
ENGROSSED SUBSTITUTE SENATE BILL 5684

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Smith, Winsley, Gaspard, Oke, Wood and Hale; by request of Public Disclosure Commission)

Read first time 03/01/95.

1 AN ACT Relating to public disclosure; amending RCW 42.17.020,
2 42.17.080, 42.17.090, 42.17.105, 42.17.132, 42.17.155, 42.17.190,
3 42.17.240, 42.17.241, 42.17.370, 42.17.420, 42.17.510, 42.17.640,
4 42.17.660, 42.17.720, 42.17.740, 42.17.750, 42.17.770, 42.17.780,
5 42.17.790, 42.17.100, 42.17.125, 42.52.180, 42.17.095, 42.17.160, and
6 42.17.170; reenacting and amending RCW 42.17.2401; adding a new section
7 to chapter 42.17 RCW; creating a new section; repealing RCW 42.17.021,
8 42.17.630, and 42.17.2415; providing effective dates; and declaring an
9 emergency.

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

11 **Sec. 1.** RCW 42.17.020 and 1992 c 139 s 1 are each amended to read
12 as follows:

13 (1) "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.

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

5 (3) "Ballot proposition" means any "measure" as defined by RCW
6 29.01.110, or any initiative, recall, or referendum proposition
7 proposed to be submitted to the voters of the state or any municipal
8 corporation, political subdivision, or other voting constituency from
9 and after the time when the proposition has been initially filed with
10 the appropriate election officer of that constituency prior to its
11 circulation for signatures.

12 (~~(3)~~) (4) "Benefit" means a commercial, proprietary, financial,
13 economic, or monetary advantage, or the avoidance of a commercial,
14 proprietary, financial, economic, or monetary disadvantage.

15 (5) "Bona fide political party" means:

16 (a) An organization that has filed a valid certificate of
17 nomination with the secretary of state under chapter 29.24 RCW;

18 (b) The governing body of the state organization of a major
19 political party, as defined in RCW 29.01.090, that is the body
20 authorized by the charter or bylaws of the party to exercise authority
21 on behalf of the state party; or

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

25 (6) "Depository" means a bank designated by a candidate or
26 political committee pursuant to RCW 42.17.050.

27 (~~(4)~~) (7) "Treasurer" and "deputy treasurer" mean the individuals
28 appointed by a candidate or political committee, pursuant to RCW
29 42.17.050, to perform the duties specified in that section.

30 (~~(5)~~) (8) "Candidate" means any individual who seeks nomination
31 for election or election to public office. An individual (~~shall be~~
32 deemed to seek)) seeks nomination or election when he or she first:

33 (a) Receives contributions or makes expenditures or reserves space
34 or facilities with intent to promote his or her candidacy for office;
35 (~~or~~)

36 (b) Announces publicly or files for office;

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

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

3 (9) "Caucus political committee" means a political committee
4 organized and maintained by the members of a major political party in
5 the state senate or state house or representatives.

6 ~~((+6))~~ (10) "Commercial advertiser" means any person who sells the
7 service of communicating messages or producing printed material for
8 broadcast or distribution to the general public or segments of the
9 general public whether through the use of newspapers, magazines,
10 television and radio stations, billboard companies, direct mail
11 advertising companies, printing companies, or otherwise.

12 ~~((+7))~~ (11) "Commission" means the agency established under RCW
13 42.17.350.

14 ~~((+8))~~ (12) "Compensation" unless the context requires a narrower
15 meaning, includes payment in any form for real or personal property or
16 services of any kind: PROVIDED, That for the purpose of compliance
17 with RCW 42.17.241, the term "compensation" shall not include per diem
18 allowances or other payments made by a governmental entity to reimburse
19 a public official for expenses incurred while the official is engaged
20 in the official business of the governmental entity.

21 ~~((+9))~~ (13) "Continuing political committee" means a political
22 committee that is an organization of continuing existence not
23 established in anticipation of any particular election campaign.

24 ~~((+10))~~ (14)(a) "Contribution" includes:

25 (i) A loan, gift, deposit, subscription, forgiveness of
26 indebtedness, donation, advance, pledge, payment, transfer of funds
27 between political committees, or ~~((transfer of))~~ anything of value,
28 including personal and professional services for less than full
29 consideration~~((, but does not include interest on moneys deposited in~~
30 a political committee's account, ordinary home hospitality and the
31 rendering of personal services of the sort commonly performed by
32 volunteer campaign workers, or incidental expenses personally incurred
33 by volunteer campaign workers not in excess of fifty dollars personally
34 paid for by the worker. Volunteer services, for the purposes of this
35 chapter, means services or labor for which the individual is not
36 compensated by any person. For the purposes of this chapter,
37 contributions other than money or its equivalents shall be deemed to
38 have a money value equivalent to the fair market value of the
39 contribution. Sums paid for tickets to fund raising events such as

1 ~~dinner~~s and parties are contributions; however, the amount of any such
2 contribution may be reduced for the purpose of complying with the
3 reporting requirements of this chapter, by the actual cost of
4 consumables furnished in connection with the purchase of the tickets,
5 and only the excess over the actual cost of the consumables shall be
6 deemed a contribution));

7 (ii) An expenditure made by a person in cooperation, consultation,
8 or concert with, or at the request or suggestion of, a candidate, a
9 political committee, or their agents;

10 (iii) The financing by a person of the dissemination, distribution,
11 or republication, in whole or in part, of broadcast, written, graphic,
12 or other form of political advertising prepared by a candidate, a
13 political committee, or its authorized agent;

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

17 (b) "Contribution" does not include:

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

20 (ii) Ordinary home hospitality;

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

24 (iv) A news item, feature, commentary, or editorial in a regularly
25 scheduled news medium that is of primary interest to the general
26 public, that is in a news medium controlled by a person whose business
27 is that news medium, and that is not controlled by a candidate or a
28 political committee;

29 (v) An internal political communication primarily limited to the
30 members of or contributors to a political party organization or
31 political committee, or to the officers, management staff, or
32 stockholders of a corporation or similar enterprise, or to the members
33 of a labor organization or other membership organization;

34 (vi) The rendering of personal services of the sort commonly
35 performed by volunteer campaign workers, or incidental expenses
36 personally incurred by volunteer campaign workers not in excess of
37 fifty dollars personally paid for by the worker. "Volunteer services,"
38 for the purposes of this section, means services or labor for which the
39 individual is not compensated by any person;

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

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

8 (A) A political party or caucus political committee if the person
9 paying for the services is the regular employer of the person rendering
10 such services; or

11 (B) A candidate or an authorized committee if the person paying for
12 the services is the regular employer of the individual rendering the
13 services and if the services are solely for the purpose of ensuring
14 compliance with state election or public disclosure laws.

15 (c) Contributions other than money or its equivalent are deemed to
16 have a monetary value equivalent to the fair market value of the
17 contribution. Services or property or rights furnished at less than
18 their fair market value for the purpose of assisting any candidate or
19 political committee are deemed a contribution. Such a contribution
20 must be reported as an in-kind contribution at its fair market value
21 and counts towards any applicable contribution limit of the provider.

22 ~~((11))~~ (15) "Elected official" means any person elected at a
23 general or special election to any public office, and any person
24 appointed to fill a vacancy in any such office.

25 ~~((12))~~ (16) "Election" includes any primary, general, or special
26 election for public office and any election in which a ballot
27 proposition is submitted to the voters: PROVIDED, That an election in
28 which the qualifications for voting include other than those
29 requirements set forth in Article VI, section 1 (Amendment 63) of the
30 Constitution of the state of Washington shall not be considered an
31 election for purposes of this chapter.

32 ~~((13))~~ (17) "Election campaign" means any campaign in support of
33 or in opposition to a candidate for election to public office and any
34 campaign in support of, or in opposition to, a ballot proposition.

35 ~~((14))~~ (18) "Election cycle" means the period beginning on the
36 first day of December after the date of the last previous general
37 election for the office that the candidate seeks and ending on November
38 30th after the next election for the office. In the case of a special
39 election to fill a vacancy in an office, "election cycle" means the

1 period beginning on the day the vacancy occurs and ending on November
2 30th after the special election.

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

17 ~~((15))~~ (20) "Final report" means the report described as a final
18 report in RCW 42.17.080(2).

19 ~~((16))~~ (21) "General election" means the election that results in
20 the election of a person to a state office. It does not include a
21 primary.

22 (22) "Gift," ~~((for the purposes of RCW 42.17.170 and 42.17.2415,~~
23 ~~means a rendering of anything of value in return for which reasonable~~
24 ~~consideration is not given and received and includes a rendering of~~
25 ~~money, property, services, discount, loan forgiveness, payment of~~
26 ~~indebtedness, or reimbursements from or payments by persons (other than~~
27 ~~the federal government, or the state of Washington or any agency or~~
28 ~~political subdivision thereof) for travel or anything else of value.~~
29 ~~The term "reasonable consideration" refers to the approximate range of~~
30 ~~consideration that exists in transactions not involving donative~~
31 ~~intent. However, the value of the gift of partaking in a single hosted~~
32 ~~reception shall be determined by dividing the total amount of the cost~~
33 ~~of conducting the reception by the total number of persons partaking in~~
34 ~~the reception. "Gift" for the purposes of RCW 42.17.170 and 42.17.2415~~
35 ~~does not include:~~

36 ~~(a) A gift, other than a gift of partaking in a hosted reception,~~
37 ~~with a value of fifty dollars or less;~~

38 ~~(b) The gift of partaking in a hosted reception if the value of the~~
39 ~~gift is one hundred dollars or less;~~

1 ~~(c) A contribution that is required to be reported under RCW~~
2 ~~42.17.090 or 42.17.243;~~

3 ~~(d) Informational material that is transferred for the purpose of~~
4 ~~informing the recipient about matters pertaining to official business~~
5 ~~of the governmental entity of which the recipient is an official or~~
6 ~~officer, and that is not intended to confer on that recipient any~~
7 ~~commercial, proprietary, financial, economic, or monetary advantage, or~~
8 ~~the avoidance of any commercial, proprietary, financial, economic, or~~
9 ~~monetary disadvantage;~~

10 ~~(e) A gift that is not used and that, within thirty days after~~
11 ~~receipt, is returned to the donor or delivered to a charitable~~
12 ~~organization. However, this exclusion from the definition does not~~
13 ~~apply if the recipient of the gift delivers the gift to a charitable~~
14 ~~organization and claims the delivery as a charitable contribution for~~
15 ~~tax purposes;~~

16 ~~(f) A gift given under circumstances where it is clear beyond any~~
17 ~~doubt that the gift was not made as part of any design to gain or~~
18 ~~maintain influence in the governmental entity of which the recipient is~~
19 ~~an officer or official or with respect to any legislative matter or~~
20 ~~matters of that governmental entity; or~~

21 ~~(g) A gift given prior to September 29, 1991)) is as defined in RCW~~
22 ~~42.52.010.~~

23 ~~((17))~~ (23) "Immediate family" includes the spouse, dependent
24 children, and other dependent relatives, if living in the household.
25 For the purposes of RCW 42.17.640 through 42.17.790, "immediate family"
26 means an individual's spouse, and child, stepchild, grandchild, parent,
27 stepparent, grandparent, brother, half brother, sister, or half sister
28 of the individual and the spouse of any such person and a child,
29 stepchild, grandchild, parent, stepparent, grandparent, brother, half
30 brother, sister, or half sister of the individual's spouse and the
31 spouse of any such person.

32 (24) "Independent expenditure" means an expenditure that has each
33 of the following elements:

34 (a) It is made in support of or in opposition to a candidate for
35 office by a person who is not (i) a candidate for that office, (ii) an
36 authorized committee of that candidate for that office, (iii) a person
37 who has received the candidate's encouragement or approval to make the
38 expenditure, if the expenditure pays in whole or in part for political
39 advertising supporting that candidate or promoting the defeat of any

1 other candidate or candidates for that office, or (iv) a person with
2 whom the candidate has collaborated for the purpose of making the
3 expenditure, if the expenditure pays in whole or in part for political
4 advertising supporting that candidate or promoting the defeat of any
5 other candidate or candidates for that office;

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

10 (c) The expenditure, alone or in conjunction with another
11 expenditure or other expenditures of the same person in support of or
12 opposition to that candidate, has a value of five hundred dollars or
13 more. A series of expenditures, each of which is under five hundred
14 dollars, constitutes one independent expenditure if their cumulative
15 value is five hundred dollars or more.

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

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

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

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

28 ~~((+18+))~~ (26) "Legislation" means bills, resolutions, motions,
29 amendments, nominations, and other matters pending or proposed in
30 either house of the state legislature, and includes any other matter
31 that may be the subject of action by either house or any committee of
32 the legislature and all bills and resolutions that, having passed both
33 houses, are pending approval by the governor.

34 ~~((+19+))~~ (27) "Lobby" and "lobbying" each mean attempting to
35 influence the passage or defeat of any legislation by the legislature
36 of the state of Washington, or the adoption or rejection of any rule,
37 standard, rate, or other legislative enactment of any state agency
38 under the state Administrative Procedure Act, chapter 34.05 RCW.
39 Neither "lobby" nor "lobbying" includes an association's or other

1 organization's act of communicating with the members of that
2 association or organization.

3 ~~((+20+))~~ (28) "Lobbyist" includes any person who lobbies either in
4 his or her own or another's behalf.

5 ~~((+21+))~~ (29) "Lobbyist's employer" means the person or persons by
6 whom a lobbyist is employed and all persons by whom he or she is
7 compensated for acting as a lobbyist.

8 ~~((+22+))~~ (30) "Person" includes an individual, partnership, joint
9 venture, public or private corporation, association, federal, state, or
10 local governmental entity or agency however constituted, candidate,
11 committee, political committee, political party, executive committee
12 thereof, or any other organization or group of persons, however
13 organized.

14 ~~((+23+))~~ (31) "Person in interest" means the person who is the
15 subject of a record or any representative designated by that person,
16 except that if that person is under a legal disability, the term
17 "person in interest" means and includes the parent or duly appointed
18 legal representative.

19 ~~((+24+))~~ (32) "Political advertising" includes any advertising
20 displays, newspaper ads, billboards, signs, brochures, articles,
21 tabloids, flyers, letters, radio or television presentations, or other
22 means of mass communication, used for the purpose of appealing,
23 directly or indirectly, for votes or for financial or other support in
24 any election campaign.

25 ~~((+25+))~~ (33) "Political committee" means any person (except a
26 candidate or an individual dealing with his or her own funds or
27 property) having the expectation of receiving contributions or making
28 expenditures in support of, or opposition to, any candidate or any
29 ballot proposition.

30 ~~((+26+))~~ (34) "Primary" means the procedure for nominating a
31 candidate to state office under chapter 29.18 or 29.21 RCW or any other
32 primary for an election that uses, in large measure, the procedures
33 established in chapter 29.18 or 29.21 RCW.

34 (35) "Public office" means any federal, state, county, city, town,
35 school district, port district, special district, or other state
36 political subdivision elective office.

37 ~~((+27+))~~ (36) "Public record" includes any writing containing
38 information relating to the conduct of government or the performance of
39 any governmental or proprietary function prepared, owned, used, or

1 retained by any state or local agency regardless of physical form or
2 characteristics.

3 ~~((28))~~ (37) "Recall campaign" means the period of time beginning
4 on the date of the filing of recall charges under RCW 29.82.015 and
5 ending thirty days after the recall election.

6 (38) "State legislative office" means the office of a member of the
7 state house of representatives or the office of a member of the state
8 senate.

9 (39) "State office" means state legislative office or the office of
10 governor, lieutenant governor, secretary of state, attorney general,
11 commissioner of public lands, insurance commissioner, superintendent of
12 public instruction, state auditor, or state treasurer.

13 (40) "State official" means a person who holds a state office.

14 (41) "Surplus funds" mean, in the case of a political committee or
15 candidate, the balance of contributions that remain in the possession
16 or control of that committee or candidate subsequent to the election
17 for which the contributions were received, and that are in excess of
18 the amount necessary to pay remaining debts incurred by the committee
19 or candidate prior to that election. In the case of a continuing
20 political committee, "surplus funds" mean those contributions remaining
21 in the possession or control of the committee that are in excess of the
22 amount necessary to pay all remaining debts when it makes its final
23 report under RCW 42.17.065.

24 ~~((29))~~ (42) "Writing" means handwriting, typewriting, printing,
25 photostating, photographing, and every other means of recording any
26 form of communication or representation, including, but not limited to,
27 letters, words, pictures, sounds, or symbols, or combination thereof,
28 and all papers, maps, magnetic or paper tapes, photographic films and
29 prints, motion picture, film and video recordings, magnetic or punched
30 cards, discs, drums, diskettes, sound recordings, and other documents
31 including existing data compilations from which information may be
32 obtained or translated.

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

35 **Sec. 2.** RCW 42.17.080 and 1989 c 280 s 8 are each amended to read
36 as follows:

37 (1) On the day the treasurer is designated, each candidate or
38 political committee shall file with the commission and the county

1 auditor or elections officer of the county in which the candidate
2 resides, or in the case of a political committee, the county in which
3 the treasurer resides, in addition to any statement of organization
4 required under RCW 42.17.040 or 42.17.050, a report of all
5 contributions received and expenditures made prior to that date, if
6 any.

7 (2) At the following intervals each treasurer shall file with the
8 commission and the county auditor or elections officer of the county in
9 which the candidate resides, or in the case of a political committee,
10 the county in which the committee maintains its office or headquarters,
11 and if there is no office or headquarters then in the county in which
12 the treasurer resides, a report containing the information required by
13 RCW 42.17.090:

14 (a) On the twenty-first day and the seventh day immediately
15 preceding the date on which the election is held; and

16 (b) On the tenth day of the first month after the election:
17 PROVIDED, That this report shall not be required following a primary
18 election from:

19 (i) A candidate whose name will appear on the subsequent general
20 election ballot; or

21 (ii) Any continuing political committee; and

22 (c) On the tenth day of each month in which no other reports are
23 required to be filed under this section: PROVIDED, That such report
24 shall only be filed if the committee has received a contribution or
25 made an expenditure in the preceding calendar month and either the
26 total contributions received or total expenditures made since the last
27 such report exceed two hundred dollars.

28 When there is no outstanding debt or obligation, and the campaign
29 fund is closed, and the campaign is concluded in all respects, and in
30 the case of a political committee, the committee has ceased to function
31 and has dissolved, the treasurer shall file a final report. Upon
32 submitting a final report, the duties of the treasurer shall cease and
33 there shall be no obligation to make any further reports.

34 The report filed twenty-one days before the election shall report
35 all contributions received and expenditures made as of the end of the
36 fifth business day before the date of the report. The report filed
37 seven days before the election shall report all contributions received
38 and expenditures made as of the end of the one business day before the
39 date of the report. Reports filed on the tenth day of the month shall

1 report all contributions received and expenditures made from the
2 closing date of the last report filed through the last day of the month
3 preceding the date of the current report.

4 (3) For the period beginning the first day of the fourth month
5 preceding the date on which the special or general election is held and
6 ending on the date of that election, each Friday the treasurer shall
7 file with the commission and the appropriate county elections officer
8 a report of each ~~((contribution received))~~ bank deposit made during
9 ~~((that period at the time that contribution is deposited pursuant to~~
10 ~~RCW 42.17.060(1)))~~ the previous seven calendar days. The report shall
11 contain the name of each person contributing the funds so deposited and
12 the amount contributed by each person. However, contributions of no
13 more than twenty-five dollars in the aggregate from any one person may
14 be deposited without identifying the contributor. A copy of the report
15 shall be retained by the treasurer for his or her records. In the
16 event of deposits made by a deputy treasurer, the copy shall be
17 forwarded to the treasurer ~~((to be retained by him))~~ for his or her
18 records. Each report shall be certified as correct by the treasurer or
19 deputy treasurer making the deposit.

20 (4) The treasurer or candidate shall maintain books of account
21 accurately reflecting all contributions and expenditures on a current
22 basis within five business days of receipt or expenditure. During the
23 eight days immediately preceding the date of the election the books of
24 account shall be kept current within one business day and shall be open
25 for public inspection for at least two consecutive hours Monday through
26 Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as
27 specified in the committee's statement of organization filed pursuant
28 to RCW 42.17.040, at the principal headquarters or, if there is no
29 headquarters, at the address of the treasurer or such other place as
30 may be authorized by the commission. The treasurer or candidate shall
31 preserve books of account, bills, receipts, and all other financial
32 records of the campaign or political committee for not less than five
33 calendar years following the year during which the transaction
34 occurred.

35 (5) All reports filed pursuant to subsections (1) or (2) of this
36 section shall be certified as correct by the candidate and the
37 treasurer.

38 (6) Copies of all reports filed pursuant to this section shall be
39 readily available for public inspection for at least two consecutive

1 hours Monday through Friday, excluding legal holidays, between 8:00
2 a.m. and 8:00 p.m., as specified in the committee's statement of
3 organization filed pursuant to RCW 42.17.040, at the principal
4 headquarters or, if there is no headquarters, at the address of the
5 treasurer or such other place as may be authorized by the commission.

6 (7) The commission shall adopt administrative rules establishing
7 requirements for filer participation in any system designed and
8 implemented by the commission for the electronic filing of reports.

9 **Sec. 3.** RCW 42.17.090 and 1993 c 256 s 6 are each amended to read
10 as follows:

11 (1) Each report required under RCW 42.17.080 (1) and (2) shall
12 disclose the following:

13 (a) The funds on hand at the beginning of the period;

14 (b) Only the name and address of each person who has made one or
15 more contributions during the period, together with the money value and
16 date of such contributions and the aggregate value of all contributions
17 received from each such person during the campaign or in the case of a
18 continuing political committee, the current calendar year: PROVIDED,
19 That pledges in the aggregate of less than one hundred dollars from any
20 one person need not be reported: PROVIDED FURTHER, That the income
21 which results from a fund-raising activity conducted in accordance with
22 RCW 42.17.067 may be reported as one lump sum, with the exception of
23 that portion of such income which was received from persons whose names
24 and addresses are required to be included in the report required by RCW
25 42.17.067: PROVIDED FURTHER, That contributions of no more than
26 twenty-five dollars in the aggregate from any one person during the
27 election campaign may be reported as one lump sum so long as the
28 campaign treasurer maintains a separate and private list of the name,
29 address, and amount of each such contributor: PROVIDED FURTHER, That
30 the money value of contributions of postage shall be the face value of
31 such postage;

32 (c) Each loan, promissory note, or security instrument to be used
33 by or for the benefit of the candidate or political committee made by
34 any person, together with the names and addresses of the lender and
35 each person liable directly, indirectly or contingently and the date
36 and amount of each such loan, promissory note, or security instrument;

37 (d) All other contributions not otherwise listed or exempted;

1 ~~((The name and address of each candidate or political committee~~
2 ~~to which any transfer of funds was made, together with the amounts and~~
3 ~~dates of such transfers;~~

4 ~~(f))~~) The name and address of each person to whom an expenditure
5 was made in the aggregate amount of more than fifty dollars during the
6 period covered by this report, and the amount, date, and purpose of
7 each such expenditure. ~~((A candidate for state executive or state~~
8 ~~legislative office or the political committee of such a candidate shall~~
9 ~~report this information for an expenditure under one of the following~~
10 ~~categories, whichever is appropriate:—(i) Expenditures for the~~
11 ~~election of the candidate; (ii) expenditures for nonreimbursed public~~
12 ~~office-related expenses; (iii) expenditures required to be reported~~
13 ~~under (e) of this subsection; or (iv) expenditures of surplus funds and~~
14 ~~other expenditures. The report of such a candidate or committee shall~~
15 ~~contain a separate total of expenditures for each category and a total~~
16 ~~sum of all expenditures. Other candidates and political committees~~
17 ~~need not report information regarding expenditures under the categories~~
18 ~~listed in (i) through (iv) of this subsection or under similar such~~
19 ~~categories unless required to do so by the commission by rule.)) The~~
20 ~~report ((of such an other candidate or committee shall))~~ must also
21 contain the total sum of all expenditures;

22 ~~((g))~~) (f) The name and address of each person to whom any
23 expenditure was made directly or indirectly to compensate the person
24 for soliciting or procuring signatures on an initiative or referendum
25 petition, the amount of such compensation to each such person, and the
26 total of the expenditures made for this purpose. Such expenditures
27 shall be reported under this subsection (1)~~((g))~~) (f) whether the
28 expenditures are or are not also required to be reported under ~~((f))~~
29 (e) of this subsection;

30 ~~((h))~~) (g) The name and address of any person and the amount owed
31 for any debt, obligation, note, unpaid loan, or other liability in the
32 amount of more than two hundred fifty dollars or in the amount of more
33 than fifty dollars that has been outstanding for over thirty days;

34 ~~((i))~~) (h) The surplus or deficit of contributions over
35 expenditures;

36 ~~((j))~~) (i) The disposition made in accordance with RCW 42.17.095
37 of any surplus funds;

1 (~~(k)~~) (j) Such other information as shall be required by the
2 commission by rule in conformance with the policies and purposes of
3 this chapter; and

4 (~~(l)~~) (k) Funds received from a political committee not otherwise
5 required to report under this chapter (a "nonreporting committee").
6 Such funds shall be forfeited to the state of Washington unless the
7 nonreporting committee has filed or within ten days following such
8 receipt files with the commission a statement disclosing: (i) Its name
9 and address; (ii) the purposes of the nonreporting committee; (iii) the
10 names, addresses, and titles of its officers or if it has no officers,
11 the names, addresses, and titles of its responsible leaders; (iv) the
12 name, office sought, and party affiliation of each candidate in the
13 state of Washington whom the nonreporting committee is supporting, and,
14 if such committee is supporting the entire ticket of any party, the
15 name of the party; (v) the ballot proposition supported or opposed in
16 the state of Washington, if any, and whether such committee is in favor
17 of or opposed to such proposition; (vi) the name and address of each
18 person residing in the state of Washington or corporation which has a
19 place of business in the state of Washington who has made one or more
20 contributions in the aggregate of more than twenty-five dollars to the
21 nonreporting committee during the current calendar year, together with
22 the money value and date of such contributions; (vii) the name and
23 address of each person in the state of Washington to whom an
24 expenditure was made by the nonreporting committee on behalf of a
25 candidate or political committee in the aggregate amount of more than
26 fifty dollars, the amount, date, and purpose of such expenditure, and
27 the total sum of such expenditures; (viii) such other information as
28 the commission may prescribe by rule, in keeping with the policies and
29 purposes of this chapter. A nonreporting committee incurring an
30 obligation to file additional reports in a calendar year may satisfy
31 the obligation by filing with the commission a letter providing
32 updating or amending information.

33 (2) The treasurer and the candidate shall certify the correctness
34 of each report.

35 **Sec. 4.** RCW 42.17.105 and 1991 c 157 s 1 are each amended to read
36 as follows:

37 (1) Campaign treasurers shall prepare and deliver to the commission
38 a special report regarding any contribution or aggregate of

1 contributions which: Exceeds five hundred dollars; is from a single
2 person or entity; and is received during a special reporting period.

3 Any political committee making a contribution or an aggregate of
4 contributions to a single entity which exceeds five hundred dollars
5 shall also prepare and deliver to the commission the special report if
6 the contribution or aggregate of contributions is made during a special
7 reporting period.

8 For the purposes of subsections (1) through (7) of this section:

9 (a) Each of the following intervals is a special reporting period:

10 (i) The interval beginning after the period covered by the last report
11 required by RCW 42.17.080 and 42.17.090 to be filed before a primary
12 and concluding on the end of the day before that primary; and (ii) the
13 interval composed of the twenty-one days preceding a general election;
14 and

15 (b) An aggregate of contributions includes only those contributions
16 received from a single entity during any one special reporting period
17 or made by the contributing political committee to a single entity
18 during any one special reporting period.

19 (2) If a campaign treasurer files a special report under this
20 section for one or more contributions received from a single entity
21 during a special reporting period, the treasurer shall also file a
22 special report under this section for each subsequent contribution of
23 any size which is received from that entity during the special
24 reporting period. If a political committee files a special report
25 under this section for a contribution or contributions made to a single
26 entity during a special reporting period, the political committee shall
27 also file a special report for each subsequent contribution of any size
28 which is made to that entity during the special reporting period.

29 (3) Except as provided in subsection (4) of this section, the
30 special report required by this section shall be delivered
31 electronically or in written form, including but not limited to
32 mailgram, telegram, or nightletter. The special report required of a
33 contribution recipient by subsection (1) of this section shall be
34 delivered to the commission within forty-eight hours of the time, or on
35 the first working day after: The contribution exceeding five hundred
36 dollars is received by the candidate or treasurer; the aggregate
37 received by the candidate or treasurer first exceeds five hundred
38 dollars; or the subsequent contribution that must be reported under
39 subsection (2) of this section is received by the candidate or

1 treasurer. The special report required of a contributor by subsection
2 (1) of this section or RCW 42.17.175 shall be delivered to the
3 commission, and the candidate or political committee to whom the
4 contribution or contributions are made, within twenty-four hours of the
5 time, or on the first working day after: The contribution is made; the
6 aggregate of contributions made first exceeds five hundred dollars; or
7 the subsequent contribution that must be reported under subsection (2)
8 of this section is made.

9 (4) The special report may be transmitted orally by telephone to
10 the commission to satisfy the delivery period required by subsection
11 (3) of this section if the written form of the report is also mailed to
12 the commission and postmarked within the delivery period established in
13 subsection (3) of this section or the file transfer date of the
14 electronic filing is within the delivery period established in
15 subsection (3) of this section.

16 (5) The special report shall include at least:

17 (a) The amount of the contribution or contributions;

18 (b) The date or dates of receipt;

19 (c) The name and address of the donor;

20 (d) The name and address of the recipient; and

21 (e) Any other information the commission may by rule require.

22 (6) Contributions reported under this section shall also be
23 reported as required by other provisions of this chapter.

24 (7) The commission shall (~~publish~~) prepare daily a summary of the
25 special reports made under this section and RCW 42.17.175.

26 (8) It is a violation of this chapter for any person to make, or
27 for any candidate or political committee to accept from any one person,
28 contributions reportable under RCW 42.17.090 in the aggregate exceeding
29 fifty thousand dollars for any campaign for state-wide office or
30 exceeding five thousand dollars for any other campaign subject to the
31 provisions of this chapter within twenty-one days of a general
32 election. This subsection does not apply to contributions made by, or
33 accepted from, a (~~major Washington state~~) bona fide political party
34 as defined in (~~RCW 29.01.090~~) this chapter, excluding the county
35 central committee or legislative district committee.

36 (9) Contributions governed by this section include, but are not
37 limited to, contributions made or received indirectly through a third
38 party or entity whether the contributions are or are not reported to
39 the commission as earmarked contributions under RCW 42.17.135.

1 **Sec. 5.** RCW 42.17.132 and 1993 c 2 s 25 are each amended to read
2 as follows:

3 During the twelve-month period preceding the (~~expiration of a~~
4 ~~state legislator's term in~~) last day for certification of the election
5 results for a state legislator's election to office, no incumbent to
6 that office may mail to a constituent at public expense a letter,
7 newsletter, brochure, or other piece of literature that is not in
8 direct response to that constituent's request for a response or for
9 information. However, one mailing mailed within thirty days after the
10 start of a regular legislative session and one mailing mailed within
11 sixty days after the end of a regular legislative session of identical
12 newsletters to constituents are permitted. A violation of this section
13 constitutes use of the facilities of a public office for the purpose of
14 assisting a campaign under RCW (~~(42.17.130)~~) 42.52.180.

15 The house of representatives and senate shall specifically limit
16 expenditures per member for the total cost of mailings, including but
17 not limited to production costs, printing costs, and postage.

18 **Sec. 6.** RCW 42.17.155 and 1985 c 367 s 8 are each amended to read
19 as follows:

20 Each lobbyist shall at the time he or she registers submit to the
21 commission a recent photograph of himself or herself of a size and
22 format as determined by rule of the commission, together with the name
23 of the lobbyist's employer, the length of his or her employment as a
24 lobbyist before the legislature, a brief biographical description, and
25 any other information he or she may wish to submit not to exceed fifty
26 words in length. Such photograph and information shall be published at
27 least (~~(annually)~~) biennially in a booklet form by the commission for
28 distribution to legislators and the public.

29 **Sec. 7.** RCW 42.17.190 and 1986 c 239 s 1 are each amended to read
30 as follows:

31 (1) (~~Every legislator and every committee of the legislature shall~~
32 ~~file with the commission quarterly reports listing the names,~~
33 ~~addresses, and salaries of all persons employed by the person or~~
34 ~~committee making the filing for the purpose of aiding in the~~
35 ~~preparation or enactment of legislation or the performance of~~
36 ~~legislative duties of such legislator or committee during the preceding~~
37 ~~quarter. The reports shall be made in the form and the manner~~

1 ~~prescribed by the commission and shall be filed between the first and~~
2 ~~tenth days of each calendar quarter: PROVIDED, That the information~~
3 ~~required by this subsection may be supplied, insofar as it is~~
4 ~~available, by the chief clerk of the house of representatives or by the~~
5 ~~secretary of the senate on a form prepared by the commission.)) The
6 house of representatives and the senate shall report annually: The
7 total budget; the portion of the total attributed to staff; number of
8 full-time and part-time positions occupied by nonpartisan staff, with
9 dollar figures as well as number of positions; number of full-time and
10 part-time positions occupied by partisan staff, by caucus, and the
11 dollar figures attributed to those positions; and comparable figures
12 for the preceding ten years.~~

13 (2) Unless authorized by subsection (3) of this section or
14 otherwise expressly authorized by law, no public funds may be used
15 directly or indirectly for lobbying: PROVIDED, This does not prevent
16 officers or employees of an agency from communicating with a member of
17 the legislature on the request of that member; or communicating to the
18 legislature, through the proper official channels, requests for
19 legislative action or appropriations which are deemed necessary for the
20 efficient conduct of the public business or actually made in the proper
21 performance of their official duties: PROVIDED FURTHER, That this
22 subsection does not apply to the legislative branch.

23 (3) Any agency, not otherwise expressly authorized by law, may
24 expend public funds for lobbying, but such lobbying activity shall be
25 limited to (a) providing information or communicating on matters
26 pertaining to official agency business to any elected official or
27 officer or employee of any agency or (b) advocating the official
28 position or interests of the agency to any elected official or officer
29 or employee of any agency: PROVIDED, That public funds may not be
30 expended as a direct or indirect gift or campaign contribution to any
31 elected official or officer or employee of any agency. For the
32 purposes of this subsection, the term "gift" means a voluntary transfer
33 of any thing of value without consideration of equal or greater value,
34 but does not include informational material transferred for the sole
35 purpose of informing the recipient about matters pertaining to official
36 agency business(~~(: PROVIDED FURTHER, That)~~). This section does not
37 permit the printing of a state publication which has been otherwise
38 prohibited by law.

1 (4) No elective official or any employee of his or her office or
2 any person appointed to or employed by any public office or agency may
3 use or authorize the use of any of the facilities of a public office or
4 agency, directly or indirectly, in any effort to support or oppose an
5 initiative to the legislature. "Facilities of a public office or
6 agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The
7 provisions of this subsection shall not apply to the following
8 activities:

9 (a) Action taken at an open public meeting by members of an elected
10 legislative body to express a collective decision, or to actually vote
11 upon a motion, proposal, resolution, order, or ordinance, or to support
12 or oppose an initiative to the legislature so long as (i) any required
13 notice of the meeting includes the title and number of the initiative
14 to the legislature, and (ii) members of the legislative body or members
15 of the public are afforded an approximately equal opportunity for the
16 expression of an opposing view;

17 (b) A statement by an elected official in support of or in
18 opposition to any initiative to the legislature at an open press
19 conference or in response to a specific inquiry;

20 (c) Activities which are part of the normal and regular conduct of
21 the office or agency;

22 (d) Activities conducted regarding an initiative to the legislature
23 that would be permitted under RCW 42.17.130 and 42.52.180 if conducted
24 regarding other ballot measures.

25 (5) Each state agency, county, city, town, municipal corporation,
26 quasi-municipal corporation, or special purpose district which expends
27 public funds for lobbying shall file with the commission, except as
28 exempted by (d) of this subsection, quarterly statements providing the
29 following information for the quarter just completed:

30 (a) The name of the agency filing the statement;

31 (b) The name, title, and job description and salary of each elected
32 official, officer, or employee who lobbied, a general description of
33 the nature of the lobbying, and the proportionate amount of time spent
34 on the lobbying;

35 (c) A listing of expenditures incurred by the agency for lobbying
36 including but not limited to travel, consultant or other special
37 contractual services, and brochures and other publications, the
38 principal purpose of which is to influence legislation;

1 (d) For purposes of this subsection the term "lobbying" does not
2 include:

3 (i) Requests for appropriations by a state agency to the office of
4 financial management pursuant to chapter 43.88 RCW nor requests by the
5 office of financial management to the legislature for appropriations
6 other than its own agency budget requests;

7 (ii) Recommendations or reports to the legislature in response to
8 a legislative request expressly requesting or directing a specific
9 study, recommendation, or report by an agency on a particular subject;

10 (iii) Official reports including recommendations submitted to the
11 legislature on an annual or biennial basis by a state agency as
12 required by law;

13 (iv) Requests, recommendations, or other communication between or
14 within state agencies or between or within local agencies;

15 (v) Any other lobbying to the extent that it includes:

16 (A) Telephone conversations or preparation of written
17 correspondence;

18 (B) In-person lobbying on behalf of an agency of no more than four
19 days or parts thereof during any three-month period by officers or
20 employees of that agency and in-person lobbying by any elected official
21 of such agency on behalf of such agency or in connection with the
22 powers, duties, or compensation of such official: PROVIDED, That the
23 total expenditures of nonpublic funds made in connection with such
24 lobbying for or on behalf of any one or more members of the legislature
25 or state elected officials or public officers or employees of the state
26 of Washington do not exceed fifteen dollars for any three-month period:
27 PROVIDED FURTHER, That the exemption under this subsection is in
28 addition to the exemption provided in (A) of this subsection;

29 (C) Preparation or adoption of policy positions.

30 The statements shall be in the form and the manner prescribed by
31 the commission and shall be filed within one month after the end of the
32 quarter covered by the report.

33 (6) In lieu of reporting under subsection (5) of this section any
34 county, city, town, municipal corporation, quasi municipal corporation,
35 or special purpose district may determine and so notify the public
36 disclosure commission, that elected officials, officers, or employees
37 who on behalf of any such local agency engage in lobbying reportable
38 under subsection (5) of this section shall register and report such
39 reportable lobbying in the same manner as a lobbyist who is required to

1 register and report under RCW 42.17.150 and 42.17.170. Each such local
2 agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

3 (7) The provisions of this section do not relieve any elected
4 official or officer or employee of an agency from complying with other
5 provisions of this chapter, if such elected official, officer, or
6 employee is not otherwise exempted.

7 (8) The purpose of this section is to require each state agency and
8 certain local agencies to report the identities of those persons who
9 lobby on behalf of the agency for compensation, together with certain
10 separately identifiable and measurable expenditures of an agency's
11 funds for that purpose. This section shall be reasonably construed to
12 accomplish that purpose and not to require any agency to report any of
13 its general overhead cost or any other costs which relate only
14 indirectly or incidentally to lobbying or which are equally
15 attributable to or inseparable from nonlobbying activities of the
16 agency.

17 The public disclosure commission may adopt rules clarifying and
18 implementing this legislative interpretation and policy.

19 **Sec. 8.** RCW 42.17.240 and 1993 c 2 s 31 are each amended to read
20 as follows:

21 (1) Every elected official and every executive state officer shall
22 after January 1st and before April 15th of each year file with the
23 commission a statement of financial affairs for the preceding calendar
24 year. However, any local elected official whose term of office expires
25 immediately after December 31st shall file the statement required to be
26 filed by this section for the year that ended on that December 31st.
27 (~~In addition to and in conjunction with the statement of financial~~
28 ~~affairs, every official and officer shall file a statement describing~~
29 ~~any gifts received during the preceding calendar year.))~~

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

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

37 (4) A statement of a candidate or appointee filed during the period
38 from January 1st to April 15th shall cover the period from January 1st

1 of the preceding calendar year to the time of candidacy or appointment
2 if the filing of the statement would relieve the individual of a prior
3 obligation to file a statement covering the entire preceding calendar
4 year.

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

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

9 (7) Every elected official and every executive state officer shall
10 file with their statement of financial affairs a statement certifying
11 that they have read and are familiar with RCW 42.17.130 or 42.52.180,
12 whichever is applicable.

13 (8) For the purposes of this section, the term "executive state
14 officer" includes those listed in RCW 42.17.2401.

15 (~~(8)~~) (9) This section does not apply to incumbents or candidates
16 for a federal office or the office of precinct committee officer.

17 **Sec. 9.** RCW 42.17.241 and 1984 c 34 s 3 are each amended to read
18 as follows:

19 FINANCIAL AFFAIRS REPORT--GIFTS. (1) The statement of financial
20 affairs required by RCW 42.17.240 shall disclose for the reporting
21 individual and each member of his or her immediate family:

22 (a) Occupation, name of employer, and business address; and

23 (b) Each bank or savings account or insurance policy in which any
24 such person or persons owned a direct financial interest that exceeded
25 five thousand dollars at any time during the reporting period; each
26 other item of intangible personal property in which any such person or
27 persons owned a direct financial interest, the value of which exceeded
28 five hundred dollars during the reporting period; the name, address,
29 and nature of the entity; and the nature and highest value of each such
30 direct financial interest during the reporting period; and

31 (c) The name and address of each creditor to whom the value of five
32 hundred dollars or more was owed; the original amount of each debt to
33 each such creditor; the amount of each debt owed to each creditor as of
34 the date of filing; the terms of repayment of each such debt; and the
35 security given, if any, for each such debt: PROVIDED, That debts
36 arising out of a "retail installment transaction" as defined in chapter
37 63.14 RCW (Retail Installment Sales Act) need not be reported; and

1 (d) Every public or private office, directorship, and position held
2 as trustee; and

3 (e) All persons for whom any legislation, rule, rate, or standard
4 has been prepared, promoted, or opposed for current or deferred
5 compensation: PROVIDED, That for the purposes of this subsection,
6 "compensation" does not include payments made to the person reporting
7 by the governmental entity for which such person serves as an elected
8 official or state executive officer or professional staff member for
9 his service in office; the description of such actual or proposed
10 legislation, rules, rates, or standards; and the amount of current or
11 deferred compensation paid or promised to be paid; and

12 (f) The name and address of each governmental entity, corporation,
13 partnership, joint venture, sole proprietorship, association, union, or
14 other business or commercial entity from whom compensation has been
15 received in any form of a total value of five hundred dollars or more;
16 the value of the compensation; and the consideration given or performed
17 in exchange for the compensation; and

18 (g) The name of any corporation, partnership, joint venture,
19 association, union, or other entity in which is held any office,
20 directorship, or any general partnership interest, or an ownership
21 interest of ten percent or more; the name or title of that office,
22 directorship, or partnership; the nature of ownership interest; and
23 with respect to each such entity: (i) With respect to a governmental
24 unit in which the official seeks or holds any office or position, if
25 the entity has received compensation in any form during the preceding
26 twelve months from the governmental unit, the value of the compensation
27 and the consideration given or performed in exchange for the
28 compensation; (ii) the name of each governmental unit, corporation,
29 partnership, joint venture, sole proprietorship, association, union, or
30 other business or commercial entity from which the entity has received
31 compensation in any form in the amount of two thousand five hundred
32 dollars or more during the preceding twelve months and the
33 consideration given or performed in exchange for the compensation:
34 PROVIDED, That the term "compensation" for purposes of this subsection
35 (1)(g)(ii) does not include payment for water and other utility
36 services at rates approved by the Washington state utilities and
37 transportation commission or the legislative authority of the public
38 entity providing the service: PROVIDED, FURTHER, That with respect to
39 any bank or commercial lending institution in which is held any office,

1 directorship, partnership interest, or ownership interest, it shall
2 only be necessary to report either the name, address, and occupation of
3 every director and officer of the bank or commercial lending
4 institution and the average monthly balance of each account held during
5 the preceding twelve months by the bank or commercial lending
6 institution from the governmental entity for which the individual is an
7 official or candidate or professional staff member, or all interest
8 paid by a borrower on loans from and all interest paid to a depositor
9 by the bank or commercial lending institution if the interest exceeds
10 six hundred dollars; and

11 (h) A list, including legal or other sufficient descriptions as
12 prescribed by the commission, of all real property in the state of
13 Washington, the assessed valuation of which exceeds two thousand five
14 hundred dollars in which any direct financial interest was acquired
15 during the preceding calendar year, and a statement of the amount and
16 nature of the financial interest and of the consideration given in
17 exchange for that interest; and

18 (i) A list, including legal or other sufficient descriptions as
19 prescribed by the commission, of all real property in the state of
20 Washington, the assessed valuation of which exceeds two thousand five
21 hundred dollars in which any direct financial interest was divested
22 during the preceding calendar year, and a statement of the amount and
23 nature of the consideration received in exchange for that interest, and
24 the name and address of the person furnishing the consideration; and

25 (j) A list, including legal or other sufficient descriptions as
26 prescribed by the commission, of all real property in the state of
27 Washington, the assessed valuation of which exceeds two thousand five
28 hundred dollars in which a direct financial interest was held:
29 PROVIDED, That if a description of the property has been included in a
30 report previously filed, the property may be listed, for purposes of
31 this provision, by reference to the previously filed report; and

32 (k) A list, including legal or other sufficient descriptions as
33 prescribed by the commission, of all real property in the state of
34 Washington, the assessed valuation of which exceeds five thousand
35 dollars, in which a corporation, partnership, firm, enterprise, or
36 other entity had a direct financial interest, in which corporation,
37 partnership, firm, or enterprise a ten percent or greater ownership
38 interest was held; and

1 (1) A list of each occasion, specifying date, donor, and amount,
2 in which food and beverage in excess of fifty dollars was accepted
3 under RCW 42.52.150(5); and

4 (m) Such other information as the commission may deem necessary in
5 order to properly carry out the purposes and policies of this chapter,
6 as the commission shall prescribe by rule.

7 (2) Where an amount is required to be reported under subsection
8 (1)(~~(, paragraphs)~~) (a) through (~~(k)~~) (m) of this section, it shall
9 be sufficient to comply with the requirement to report whether the
10 amount is less than one thousand dollars, at least one thousand dollars
11 but less than five thousand dollars, at least five thousand dollars but
12 less than ten thousand dollars, at least ten thousand dollars but less
13 than twenty-five thousand dollars, or twenty-five thousand dollars or
14 more. An amount of stock may be reported by number of shares instead
15 of by market value. No provision of this subsection may be interpreted
16 to prevent any person from filing more information or more detailed
17 information than required.

18 (3) Items of value given to an official's or employee's spouse or
19 children are attributable to the official or employee, except the item
20 is not attributable if an independent business, family, or social
21 relationship exists between the donor and the spouse or child.

22 **Sec. 10.** RCW 42.17.2401 and 1993 sp.s. c 2 s 18, 1993 c 492 s 488,
23 and 1993 c 281 s 43 are each reenacted and amended to read as follows:

24 For the purposes of RCW 42.17.240, the term "executive state
25 officer" includes:

26 (1) The chief administrative law judge, the director of
27 agriculture, the administrator of the office of marine safety, the
28 administrator of the Washington basic health plan, the director of the
29 department of services for the blind, the director of the state system
30 of community and technical colleges, the director of community, trade,
31 and economic development, the secretary of corrections, the director of
32 ecology, the commissioner of employment security, the chairman of the
33 energy facility site evaluation council, the director of the energy
34 office, the secretary of the state finance committee, the director of
35 financial management, the director of fish and wildlife, the executive
36 secretary of the forest practices appeals board, the director of the
37 gambling commission, the director of general administration, the
38 secretary of health, the administrator of the Washington state health

1 care authority, the executive secretary of the health care facilities
2 authority, the executive secretary of the higher education facilities
3 authority, the executive secretary of the horse racing commission, the
4 executive secretary of the human rights commission, the executive
5 secretary of the indeterminate sentence review board, the director of
6 the department of information services, the director of the interagency
7 committee for outdoor recreation, the executive director of the state
8 investment board, the director of labor and industries, the director of
9 licensing, the director of the lottery commission, the director of the
10 office of minority and women's business enterprises, the director of
11 parks and recreation, the director of personnel, the executive director
12 of the public disclosure commission, the director of retirement
13 systems, the director of revenue, the secretary of social and health
14 services, the chief of the Washington state patrol, the executive
15 secretary of the board of tax appeals, (~~the director of trade and~~
16 ~~economic development,~~) the secretary of transportation, the secretary
17 of the utilities and transportation commission, the director of
18 veterans affairs, the president of each of the regional and state
19 universities and the president of The Evergreen State College, each
20 district and each campus president of each state community college;

21 (2) Each professional staff member of the office of the governor;

22 (3) Each professional staff member of the legislature; and

23 (4) Central Washington University board of trustees, board of
24 trustees of each community college, each member of the state board for
25 community and technical colleges, state convention and trade center
26 board of directors, committee for deferred compensation, Eastern
27 Washington University board of trustees, Washington economic
28 development finance authority, The Evergreen State College board of
29 trustees, executive ethics board, forest practices appeals board,
30 forest practices board, gambling commission, Washington health care
31 facilities authority, each member of the Washington health services
32 commission, higher education coordinating board, higher education
33 facilities authority, horse racing commission, state housing finance
34 commission, human rights commission, indeterminate sentence review
35 board, board of industrial insurance appeals, information services
36 board, interagency committee for outdoor recreation, state investment
37 board, commission on judicial conduct, legislative ethics board, liquor
38 control board, lottery commission, marine oversight board, (~~oil and~~
39 ~~gas conservation committee,~~) Pacific Northwest electric power and

1 conservation planning council, parks and recreation commission,
2 personnel appeals board, board of pilotage commissioners, pollution
3 control hearings board, public disclosure commission, public pension
4 commission, shorelines hearing board, public employees' benefits board,
5 board of tax appeals, transportation commission, University of
6 Washington board of regents, utilities and transportation commission,
7 Washington state maritime commission, Washington personnel resources
8 board, Washington public power supply system executive board,
9 Washington State University board of regents, Western Washington
10 University board of trustees, and fish and wildlife commission.

11 **Sec. 11.** RCW 42.17.370 and 1994 c 40 s 3 are each amended to read
12 as follows:

13 The commission is empowered to:

14 (1) Adopt, promulgate, amend, and rescind suitable administrative
15 rules to carry out the policies and purposes of this chapter, which
16 rules shall be adopted under chapter 34.05 RCW. Unless otherwise
17 expressly permitted by law, the commission shall treat questions of
18 legislative intent not by rule but on a case-by-case basis, applying
19 standard rules of statutory interpretation;

20 (2) Appoint and set, within the limits established by the committee
21 on agency officials' salaries under RCW 43.03.028, the compensation of
22 an executive director who shall perform such duties and have such
23 powers as the commission may prescribe and delegate to implement and
24 enforce this chapter efficiently and effectively. The commission shall
25 not delegate its authority to adopt, amend, or rescind rules nor shall
26 it delegate authority to determine whether an actual violation of this
27 chapter has occurred or to assess penalties for such violations;

28 (3) Prepare and publish such reports and technical studies as in
29 its judgment will tend to promote the purposes of this chapter,
30 including reports and statistics concerning campaign financing,
31 lobbying, financial interests of elected officials, and enforcement of
32 this chapter;

33 (4) Make from time to time, on its own motion, audits and field
34 investigations;

35 (5) Make public the time and date of any formal hearing set to
36 determine whether a violation has occurred, the question or questions
37 to be considered, and the results thereof;

1 (6) Administer oaths and affirmations, issue subpoenas, and compel
2 attendance, take evidence and require the production of any books,
3 papers, correspondence, memorandums, or other records relevant or
4 material for the purpose of any investigation authorized under this
5 chapter, or any other proceeding under this chapter;

6 (7) Adopt and promulgate a code of fair campaign practices;

7 (8) Relieve, by rule, candidates or political committees of
8 obligations to comply with the provisions of this chapter relating to
9 election campaigns, if they have not received contributions nor made
10 expenditures in connection with any election campaign of more than one
11 thousand dollars;

12 (9) Adopt rules prescribing reasonable requirements for keeping
13 accounts of and reporting on a quarterly basis costs incurred by state
14 agencies, counties, cities, and other municipalities and political
15 subdivisions in preparing, publishing, and distributing legislative
16 information. The term "legislative information," for the purposes of
17 this subsection, means books, pamphlets, reports, and other materials
18 prepared, published, or distributed at substantial cost, a substantial
19 purpose of which is to influence the passage or defeat of any
20 legislation. The state auditor in his or her regular examination of
21 each agency under chapter 43.09 RCW shall review the rules, accounts,
22 and reports and make appropriate findings, comments, and
23 recommendations in his or her examination reports concerning those
24 agencies;

25 (10) After hearing, by order approved and ratified by a majority of
26 the membership of the commission, suspend or modify any of the
27 reporting requirements of this chapter in a particular case if it finds
28 that literal application of this chapter works a manifestly
29 unreasonable hardship and if it also finds that the suspension or
30 modification will not frustrate the purposes of the chapter. The
31 commission shall find that a manifestly unreasonable hardship exists if
32 reporting the name of an entity required to be reported under RCW
33 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive
34 position of any entity in which the person filing the report or any
35 member of his or her immediate family holds any office, directorship,
36 general partnership interest, or an ownership interest of ten percent
37 or more. Any suspension or modification shall be only to the extent
38 necessary to substantially relieve the hardship. The commission shall
39 act to suspend or modify any reporting requirements only if it

1 determines that facts exist that are clear and convincing proof of the
2 findings required under this section. Requests for renewals of
3 reporting modifications may be heard in a brief adjudicative proceeding
4 as set forth in RCW 34.05.482 through 34.05.494 and in accordance with
5 the standards established in this section. No initial request may be
6 heard in a brief adjudicative proceeding and no request for renewal may
7 be heard in a brief adjudicative proceeding if the initial request was
8 granted more than three years previously or if the applicant is holding
9 an office or position of employment different from the office or
10 position held when the initial request was granted. The commission
11 shall adopt administrative rules governing the proceedings. Any
12 citizen has standing to bring an action in Thurston county superior
13 court to contest the propriety of any order entered under this section
14 within one year from the date of the entry of the order; and

15 (11) Revise, at least once every five years but no more often than
16 every two years, the monetary reporting thresholds and reporting code
17 values of this chapter. The revisions shall be only for the purpose of
18 recognizing economic changes as reflected by an inflationary index
19 recommended by the office of financial management. The revisions shall
20 be guided by the change in the index for the period commencing with the
21 month of December preceding the last revision and concluding with the
22 month of December preceding the month the revision is adopted. As to
23 each of the three general categories of this chapter (reports of
24 campaign finance, reports of lobbyist activity, and reports of the
25 financial affairs of elected and appointed officials), the revisions
26 shall equally affect all thresholds within each category. Revisions
27 shall be adopted as rules under chapter 34.05 RCW. The first revision
28 authorized by this subsection shall reflect economic changes from the
29 time of the last legislative enactment affecting the respective code or
30 threshold through December 1985;

31 (12) Develop and provide to filers a system for certification of
32 reports required under this chapter which are transmitted by facsimile
33 or electronically to the commission. Implementation of the program is
34 contingent on the availability of funds.

35 **Sec. 12.** RCW 42.17.420 and 1983 c 176 s 2 are each amended to read
36 as follows:

37 (1) Except as provided in subsection (2) of this section, when any
38 application, report, statement, notice, or payment required to be made

1 under the provisions of this chapter has been deposited postpaid in the
2 United States mail properly addressed, it shall be deemed to have been
3 received on the date of mailing. It shall be presumed that the date
4 shown by the post office cancellation mark on the envelope is the date
5 of mailing. The provisions of this section do not apply to reports
6 required to be delivered under RCW 42.17.105 and 42.17.175.

7 (2) When a report is filed electronically with the commission, it
8 is deemed to have been received on the file transfer date. Electronic
9 filing may be used for purposes of filing the special reports required
10 to be delivered under RCW 42.17.105 and 42.17.175.

11 **Sec. 13.** RCW 42.17.510 and 1993 c 2 s 22 are each amended to read
12 as follows:

13 (1) All written political advertising, whether relating to
14 candidates or ballot propositions, shall include the sponsor's name and
15 address. All radio and television political advertising, whether
16 relating to candidates or ballot propositions, shall include the
17 sponsor's name. The use of an assumed name shall be unlawful. The
18 party with which a candidate files shall be clearly identified in
19 political advertising for partisan office.

20 (2) In addition to the materials required by subsection (1) of this
21 section, all political advertising undertaken as an independent
22 expenditure by a person or entity other than a party organization must
23 include the following statement on the communication "NOTICE TO VOTERS
24 (Required by law): This advertisement is not authorized or approved by
25 any candidate. It is paid for by (name, address, city, state)." If
26 the advertisement undertaken as an independent expenditure is
27 undertaken by a nonindividual other than a party organization, then the
28 following notation must also be included: "Top Five Contributors,"
29 followed by a listing of the names of the five persons or entities
30 making the largest contributions reportable under this chapter during
31 the twelve-month period before the date of the advertisement.

32 (3) The statements and listings of contributors required by
33 subsections (1) and (2) of this section shall:

34 (a) Appear on ~~((each))~~ the first page or fold of the written
35 communication in at least ten-point type, or in type at least ten
36 percent of the largest size type used in a written communication
37 directed at more than one voter, such as a billboard or poster,
38 whichever is larger;

- 1 (b) Not be subject to the half-tone or screening process;
2 (c) Be (~~in a printed or drawn box~~) set apart from any other
3 printed matter; and
4 (d) Be clearly spoken on any broadcast advertisement.

5 (4) Political yard signs are exempt from the requirement of
6 subsections (1) and (2) of this section that the name and address of
7 the sponsor of political advertising be listed on the advertising. In
8 addition, the public disclosure commission shall, by rule, exempt from
9 the identification requirements of subsections (1) and (2) of this
10 section forms of political advertising such as campaign buttons,
11 balloons, pens, pencils, sky-writing, inscriptions, and other forms of
12 advertising where identification is impractical.

13 (5) For the purposes of this section, "yard sign" means any outdoor
14 sign with dimensions no greater than eight feet by four feet.

15 **Sec. 14.** RCW 42.17.640 and 1993 c 2 s 4 are each amended to read
16 as follows:

17 (1) No person, other than a bona fide political party or a caucus
18 (~~of the state legislature~~) political committee, may make
19 contributions to a candidate for a state legislative office that in the
20 aggregate exceed five hundred dollars or to a candidate for a state
21 office other than a state legislative office that in the aggregate
22 exceed one thousand dollars for each election in which the candidate is
23 on the ballot or appears as a write-in candidate. Contributions made
24 with respect to a primary may not be made after the date of the
25 primary. Contributions made with respect to a general election may not
26 be made after the final day of the applicable election cycle.

27 (2) No person, other than a bona fide political party or a caucus
28 (~~of the state legislature~~) political committee, may make
29 contributions to a state official against whom recall charges have been
30 filed, or to a political committee having the expectation of making
31 expenditures in support of the recall of the state official, during a
32 recall campaign that in the aggregate exceed five hundred dollars if
33 for a state legislative office or one thousand dollars if for a state
34 office other than a state legislative office.

35 (3)(a) Notwithstanding subsection (1) of this section, no bona fide
36 political party or caucus (~~of the state legislature~~) political
37 committee may make contributions to a candidate during an election
38 cycle that in the aggregate exceed (i) fifty cents multiplied by the

1 number of eligible registered voters in the jurisdiction from which the
2 candidate is elected if the contributor is a caucus (~~(of the state~~
3 ~~legislature))~~ political committee or the governing body of a state
4 organization, or (ii) twenty-five cents multiplied by the number of
5 registered voters in the jurisdiction from which the candidate is
6 elected if the contributor is a county central committee or a
7 legislative district committee.

8 (b) No candidate may accept contributions from a county central
9 committee or a legislative district committee during an election cycle
10 that when combined with contributions from other county central
11 committees or legislative district committees would in the aggregate
12 exceed twenty-five cents times the number of registered voters in the
13 jurisdiction from which the candidate is elected.

14 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
15 political party or caucus (~~(of the state legislature))~~ political
16 committee may make contributions to a state official against whom
17 recall charges have been filed, or to a political committee having the
18 expectation of making expenditures in support of the state official,
19 during a recall campaign that in the aggregate exceed (i) fifty cents
20 multiplied by the number of eligible registered voters in the
21 jurisdiction entitled to recall the state official if the contributor
22 is a caucus (~~(of the state legislature of {or})~~) political committee or
23 the governing body of a state organization, or (ii) twenty-five cents
24 multiplied by the number of registered voters in the jurisdiction from
25 which the candidate is elected if the contributor is a county central
26 committee or a legislative district committee.

27 (b) No state official against whom recall charges have been filed,
28 no authorized committee of the official, and no political committee
29 having the expectation of making expenditures in support of the recall
30 of a state official may accept contributions from a county central
31 committee or a legislative district committee during an election cycle
32 that when combined with contributions from other county central
33 committees or legislative district committees would in the aggregate
34 exceed twenty-five cents multiplied by the number of registered voters
35 in the jurisdiction from which the candidate is elected.

36 (5) For purposes of determining contribution limits under
37 subsections (3) and (4) of this section, the number of eligible
38 registered voters in a jurisdiction is the number at the time of the
39 most recent general election in the jurisdiction.

1 (6) Notwithstanding subsections (1) through (4) of this section, no
2 person other than an individual, bona fide political party, or caucus
3 (~~of the state legislature~~) political committee may make contributions
4 reportable under this chapter to a caucus (~~of the state legislature~~)
5 political committee that in the aggregate exceed five hundred dollars
6 in a calendar year or to a bona fide political party that in the
7 aggregate exceed two thousand five hundred dollars in a calendar year.
8 This subsection does not apply to loans made in the ordinary course of
9 business.

10 (~~(6)~~) (7) For the purposes of RCW 42.17.640 through 42.17.790, a
11 contribution to the authorized political committee of a candidate, or
12 of a state official against whom recall charges have been filed, is
13 considered to be a contribution to the candidate or state official.

14 (~~(7)~~) (8) A contribution received within the twelve-month period
15 after a recall election concerning a state office is considered to be
16 a contribution during that recall campaign if the contribution is used
17 to pay a debt or obligation incurred to influence the outcome of that
18 recall campaign.

19 (~~(8)~~) (9) The contributions allowed by subsection (2) of this
20 section are in addition to those allowed by subsection (1) of this
21 section, and the contributions allowed by subsection (4) of this
22 section are in addition to those allowed by subsection (3) of this
23 section.

24 (~~(9)~~) (10) RCW 42.17.640 through 42.17.790 apply to a special
25 election conducted to fill a vacancy in a state office. However, the
26 contributions made to a candidate or received by a candidate for a
27 primary or special election conducted to fill such a vacancy shall not
28 be counted toward any of the limitations that apply to the candidate or
29 to contributions made to the candidate for any other primary or
30 election.

31 (~~(10)~~) (11) Notwithstanding the other subsections of this
32 section, no corporation or business entity not doing business in
33 Washington state, no labor union with fewer than ten members who reside
34 in Washington state, and no political committee that has not received
35 contributions of ten dollars or more from at least ten persons
36 registered to vote in Washington state during the preceding one hundred
37 eighty days may make contributions reportable under this chapter to a
38 candidate, to a state official against whom recall charges have been
39 filed, or to a political committee having the expectation of making

1 expenditures in support of the recall of the official. This subsection
2 does not apply to loans made in the ordinary course of business.

3 ~~((11))~~ (12) Notwithstanding the other subsections of this
4 section, no county central committee or legislative district committee
5 may make contributions reportable under this chapter to a candidate,
6 state official against whom recall charges have been filed, or
7 political committee having the expectation of making expenditures in
8 support of the recall of a state official if the county central
9 committee or legislative district committee is outside of the
10 jurisdiction entitled to elect the candidate or recall the state
11 official.

12 ~~((12))~~ (13) No person may accept contributions that exceed the
13 contribution limitations provided in this section.

14 (14)(a) Contributions to a person that are earmarked for exempt
15 activities are not subject to the contribution limits of RCW 42.17.640.

16 (b) "Exempt activities" for purposes of this section means the
17 following activities, except when promoting or opposing an individual
18 candidate:

19 (i) Expense for activities aimed at enhancing voter education,
20 public involvement, and ensuring fair and impartial elections,
21 including:

22 (A) Voter registration programs;

23 (B) Absentee ballot programs;

24 (C) Precinct caucuses;

25 (D) Voter identification and get-out-the-vote programs;

26 (E) Precinct judges or inspectors;

27 (F) Ballot count monitoring;

28 (G) Sample ballots program;

29 (ii) Operational expenses, including:

30 (A) Office space and equipment, insurance, utilities, telephones,
31 postage, printing;

32 (B) Fund raising, training, and research;

33 (C) Recruiting of candidates;

34 (D) Internal communications among members and contributors;

35 (iii) Personnel costs associated with exempt activities authorized
36 by this section;

37 (iv) An expenditure by or contribution earmarked for a bona fide
38 political party for the cost of preparation, display, or mailing or
39 other distribution incurred by such party with respect to a printed

1 slate card or sample ballot or other printed listing of three or more
2 candidates for any public office for which an election is held in the
3 jurisdiction in which the party is organized, except that this
4 subsection shall not apply to any cost incurred by such party with
5 respect to display of any such listing made on broadcasting stations,
6 or in newspapers, magazines, or similar types of general public
7 advertising.

8 NEW SECTION. **Sec. 15.** A new section is added to chapter 42.17
9 RCW, to be codified after RCW 42.17.640, to read as follows:

10 CAUCUS POLITICAL COMMITTEES. (1) By July 1, 1995, the members of
11 a major political party in the state senate or state house of
12 representatives shall designate for the public disclosure commission
13 the caucus political committee. An existing political committee may be
14 designated as the caucus political committee authorized under this
15 section. If necessary, moneys held by a political committee organized
16 and maintained by the members of a major political party in the state
17 senate or state house of representatives may be transferred to the
18 caucus political committee designated under this section.

19 (2) The caucus political committee may establish both a
20 contributions account and an exempt activity account. Contributions to
21 a contributions account are subject to the limits of RCW 42.17.640.
22 Moneys deposited in an exempt activity account are not subject to the
23 limits of RCW 42.17.640 and may be expended only for exempt activities
24 designated in this chapter.

25 **Sec. 16.** RCW 42.17.660 and 1993 c 2 s 6 are each amended to read
26 as follows:

27 TECHNICAL CORRECTIONS. For purposes of this chapter:

28 (1) A contribution by a political committee with funds that have
29 all been contributed by one person who exercises exclusive control over
30 the distribution of the funds of the political committee is a
31 contribution by the controlling person.

32 (2) Two or more entities are treated as a single entity if one of
33 the two or more entities is a corporate subsidiary, branch, or
34 department of (~~a corporation~~) one of the other entities or a local
35 unit, branch, or affiliate of one of the other entities that is a trade
36 association, labor union, or collective bargaining association. All
37 contributions made by a person or political committee whose

1 contribution or expenditure activity is financed, maintained, or
2 controlled by a single trade association, labor union, collective
3 bargaining organization, or the local unit of a trade association,
4 labor union, or collective bargaining organization are considered made
5 by (~~the same person or entity~~) such association, union, or
6 organization.

7 **Sec. 17.** RCW 42.17.720 and 1993 c 2 s 12 are each amended to read
8 as follows:

9 (1) A loan is considered to be a contribution from the (~~maker~~)
10 lender and (~~the~~) any guarantor of the loan and is subject to the
11 contribution limitations of this chapter. The full amount of the loan
12 shall be attributed to the lender and to each guarantor.

13 (2) A loan to a candidate for public office or the candidate's
14 political committee must be by written agreement.

15 (3) The proceeds of a loan made to a candidate for public office:

16 (a) By a commercial lending institution;

17 (b) Made in the regular course of business; and

18 (c) On the same terms ordinarily available to members of the
19 public(~~;~~ ~~and~~

20 (~~d) That is secured or guaranteed~~),

21 are not subject to the contribution limits of this chapter.

22 **Sec. 18.** RCW 42.17.740 and 1993 c 2 s 14 are each amended to read
23 as follows:

24 TECHNICAL CORRECTIONS. (1) (~~An individual~~) A person may not make
25 a contribution of more than fifty dollars, other than an in-kind
26 contribution, except by a written instrument containing the name of the
27 donor and the name of the payee.

28 (2) A political committee may not make a contribution, other than
29 in-kind, except by a written instrument containing the name of the
30 donor and the name of the payee.

31 **Sec. 19.** RCW 42.17.750 and 1993 c 2 s 15 are each amended to read
32 as follows:

33 (1) No state or local official or public employee or state or local
34 official's or public employee's agent may knowingly solicit, directly
35 or indirectly, a contribution to a candidate for public office,

1 political party, or political committee from an employee in the state
2 or local official's or public employee's agency.

3 (2) No state or local official or ((state)) public employee may
4 provide an advantage or disadvantage to an employee or applicant for
5 employment in the classified civil service concerning the applicant's
6 or employee's:

7 (a) Employment;

8 (b) Conditions of employment; or

9 (c) Application for employment,

10 based on the employee's or applicant's contribution or promise to
11 contribute or failure to make a contribution or contribute to a
12 political party or political committee.

13 **Sec. 20.** RCW 42.17.770 and 1993 c 2 s 17 are each amended to read
14 as follows:

15 A person ((~~or entity~~)) may not solicit from a candidate for public
16 office, political committee, political party, or other person ((~~or~~
17 ~~entity~~)) money or other property as a condition or consideration for an
18 endorsement, article, or other communication in the news media
19 promoting or opposing a candidate for public office, political
20 committee, or political party.

21 **Sec. 21.** RCW 42.17.780 and 1993 c 2 s 18 are each amended to read
22 as follows:

23 A person ((~~or entity~~)) may not, directly or indirectly, reimburse
24 another person ((~~or entity~~)) for a contribution to a candidate for
25 public office, political committee, or political party.

26 **Sec. 22.** RCW 42.17.790 and 1993 c 2 s 19 are each amended to read
27 as follows:

28 (1) Except as provided in subsection (2) of this section, a
29 candidate for public office or the candidate's political committee may
30 not use or permit the use of contributions, whether or not surplus,
31 solicited for or received by the candidate for public office or the
32 candidate's political committee to further the candidacy of the
33 individual for an office other than the office designated on the
34 statement of organization. A contribution solicited for or received on
35 behalf of the candidate for public office is considered solicited or
36 received for the candidacy for which the individual is then a candidate

1 if the contribution is solicited or received before the general
2 elections for which the candidate for public office is a nominee or is
3 unopposed.

4 (2) With the written approval of the contributor, a candidate for
5 public office or the candidate's political committee may use or permit
6 the use of contributions, whether or not surplus, solicited for or
7 received by the candidate for public office or the candidate's
8 political committee from that contributor to further the candidacy of
9 the individual for an office other than the office designated on the
10 statement of organization. If the contributor does not approve the use
11 of his or her contribution to further the candidacy of the individual
12 for an office other than the office designated on the statement of
13 organization at the time of the contribution, the contribution must be
14 considered surplus funds and disposed of in accordance with RCW
15 42.17.095.

16 **Sec. 23.** RCW 42.17.100 and 1989 c 280 s 10 are each amended to
17 read as follows:

18 INTERNAL POLITICAL COMMUNICATIONS--INDEPENDENT EXPENDITURE. (1)
19 For the purposes of this section and RCW 42.17.550 the term
20 "independent ((campaign)) expenditure" means any expenditure that is
21 made in support of or in opposition to any candidate or ballot
22 proposition and is not otherwise required to be reported pursuant to
23 RCW 42.17.060, 42.17.080, or 42.17.090. "Independent expenditure" does
24 not include: An internal political communication primarily limited to
25 the contributors to a political party organization or political action
26 committee, or the officers, management staff, and stockholders of a
27 corporation or similar enterprise, or the members of a labor
28 organization or other membership organization; or the rendering of
29 personal services of the sort commonly performed by volunteer campaign
30 workers, or incidental expenses personally incurred by volunteer
31 campaign workers not in excess of fifty dollars personally paid for by
32 the worker. "Volunteer services," for the purposes of this section,
33 means services or labor for which the individual is not compensated by
34 any person and that are performed outside the individual's normal
35 working hours.

36 (2) Within five days after the date of making an independent
37 ((campaign)) expenditure that by itself or when added to all other such
38 independent ((campaign)) expenditures made during the same election

1 campaign by the same person equals one hundred dollars or more, or
2 within five days after the date of making an independent ((campaign))
3 expenditure for which no reasonable estimate of monetary value is
4 practicable, whichever occurs first, the person who made the
5 independent ((campaign)) expenditure shall file with the commission and
6 the county elections officer of the county of residence for the
7 candidate supported or opposed by the independent ((campaign))
8 expenditure (or in the case of an expenditure made in support of or in
9 opposition to a local ballot proposition, the county of residence for
10 the person making the expenditure) an initial report of all independent
11 ((campaign)) expenditures made during the campaign prior to and
12 including such date.

13 (3) At the following intervals each person who is required to file
14 an initial report pursuant to subsection (2) of this section shall file
15 with the commission and the county elections officer of the county of
16 residence for the candidate supported or opposed by the independent
17 ((campaign)) expenditure (or in the case of an expenditure made in
18 support of or in opposition to a ballot proposition, the county of
19 residence for the person making the expenditure) a further report of
20 the independent ((campaign)) expenditures made since the date of the
21 last report:

22 (a) On the twenty-first day and the seventh day preceding the date
23 on which the election is held; and

24 (b) On the tenth day of the first month after the election; and

25 (c) On the tenth day of each month in which no other reports are
26 required to be filed pursuant to this section. However, the further
27 reports required by this subsection (3) shall only be filed if the
28 reporting person has made an independent ((campaign)) expenditure since
29 the date of the last previous report filed.

30 The report filed pursuant to paragraph (a) of this subsection (3)
31 shall be the final report, and upon submitting such final report the
32 duties of the reporting person shall cease, and there shall be no
33 obligation to make any further reports.

34 (4) All reports filed pursuant to this section shall be certified
35 as correct by the reporting person.

36 (5) Each report required by subsections (2) and (3) of this section
37 shall disclose for the period beginning at the end of the period for
38 the last previous report filed or, in the case of an initial report,
39 beginning at the time of the first independent ((campaign))

1 expenditure, and ending not more than one business day before the date
2 the report is due:

3 (a) The name and address of the person filing the report;

4 (b) The name and address of each person to whom an independent
5 ((campaign)) expenditure was made in the aggregate amount of more than
6 fifty dollars, and the amount, date, and purpose of each such
7 expenditure. If no reasonable estimate of the monetary value of a
8 particular independent ((campaign)) expenditure is practicable, it is
9 sufficient to report instead a precise description of services,
10 property, or rights furnished through the expenditure and where
11 appropriate to attach a copy of the item produced or distributed by the
12 expenditure;

13 (c) The total sum of all independent ((campaign)) expenditures made
14 during the campaign to date; and

15 (d) Such other information as shall be required by the commission
16 by rule in conformance with the policies and purposes of this chapter.

17 **Sec. 24.** RCW 42.17.125 and 1993 c 2 s 21 are each amended to read
18 as follows:

19 TECHNICAL CORRECTIONS. Contributions received and reported in
20 accordance with RCW 42.17.060 through 42.17.090 may only be transferred
21 to the personal account of a candidate, or of a treasurer or other
22 individual or expended for such individual's personal use under the
23 following circumstances:

24 (1) Reimbursement for or loans to cover lost earnings incurred as
25 a result of campaigning or services performed for the political
26 committee. Such lost earnings shall be verifiable as unpaid salary, or
27 when the individual is not salaried, as an amount not to exceed income
28 received by the individual for services rendered during an appropriate,
29 corresponding time period. All lost earnings incurred shall be
30 documented and a record thereof shall be maintained by the individual
31 or the individual's political committee. The political committee shall
32 include a copy of such record when its expenditure for such
33 reimbursement is reported pursuant to RCW 42.17.090.

34 (2) Reimbursement for direct out-of-pocket election campaign and
35 postelection campaign related expenses made by the individual. To
36 receive reimbursement from the political committee, the individual
37 shall provide the political committee with written documentation as to
38 the amount, date, and description of each expense, and the political

1 committee shall include a copy of such information when its expenditure
2 for such reimbursement is reported pursuant to RCW 42.17.090.

3 (3) Repayment of loans made by the individual to political
4 committees, which repayment shall be reported pursuant to RCW
5 42.17.090. However, contributions may not be used to reimburse a
6 candidate for loans totaling more than three thousand dollars made by
7 the candidate to the candidate's own (~~authorized~~) political committee
8 or campaign.

9 **Sec. 25.** RCW 42.52.180 and 1994 c 154 s 118 are each amended to
10 read as follows:

11 (1) No state officer or state employee may use or authorize the use
12 of facilities of an agency, directly or indirectly, for the purpose of
13 assisting a campaign for election of a person to an office or for the
14 promotion of or opposition to a ballot proposition. Knowing
15 acquiescence by a person with authority to direct, control, or
16 influence the actions of the state officer or state employee using
17 public resources in violation of this section constitutes a violation
18 of this section. Facilities of an agency include, but are not limited
19 to, use of stationery, postage, machines, and equipment, use of state
20 employees of the agency during working hours, vehicles, office space,
21 publications of the agency, and clientele lists of persons served by
22 the agency.

23 (2) This section shall not apply to the following activities:

24 (a) Action taken at an open public meeting by members of an elected
25 legislative body to express a collective decision, or to actually vote
26 upon a motion, proposal, resolution, order, or ordinance, or to support
27 or oppose a ballot proposition as long as (i) required notice of the
28 meeting includes the title and number of the ballot proposition, and
29 (ii) members of the legislative body or members of the public are
30 afforded an approximately equal opportunity for the expression of an
31 opposing view;

32 (b) A statement by an elected official in support of or in
33 opposition to any ballot proposition at an open press conference or in
34 response to a specific inquiry. For the purposes of this subsection,
35 it is not a violation of this section for an elected official to
36 respond to an inquiry regarding a ballot proposition, to make
37 incidental remarks concerning a ballot proposition in an official
38 communication, or otherwise comment on a ballot proposition without an

1 actual, measurable expenditure of public funds. The ((public
2 disclosure commission shall, after consultation with the)) ethics
3 boards((~~7~~)) shall adopt by rule a definition of measurable expenditure;

4 (c) Activities that are part of the normal and regular conduct of
5 the office or agency; and

6 (d) De minimis use of public facilities by state-wide elected
7 officials and legislators incidental to the preparation or delivery of
8 permissible communications, including written and verbal communications
9 initiated by them of their views on ballot propositions that
10 foreseeably may affect a matter that falls within their constitutional
11 or statutory responsibilities.

12 (3) As to state officers and employees, this section operates to
13 the exclusion of RCW 42.17.130.

14 **Sec. 26.** RCW 42.17.095 and 1993 c 2 s 20 are each amended to read
15 as follows:

16 The surplus funds of a candidate, or of a political committee
17 supporting or opposing a candidate, may only be disposed of in any one
18 or more of the following ways:

19 (1) Return the surplus to a contributor in an amount not to exceed
20 that contributor's original contribution;

21 (2) Transfer the surplus to the candidate's personal account as
22 reimbursement for lost earnings incurred as a result of that
23 candidate's election campaign. Such lost earnings shall be verifiable
24 as unpaid salary or, when the candidate is not salaried, as an amount
25 not to exceed income received by the candidate for services rendered
26 during an appropriate, corresponding time period. All lost earnings
27 incurred shall be documented and a record thereof shall be maintained
28 by the candidate or the candidate's political committee. The committee
29 shall include a copy of such record when its expenditure for such
30 reimbursement is reported pursuant to RCW 42.17.090;

31 (3) Transfer the surplus without limit to a political party or to
32 a caucus ((of the state legislature)) political committee;

33 (4) Donate the surplus to a charitable organization registered in
34 accordance with chapter 19.09 RCW;

35 (5) Transmit the surplus to the state treasurer for deposit in the
36 general fund; or

37 (6) Hold the surplus in the campaign depository or depositories
38 designated in accordance with RCW 42.17.050 for possible use in a

1 future election campaign for the same office last sought by the
2 candidate and report any such disposition in accordance with RCW
3 42.17.090: PROVIDED, That if the candidate subsequently announces or
4 publicly files for office, information as appropriate is reported to
5 the commission in accordance with RCW 42.17.040 through 42.17.090. If
6 a subsequent office is not sought the surplus held shall be disposed of
7 in accordance with the requirements of this section.

8 (7) Hold the surplus campaign funds in a separate account for
9 nonreimbursed public office-related expenses or as provided in this
10 section, and report any such disposition in accordance with RCW
11 42.17.090. The separate account required under this subsection shall
12 not be used for deposits of campaign funds that are not surplus.

13 (8) No candidate or authorized committee may transfer funds to any
14 other candidate or other political committee.

15 **Sec. 27.** RCW 42.17.160 and 1982 c 147 s 12 are each amended to
16 read as follows:

17 The following persons and activities shall be exempt from
18 registration and reporting under RCW 42.17.150, 42.17.170, and
19 42.17.200:

20 (1) Persons who limit their lobbying activities to appearing before
21 public sessions of committees of the legislature, or public hearings of
22 state agencies;

23 (2) Activities by lobbyists or other persons whose participation
24 has been solicited by an agency under RCW 34.05.310(2);

25 (3) News or feature reporting activities and editorial comment by
26 working members of the press, radio, or television and the publication
27 or dissemination thereof by a newspaper, book publisher, regularly
28 published periodical, radio station, or television station;

29 ~~((+3+))~~ (4) Persons who lobby without compensation or other
30 consideration for acting as a lobbyist: PROVIDED, Such person makes no
31 expenditure for or on behalf of any member of the legislature or
32 elected official or public officer or employee of the state of
33 Washington in connection with such lobbying. The exemption contained
34 in this subsection is intended to permit and encourage citizens of this
35 state to lobby any legislator, public official, or state agency without
36 incurring any registration or reporting obligation provided they do not
37 exceed the limits stated above. Any person exempt under this

1 subsection ((+3+)) (4) may at his or her option register and report
2 under this chapter;

3 ((+4+)) (5) Persons who restrict their lobbying activities to no
4 more than four days or parts thereof during any three-month period and
5 whose total expenditures during such three-month period for or on
6 behalf of any one or more members of the legislature or state elected
7 officials or public officers or employees of the state of Washington in
8 connection with such lobbying do not exceed twenty-five (~~{dollars}~~)
9 dollars: PROVIDED, That the commission shall promulgate regulations to
10 require disclosure by persons exempt under this subsection or their
11 employers or entities which sponsor or coordinate the lobbying
12 activities of such persons if it determines that such regulations are
13 necessary to prevent frustration of the purposes of this chapter. Any
14 person exempt under this subsection ((+4+)) (5) may at his or her
15 option register and report under this chapter;

16 ((+5+)) (6) The governor;

17 ((+6+)) (7) The lieutenant governor;

18 ((+7+)) (8) Except as provided by RCW 42.17.190(1), members of the
19 legislature;

20 ((+8+)) (9) Except as provided by RCW 42.17.190(1), persons
21 employed by the legislature for the purpose of aiding in the
22 preparation or enactment of legislation or the performance of
23 legislative duties;

24 ((+9+)) (10) Elected officials, and officers and employees of any
25 agency reporting under RCW 42.17.190(4) as now or hereafter amended.

26 **Sec. 28.** RCW 42.17.170 and 1991 sp.s. c 18 s 2 are each amended to
27 read as follows:

28 (1) Any lobbyist registered under RCW 42.17.150 and any person who
29 lobbies shall file with the commission periodic reports of his or her
30 activities signed by the lobbyist. The reports shall be made in the
31 form and manner prescribed by the commission. They shall be due
32 monthly and shall be filed within fifteen days after the last day of
33 the calendar month covered by the report.

34 (2) Each such monthly periodic report shall contain:

35 (a) The totals of all expenditures for lobbying activities made or
36 incurred by such lobbyist or on behalf of such lobbyist by the
37 lobbyist's employer during the period covered by the report. Such
38 totals for lobbying activities shall be segregated according to

1 financial category, including compensation; food and refreshments;
2 living accommodations; advertising; travel; contributions; and other
3 expenses or services. Each individual expenditure of more than twenty-
4 five dollars for entertainment shall be identified by date, place,
5 amount, and the names of all persons in the group partaking in or of
6 such entertainment including any portion thereof attributable to the
7 lobbyist's participation therein, ~~((without))~~ and shall include amounts
8 actually expended on each person where calculable, or allocating any
9 portion of ((such)) the expenditure to individual participants.
10 ~~((However, if the expenditure for a single hosted reception is more~~
11 ~~than one hundred dollars per person partaking therein, the report shall~~
12 ~~specify the per person amount, which shall be determined by dividing~~
13 ~~the total amount of the expenditure by the total number of persons~~
14 ~~partaking in the reception.))~~

15 Notwithstanding the foregoing, lobbyists are not required to report
16 the following:

17 (i) Unreimbursed personal living and travel expenses not incurred
18 directly for lobbying;

19 (ii) Any expenses incurred for his or her own living
20 accommodations;

21 (iii) Any expenses incurred for his or her own travel to and from
22 hearings of the legislature;

23 (iv) Any expenses incurred for telephone, and any office expenses,
24 including rent and salaries and wages paid for staff and secretarial
25 assistance.

26 (b) In the case of a lobbyist employed by more than one employer,
27 the proportionate amount of such expenditures in each category incurred
28 on behalf of each of his employers.

29 (c) An itemized listing of each such expenditure, whether
30 contributed by the lobbyist personally or delivered or transmitted by
31 the lobbyist, in the nature of a contribution of money or of tangible
32 or intangible personal property to any candidate, elected official, or
33 officer or employee of any agency, or any political committee
34 supporting or opposing any ballot proposition, or for or on behalf of
35 any candidate, elected official, or officer or employee of any agency,
36 or any political committee supporting or opposing any ballot
37 proposition. All contributions made to, or for the benefit of, any
38 candidate, elected official, or officer or employee of any agency, or
39 any political committee supporting or opposing any ballot proposition

1 shall be identified by date, amount, and the name of the candidate,
2 elected official, or officer or employee of any agency, or any
3 political committee supporting or opposing any ballot proposition
4 receiving, or to be benefited by each such contribution.

5 (d) The subject matter of proposed legislation or other legislative
6 activity or rule-making under chapter 34.05 RCW, the state
7 Administrative Procedure Act, and the state agency considering the
8 same, which the lobbyist has been engaged in supporting or opposing
9 during the reporting period, unless exempt under RCW 42.17.160(2).

10 (e) Such other information relevant to lobbying activities as the
11 commission shall by rule prescribe. Information supporting such
12 activities as are required to be reported is subject to audit by the
13 commission.

14 (f) ~~((A listing of each gift, as defined in RCW 42.17.020, made to
15 a state elected official or executive state officer or to a member of
16 the immediate family of such an official or officer. Such a gift shall
17 be separately identified by the date it was given, the approximate
18 value of the gift, and the name of the recipient. However, for a
19 hosted reception where the average per person amount is reported under
20 (a) of this subsection, the approximate value for the gift of partaking
21 in the event is such average per person amount. The commission shall
22 adopt forms to be used for reporting the giving of gifts under this
23 subsection (2)(f). The forms shall be designed to permit a lobbyist to
24 report on a separate form for each recipient the reportable gifts given
25 to that recipient during the reporting period or, alternatively, to
26 report on one form all reportable gifts given by the lobbyist during
27 the reporting period))~~ A listing of each payment for an item specified
28 in RCW 42.52.150(5) in excess of fifty dollars made to a state elected
29 official, state officer, or state employee. Each item shall be
30 identified by recipient, date, and approximate value of the item.

31 (g) The total expenditures made during the reporting period by the
32 lobbyist for lobbying purposes, whether through or on behalf of a
33 lobbyist or otherwise. As used in this subsection, "expenditures"
34 includes amounts paid or incurred during the reporting period for (i)
35 political advertising as defined in RCW 42.17.020; and (ii) public
36 relations, telemarketing, polling, or similar activities if such
37 activities, directly or indirectly, are intended, designed, or
38 calculated to influence legislation or the adoption or rejection of a
39 rule, standard, or rate by an agency under the administrative procedure

1 act. The report shall specify the amount, the person to whom the
2 amount was paid, and a brief description of the activity.

3 (3) If a state elected official or a member of such an official's
4 immediate family is identified by a lobbyist in such a report as having
5 received from the lobbyist (~~(a gift, as defined in RCW 42.17.020)~~) an
6 item specified in RCW 42.52.150(5), the lobbyist shall transmit to the
7 official a copy of the completed form used to identify the (~~(gift)~~)
8 item in the report at the same time the report is filed with the
9 commission.

10 (4) The commission may adopt rules to vary the content of lobbyist
11 reports to address specific circumstances, consistent with this
12 section.

13 NEW SECTION. Sec. 29. The following acts or parts of acts are
14 each repealed:

- 15 (1) RCW 42.17.021 and 1993 c 2 s 30;
16 (2) RCW 42.17.630 and 1993 c 2 s 3; and
17 (3) RCW 42.17.2415 and 1991 sp.s. c 18 s 3.

18 NEW SECTION. Sec. 30. Section 15 of this act is necessary for the
19 immediate preservation of the public peace, health, or safety, or
20 support of the state government and its existing public institutions,
21 and shall take effect July 1, 1995. The remainder of this act takes
22 effect December 1, 1995.

23 NEW SECTION. Sec. 31. Captions as used in this act constitute no
24 part of the law.

25 NEW SECTION. Sec. 32. If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

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