
HOUSE BILL 1386

State of Washington

55th Legislature

1997 Regular Session

By Representatives Morris, D. Sommers, Kessler, Scott, Wood, Gardner, Butler, Wolfe, O'Brien, Dunshee, Kastama, Doumit, Hatfield, Quall, Blalock, Murray, Linville, Kenney, Tokuda, Keiser, Cooper, Costa, Lantz, Constantine, Gombosky, Ogden and Anderson

Read first time 01/24/97. Referred to Committee on Government Administration.

1 AN ACT Relating to paid signature gathering; amending RCW
2 42.17.020; and adding a new section to chapter 42.17 RCW.

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

4 **Sec. 1.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read
5 as follows:

6 (1) "Agency" includes all state agencies and all local agencies.
7 "State agency" includes every state office, department, division,
8 bureau, board, commission, or other state agency. "Local agency"
9 includes every county, city, town, municipal corporation, quasi-
10 municipal corporation, or special purpose district, or any office,
11 department, division, bureau, board, commission, or agency thereof, or
12 other local public agency.

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

17 (3) "Ballot proposition" means any "measure" as defined by RCW
18 29.01.110, or any initiative, recall, or referendum proposition
19 proposed to be submitted to the voters of the state or any municipal

1 corporation, political subdivision, or other voting constituency from
2 and after the time when the proposition has been initially filed with
3 the appropriate election officer of that constituency prior to its
4 circulation for signatures.

5 (4) "Benefit" means a commercial, proprietary, financial, economic,
6 or monetary advantage, or the avoidance of a commercial, proprietary,
7 financial, economic, or monetary disadvantage.

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

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

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

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

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

20 (7) "Treasurer" and "deputy treasurer" mean the individuals
21 appointed by a candidate or political committee, pursuant to RCW
22 42.17.050, to perform the duties specified in that section.

23 (8) "Candidate" means any individual who seeks nomination for
24 election or election to public office. An individual seeks nomination
25 or election when he or she first:

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

28 (b) Announces publicly or files for office;

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

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

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

36 (10) "Commercial advertiser" means any person who sells the service
37 of communicating messages or producing printed material for broadcast
38 or distribution to the general public or segments of the general public
39 whether through the use of newspapers, magazines, television and radio

1 stations, billboard companies, direct mail advertising companies,
2 printing companies, or otherwise.

3 (11) "Commission" means the agency established under RCW 42.17.350.

4 (12) "Compensation" unless the context requires a narrower meaning,
5 includes payment in any form for real or personal property or services
6 of any kind: PROVIDED, That for the purpose of compliance with RCW
7 42.17.241, the term "compensation" shall not include per diem
8 allowances or other payments made by a governmental entity to reimburse
9 a public official for expenses incurred while the official is engaged
10 in the official business of the governmental entity.

11 (13) "Continuing political committee" means a political committee
12 that is an organization of continuing existence not established in
13 anticipation of any particular election campaign.

14 (14)(a) "Contribution" includes:

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

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

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

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

29 (b) "Contribution" does not include:

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

32 (ii) Ordinary home hospitality;

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

36 (iv) A news item, feature, commentary, or editorial in a regularly
37 scheduled news medium that is of primary interest to the general
38 public, that is in a news medium controlled by a person whose business

1 is that news medium, and that is not controlled by a candidate or a
2 political committee;

3 (v) An internal political communication primarily limited to the
4 members of or contributors to a political party organization or
5 political committee, or to the officers, management staff, or
6 stockholders of a corporation or similar enterprise, or to the members
7 of a labor organization or other membership organization;

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

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

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

21 (A) A political party or caucus political committee if the person
22 paying for the services is the regular employer of the person rendering
23 such services; or

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

28 (c) Contributions other than money or its equivalent are deemed to
29 have a monetary value equivalent to the fair market value of the
30 contribution. Services or property or rights furnished at less than
31 their fair market value for the purpose of assisting any candidate or
32 political committee are deemed a contribution. Such a contribution
33 must be reported as an in-kind contribution at its fair market value
34 and counts towards any applicable contribution limit of the provider.

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

38 (16) "Election" includes any primary, general, or special election
39 for public office and any election in which a ballot proposition is

1 submitted to the voters: PROVIDED, That an election in which the
2 qualifications for voting include other than those requirements set
3 forth in Article VI, section 1 (Amendment 63) of the Constitution of
4 the state of Washington shall not be considered an election for
5 purposes of this chapter.

6 (17) "Election campaign" means any campaign in support of or in
7 opposition to a candidate for election to public office and any
8 campaign in support of, or in opposition to, a ballot proposition.

9 (18) "Election cycle" means the period beginning on the first day
10 of December after the date of the last previous general election for
11 the office that the candidate seeks and ending on November 30th after
12 the next election for the office. In the case of a special election to
13 fill a vacancy in an office, "election cycle" means the period
14 beginning on the day the vacancy occurs and ending on November 30th
15 after the special election.

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

30 (20) "Final report" means the report described as a final report in
31 RCW 42.17.080(2).

32 (21) "General election" means the election that results in the
33 election of a person to a state office. It does not include a primary.

34 (22) "Gift," is as defined in RCW 42.52.010.

35 (23) "Immediate family" includes the spouse, dependent children,
36 and other dependent relatives, if living in the household. For the
37 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
38 an individual's spouse, and child, stepchild, grandchild, parent,
39 stepparent, grandparent, brother, half brother, sister, or half sister

1 of the individual and the spouse of any such person and a child,
2 stepchild, grandchild, parent, stepparent, grandparent, brother, half
3 brother, sister, or half sister of the individual's spouse and the
4 spouse of any such person.

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

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

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

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

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

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

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

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

1 (26) "Legislation" means bills, resolutions, motions, amendments,
2 nominations, and other matters pending or proposed in either house of
3 the state legislature, and includes any other matter that may be the
4 subject of action by either house or any committee of the legislature
5 and all bills and resolutions that, having passed both houses, are
6 pending approval by the governor, as well as pending or proposed ballot
7 propositions that may be submitted to voters of the entire state, and
8 includes state initiative or referendum measures.

9 (27) "Lobby" and "lobbying" each mean proposing legislation to, or
10 attempting to influence the passage or defeat of any legislation by,
11 the legislature of the state of Washington, or the adoption or
12 rejection of any rule, standard, rate, or other legislative enactment
13 of any state agency under the state Administrative Procedure Act,
14 chapter 34.05 RCW, or proposing or attempting to influence the passage
15 or defeat of legislation by the voters of the entire state. Neither
16 "lobby" nor "lobbying" includes an association's or other
17 organization's act of communicating with the members of that
18 association or organization.

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

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

24 (30) "Person" includes an individual, partnership, joint venture,
25 public or private corporation, association, federal, state, or local
26 governmental entity or agency however constituted, candidate,
27 committee, political committee, political party, executive committee
28 thereof, or any other organization or group of persons, however
29 organized.

30 (31) "Person in interest" means the person who is the subject of a
31 record or any representative designated by that person, except that if
32 that person is under a legal disability, the term "person in interest"
33 means and includes the parent or duly appointed legal representative.

34 (32) "Political advertising" includes any advertising displays,
35 newspaper ads, billboards, signs, brochures, articles, tabloids,
36 flyers, letters, radio or television presentations, or other means of
37 mass communication, used for the purpose of appealing, directly or
38 indirectly, for votes or for financial or other support in any election
39 campaign.

1 (33) "Political committee" means any person (except a candidate or
2 an individual dealing with his or her own funds or property) having the
3 expectation of receiving contributions or making expenditures in
4 support of, or opposition to, any candidate or any ballot proposition.

5 (34) "Primary" means the procedure for nominating a candidate to
6 state office under chapter 29.18 or 29.21 RCW or any other primary for
7 an election that uses, in large measure, the procedures established in
8 chapter 29.18 or 29.21 RCW.

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

12 (36) "Public record" includes any writing containing information
13 relating to the conduct of government or the performance of any
14 governmental or proprietary function prepared, owned, used, or retained
15 by any state or local agency regardless of physical form or
16 characteristics. For the office of the secretary of the senate and the
17 office of the chief clerk of the house of representatives, public
18 records means legislative records as defined in RCW 40.14.100 and also
19 means the following: All budget and financial records; personnel
20 leave, travel, and payroll records; records of legislative sessions;
21 reports submitted to the legislature; and any other record designated
22 a public record by any official action of the senate or the house of
23 representatives.

24 (37) "Recall campaign" means the period of time beginning on the
25 date of the filing of recall charges under RCW 29.82.015 and ending
26 thirty days after the recall election.

27 (38) "State legislative office" means the office of a member of the
28 state house of representatives or the office of a member of the state
29 senate.

30 (39) "State office" means state legislative office or the office of
31 governor, lieutenant governor, secretary of state, attorney general,
32 commissioner of public lands, insurance commissioner, superintendent of
33 public instruction, state auditor, or state treasurer.

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

35 (41) "Surplus funds" mean, in the case of a political committee or
36 candidate, the balance of contributions that remain in the possession
37 or control of that committee or candidate subsequent to the election
38 for which the contributions were received, and that are in excess of
39 the amount necessary to pay remaining debts incurred by the committee

1 or candidate prior to that election. In the case of a continuing
2 political committee, "surplus funds" mean those contributions remaining
3 in the possession or control of the committee that are in excess of the
4 amount necessary to pay all remaining debts when it makes its final
5 report under RCW 42.17.065.

6 (42) "Writing" means handwriting, typewriting, printing,
7 photostating, photographing, and every other means of recording any
8 form of communication or representation, including, but not limited to,
9 letters, words, pictures, sounds, or symbols, or combination thereof,
10 and all papers, maps, magnetic or paper tapes, photographic films and
11 prints, motion picture, film and video recordings, magnetic or punched
12 cards, discs, drums, diskettes, sound recordings, and other documents
13 including existing data compilations from which information may be
14 obtained or translated.

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

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW
18 to read as follows:

19 A person who proposes to solicit or procure signatures on a state
20 initiative or referendum petition for consideration shall register as
21 lobbyist and conform with the requirements of RCW 42.17.150 and
22 42.17.155.

23 A person who solicits or procures signatures on a state initiative
24 or referendum petition for consideration must file periodic reports to
25 the commission required under RCW 42.17.170 and must wear a badge at
26 all times when soliciting or procuring signatures on a state initiative
27 or referendum measure that identifies the person as being a paid
28 signature gatherer. The badge must include a clear photo of the
29 person, clearly identify the person as being a paid signature gatherer,
30 be clearly visible when signatures are solicited or procured, and meet
31 all requirements the commission establishes by rule.

--- END ---