the filing of recall charges under RCW 29A.56.120 and  
8 ending thirty days after the recall election.

9 ~~((44))~~ (45) "Sponsor of an electioneering communications,  
10 independent expenditures, or political advertising" means the person  
11 paying for the electioneering communication, independent expenditure,  
12 or political advertising. If a person acts as an agent for another or  
13 is reimbursed by another for the payment, the original source of the  
14 payment is the sponsor.

15 ~~((45))~~ (46) "State legislative office" means the office of a  
16 member of the state house of representatives or the office of a member  
17 of the state senate.

18 ~~((46))~~ (47) "State office" means state legislative office or the  
19 office of governor, lieutenant governor, secretary of state, attorney  
20 general, commissioner of public lands, insurance commissioner,  
21 superintendent of public instruction, state auditor, or state  
22 treasurer.

23 ~~((47))~~ (48) "State official" means a person who holds a state  
24 office.

25 ~~((48))~~ (49) "Surplus funds" mean, in the case of a political  
26 committee or candidate, the balance of contributions that remain in the  
27 possession or control of that committee or candidate subsequent to the  
28 election for which the contributions were received, and that are in  
29 excess of the amount necessary to pay remaining debts incurred by the  
30 committee or candidate prior to that election. In the case of a  
31 continuing political committee, "surplus funds" mean those  
32 contributions remaining in the possession or control of the committee  
33 that are in excess of the amount necessary to pay all remaining debts  
34 when it makes its final report under RCW 42.17.065.

35 ~~((49))~~ (50) "Writing" means handwriting, typewriting, printing,  
36 photostating, photographing, and every other means of recording any  
37 form of communication or representation, including, but not limited to,  
38 letters, words, pictures, sounds, or symbols, or combination thereof,

1 and all papers, maps, magnetic or paper tapes, photographic films and  
2 prints, motion picture, film and video recordings, magnetic or punched  
3 cards, discs, drums, diskettes, sound recordings, and other documents  
4 including existing data compilations from which information may be  
5 obtained or translated.

6 As used in this chapter, the singular shall take the plural and any  
7 gender, the other, as the context requires.

8 **Sec. 3.** RCW 42.17.240 and 1995 c 397 s 8 are each amended to read  
9 as follows:

10 (1) Every elected official and every executive state officer shall  
11 after January 1st and before April 15th of each year file with the  
12 commission a statement of financial affairs for the preceding calendar  
13 year. However, any local elected official whose term of office expires  
14 immediately after December 31st shall file the statement required to be  
15 filed by this section for the year that ended on that December 31st.

16 (2) Every candidate shall within two weeks of becoming a candidate  
17 file with the commission a statement of financial affairs for the  
18 preceding twelve months.

19 (3) Every person appointed to a vacancy in an elective office or  
20 executive state officer position shall within two weeks of being so  
21 appointed file with the commission a statement of financial affairs for  
22 the preceding twelve months.

23 (4) Every prime sponsor or sponsors of a ballot proposition shall,  
24 within two weeks of filing the affidavit for a proposed initiative or  
25 referendum, file with the commission a statement of financial affairs  
26 for the preceding twelve months.

27 (5) A statement of a candidate or appointee filed during the period  
28 from January 1st to April 15th shall cover the period from January 1st  
29 of the preceding calendar year to the time of candidacy or appointment  
30 if the filing of the statement would relieve the individual of a prior  
31 obligation to file a statement covering the entire preceding calendar  
32 year.

33 ~~((+5))~~ (6) No individual may be required to file more than once in  
34 any calendar year.

35 ~~((+6))~~ (7) Each statement of financial affairs filed under this  
36 section shall be sworn as to its truth and accuracy.

1        ~~((7))~~ (8) Every elected official and every executive state  
2 officer shall file with their statement of financial affairs a  
3 statement certifying that they have read and are familiar with RCW  
4 42.17.130 or 42.52.180, whichever is applicable.

5        ~~((8))~~ (9) For the purposes of this section, the term "executive  
6 state officer" includes those listed in RCW 42.17.2401.

7        ~~((9))~~ (10) This section does not apply to incumbents or  
8 candidates for a federal office or the office of precinct committee  
9 officer.

10        NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.72 RCW  
11 to read as follows:

12        (1) The prime sponsor or sponsors of a ballot proposition shall,  
13 before filing an affidavit for a proposed initiative or referendum,  
14 take and subscribe an oath or affirmation in substance as follows: "I  
15 do solemnly swear (or affirm) that I will support the Constitution of  
16 the United States and the Constitution and laws of the state of  
17 Washington."

18        (2) For the purposes of this section, "prime sponsor or sponsors of  
19 a ballot proposition" has the same meaning as in RCW 42.17.020.

20        NEW SECTION. **Sec. 5.** A prime sponsor or sponsors of a proposed  
21 ballot proposition may not accept financial remuneration from the  
22 ballot proposition campaign funds in excess of the annual salary of a  
23 legislator as established in chapter 43.03 RCW.

24        NEW SECTION. **Sec. 6.** (1)(a) No prime sponsor or sponsors of a  
25 ballot proposition may accept gifts, other than those specified in  
26 subsections (2) and (3) of this section, with an aggregate value in  
27 excess of fifty dollars from a single source in a calendar year or a  
28 single gift from multiple sources with a value in excess of fifty  
29 dollars. The value of gifts given to a prime sponsor's family member  
30 or guest shall be attributed to the prime sponsor for the purpose of  
31 determining whether the limit has been exceeded, unless an independent  
32 business, family, or social relationship exists between the donor and  
33 the family member or guest.

34        (b) For the purposes of this subsection:

1 (i) "Single source" means any person, as defined in RCW 42.52.010,  
2 whether acting directly or through any agent or other intermediary; and

3 (ii) "Single gift" includes any event, item, or group of items used  
4 in conjunction with each other or any trip including transportation,  
5 lodging, and attendant costs, not excluded from the definition of gift  
6 under RCW 42.52.010.

7 (2) The following items are presumed not to influence and may be  
8 accepted without regard to the limit established by this section:

9 (a) Unsolicited flowers, plants, and floral arrangements;

10 (b) Unsolicited advertising or promotional items of nominal value,  
11 such as pens and note pads;

12 (c) Unsolicited tokens or awards of appreciation in the form of a  
13 plaque, trophy, desk item, wall memento, or similar item;

14 (d) Informational material, publications, or subscriptions related  
15 to the ballot proposition; and

16 (e) Food and beverages consumed at hosted receptions where  
17 attendance is related to the ballot proposition.

18 (3) The presumption in subsection (2) of this section is rebuttable  
19 and may be overcome based on the circumstances surrounding the giving  
20 and acceptance of the item.

21 NEW SECTION. **Sec. 7.** Sections 5 and 6 of this act are each added  
22 to chapter 42.17 RCW.

23 NEW SECTION. **Sec. 8.** If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected.

--- END ---