

2 **E2SSB 5931** - H COMM AMD
3 By Committee on Appropriations

4 ADOPTED AS AMENDED 4/14/99

5 Strike everything after the enacting clause and insert the
6 following:

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

9 (1) It is the intent of the legislature to ensure that the
10 commission provide the general public timely access to all contribution
11 and expenditure reports submitted by candidates, continuing political
12 committees, bona fide political parties, lobbyists, and lobbyists'
13 employers. The legislature finds that failure to comply with this
14 chapter's requirements for full and timely disclosure threatens to
15 undermine our electoral process.

16 (2) Beginning January 1, 2001, the commission shall establish goals
17 that all reports, copies of reports, or copies of the data or
18 information included in reports, filed under RCW 42.17.040, 42.17.065,
19 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and
20 42.17.180, that are:

21 (a) Submitted using the commission's electronic filing system shall
22 be accessible in the commission's office within two business days of
23 the commission's receipt of the report and shall be accessible on the
24 commission's web site within seven business days of the commission's
25 receipt of the report; and

26 (b) Submitted in any format or using any method other than as
27 described in (a) of this subsection, shall be accessible in the
28 commission's office within two business days of the actual physical
29 receipt of the report, and not the technical date of filing as provided
30 under RCW 42.17.420, and shall be accessible on the commission's web
31 site within from fourteen to twenty-eight business days of the actual
32 physical receipt of the report, and not the technical date of filing as
33 provided under RCW 42.17.420, as specified in rule adopted by the
34 commission.

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

3 By July 1st of each year beginning in 2000, the commission shall
4 calculate the following performance measures, provide a copy of the
5 performance measures to the governor and appropriate legislative
6 committees, and make the performance measures available to the public:

7 (1) The average number of days that elapse between the commission's
8 receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and
9 42.17.100 and the time that the report, a copy of the report, or a copy
10 of the data or information included in the report, is first accessible
11 to the general public (a) in the commission's office, and (b) via the
12 commission's web site;

13 (2) The average number of days that elapse between the commission's
14 receipt of reports filed under RCW 42.17.105 and the time that the
15 report, a copy of the report, or a copy of the data or information
16 included in the report, is first accessible to the general public (a)
17 in the commission's office, and (b) via the commission's web site;

18 (3) The average number of days that elapse between the commission's
19 receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and
20 42.17.180 and the time that the report, a copy of the report, or a copy
21 of the data or information included in the report, is first accessible
22 to the general public (a) in the commission's office, and (b) via the
23 commission's web site;

24 (4) The percentage of candidates, categorized as state-wide, state
25 legislative, or local, that have used each of the following methods to
26 file reports under RCW 42.17.080 or 42.17.105: (a) Hard copy paper
27 format; (b) electronic format via diskette; (c) electronic format via
28 modem or satellite; (d) electronic format via the Internet; and (e) any
29 other format or method;

30 (5) The percentage of continuing political committees that have
31 used each of the following methods to file reports under RCW 42.17.065
32 or 42.17.105: (a) Hard copy paper format; (b) electronic format via
33 diskette; (c) electronic format via modem or satellite; (d) electronic
34 format via the Internet; and (e) any other format or method; and

35 (6) The percentage of lobbyists and lobbyists' employers that have
36 used each of the following methods to file reports under RCW 42.17.150,
37 42.17.170, 42.17.175, or 42.17.180: (a) Hard copy paper format; (b)
38 electronic format via diskette; (c) electronic format via modem or

1 satellite; (d) electronic format via the Internet; and (e) any other
2 format or method.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17 RCW
4 to read as follows:

5 (1) The commission shall develop an information technology plan
6 consistent with plans or portfolios required by chapter 43.105 RCW.

7 (2) The plan must include, but not be limited to, the following:

8 (a) A baseline assessment of the agency's information technology
9 resources and capabilities that will serve as the benchmark for
10 subsequent planning and performance measures;

11 (b) A statement of the agency's mission, goals, and objectives for
12 information technology, including goals and objectives for achieving
13 electronic access to agency records, information, and services for at
14 least the next five years;

15 (c) An explanation of how the agency's mission, goals, and
16 objectives for information technology support and conform to the state
17 strategic information technology plan;

18 (d) An implementation strategy to enhance electronic access to
19 public records and information required to be filed with and disclosed
20 by the commission. This implementation strategy must be assembled to
21 include:

22 (i) Adequate public notice and opportunity for comment;

23 (ii) Consideration of a variety of electronic technologies,
24 including those that help to transcend geographic locations, standard
25 business hours, economic conditions of users, and disabilities;

26 (iii) Methods to educate agency employees, the public, and the news
27 media in the effective use of agency technology;

28 (iv) Ways to simplify and improve public access to information held
29 by the commission through electronic means;

30 (e) Projects and resources required to meet the objectives of the
31 plan; and

32 (f) If feasible, estimated schedules and funding required to
33 implement identified projects.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17 RCW
35 to read as follows:

36 In preparing the information technology plan, the commission shall
37 consult with affected state agencies, the department of information

1 services, and stakeholders in the commission's work, including
2 representatives of political committees, bona fide political parties,
3 news media, and the general public.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.17 RCW
5 to read as follows:

6 The commission shall submit the information technology plan to the
7 senate and house of representatives fiscal committees, the governor,
8 the senate state and local government committee, the house of
9 representatives state government committee, and the department of
10 information services by January 1, 2000. It is the intent of the
11 legislature that the commission thereafter comply with the requirements
12 of chapter 43.105 RCW with respect to preparation and submission of
13 biennial performance reports on the commission's information
14 technology.

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 42.17 RCW
16 to read as follows:

17 The commission shall prepare and submit to the department of
18 information services a biennial performance report in accordance with
19 chapter 43.105 RCW.

20 The report must include:

21 (1) An evaluation of the agency's performance relating to
22 information technology;

23 (2) An assessment of progress made toward implementing the agency
24 information technology plan;

25 (3) An analysis of the commission's performance measures, set forth
26 in section 2 of this act, that relate to the electronic filing of
27 reports and timely public access to those reports via the commission's
28 web site;

29 (4) A comprehensive description of the methods by which citizens
30 may interact with the agency in order to obtain information and
31 services from the commission; and

32 (5) An inventory of agency information services, equipment, and
33 proprietary software.

34 **Sec. 7.** RCW 42.17.365 and 1993 c 2 s 29 are each amended to read
35 as follows:

1 The commission shall conduct a sufficient number of audits and
2 field investigations so as to provide a statistically valid finding
3 regarding the degree of compliance with the provisions of this chapter
4 by all required filers. Any documents, records, reports, computer
5 files, papers, or materials provided to the commission for use in
6 conducting audits and investigations must be returned to the candidate,
7 campaign, or political committee from which they were received within
8 two weeks of the commission's completion of an audit or field
9 investigation.

10 **Sec. 8.** RCW 42.17.367 and 1994 c 40 s 2 are each amended to read
11 as follows:

12 By January 1, ~~((1995))~~ 2000, the ~~((public disclosure))~~ commission
13 shall ~~((design a program for electronic access to public documents~~
14 ~~filed with the commission. The program may include on line access to~~
15 ~~the commission's magic and electronic bulletin board systems, providing~~
16 ~~information for the internet system, fax request service, automated~~
17 ~~telephone service, electronic filing of reports, and other service~~
18 ~~delivery options. Documents available in the program shall include,~~
19 ~~but are not limited to, public documents filed with the public~~
20 ~~disclosure commission, including, but not limited to, commission~~
21 ~~meeting schedules, financial affairs reports, contribution reports,~~
22 ~~expenditure reports, and gift reports. Implementation of the program~~
23 ~~is contingent on the availability of funds)) operate a web site or
24 contract for the operation of a web site that allows access to reports,
25 copies of reports, or copies of data and information submitted in
26 reports, filed with the commission under RCW 42.17.040, 42.17.065,
27 42.17.080, 42.17.100, and 42.17.105. By January 1, 2001, the web site
28 shall allow access to reports, copies of reports, or copies of data and
29 information submitted in reports, filed with the commission under RCW
30 42.17.150, 42.17.170, 42.17.175, and 42.17.180. In addition, the
31 commission shall attempt to make available via the web site other
32 public records submitted to or generated by the commission that are
33 required by this chapter to be available for public use or inspection.~~

34 **Sec. 9.** RCW 42.17.420 and 1995 c 397 s 18 are each amended to read
35 as follows:

36 (1) Except as provided in subsection (2) of this section, when any
37 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. The
9 commission shall notify the filer of receipt of the electronically
10 filed report. Such notification may be sent by mail, facsimile, or
11 electronic mail. If the notification of receipt of the electronically
12 filed report is not received by the filer, the filer may offer his or
13 her own proof of sending the report, and such proof shall be treated as
14 if it were a receipt sent by the commission. Electronic filing may be
15 used for purposes of filing the special reports required to be
16 delivered under RCW 42.17.105 and 42.17.175.

17 NEW SECTION. Sec. 10. A new section is added to chapter 42.17 RCW
18 to read as follows:

19 (1) By July 1, 1999, the commission shall offer every candidate,
20 public official, political committee, and party organization that is
21 required to file reports under this chapter the option of filing
22 financial affairs reports, contribution reports, and expenditure
23 reports electronically by diskette or via modem, satellite, or the
24 Internet.

25 (2) By January 1, 2001, the commission shall offer all lobbyists
26 and lobbyists' employers required to file reports under RCW 42.17.150,
27 42.17.170, 42.17.175, or 42.17.180 the option of filing these reports
28 electronically by diskette or via modem, satellite, or the Internet.

29 (3) The commission shall make available to each candidate, public
30 official, political committee, lobbyist, lobbyist employer, and party
31 organization an electronic copy of the appropriate reporting forms at
32 no charge.

33 NEW SECTION. Sec. 11. A new section is added to chapter 42.17 RCW
34 to read as follows:

35 Beginning January 1, 2001, each continuing political committee,
36 that expended ten thousand dollars or more in the preceding year or
37 expects to expend ten thousand dollars or more in expenditures in the

1 current year, shall file all contribution reports and expenditure
2 reports required by this chapter electronically by diskette or via
3 modem, satellite, or the Internet. Failure by a continuing political
4 committee to comply with this section is a violation of this chapter.

5 **Sec. 12.** RCW 42.17.080 and 1995 c 397 s 2 are each amended to read
6 as follows:

7 (1) On the day the treasurer is designated, each candidate or
8 political committee shall file with the commission and the county
9 auditor or elections officer of the county in which the candidate
10 resides, or in the case of a political committee, the county in which
11 the treasurer resides, in addition to any statement of organization
12 required under RCW 42.17.040 or 42.17.050, a report of all
13 contributions received and expenditures made prior to that date, if
14 any.

15 (2) At the following intervals each treasurer shall file with the
16 commission and the county auditor or elections officer of the county in
17 which the candidate resides, or in the case of a political committee,
18 the county in which the committee maintains its office or headquarters,
19 and if there is no office or headquarters then in the county in which
20 the treasurer resides, a report containing the information required by
21 RCW 42.17.090:

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

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

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

29 (ii) Any continuing political committee; and

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

36 When there is no outstanding debt or obligation, and the campaign
37 fund is closed, and the campaign is concluded in all respects, and in
38 the case of a political committee, the committee has ceased to function

1 and has dissolved, the treasurer shall file a final report. Upon
2 submitting a final report, the duties of the treasurer shall cease and
3 there shall be no obligation to make any further reports.

4 The report filed twenty-one days before the election shall report
5 all contributions received and expenditures made as of the end of the
6 fifth business day before the date of the report. The report filed
7 seven days before the election shall report all contributions received
8 and expenditures made as of the end of the one business day before the
9 date of the report. Reports filed on the tenth day of the month shall
10 report all contributions received and expenditures made from the
11 closing date of the last report filed through the last day of the month
12 preceding the date of the current report.

13 (3) For the period beginning the first day of the fourth month
14 preceding the date on which the special or general election is held and
15 ending on the date of that election, each Friday the treasurer shall
16 file with the commission and the appropriate county elections officer
17 a report of each bank deposit made during the previous seven calendar
18 days. The report shall contain the name of each person contributing
19 the funds so deposited and the amount contributed by each person.
20 However, contributions of no more than twenty-five dollars in the
21 aggregate from any one person may be deposited without identifying the
22 contributor. A copy of the report shall be retained by the treasurer
23 for his or her records. In the event of deposits made by a deputy
24 treasurer, the copy shall be forwarded to the treasurer for his or her
25 records. Each report shall be certified as correct by the treasurer or
26 deputy treasurer making the deposit.

27 (4) The treasurer or candidate shall maintain books of account
28 accurately reflecting all contributions and expenditures on a current
29 basis within five business days of receipt or expenditure. During the
30 eight days immediately preceding the date of the election the books of
31 account shall be kept current within one business day (~~and shall~~).
32 As specified in the committee's statement of organization filed under
33 RCW 42.17.040, the books of account must be open for public inspection
34 as follows:

35 (a) For at least two consecutive hours (~~Monday through Friday,~~
36 excluding legal holidays) on the eighth day immediately before the
37 election, between 8:00 a.m. and 8:00 p.m., as specified in the
38 committee's statement of organization filed pursuant to RCW 42.17.040,
39 at the principal headquarters or, if there is no headquarters, at the

1 address of the treasurer or such other place as may be authorized by
2 the commission; and

3 (b) By appointment for inspections to be conducted at the
4 designated place for inspections between 8:00 a.m. and 8:00 p.m. on any
5 other day from the seventh day through the day immediately before the
6 election, other than Saturday, Sunday, or a legal holiday. It is a
7 violation of this chapter for a candidate or political committee to
8 refuse to allow and keep an appointment for an inspection to be
9 conducted during these authorized times and days in the week prior to
10 the election. The appointment must be allowed at an authorized time
11 and day for such inspections that is within twenty-four hours of the
12 time and day that is requested for the inspection.

13 (5) The treasurer or candidate shall preserve books of account,
14 bills, receipts, and all other financial records of the campaign or
15 political committee for not less than five calendar years following the
16 year during which the transaction occurred.

17 ~~((+5))~~ (6) All reports filed pursuant to subsections (1) or (2) of
18 this section shall be certified as correct by the candidate and the
19 treasurer.

20 ~~((+6))~~ (7) Copies of all reports filed pursuant to this section
21 shall be readily available for public inspection for at least two
22 consecutive hours Monday through Friday, excluding legal holidays,
23 between 8:00 a.m. and 8:00 p.m., as specified in the committee's
24 statement of organization filed pursuant to RCW 42.17.040, at the
25 principal headquarters or, if there is no headquarters, at the address
26 of the treasurer or such other place as may be authorized by the
27 commission.

28 ~~((+7))~~ (8) The commission shall adopt administrative rules
29 establishing requirements for filer participation in any system
30 designed and implemented by the commission for the electronic filing of
31 reports.

32 NEW SECTION. Sec. 13. By September 1, 2000, the joint legislative
33 audit and review committee shall have completed a performance audit of
34 the duties and staffing of the public disclosure commission.

35 NEW SECTION. Sec. 14. If specific funding for the purposes of
36 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 1999, in the omnibus appropriations act, this act
2 is null and void."

3 Correct the title.

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