
SENATE BILL 5309

State of Washington

64th Legislature

2015 Regular Session

By Senators Roach, Liiias, Dinsel, McCoy, Pearson, Keiser, and Benton;
by request of Public Disclosure Commission

Read first time 01/19/15. Referred to Committee on Government
Operations & State Security.

1 AN ACT Relating to improving efficiency of public disclosure
2 commission operations and requirements; amending RCW 42.17A.065,
3 42.17A.105, 42.17A.120, 42.17A.615, and 42.17A.645; reenacting and
4 amending RCW 42.17A.110; and repealing RCW 42.17A.420.

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

6 **Sec. 1.** RCW 42.17A.065 and 2010 c 204 s 204 are each amended to
7 read as follows:

8 ~~((By July 1st of each year,))~~ The commission shall calculate the
9 following performance measures ~~((, provide a copy of the performance
10 measures to the governor and appropriate legislative committees))~~ at
11 least annually, and make the ~~((performance measures))~~ results
12 available to the public on the commission's web site:

13 (1) The average number of days that elapse between the
14 commission's receipt of reports filed under RCW 42.17A.205,
15 42.17A.225, 42.17A.235, and 42.17A.255 and the time that the report,
16 a copy of the report, or a copy of the data or information included
17 in the report, is first accessible to the general public (a) in the
18 commission's office, and (b) via the commission's web site;

19 (2) The average number of days that elapse between the
20 commission's receipt of reports filed under RCW 42.17A.265 and the
21 time that the report, a copy of the report, or a copy of the data or

1 information included in the report, is first accessible to the
2 general public (a) in the commission's office, and (b) via the
3 commission's web site;

4 (3) The average number of days that elapse between the
5 commission's receipt of reports filed under RCW 42.17A.600,
6 42.17A.615, 42.17A.625, and 42.17A.630 and the time that the report,
7 a copy of the report, or a copy of the data or information included
8 in the report, is first accessible to the general public (a) in the
9 commission's office, and (b) via the commission's web site;

10 (4) The percentage of candidates, categorized as statewide,
11 legislative, or local, that have used each of the following methods
12 to file reports under RCW 42.17A.235 or 42.17A.265: (a) Hard copy
13 paper format; or (b) electronic format via the internet;

14 (5) The percentage of continuing political committees that have
15 used each of the following methods to file reports under RCW
16 42.17A.225 or 42.17A.265: (a) Hard copy paper format; or (b)
17 electronic format via the internet; and

18 (6) The percentage of lobbyists and lobbyists' employers that
19 have used each of the following methods to file reports under RCW
20 42.17A.600, 42.17A.615, 42.17A.625, or 42.17A.630: (a) Hard copy
21 paper format; or (b) electronic format via the internet.

22 **Sec. 2.** RCW 42.17A.105 and 2010 c 204 s 302 are each amended to
23 read as follows:

24 The commission shall:

25 (1) Develop and provide forms for the reports and statements
26 required to be made under this chapter;

27 (2) Prepare and publish a manual setting forth recommended
28 uniform methods of bookkeeping and reporting for use by persons
29 required to make reports and statements under this chapter;

30 (3) Compile and maintain a current list of all filed reports and
31 statements;

32 (4) Investigate whether properly completed statements and reports
33 have been filed within the times required by this chapter;

34 (5) Upon complaint or upon its own motion, investigate and report
35 apparent violations of this chapter to the appropriate law
36 enforcement authorities;

37 ~~(6) ((Conduct a sufficient number of audits and field
38 investigations to provide a statistically valid finding regarding the
39 degree of compliance with the provisions of this chapter by all~~

1 ~~required filers. Any documents, records, reports, computer files,~~
2 ~~papers, or materials provided to the commission for use in conducting~~
3 ~~audits and investigations must be returned to the candidate,~~
4 ~~campaign, or political committee from which they were received within~~
5 ~~one week of the commission's completion of an audit or field~~
6 ~~investigation;~~

7 ~~(7)) Prepare and publish ((an annual)) periodic reports to the~~
8 ~~governor and the legislature as to the effectiveness of this chapter~~
9 ~~and its enforcement by appropriate law enforcement authorities, which~~
10 ~~shall include the annual performance measurements required by RCW~~
11 ~~42.17A.065;~~

12 ~~((8)) (7) Enforce this chapter according to the powers granted~~
13 ~~it by law;~~

14 ~~((9) Adopt rules governing the arrangement, handling, indexing,~~
15 ~~and disclosing of those reports required by this chapter to be filed~~
16 ~~with a county auditor or county elections official. The rules shall:~~

17 ~~(a) Ensure ease of access by the public to the reports; and~~

18 ~~(b) Include, but not be limited to, requirements for indexing the~~
19 ~~reports by the names of candidates or political committees and by the~~
20 ~~ballot proposition for or against which a political committee is~~
21 ~~receiving contributions or making expenditures;~~

22 ~~(10)) (8) Adopt rules to carry out the policies of chapter 348,~~
23 ~~Laws of 2006. The adoption of these rules is not subject to the time~~
24 ~~restrictions of RCW 42.17A.110(1);~~

25 ~~((11)) (9) Adopt administrative rules establishing requirements~~
26 ~~for filer participation in any system designed and implemented by the~~
27 ~~commission for the electronic filing of reports; and~~

28 ~~((12)) (10) Maintain and make available to the public and~~
29 ~~political committees of this state a toll-free telephone number.~~

30 **Sec. 3.** RCW 42.17A.110 and 2011 1st sp.s. c 43 s 448 and 2011 c
31 60 s 20 are each reenacted and amended to read as follows:

32 The commission may:

33 (1) Adopt, amend, and rescind suitable administrative rules to
34 carry out the policies and purposes of this chapter, which rules
35 shall be adopted under chapter 34.05 RCW. Any rule relating to
36 campaign finance, political advertising, or related forms that would
37 otherwise take effect after June 30th of a general election year
38 shall take effect no earlier than the day following the general
39 election in that year;

1 (2) Appoint an executive director and set, within the limits
2 established by the office of financial management under RCW
3 43.03.028, the executive director's compensation. The executive
4 director shall perform such duties and have such powers as the
5 commission may prescribe and delegate to implement and enforce this
6 chapter efficiently and effectively. The commission shall not
7 delegate its authority to adopt, amend, or rescind rules nor may it
8 delegate authority to determine whether an actual violation of this
9 chapter has occurred or to assess penalties for such violations;

10 (3) Prepare and publish reports and technical studies as in its
11 judgment will tend to promote the purposes of this chapter, including
12 reports and statistics concerning campaign financing, lobbying,
13 financial interests of elected officials, and enforcement of this
14 chapter;

15 (4) Conduct, as it deems appropriate within available resources,
16 audits and field investigations. Any documents, records, reports,
17 computer files, papers, or materials provided to the commission for
18 use in conducting audits and investigations must be returned to the
19 candidate, campaign, or political committee from which they were
20 received within one week of the commission's completion of an audit
21 or field investigation;

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

25 (6) Administer oaths and affirmations, issue subpoenas, and
26 compel attendance, take evidence, and require the production of any
27 records relevant to any investigation authorized under this chapter,
28 or any other proceeding under this chapter;

29 (7) Adopt a code of fair campaign practices;

30 (8) Adopt rules relieving candidates or political committees of
31 obligations to comply with the election campaign provisions of this
32 chapter, if they have not received contributions nor made
33 expenditures in connection with any election campaign of more than
34 five thousand dollars;

35 (9) Adopt rules prescribing reasonable requirements for keeping
36 accounts of, and reporting on a quarterly basis, costs incurred by
37 state agencies, counties, cities, and other municipalities and
38 political subdivisions in preparing, publishing, and distributing
39 legislative information. For the purposes of this subsection,
40 "legislative information" means books, pamphlets, reports, and other

1 materials prepared, published, or distributed at substantial cost, a
2 substantial purpose of which is to influence the passage or defeat of
3 any legislation. The state auditor in his or her regular examination
4 of each agency under chapter 43.09 RCW shall review the rules,
5 accounts, and reports and make appropriate findings, comments, and
6 recommendations concerning those agencies; and

7 (10) Develop and provide to filers a system for (~~certification~~
8 ~~of~~) certifying, without a signature, reports required under this
9 chapter which are transmitted by facsimile or electronically to the
10 commission. Implementation of the program is contingent on the
11 availability of funds.

12 **Sec. 4.** RCW 42.17A.120 and 2010 c 204 s 304 are each amended to
13 read as follows:

14 (1) The commission may suspend or modify any of the reporting
15 requirements of this chapter if it finds that literal application of
16 this chapter works a manifestly unreasonable hardship in a particular
17 case and the suspension or modification will not frustrate the
18 purposes of this chapter. The commission may suspend or modify
19 reporting requirements only after a hearing is held and the
20 suspension or modification receives approval from a majority of the
21 commission. A suspension or modification of the financial affairs
22 reporting requirements contained in RCW 42.17A.710 may be approved
23 for an elected official's term of office, or for up to three years
24 for an executive state officer, where no material change in the
25 applicant's circumstances is anticipated. The commission shall act to
26 suspend or modify any reporting requirements:

27 (a) Only if it determines that facts exist that are clear and
28 convincing proof of the findings required under this section; and

29 (b) Only to the extent necessary to substantially relieve the
30 hardship.

31 (2) A manifestly unreasonable hardship exists if reporting the
32 name of an entity required to be reported under RCW
33 42.17A.710(1)(g)(ii) would be likely to adversely affect the
34 competitive position of any entity in which the person filing the
35 report, or any member of his or her immediate family, holds any
36 office, directorship, general partnership interest, or an ownership
37 interest of ten percent or more.

38 (3) Requests for renewals of reporting modifications may be heard
39 in a brief adjudicative proceeding as set forth in RCW 34.05.482

1 through 34.05.494 and in accordance with the standards established in
2 this section. No initial request may be heard in a brief adjudicative
3 proceeding. No request for renewal may be heard in a brief
4 adjudicative proceeding if the initial request was granted more than
5 three years previously or if the applicant is holding an office or
6 position of employment different from the office or position held
7 when the initial request was granted.

8 (4) Any citizen has standing to bring an action in Thurston
9 county superior court to contest the propriety of any order entered
10 under this section within one year from the date of the entry of the
11 order.

12 (5) The commission shall adopt rules governing the proceedings.

13 **Sec. 5.** RCW 42.17A.615 and 2010 c 204 s 804 are each amended to
14 read as follows:

15 (1) Any lobbyist registered under RCW 42.17A.600 and any person
16 who lobbies shall file with the commission monthly reports of his or
17 her lobbying activities. The reports shall be made in the form and
18 manner prescribed by the commission and must be (~~signed~~) certified
19 by the lobbyist. The monthly report shall be filed within fifteen
20 days after the last day of the calendar month covered by the report.

21 (2) The monthly report shall contain:

22 (a) The totals of all expenditures for lobbying activities made
23 or incurred by the lobbyist or on behalf of the lobbyist by the
24 lobbyist's employer during the period covered by the report.
25 Expenditure totals for lobbying activities shall be segregated
26 according to financial category, including compensation; food and
27 refreshments; living accommodations; advertising; travel;
28 contributions; and other expenses or services. Each individual
29 expenditure of more than twenty-five dollars for entertainment shall
30 be identified by date, place, amount, and the names of all persons
31 taking part in the entertainment, along with the dollar amount
32 attributable to each person, including the lobbyist's portion.

33 (b) In the case of a lobbyist employed by more than one employer,
34 the proportionate amount of expenditures in each category incurred on
35 behalf of each of the lobbyist's employers.

36 (c) An itemized listing of each contribution of money or of
37 tangible or intangible personal property, whether contributed by the
38 lobbyist personally or delivered or transmitted by the lobbyist, to
39 any candidate, elected official, or officer or employee of any

1 agency, or any political committee supporting or opposing any ballot
2 proposition, or for or on behalf of any candidate, elected official,
3 or officer or employee of any agency, or any political committee
4 supporting or opposing any ballot proposition. All contributions made
5 to, or for the benefit of, any candidate, elected official, or
6 officer or employee of any agency, or any political committee
7 supporting or opposing any ballot proposition shall be identified by
8 date, amount, and the name of the candidate, elected official, or
9 officer or employee of any agency, or any political committee
10 supporting or opposing any ballot proposition receiving, or to be
11 benefited by each such contribution.

12 (d) The subject matter of proposed legislation or other
13 legislative activity or rule making under chapter 34.05 RCW, the
14 state administrative procedure act, and the state agency considering
15 the same, which the lobbyist has been engaged in supporting or
16 opposing during the reporting period, unless exempt under RCW
17 42.17A.610(2).

18 (e) A listing of each payment for an item specified in RCW
19 42.52.150(5) in excess of fifty dollars and each item specified in
20 RCW 42.52.010(~~((+10))~~) (9) (d) and (f) made to a state elected
21 official, state officer, or state employee. Each item shall be
22 identified by recipient, date, and approximate value of the item.

23 (f) The total expenditures paid or incurred during the reporting
24 period by the lobbyist for lobbying purposes, whether through or on
25 behalf of a lobbyist or otherwise, for (i) political advertising as
26 defined in RCW 42.17A.005; and (ii) public relations, telemarketing,
27 polling, or similar activities if the activities, directly or
28 indirectly, are intended, designed, or calculated to influence
29 legislation or the adoption or rejection of a rule, standard, or rate
30 by an agency under the administrative procedure act. The report shall
31 specify the amount, the person to whom the amount was paid, and a
32 brief description of the activity.

33 (3) Lobbyists are not required to report the following:

34 (a) Unreimbursed personal living and travel expenses not incurred
35 directly for lobbying;

36 (b) Any expenses incurred for his or her own living
37 accommodations;

38 (c) Any expenses incurred for his or her own travel to and from
39 hearings of the legislature;

1 (d) Any expenses incurred for telephone, and any office expenses,
2 including rent and salaries and wages paid for staff and secretarial
3 assistance.

4 (4) The commission may adopt rules to vary the content of
5 lobbyist reports to address specific circumstances, consistent with
6 this section. Lobbyist reports are subject to audit by the
7 commission.

8 **Sec. 6.** RCW 42.17A.645 and 2010 c 204 s 810 are each amended to
9 read as follows:

10 If any person registered or required to be registered as a
11 lobbyist, or any employer of any person registered or required to be
12 registered as a lobbyist, employs a member or an employee of the
13 legislature, a member of a state board or commission, or a full-time
14 state employee, and that new employee remains in the partial employ
15 of the state, the new employer must file within fifteen days after
16 employment a certified statement with the commission(~~(, signed under~~
17 ~~oath,)~~) setting out the nature of the employment, the name of the
18 person employed, and the amount of pay or consideration.

19 NEW SECTION. **Sec. 7.** RCW 42.17A.420 (Reportable contributions—
20 Preelection limitations) and 2010 c 204 s 604 are each repealed.

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