

CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE SENATE BILL 5684**

54th Legislature  
1995 Regular Session

Passed by the Senate April 23, 1995  
YEAS 47 NAYS 0

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5684** as passed by the Senate and the House of Representatives on the dates hereon set forth.

---

**President of the Senate**

Passed by the House April 21, 1995  
YEAS 96 NAYS 0

---

**Secretary**

---

**Speaker of the  
House of Representatives**

Approved

FILED

---

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

---

**ENGROSSED SUBSTITUTE SENATE BILL 5684**

---

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

**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, 42.17.260, 42.17.280, 42.17.290, 42.17.300,  
4 42.17.320, 42.17.370, 42.17.420, 42.17.510, 42.17.640, 42.17.680,  
5 42.17.720, 42.17.740, 42.17.750, 42.17.770, 42.17.780, 42.17.790,  
6 42.17.100, 42.17.125, 42.52.180, 42.17.095, 42.17.160, and 42.17.170;  
7 reenacting and amending RCW 42.17.2401; adding a new section to chapter  
8 42.17 RCW; creating a new section; repealing RCW 42.17.021, 42.17.630,  
9 42.17.2415, and 42.52.210; providing effective dates; and declaring an  
10 emergency.

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

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

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

1 department, division, bureau, board, commission, or agency thereof, or  
2 other local public agency.

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

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

14      ((+3))) (4) "Benefit" means a commercial, proprietary, financial,  
15 economic, or monetary advantage, or the avoidance of a commercial,  
16 proprietary, financial, economic, or monetary disadvantage.

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

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

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

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

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

29      ((+4))) (7) "Treasurer" and "deputy treasurer" mean the individuals  
30 appointed by a candidate or political committee, pursuant to RCW  
31 42.17.050, to perform the duties specified in that section.

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

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

38       (b) Announces publicly or files for office;

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

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

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

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

14       ((+7))) (11) "Commission" means the agency established under RCW  
15 42.17.350.

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

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

26       ((+10))) (14)(a) "Contribution" includes:

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

1 have a money value equivalent to the fair market value of the  
2 contribution. Sums paid for tickets to fund raising events such as  
3 dinners and parties are contributions; however, the amount of any such  
4 contribution may be reduced for the purpose of complying with the  
5 reporting requirements of this chapter, by the actual cost of  
6 consumables furnished in connection with the purchase of the tickets,  
7 and only the excess over the actual cost of the consumables shall be  
8 deemed a contribution));

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

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

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

19           (b) "Contribution" does not include:

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

22       (ii) Ordinary home hospitality;

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

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

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

36       (vi) The rendering of personal services of the sort commonly  
37 performed by volunteer campaign workers, or incidental expenses  
38 personally incurred by volunteer campaign workers not in excess of  
39 fifty dollars personally paid for by the worker. "Volunteer services,"

1 for the purposes of this section, means services or labor for which the  
2 individual is not compensated by any person;

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

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

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

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

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

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

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

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

37      ((+14)) (18) "Election cycle" means the period beginning on the  
38 first day of December after the date of the last previous general  
39 election for the office that the candidate seeks and ending on November

1   30th after the next election for the office. In the case of a special  
2   election to fill a vacancy in an office, "election cycle" means the  
3   period beginning on the day the vacancy occurs and ending on November  
4   30th after the special election.

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

19       ((+15))) (20) "Final report" means the report described as a final  
20 report in RCW 42.17.080(2).

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

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

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

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

3       (c) A contribution that is required to be reported under RCW  
4 42.17.090 or 42.17.243;

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

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

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

23     (g) A gift given prior to September 29, 1991)) is as defined in RCW  
24 42.52.010.

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

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

36       (a) It is made in support of or in opposition to a candidate for  
37 office by a person who is not (i) a candidate for that office, (ii) an  
38 authorized committee of that candidate for that office, (iii) a person  
39 who has received the candidate's encouragement or approval to make the

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

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

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

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

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

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

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

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

36       ((+19+)) (27) "Lobby" and "lobbying" each mean attempting to  
37 influence the passage or defeat of any legislation by the legislature  
38 of the state of Washington, or the adoption or rejection of any rule,  
39 standard, rate, or other legislative enactment of any state agency

1 under the state Administrative Procedure Act, chapter 34.05 RCW.  
2 Neither "lobby" nor "lobbying" includes an association's or other  
3 organization's act of communicating with the members of that  
4 association or organization.

5 ((+20)) (28) "Lobbyist" includes any person who lobbies either in  
6 his or her own or another's behalf.

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

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

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

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

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

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

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

1       ((+27))) (36) "Public record" includes any writing containing  
2 information relating to the conduct of government or the performance of  
3 any governmental or proprietary function prepared, owned, used, or  
4 retained by any state or local agency regardless of physical form or  
5 characteristics. For the office of the secretary of the senate and the  
6 office of the chief clerk of the house of representatives, public  
7 records means legislative records as defined in RCW 40.14.100 and also  
8 means the following: All budget and financial records; personnel  
9 leave, travel, and payroll records; records of legislative sessions;  
10 reports submitted to the legislature; and any other record designated  
11 a public record by any official action of the senate or the house of  
12 representatives.

13      ((+28))) (37) "Recall campaign" means the period of time beginning  
14 on the date of the filing of recall charges under RCW 29.82.015 and  
15 ending thirty days after the recall election.

16      (38) "State legislative office" means the office of a member of the  
17 state house of representatives or the office of a member of the state  
18 senate.

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

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

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

34      ((+29))) (42) "Writing" means handwriting, typewriting, printing,  
35 photostating, photographing, and every other means of recording any  
36 form of communication or representation, including, but not limited to,  
37 letters, words, pictures, sounds, or symbols, or combination thereof,  
38 and all papers, maps, magnetic or paper tapes, photographic films and  
39 prints, motion picture, film and video recordings, magnetic or punched

1 cards, discs, drums, diskettes, sound recordings, and other documents  
2 including existing data compilations from which information may be  
3 obtained or translated.

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

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

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

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

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

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

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

30 (ii) Any continuing political committee; and

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

37 When there is no outstanding debt or obligation, and the campaign  
38 fund is closed, and the campaign is concluded in all respects, and in

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

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

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

30 (4) The treasurer or candidate shall maintain books of account  
31 accurately reflecting all contributions and expenditures on a current  
32 basis within five business days of receipt or expenditure. During the  
33 eight days immediately preceding the date of the election the books of  
34 account shall be kept current within one business day and shall be open  
35 for public inspection for at least two consecutive hours Monday through  
36 Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as  
37 specified in the committee's statement of organization filed pursuant  
38 to RCW 42.17.040, at the principal headquarters or, if there is no  
39 headquarters, at the address of the treasurer or such other place as

1 may be authorized by the commission. The treasurer or candidate shall  
2 preserve books of account, bills, receipts, and all other financial  
3 records of the campaign or political committee for not less than five  
4 calendar years following the year during which the transaction  
5 occurred.

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

9 (6) Copies of all reports filed pursuant to this section shall be  
10 readily available for public inspection for at least two consecutive  
11 hours Monday through Friday, excluding legal holidays, between 8:00  
12 a.m. and 8:00 p.m., as specified in the committee's statement of  
13 organization filed pursuant to RCW 42.17.040, at the principal  
14 headquarters or, if there is no headquarters, at the address of the  
15 treasurer or such other place as may be authorized by the commission.

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

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

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

23 (a) The funds on hand at the beginning of the period;  
24 (b) Only the name and address of each person who has made one or  
25 more contributions during the period, together with the money value and  
26 date of such contributions and the aggregate value of all contributions  
27 received from each such person during the campaign or in the case of a  
28 continuing political committee, the current calendar year: PROVIDED,  
29 That pledges in the aggregate of less than one hundred dollars from any  
30 one person need not be reported: PROVIDED FURTHER, That the income  
31 which results from a fund-raising activity conducted in accordance with  
32 RCW 42.17.067 may be reported as one lump sum, with the exception of  
33 that portion of such income which was received from persons whose names  
34 and addresses are required to be included in the report required by RCW  
35 42.17.067: PROVIDED FURTHER, That contributions of no more than  
36 twenty-five dollars in the aggregate from any one person during the  
37 election campaign may be reported as one lump sum so long as the  
38 campaign treasurer maintains a separate and private list of the name,

1 address, and amount of each such contributor: PROVIDED FURTHER, That  
2 the money value of contributions of postage shall be the face value of  
3 such postage;

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

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

10 (e) ((The name and address of each candidate or political committee  
11 to which any transfer of funds was made, together with the amounts and  
12 dates of such transfers;

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

31 ((g)) (f) The name and address of each person to whom any  
32 expenditure was made directly or indirectly to compensate the person  
33 for soliciting or procuring signatures on an initiative or referendum  
34 petition, the amount of such compensation to each such person, and the  
35 total of the expenditures made for this purpose. Such expenditures  
36 shall be reported under this subsection (1)((g)) (f) whether the  
37 expenditures are or are not also required to be reported under ((f))  
38 (e) of this subsection;

1       ((+h))) (g) The name and address of any person and the amount owed  
2 for any debt, obligation, note, unpaid loan, or other liability in the  
3 amount of more than two hundred fifty dollars or in the amount of more  
4 than fifty dollars that has been outstanding for over thirty days;

5       ((+i))) (h) The surplus or deficit of contributions over  
6 expenditures;

7       ((+j))) (i) The disposition made in accordance with RCW 42.17.095  
8 of any surplus funds;

9       ((+k))) (j) Such other information as shall be required by the  
10 commission by rule in conformance with the policies and purposes of  
11 this chapter; and

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

1 the obligation by filing with the commission a letter providing  
2 updating or amending information.

3 (2) The treasurer and the candidate shall certify the correctness  
4 of each report.

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

7 (1) Campaign treasurers shall prepare and deliver to the commission  
8 a special report regarding any contribution or aggregate of  
9 contributions which: Exceeds five hundred dollars; is from a single  
10 person or entity; and is received during a special reporting period.

11 Any political committee making a contribution or an aggregate of  
12 contributions to a single entity which exceeds five hundred dollars  
13 shall also prepare and deliver to the commission the special report if  
14 the contribution or aggregate of contributions is made during a special  
15 reporting period.

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

17 (a) Each of the following intervals is a special reporting period:  
18 (i) The interval beginning after the period covered by the last report  
19 required by RCW 42.17.080 and 42.17.090 to be filed before a primary  
20 and concluding on the end of the day before that primary; and (ii) the  
21 interval composed of the twenty-one days preceding a general election;  
22 and

23 (b) An aggregate of contributions includes only those contributions  
24 received from a single entity during any one special reporting period  
25 or made by the contributing political committee to a single entity  
26 during any one special reporting period.

27 (2) If a campaign treasurer files a special report under this  
28 section for one or more contributions received from a single entity  
29 during a special reporting period, the treasurer shall also file a  
30 special report under this section for each subsequent contribution of  
31 any size which is received from that entity during the special  
32 reporting period. If a political committee files a special report  
33 under this section for a contribution or contributions made to a single  
34 entity during a special reporting period, the political committee shall  
35 also file a special report for each subsequent contribution of any size  
36 which is made to that entity during the special reporting period.

37 (3) Except as provided in subsection (4) of this section, the  
38 special report required by this section shall be delivered

1 electronically or in written form, including but not limited to  
2 mailgram, telegram, or nightletter. The special report required of a  
3 contribution recipient by subsection (1) of this section shall be  
4 delivered to the commission within forty-eight hours of the time, or on  
5 the first working day after: The contribution exceeding five hundred  
6 dollars is received by the candidate or treasurer; the aggregate  
7 received by the candidate or treasurer first exceeds five hundred  
8 dollars; or the subsequent contribution that must be reported under  
9 subsection (2) of this section is received by the candidate or  
10 treasurer. The special report required of a contributor by subsection  
11 (1) of this section or RCW 42.17.175 shall be delivered to the  
12 commission, and the candidate or political committee to whom the  
13 contribution or contributions are made, within twenty-four hours of the  
14 time, or on the first working day after: The contribution is made; the  
15 aggregate of contributions made first exceeds five hundred dollars; or  
16 the subsequent contribution that must be reported under subsection (2)  
17 of this section is made.

18 (4) The special report may be transmitted orally by telephone to  
19 the commission to satisfy the delivery period required by subsection  
20 (3) of this section if the written form of the report is also mailed to  
21 the commission and postmarked within the delivery period established in  
22 subsection (3) of this section or the file transfer date of the  
electronic filing is within the delivery period established in  
subsection (3) of this section.

25 (5) The special report shall include at least:  
26 (a) The amount of the contribution or contributions;  
27 (b) The date or dates of receipt;  
28 (c) The name and address of the donor;  
29 (d) The name and address of the recipient; and  
30 (e) Any other information the commission may by rule require.

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

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

35 (8) It is a violation of this chapter for any person to make, or  
36 for any candidate or political committee to accept from any one person,  
37 contributions reportable under RCW 42.17.090 in the aggregate exceeding  
38 fifty thousand dollars for any campaign for state-wide office or  
39 exceeding five thousand dollars for any other campaign subject to the

1 provisions of this chapter within twenty-one days of a general  
2 election. This subsection does not apply to contributions made by, or  
3 accepted from, a ((major Washington state)) bona fide political party  
4 as defined in ((RCW 29.01.090)) this chapter, excluding the county  
5 central committee or legislative district committee.

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

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

12 ((During the twelve-month period preceding the expiration of a  
13 state legislator's term in office, no incumbent to that office may mail  
14 to a constituent at public expense a letter, newsletter, brochure, or  
15 other piece of literature that is not in direct response to that  
16 constituent's request for a response or for information. However,))

17 During the twelve-month period preceding the last day for  
18 certification of the election results for a state legislator's election  
19 to office, the legislator may not mail to a constituent at public  
20 expense a letter, newsletter, brochure, or other piece of literature  
21 except as provided in this section.

22 The legislator may mail one mailing ((mailed within)) no later than  
23 thirty days after the start of a regular legislative session and one  
24 mailing ((mailed within)) no later than sixty days after the end of a  
25 regular legislative session of identical newsletters to constituents  
26 ((are permitted)).

27 The legislator may mail an individual letter to an individual  
28 constituent who (1) has contacted the legislator regarding the subject  
29 matter of the letter during the legislator's current term of office; or  
30 (2) holds a governmental office with jurisdiction over the subject  
31 matter of the letter.

32 A violation of this section constitutes use of the facilities of a  
33 public office for the purpose of assisting a campaign under RCW  
34 ((42.17.130)) 42.52.180.

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

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

3       Each lobbyist shall at the time he or she registers submit to the  
4 commission a recent photograph of himself or herself of a size and  
5 format as determined by rule of the commission, together with the name  
6 of the lobbyist's employer, the length of his or her employment as a  
7 lobbyist before the legislature, a brief biographical description, and  
8 any other information he or she may wish to submit not to exceed fifty  
9 words in length. Such photograph and information shall be published at  
10 least ((annually)) biennially in a booklet form by the commission for  
11 distribution to legislators and the public.

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

14      (1) ((Every legislator and every committee of the legislature shall  
15 file with the commission quarterly reports listing the names,  
16 addresses, and salaries of all persons employed by the person or  
17 committee making the filing for the purpose of aiding in the  
18 preparation or enactment of legislation or the performance of  
19 legislative duties of such legislator or committee during the preceding  
20 quarter. The reports shall be made in the form and the manner  
21 prescribed by the commission and shall be filed between the first and  
22 tenth days of each calendar quarter: PROVIDED, That the information  
23 required by this subsection may be supplied, insofar as it is  
24 available, by the chief clerk of the house of representatives or by the  
25 secretary of the senate on a form prepared by the commission.)) The  
26 house of representatives and the senate shall report annually: The  
27 total budget; the portion of the total attributed to staff; and the  
28 number of full-time and part-time staff positions by assignment, with  
29 dollar figures as well as number of positions.

30      (2) Unless authorized by subsection (3) of this section or  
31 otherwise expressly authorized by law, no public funds may be used  
32 directly or indirectly for lobbying: PROVIDED, This does not prevent  
33 officers or employees of an agency from communicating with a member of  
34 the legislature on the request of that member; or communicating to the  
35 legislature, through the proper official channels, requests for  
36 legislative action or appropriations which are deemed necessary for the  
37 efficient conduct of the public business or actually made in the proper

1 performance of their official duties: PROVIDED FURTHER, That this  
2 subsection does not apply to the legislative branch.

3 (3) Any agency, not otherwise expressly authorized by law, may  
4 expend public funds for lobbying, but such lobbying activity shall be  
5 limited to (a) providing information or communicating on matters  
6 pertaining to official agency business to any elected official or  
7 officer or employee of any agency or (b) advocating the official  
8 position or interests of the agency to any elected official or officer  
9 or employee of any agency: PROVIDED, That public funds may not be  
10 expended as a direct or indirect gift or campaign contribution to any  
11 elected official or officer or employee of any agency. For the  
12 purposes of this subsection, the term "gift" means a voluntary transfer  
13 of any thing of value without consideration of equal or greater value,  
14 but does not include informational material transferred for the sole  
15 purpose of informing the recipient about matters pertaining to official  
16 agency business((~~: PROVIDED FURTHER, That~~)). This section does not  
17 permit the printing of a state publication which has been otherwise  
18 prohibited by law.

19 (4) No elective official or any employee of his or her office or  
20 any person appointed to or employed by any public office or agency may  
21 use or authorize the use of any of the facilities of a public office or  
22 agency, directly or indirectly, in any effort to support or oppose an  
23 initiative to the legislature. "Facilities of a public office or  
24 agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The  
25 provisions of this subsection shall not apply to the following  
26 activities:

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

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

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

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

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

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

10          (b) The name, title, and job description and salary of each elected  
11 official, officer, or employee who lobbied, a general description of  
12 the nature of the lobbying, and the proportionate amount of time spent  
13 on the lobbying;

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

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

20           (i) Requests for appropriations by a state agency to the office of  
21 financial management pursuant to chapter 43.88 RCW nor requests by the  
22 office of financial management to the legislature for appropriations  
23 other than its own agency budget requests;

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

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

30           (iv) Requests, recommendations, or other communication between or  
31 within state agencies or between or within local agencies;

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

33              (A) Telephone conversations or preparation of written  
34 correspondence;

35              (B) In-person lobbying on behalf of an agency of no more than four  
36 days or parts thereof during any three-month period by officers or  
37 employees of that agency and in-person lobbying by any elected official  
38 of such agency on behalf of such agency or in connection with the  
39 powers, duties, or compensation of such official: PROVIDED, That the

1 total expenditures of nonpublic funds made in connection with such  
2 lobbying for or on behalf of any one or more members of the legislature  
3 or state elected officials or public officers or employees of the state  
4 of Washington do not exceed fifteen dollars for any three-month period:  
5 PROVIDED FURTHER, That the exemption under this subsection is in  
6 addition to the exemption provided in (A) of this subsection;

7       (C) Preparation or adoption of policy positions.

8       The statements shall be in the form and the manner prescribed by  
9 the commission and shall be filed within one month after the end of the  
10 quarter covered by the report.

11       (6) In lieu of reporting under subsection (5) of this section any  
12 county, city, town, municipal corporation, quasi municipal corporation,  
13 or special purpose district may determine and so notify the public  
14 disclosure commission, that elected officials, officers, or employees  
15 who on behalf of any such local agency engage in lobbying reportable  
16 under subsection (5) of this section shall register and report such  
17 reportable lobbying in the same manner as a lobbyist who is required to  
18 register and report under RCW 42.17.150 and 42.17.170. Each such local  
19 agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

20       (7) The provisions of this section do not relieve any elected  
21 official or officer or employee of an agency from complying with other  
22 provisions of this chapter, if such elected official, officer, or  
23 employee is not otherwise exempted.

24       (8) The purpose of this section is to require each state agency and  
25 certain local agencies to report the identities of those persons who  
26 lobby on behalf of the agency for compensation, together with certain  
27 separately identifiable and measurable expenditures of an agency's  
28 funds for that purpose. This section shall be reasonably construed to  
29 accomplish that purpose and not to require any agency to report any of  
30 its general overhead cost or any other costs which relate only  
31 indirectly or incidentally to lobbying or which are equally  
32 attributable to or inseparable from nonlobbying activities of the  
33 agency.

34       The public disclosure commission may adopt rules clarifying and  
35 implementing this legislative interpretation and policy.

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

1       (1) Every elected official and every executive state officer shall  
2 after January 1st and before April 15th of each year file with the  
3 commission a statement of financial affairs for the preceding calendar  
4 year. However, any local elected official whose term of office expires  
5 immediately after December 31st shall file the statement required to be  
6 filed by this section for the year that ended on that December 31st.  
7 ~~((In addition to and in conjunction with the statement of financial  
8 affairs, every official and officer shall file a statement describing  
9 any gifts received during the preceding calendar year.))~~

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

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

17      (4) A statement of a candidate or appointee filed during the period  
18 from January 1st to April 15th shall cover the period from January 1st  
19 of the preceding calendar year to the time of candidacy or appointment  
20 if the filing of the statement would relieve the individual of a prior  
21 obligation to file a statement covering the entire preceding calendar  
22 year.

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

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

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

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

33      ((+8))) (9) This section does not apply to incumbents or candidates  
34 for a federal office or the office of precinct committee officer.

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

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

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

5            (b) Each bank or savings account or insurance policy in which any  
6 such person or persons owned a direct financial interest that exceeded  
7 five thousand dollars at any time during the reporting period; each  
8 other item of intangible personal property in which any such person or  
9 persons owned a direct financial interest, the value of which exceeded  
10 five hundred dollars during the reporting period; the name, address,  
11 and nature of the entity; and the nature and highest value of each such  
12 direct financial interest during the reporting period; and

13            (c) The name and address of each creditor to whom the value of five  
14 hundred dollars or more was owed; the original amount of each debt to  
15 each such creditor; the amount of each debt owed to each creditor as of  
16 the date of filing; the terms of repayment of each such debt; and the  
17 security given, if any, for each such debt: PROVIDED, That debts  
18 arising out of a "retail installment transaction" as defined in chapter  
19 63.14 RCW (Retail Installment Sales Act) need not be reported; and

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

22            (e) All persons for whom any legislation, rule, rate, or standard  
23 has been prepared, promoted, or opposed for current or deferred  
24 compensation: PROVIDED, That for the purposes of this subsection,  
25 "compensation" does not include payments made to the person reporting  
26 by the governmental entity for which such person serves as an elected  
27 official or state executive officer or professional staff member for  
28 his service in office; the description of such actual or proposed  
29 legislation, rules, rates, or standards; and the amount of current or  
30 deferred compensation paid or promised to be paid; and

31            (f) The name and address of each governmental entity, corporation,  
32 partnership, joint venture, sole proprietorship, association, union, or  
33 other business or commercial entity from whom compensation has been  
34 received in any form of a total value of five hundred dollars or more;  
35 the value of the compensation; and the consideration given or performed  
36 in exchange for the compensation; and

37            (g) The name of any corporation, partnership, joint venture,  
38 association, union, or other entity in which is held any office,  
39 directorship, or any general partnership interest, or an ownership

1 interest of ten percent or more; the name or title of that office,  
2 directorship, or partnership; the nature of ownership interest; and  
3 with respect to each such entity: (i) With respect to a governmental  
4 unit in which the official seeks or holds any office or position, if  
5 the entity has received compensation in any form during the preceding  
6 twelve months from the governmental unit, the value of the compensation  
7 and the consideration given or performed in exchange for the  
8 compensation; (ii) the name of each governmental unit, corporation,  
9 partnership, joint venture, sole proprietorship, association, union, or  
10 other business or commercial entity from which the entity has received  
11 compensation in any form in the amount of two thousand five hundred  
12 dollars or more during the preceding twelve months and the  
13 consideration given or performed in exchange for the compensation:  
14 PROVIDED, That the term "compensation" for purposes of this subsection  
15 (1)(g)(ii) does not include payment for water and other utility  
16 services at rates approved by the Washington state utilities and  
17 transportation commission or the legislative authority of the public  
18 entity providing the service: PROVIDED, FURTHER, That with respect to  
19 any bank or commercial lending institution in which is held any office,  
20 directorship, partnership interest, or ownership interest, it shall  
21 only be necessary to report either the name, address, and occupation of  
22 every director and officer of the bank or commercial lending  
23 institution and the average monthly balance of each account held during  
24 the preceding twelve months by the bank or commercial lending  
25 institution from the governmental entity for which the individual is an  
26 official or candidate or professional staff member, or all interest  
27 paid by a borrower on loans from and all interest paid to a depositor  
28 by the bank or commercial lending institution if the interest exceeds  
29 six hundred dollars; and

30 (h) A list, including legal or other sufficient descriptions as  
31 prescribed by the commission, of all real property in the state of  
32 Washington, the assessed valuation of which exceeds two thousand five  
33 hundred dollars in which any direct financial interest was acquired  
34 during the preceding calendar year, and a statement of the amount and  
35 nature of the financial interest and of the consideration given in  
36 exchange for that interest; and

37 (i) A list, including legal or other sufficient descriptions as  
38 prescribed by the commission, of all real property in the state of  
39 Washington, the assessed valuation of which exceeds two thousand five

1 hundred dollars in which any direct financial interest was divested  
2 during the preceding calendar year, and a statement of the amount and  
3 nature of the consideration received in exchange for that interest, and  
4 the name and address of the person furnishing the consideration; and

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

12       (k) A list, including legal or other sufficient descriptions as  
13 prescribed by the commission, of all real property in the state of  
14 Washington, the assessed valuation of which exceeds five thousand  
15 dollars, in which a corporation, partnership, firm, enterprise, or  
16 other entity had a direct financial interest, in which corporation,  
17 partnership, firm, or enterprise a ten percent or greater ownership  
18 interest was held; and

19       (l) A list of each occasion, specifying date, donor, and amount,  
20 at which food and beverage in excess of fifty dollars was accepted  
21 under RCW 42.52.150(5);

22       (m) A list of each occasion, specifying date, donor, and amount, at  
23 which items specified in RCW 42.52.010(9) (d) and (f) were accepted;

24       (n) Such other information as the commission may deem necessary in  
25 order to properly carry out the purposes and policies of this chapter,  
26 as the commission shall prescribe by rule.

27       (2) Where an amount is required to be reported under subsection  
28 (1)((~~, paragraphs~~)) (a) through ((k)) (m) of this section, it shall  
29 be sufficient to comply with the requirement to report whether the  
30 amount is less than one thousand dollars, at least one thousand dollars  
31 but less than five thousand dollars, at least five thousand dollars but  
32 less than ten thousand dollars, at least ten thousand dollars but less  
33 than twenty-five thousand dollars, or twenty-five thousand dollars or  
34 more. An amount of stock may be reported by number of shares instead  
35 of by market value. No provision of this subsection may be interpreted  
36 to prevent any person from filing more information or more detailed  
37 information than required.

38       (3) Items of value given to an official's or employee's spouse or  
39 family member are attributable to the official or employee, except the

1    item is not attributable if an independent business, family, or social  
2    relationship exists between the donor and the spouse or family member.

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

5        For the purposes of RCW 42.17.240, the term "executive state  
6    officer" includes:

7            (1) The chief administrative law judge, the director of  
8    agriculture, the administrator of the office of marine safety, the  
9    administrator of the Washington basic health plan, the director of the  
10   department of services for the blind, the director of the state system  
11   of community and technical colleges, the director of community, trade,  
12   and economic development, the secretary of corrections, the director of  
13   ecology, the commissioner of employment security, the chairman of the  
14   energy facility site evaluation council, the director of the energy  
15   office, the secretary of the state finance committee, the director of  
16   financial management, the director of fish and wildlife, the executive  
17   secretary of the forest practices appeals board, the director of the  
18   gambling commission, the director of general administration, the  
19   secretary of health, the administrator of the Washington state health  
20   care authority, the executive secretary of the health care facilities  
21   authority, the executive secretary of the higher education facilities  
22   authority, the executive secretary of the horse racing commission, the  
23   executive secretary of the human rights commission, the executive  
24   secretary of the indeterminate sentence review board, the director of  
25   the department of information services, the director of the interagency  
26   committee for outdoor recreation, the executive director of the state  
27   investment board, the director of labor and industries, the director of  
28   licensing, the director of the lottery commission, the director of the  
29   office of minority and women's business enterprises, the director of  
30   parks and recreation, the director of personnel, the executive director  
31   of the public disclosure commission, the director of retirement  
32   systems, the director of revenue, the secretary of social and health  
33   services, the chief of the Washington state patrol, the executive  
34   secretary of the board of tax appeals, ((the director of trade and  
35   economic development,)) the secretary of transportation, the secretary  
36   of the utilities and transportation commission, the director of  
37   veterans affairs, the president of each of the regional and state

1 universities and the president of The Evergreen State College, each  
2 district and each campus president of each state community college;  
3 (2) Each professional staff member of the office of the governor;  
4 (3) Each professional staff member of the legislature; and  
5 (4) Central Washington University board of trustees, board of  
6 trustees of each community college, each member of the state board for  
7 community and technical colleges, state convention and trade center  
8 board of directors, committee for deferred compensation, Eastern  
9 Washington University board of trustees, Washington economic  
10 development finance authority, The Evergreen State College board of  
11 trustees, executive ethics board, forest practices appeals board,  
12 forest practices board, gambling commission, Washington health care  
13 facilities authority, each member of the Washington health services  
14 commission, higher education coordinating board, higher education  
15 facilities authority, horse racing commission, state housing finance  
16 commission, human rights commission, indeterminate sentence review  
17 board, board of industrial insurance appeals, information services  
18 board, interagency committee for outdoor recreation, state investment  
19 board, commission on judicial conduct, legislative ethics board, liquor  
20 control board, lottery commission, marine oversight board, ((~~oil and~~  
21 ~~gas conservation committee,~~)) Pacific Northwest electric power and  
22 conservation planning council, parks and recreation commission,  
23 personnel appeals board, board of pilotage commissioners, pollution  
24 control hearings board, public disclosure commission, public pension  
25 commission, shorelines hearing board, public employees' benefits board,  
26 board of tax appeals, transportation commission, University of  
27 Washington board of regents, utilities and transportation commission,  
28 Washington state maritime commission, Washington personnel resources  
29 board, Washington public power supply system executive board,  
30 Washington State University board of regents, Western Washington  
31 University board of trustees, and fish and wildlife commission.

32       **Sec. 11.** RCW 42.17.260 and 1992 c 139 s 3 are each amended to read  
33 as follows:

34       (1) Each agency, in accordance with published rules, shall make  
35 available for public inspection and copying all public records, unless  
36 the record falls within the specific exemptions of subsection (6) of  
37 this section, RCW 42.17.310, 42.17.315, or other statute which exempts  
38 or prohibits disclosure of specific information or records. To the

1 extent required to prevent an unreasonable invasion of personal privacy  
2 interests protected by RCW 42.17.310 and 42.17.315, an agency shall  
3 delete identifying details in a manner consistent with RCW 42.17.310  
4 and 42.17.315 when it makes available or publishes any public record;  
5 however, in each case, the justification for the deletion shall be  
6 explained fully in writing.

7 (2) For informational purposes, each agency shall publish and  
8 maintain a current list containing every law, other than those listed  
9 in this chapter, that the agency believes exempts or prohibits  
10 disclosure of specific information or records of the agency. An  
11 agency's failure to list an exemption shall not affect the efficacy of  
12 any exemption.

13 (3) Each local agency shall maintain and make available for public  
14 inspection and copying a current index providing identifying  
15 information as to the following records issued, adopted, or promulgated  
16 after January 1, 1973:

17 (a) Final opinions, including concurring and dissenting opinions,  
18 as well as orders, made in the adjudication of cases;

19 (b) Those statements of policy and interpretations of policy,  
20 statute, and the Constitution which have been adopted by the agency;

21 (c) Administrative staff manuals and instructions to staff that  
22 affect a member of the public;

23 (d) Planning policies and goals, and interim and final planning  
24 decisions;

25 (e) Factual staff reports and studies, factual consultant's reports  
26 and studies, scientific reports and studies, and any other factual  
27 information derived from tests, studies, reports, or surveys, whether  
28 conducted by public employees or others; and

29 (f) Correspondence, and materials referred to therein, by and with  
30 the agency relating to any regulatory, supervisory, or enforcement  
31 responsibilities of the agency, whereby the agency determines, or  
32 opines upon, or is asked to determine or opine upon, the rights of the  
33 state, the public, a subdivision of state government, or of any private  
34 party.

35 (4) A local agency need not maintain such an index, if to do so  
36 would be unduly burdensome, but it shall in that event:

37 (a) Issue and publish a formal order specifying the reasons why and  
38 the extent to which compliance would unduly burden or interfere with  
39 agency operations; and

1       (b) Make available for public inspection and copying all indexes  
2 maintained for agency use.

3       (5) Each state agency shall, by rule, establish and implement a  
4 system of indexing for the identification and location of the following  
5 records:

6       (a) All records issued before July 1, 1990, for which the agency  
7 has maintained an index;

8       (b) Final orders entered after June 30, 1990, that are issued in  
9 adjudicative proceedings as defined in RCW 34.05.010(1) and that  
10 contain an analysis or decision of substantial importance to the agency  
11 in carrying out its duties;

12      (c) Declaratory orders entered after June 30, 1990, that are issued  
13 pursuant to RCW 34.05.240 and that contain an analysis or decision of  
14 substantial importance to the agency in carrying out its duties;

15      (d) Interpretive statements as defined in RCW 34.05.010(8) that  
16 were entered after June 30, 1990; and

17      (e) Policy statements as defined in RCW 34.05.010(14) that were  
18 entered after June 30, 1990.

19 Rules establishing systems of indexing shall include, but not be  
20 limited to, requirements for the form and content of the index, its  
21 location and availability to the public, and the schedule for revising  
22 or updating the index. State agencies that have maintained indexes for  
23 records issued before July 1, 1990, shall continue to make such indexes  
24 available for public inspection and copying. Information in such  
25 indexes may be incorporated into indexes prepared pursuant to this  
26 subsection. State agencies may satisfy the requirements of this  
27 subsection by making available to the public indexes prepared by other  
28 parties but actually used by the agency in its operations. State  
29 agencies shall make indexes available for public inspection and  
30 copying. State agencies may charge a fee to cover the actual costs of  
31 providing individual mailed copies of indexes.

32      (6) A public record may be relied on, used, or cited as precedent  
33 by an agency against a party other than an agency and it may be invoked  
34 by the agency for any other purpose only if«

35       (a) It has been indexed in an index available to the public; or

36       (b) Parties affected have timely notice (actual or constructive) of  
37 the terms thereof.

38      (7) This chapter shall not be construed as giving authority to any  
39 agency, the office of the secretary of the senate, or the office of the

1 chief clerk of the house of representatives to give, sell or provide  
2 access to lists of individuals requested for commercial purposes, and  
3 agencies, the office of the secretary of the senate, and the office of  
4 the chief clerk of the house of representatives shall not do so unless  
5 specifically authorized or directed by law: PROVIDED, HOWEVER, That  
6 lists of applicants for professional licenses and of professional  
7 licensees shall be made available to those professional associations or  
8 educational organizations recognized by their professional licensing or  
9 examination board, upon payment of a reasonable charge therefor:  
10 PROVIDED FURTHER, That such recognition may be refused only for a good  
11 cause pursuant to a hearing under the provisions of chapter 34.05 RCW,  
12 the Administrative Procedure Act.

13       **Sec. 12.** RCW 42.17.280 and 1973 c 1 s 28 are each amended to read  
14 as follows:

15       Public records shall be available for inspection and copying during  
16 the customary office hours of the agency, the office of the secretary  
17 of the senate, and the office of the chief clerk of the house of  
18 representatives: PROVIDED, That if the ((agency)) entity does not have  
19 customary office hours of at least thirty hours per week, the public  
20 records shall be available from nine o'clock a.m. to noon and from one  
21 o'clock p.m. to four o'clock p.m. Monday through Friday, excluding  
22 legal holidays, unless the person making the request and the agency,  
23 the office of the secretary of the senate, or the office of the chief  
24 clerk of the house of representatives or its representative agree on a  
25 different time.

26       **Sec. 13.** RCW 42.17.290 and 1992 c 139 s 4 are each amended to read  
27 as follows:

28       Agencies shall adopt and enforce reasonable rules and regulations,  
29 and the office of the secretary of the senate and the office of the  
30 chief clerk of the house of representatives shall adopt reasonable  
31 procedures allowing for the time, resource, and personnel constraints  
32 associated with legislative sessions, consonant with the intent of this  
33 chapter to provide full public access to public records, to protect  
34 public records from damage or disorganization, and to prevent excessive  
35 interference with other essential functions of the agency, the office  
36 of the secretary of the senate, or the office of the chief clerk of the  
37 house of representatives. Such rules and regulations shall provide for

1 the fullest assistance to inquirers and the most timely possible action  
2 on requests for information. Nothing in this section shall relieve  
3 agencies, the office of the secretary of the senate, and the office of  
4 the chief clerk of the house of representatives from honoring requests  
5 received by mail for copies of identifiable public records.

6 If a public record request is made at a time when such record  
7 exists but is scheduled for destruction in the near future, the agency,  
8 the office of the secretary of the senate, or the office of the chief  
9 clerk of the house of representatives shall retain possession of the  
10 record, and may not destroy or erase the record until the request is  
11 resolved.

12 **Sec. 14.** RCW 42.17.300 and 1973 c 1 s 30 are each amended to read  
13 as follows:

14 No fee shall be charged for the inspection of public records.  
15 ((Agencies may impose)) A reasonable charge may be imposed for  
16 providing copies of public records and for the use by any person of  
17 agency equipment or equipment of the office of the secretary of the  
18 senate or the office of the chief clerk of the house of representatives  
19 to copy public records, which charges shall not exceed the amount  
20 necessary to reimburse the agency, the office of the secretary of the  
21 senate, or the office of the chief clerk of the house of  
22 representatives for its actual costs incident to such copying.

23 **Sec. 15.** RCW 42.17.320 and 1992 c 139 s 6 are each amended to read  
24 as follows:

25 Responses to requests for public records shall be made promptly by  
26 agencies, the office of the secretary of the senate, and the office of  
27 the chief clerk of the house of representatives. Within five business  
28 days of receiving a public record request, an agency, the office of the  
29 secretary of the senate, or the office of the chief clerk of the house  
30 of representatives must respond by either (1) providing the record; (2)  
31 acknowledging that the agency, the office of the secretary of the  
32 senate, or the office of the chief clerk of the house of  
33 representatives has received the request and providing a reasonable  
34 estimate of the time the agency, the office of the secretary of the  
35 senate, or the office of the chief clerk of the house of  
36 representatives will require to respond to the request; or (3) denying  
37 the public record request. Additional time required to respond to a

1 request may be based upon the need to clarify the intent of the  
2 request, to locate and assemble the information requested, to notify  
3 third persons or agencies affected by the request, or to determine  
4 whether any of the information requested is exempt and that a denial  
5 should be made as to all or part of the request. In acknowledging  
6 receipt of a public record request that is unclear, an agency, the  
7 office of the secretary of the senate, or the office of the chief clerk  
8 of the house of representatives may ask the requestor to clarify what  
9 information the requestor is seeking. If the requestor fails to  
10 clarify the request, the agency, the office of the secretary of the  
11 senate, or the office of the chief clerk of the house of  
12 representatives need not respond to it. Denials of requests must be  
13 accompanied by a written statement of the specific reasons therefor.  
14 Agencies, the office of the secretary of the senate, and the office of  
15 the chief clerk of the house of representatives shall establish  
16 mechanisms for the most prompt possible review of decisions denying  
17 inspection, and such review shall be deemed completed at the end of the  
18 second business day following the denial of inspection and shall  
19 constitute final agency action or final action by the office of the  
20 secretary of the senate or the office of the chief clerk of the house  
21 of representatives for the purposes of judicial review.

22        NEW SECTION. **Sec. 16.** A new section is added to chapter 42.17  
23 RCW, to be codified after RCW 42.17.340, to read as follows:

24        The procedures in RCW 42.17.340 govern denials of an opportunity to  
25 inspect or copy a public record by the office of the secretary of the  
26 senate or the office of the chief clerk of the house of  
27 representatives.

28        **Sec. 17.** RCW 42.17.370 and 1994 c 40 s 3 are each amended to read  
29 as follows:

30        The commission is empowered to:

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

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

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

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

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

19       (6) Administer oaths and affirmations, issue subpoenas, and compel  
20 attendance, take evidence and require the production of any books,  
21 papers, correspondence, memorandums, or other records relevant or  
22 material for the purpose of any investigation authorized under this  
23 chapter, or any other proceeding under this chapter;

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

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

30       (9) Adopt rules prescribing reasonable requirements for keeping  
31 accounts of and reporting on a quarterly basis costs incurred by state  
32 agencies, counties, cities, and other municipalities and political  
33 subdivisions in preparing, publishing, and distributing legislative  
34 information. The term "legislative information," for the purposes of  
35 this subsection, means books, pamphlets, reports, and other materials  
36 prepared, published, or distributed at substantial cost, a substantial  
37 purpose of which is to influence the passage or defeat of any  
38 legislation. The state auditor in his or her regular examination of  
39 each agency under chapter 43.09 RCW shall review the rules, accounts,

1 and reports and make appropriate findings, comments, and  
2 recommendations in his or her examination reports concerning those  
3 agencies;

4 (10) After hearing, by order approved and ratified by a majority of  
5 the membership of the commission, suspend or modify any of the  
6 reporting requirements of this chapter in a particular case if it finds  
7 that literal application of this chapter works a manifestly  
8 unreasonable hardship and if it also finds that the suspension or  
9 modification will not frustrate the purposes of the chapter. The  
10 commission shall find that a manifestly unreasonable hardship exists if  
11 reporting the name of an entity required to be reported under RCW  
12 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive  
13 position of any entity in which the person filing the report or any  
14 member of his or her immediate family holds any office, directorship,  
15 general partnership interest, or an ownership interest of ten percent  
16 or more. Any suspension or modification shall be only to the extent  
17 necessary to substantially relieve the hardship. The commission shall  
18 act to suspend or modify any reporting requirements only if it  
19 determines that facts exist that are clear and convincing proof of the  
20 findings required under this section. Requests for renewals of  
reporting modifications may be heard in a brief adjudicative proceeding  
as set forth in RCW 34.05.482 through 34.05.494 and in accordance with  
the standards established in this section. No initial request may be  
heard in a brief adjudicative proceeding and no request for renewal may  
be heard in a brief adjudicative proceeding if the initial request was  
granted more than three years previously or if the applicant is holding  
an office or position of employment different from the office or  
position held when the initial request was granted. The commission  
shall adopt administrative rules governing the proceedings. Any  
30 citizen has standing to bring an action in Thurston county superior  
31 court to contest the propriety of any order entered under this section  
32 within one year from the date of the entry of the order; and

33 (11) Revise, at least once every five years but no more often than  
34 every two years, the monetary reporting thresholds and reporting code  
35 values of this chapter. The revisions shall be only for the purpose of  
36 recognizing economic changes as reflected by an inflationary index  
37 recommended by the office of financial management. The revisions shall  
38 be guided by the change in the index for the period commencing with the  
39 month of December preceding the last revision and concluding with the

1 month of December preceding the month the revision is adopted. As to  
2 each of the three general categories of this chapter (reports of  
3 campaign finance, reports of lobbyist activity, and reports of the  
4 financial affairs of elected and appointed officials), the revisions  
5 shall equally affect all thresholds within each category. Revisions  
6 shall be adopted as rules under chapter 34.05 RCW. The first revision  
7 authorized by this subsection shall reflect economic changes from the  
8 time of the last legislative enactment affecting the respective code or  
9 threshold through December 1985;

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

14 **Sec. 18.** RCW 42.17.420 and 1983 c 176 s 2 are each amended to read  
15 as follows:

16 (1) Except as provided in subsection (2) of this section, when any  
17 application, report, statement, notice, or payment required to be made  
18 under the provisions of this chapter has been deposited postpaid in the  
19 United States mail properly addressed, it shall be deemed to have been  
20 received on the date of mailing. It shall be presumed that the date  
21 shown by the post office cancellation mark on the envelope is the date  
22 of mailing. The provisions of this section do not apply to reports  
23 required to be delivered under RCW 42.17.105 and 42.17.175.

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

28 **Sec. 19.** RCW 42.17.510 and 1993 c 2 s 22 are each amended to read  
29 as follows:

30 (1) All written political advertising, whether relating to  
31 candidates or ballot propositions, shall include the sponsor's name and  
32 address. All radio and television political advertising, whether  
33 relating to candidates or ballot propositions, shall include the  
34 sponsor's name. The use of an assumed name shall be unlawful. The  
35 party with which a candidate files shall be clearly identified in  
36 political advertising for partisan office.

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

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

15       (a) Appear on ((each)) the first page or fold of the written  
16 communication in at least ten-point type, or in type at least ten  
17 percent of the largest size type used in a written communication  
18 directed at more than one voter, such as a billboard or poster,  
19 whichever is larger;

20       (b) Not be subject to the half-tone or screening process;

21       (c) Be ((in a printed or drawn box)) set apart from any other  
22 printed matter; and

23       (d) Be clearly spoken on any broadcast advertisement.

24       (4) Political yard signs are exempt from the requirement of  
25 subsections (1) and (2) of this section that the name and address of  
26 the sponsor of political advertising be listed on the advertising. In  
27 addition, the public disclosure commission shall, by rule, exempt from  
28 the identification requirements of subsections (1) and (2) of this  
29 section forms of political advertising such as campaign buttons,  
30 balloons, pens, pencils, sky-writing, inscriptions, and other forms of  
31 advertising where identification is impractical.

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

34       **Sec. 20.** RCW 42.17.640 and 1993 c 2 s 4 are each amended to read  
35 as follows:

36       (1) No person, other than a bona fide political party or a caucus  
37 ((of the state legislature)) political committee, may make  
38 contributions to a candidate for a state legislative office that in the

1 aggregate exceed five hundred dollars or to a candidate for a state  
2 office other than a state legislative office that in the aggregate  
3 exceed one thousand dollars for each election in which the candidate is  
4 on the ballot or appears as a write-in candidate. Contributions made  
5 with respect to a primary may not be made after the date of the  
6 primary. Contributions made with respect to a general election may not  
7 be made after the final day of the applicable election cycle.

8 (2) No person, other than a bona fide political party or a caucus  
9 ((of the state legislature)) political committee, may make  
10 contributions to a state official against whom recall charges have been  
11 filed, or to a political committee having the expectation of making  
12 expenditures in support of the recall of the state official, during a  
13 recall campaign that in the aggregate exceed five hundred dollars if  
14 for a state legislative office or one thousand dollars if for a state  
15 office other than a state legislative office.

16 (3)(a) Notwithstanding subsection (1) of this section, no bona fide  
17 political party or caucus ((of the state legislature)) political  
18 committee may make contributions to a candidate during an election  
19 cycle that in the aggregate exceed (i) fifty cents multiplied by the  
20 number of eligible registered voters in the jurisdiction from which the  
21 candidate is elected if the contributor is a caucus ((of the state  
22 legislature)) political committee or the governing body of a state  
23 organization, or (ii) twenty-five cents multiplied by the number of  
24 registered voters in the jurisdiction from which the candidate is  
25 elected if the contributor is a county central committee or a  
26 legislative district committee.

27 (b) No candidate may accept contributions from a county central  
28 committee or a legislative district committee during an election cycle  
29 that when combined with contributions from other county central  
30 committees or legislative district committees would in the aggregate  
31 exceed twenty-five cents times the number of registered voters in the  
32 jurisdiction from which the candidate is elected.

33 (4)(a) Notwithstanding subsection (2) of this section, no bona fide  
34 political party or caucus ((of the state legislature)) political  
35 committee may make contributions to a state official against whom  
36 recall charges have been filed, or to a political committee having the  
37 expectation of making expenditures in support of the state official,  
38 during a recall campaign that in the aggregate exceed (i) fifty cents  
39 multiplied by the number of eligible registered voters in the

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

7 (b) No state official against whom recall charges have been filed,  
8 no authorized committee of the official, and no political committee  
9 having the expectation of making expenditures in support of the recall  
10 of a state official may accept contributions from a county central  
11 committee or a legislative district committee during an election cycle  
12 that when combined with contributions from other county central  
13 committees or legislative district committees would in the aggregate  
14 exceed twenty-five cents multiplied by the number of registered voters  
15 in the jurisdiction from which the candidate is elected.

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

20 (6) Notwithstanding subsections (1) through (4) of this section, no  
21 person other than an individual, bona fide political party, or caucus  
22 ((of the state legislature)) political committee may make contributions  
23 reportable under this chapter to a caucus ((of the state legislature))  
24 political committee that in the aggregate exceed five hundred dollars  
25 in a calendar year or to a bona fide political party that in the  
26 aggregate exceed two thousand five hundred dollars in a calendar year.  
27 This subsection does not apply to loans made in the ordinary course of  
28 business.

29 ((+6))) (7) For the purposes of RCW 42.17.640 through 42.17.790, a  
30 contribution to the authorized political committee of a candidate, or  
31 of a state official against whom recall charges have been filed, is  
32 considered to be a contribution to the candidate or state official.

33 ((+7))) (8) A contribution received within the twelve-month period  
34 after a recall election concerning a state office is considered to be  
35 a contribution during that recall campaign if the contribution is used  
36 to pay a debt or obligation incurred to influence the outcome of that  
37 recall campaign.

38 ((+8))) (9) The contributions allowed by subsection (2) of this  
39 section are in addition to those allowed by subsection (1) of this

1 section, and the contributions allowed by subsection (4) of this  
2 section are in addition to those allowed by subsection (3) of this  
3 section.

4 ((+9)) (10) RCW 42.17.640 through 42.17.790 apply to a special  
5 election conducted to fill a vacancy in a state office. However, the  
6 contributions made to a candidate or received by a candidate for a  
7 primary or special election conducted to fill such a vacancy shall not  
8 be counted toward any of the limitations that apply to the candidate or  
9 to contributions made to the candidate for any other primary or  
10 election.

11 ((+10)) (11) Notwithstanding the other subsections of this  
12 section, no corporation or business entity not doing business in  
13 Washington state, no labor union with fewer than ten members who reside  
14 in Washington state, and no political committee that has not received  
15 contributions of ten dollars or more from at least ten persons  
16 registered to vote in Washington state during the preceding one hundred  
17 eighty days may make contributions reportable under this chapter to a  
18 candidate, to a state official against whom recall charges have been  
19 filed, or to a political committee having the expectation of making  
20 expenditures in support of the recall of the official. This subsection  
21 does not apply to loans made in the ordinary course of business.

22 ((+11)) (12) Notwithstanding the other subsections of this  
23 section, no county central committee or legislative district committee  
24 may make contributions reportable under this chapter to a candidate,  
25 state official against whom recall charges have been filed, or  
26 political committee having the expectation of making expenditures in  
27 support of the recall of a state official if the county central  
28 committee or legislative district committee is outside of the  
29 jurisdiction entitled to elect the candidate or recall the state  
30 official.

31 ((+12)) (13) No person may accept contributions that exceed the  
32 contribution limitations provided in this section.

33 (14) The following contributions are exempt from the contribution  
34 limits of this section:

35 (a) An expenditure or contribution earmarked for voter  
36 registration, for absentee ballot information, for precinct caucuses,  
37 for get-out-the-vote campaigns, for precinct judges or inspectors, for  
38 sample ballots, or for ballot counting, all without promotion of or  
39 political advertising for individual candidates; or

1       (b) An expenditure by a political committee for its own internal  
2 organization or fund raising without direct association with individual  
3 candidates.

4       **Sec. 21.** RCW 42.17.680 and 1993 c 2 s 8 are each amended to read  
5 as follows:

6           (1) No employer or labor organization may increase the salary of an  
7 officer or employee, or give an emolument to an officer, employee, or  
8 other person or entity, with the intention that the increase in salary,  
9 or the emolument, or a part of it, be contributed or spent to support  
10 or oppose a candidate, state official against whom recall charges have  
11 been filed, political party, or political committee.

12         (2) No employer or labor organization may discriminate against an  
13 officer or employee in the terms or conditions of employment for  
14 ((+a))) the failure to contribute to((,-(b))) or the failure in any way  
15 to support or oppose((,- or (c) in any way supporting or opposing)) a  
16 candidate, ballot proposition, political party, or political committee.

17         (3) No employer or other person or entity responsible for the  
18 disbursement of funds in payment of wages or salaries may withhold or  
19 divert a portion of an employee's wages or salaries for contributions  
20 to political committees or for use as political contributions except  
21 upon the written request of the employee. The request must be made on  
22 a form prescribed by the commission informing the employee of the  
23 prohibition against employer and labor organization discrimination  
24 described in subsection (2) of this section. The request is valid for  
25 no more than twelve months from the date it is made by the employee.

26         (4) Each person or entity who withholds contributions under  
27 subsection (3) of this section shall maintain open for public  
28 inspection for a period of no less than three years, during normal  
29 business hours, documents and books of accounts that shall include a  
30 copy of each employee's request, the amounts and dates funds were  
31 actually withheld, and the amounts and dates funds were transferred to  
32 a political committee. Copies of such information shall be delivered  
33 to the commission upon request.

34       **Sec. 22.** RCW 42.17.720 and 1993 c 2 s 12 are each amended to read  
35 as follows:

36         (1) A loan is considered to be a contribution from the ((maker))  
37 lender and ((the)) any guarantor of the loan and is subject to the

1 contribution limitations of this chapter. The full amount of the loan  
2 shall be attributed to the lender and to each guarantor.

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

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

6 (a) By a commercial lending institution;

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

8 (c) On the same terms ordinarily available to members of the  
9 public((; and

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

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

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

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

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

21 **Sec. 24.** RCW 42.17.750 and 1993 c 2 s 15 are each amended to read  
22 as follows:

23 (1) No state or local official or state or local official's agent  
24 may knowingly solicit, directly or indirectly, a contribution to a  
25 candidate for public office, political party, or political committee  
26 from an employee in the state or local official's agency.

27 (2) No state or local official or ((state)) public employee may  
28 provide an advantage or disadvantage to an employee or applicant for  
29 employment in the classified civil service concerning the applicant's  
30 or employee's:

31 (a) Employment;

32 (b) Conditions of employment; or

33 (c) Application for employment,

34 based on the employee's or applicant's contribution or promise to  
35 contribute or failure to make a contribution or contribute to a  
36 political party or political committee.

1       **Sec. 25.** RCW 42.17.770 and 1993 c 2 s 17 are each amended to read  
2 as follows:

3       A person ((~~or entity~~)) may not solicit from a candidate for public  
4 office, political committee, political party, or other person ((~~or~~  
5 ~~entity~~)) money or other property as a condition or consideration for an  
6 endorsement, article, or other communication in the news media  
7 promoting or opposing a candidate for public office, political  
8 committee, or political party.

9       **Sec. 26.** RCW 42.17.780 and 1993 c 2 s 18 are each amended to read  
10 as follows:

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

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

16       (1) Except as provided in subsection (2) of this section, a  
17 candidate for public office or the candidate's political committee may  
18 not use or permit the use of contributions, whether or not surplus,  
19 solicited for or received by the candidate for public office or the  
20 candidate's political committee to further the candidacy of the  
21 individual for an office other than the office designated on the  
22 statement of organization. A contribution solicited for or received on  
23 behalf of the candidate for public office is considered solicited or  
24 received for the candidacy for which the individual is then a candidate  
25 if the contribution is solicited or received before the general  
26 elections for which the candidate for public office is a nominee or is  
27 unopposed.

28       (2) With the written approval of the contributor, a candidate for  
29 public office or the candidate's political committee may use or permit  
30 the use of contributions, whether or not surplus, solicited for or  
31 received by the candidate for public office or the candidate's  
32 political committee from that contributor to further the candidacy of  
33 the individual for an office other than the office designated on the  
34 statement of organization. If the contributor does not approve the use  
35 of his or her contribution to further the candidacy of the individual  
36 for an office other than the office designated on the statement of  
37 organization at the time of the contribution, the contribution must be

1   considered surplus funds and disposed of in accordance with RCW  
2   42.17.095.

3       **Sec. 28.**   RCW 42.17.100 and 1989 c 280 s 10 are each amended to  
4   read as follows:

5           INTERNAL POLITICAL COMMUNICATIONS--INDEPENDENT EXPENDITURE. (1)  
6   For the purposes of this section and RCW 42.17.550 the term  
7   "independent ((campaign)) expenditure" means any expenditure that is  
8   made in support of or in opposition to any candidate or ballot  
9   proposition and is not otherwise required to be reported pursuant to  
10   RCW 42.17.060, 42.17.080, or 42.17.090. "Independent expenditure" does  
11   not include: An internal political communication primarily limited to  
12   the contributors to a political party organization or political action  
13   committee, or the officers, management staff, and stockholders of a  
14   corporation or similar enterprise, or the members of a labor  
15   organization or other membership organization; or the rendering of  
16   personal services of the sort commonly performed by volunteer campaign  
17   workers, or incidental expenses personally incurred by volunteer  
18   campaign workers not in excess of fifty dollars personally paid for by  
19   the worker. "Volunteer services," for the purposes of this section,  
20   means services or labor for which the individual is not compensated by  
21   any person.

22       (2) Within five days after the date of making an independent  
23   ((campaign)) expenditure that by itself or when added to all other such  
24   independent ((campaign)) expenditures made during the same election  
25   campaign by the same person equals one hundred dollars or more, or  
26   within five days after the date of making an independent ((campaign))  
27   expenditure for which no reasonable estimate of monetary value is  
28   practicable, whichever occurs first, the person who made the  
29   independent ((campaign)) expenditure shall file with the commission and  
30   the county elections officer of the county of residence for the  
31   candidate supported or opposed by the independent ((campaign))  
32   expenditure (or in the case of an expenditure made in support of or in  
33   opposition to a local ballot proposition, the county of residence for  
34   the person making the expenditure) an initial report of all independent  
35   ((campaign)) expenditures made during the campaign prior to and  
36   including such date.

37       (3) At the following intervals each person who is required to file  
38   an initial report pursuant to subsection (2) of this section shall file

1 with the commission and the county elections officer of the county of  
2 residence for the candidate supported or opposed by the independent  
3 ((campaign)) expenditure (or in the case of an expenditure made in  
4 support of or in opposition to a ballot proposition, the county of  
5 residence for the person making the expenditure) a further report of  
6 the independent ((campaign)) expenditures made since the date of the  
7 last report:

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

10      (b) On the tenth day of the first month after the election; and  
11      (c) On the tenth day of each month in which no other reports are  
12 required to be filed pursuant to this section. However, the further  
13 reports required by this subsection (3) shall only be filed if the  
14 reporting person has made an independent ((campaign)) expenditure since  
15 the date of the last previous report filed.

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

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

22       (5) Each report required by subsections (2) and (3) of this section  
23 shall disclose for the period beginning at the end of the period for  
24 the last previous report filed or, in the case of an initial report,  
25 beginning at the time of the first independent ((campaign))  
26 expenditure, and ending not more than one business day before the date  
27 the report is due:

28       (a) The name and address of the person filing the report;  
29       (b) The name and address of each person to whom an independent  
30 ((campaign)) expenditure was made in the aggregate amount of more than  
31 fifty dollars, and the amount, date, and purpose of each such  
32 expenditure. If no reasonable estimate of the monetary value of a  
33 particular independent ((campaign)) expenditure is practicable, it is  
34 sufficient to report instead a precise description of services,  
35 property, or rights furnished through the expenditure and where  
36 appropriate to attach a copy of the item produced or distributed by the  
37 expenditure;

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

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

3       **Sec. 29.** RCW 42.17.125 and 1993 c 2 s 21 are each amended to read  
4 as follows:

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

10      (1) Reimbursement for or loans to cover lost earnings incurred as  
11 a result of campaigning or services performed for the political  
12 committee. Such lost earnings shall be verifiable as unpaid salary, or  
13 when the individual is not salaried, as an amount not to exceed income  
14 received by the individual for services rendered during an appropriate,  
15 corresponding time period. All lost earnings incurred shall be  
16 documented and a record thereof shall be maintained by the individual  
17 or the individual's political committee. The political committee shall  
18 include a copy of such record when its expenditure for such  
19 reimbursement is reported pursuant to RCW 42.17.090.

20      (2) Reimbursement for direct out-of-pocket election campaign and  
21 postelection campaign related expenses made by the individual. To  
22 receive reimbursement from the political committee, the individual  
23 shall provide the political committee with written documentation as to  
24 the amount, date, and description of each expense, and the political  
25 committee shall include a copy of such information when its expenditure  
26 for such reimbursement is reported pursuant to RCW 42.17.090.

27      (3) Repayment of loans made by the individual to political  
28 committees, which repayment shall be reported pursuant to RCW  
29 42.17.090. However, contributions may not be used to reimburse a  
30 candidate for loans totaling more than three thousand dollars made by  
31 the candidate to the candidate's own ((authorized)) political committee  
32 or campaign.

33       **Sec. 30.** RCW 42.52.180 and 1994 c 154 s 118 are each amended to  
34 read as follows:

35      (1) No state officer or state employee may use or authorize the use  
36 of facilities of an agency, directly or indirectly, for the purpose of  
37 assisting a campaign for election of a person to an office or for the

1 promotion of or opposition to a ballot proposition. Knowing  
2 acquiescence by a person with authority to direct, control, or  
3 influence the actions of the state officer or state employee using  
4 public resources in violation of this section constitutes a violation  
5 of this section. Facilities of an agency include, but are not limited  
6 to, use of stationery, postage, machines, and equipment, use of state  
7 employees of the agency during working hours, vehicles, office space,  
8 publications of the agency, and clientele lists of persons served by  
9 the agency.

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

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

19 (b) A statement by an elected official in support of or in  
20 opposition to any ballot proposition at an open press conference or in  
21 response to a specific inquiry. For the purposes of this subsection,  
22 it is not a violation of this section for an elected official to  
23 respond to an inquiry regarding a ballot proposition, to make  
24 incidental remarks concerning a ballot proposition in an official  
25 communication, or otherwise comment on a ballot proposition without an  
26 actual, measurable expenditure of public funds. The ((public  
27 disclosure commission shall, after consultation with the)) ethics  
28 boards((,)) shall adopt by rule a definition of measurable expenditure;

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

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

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

1       **Sec. 31.** RCW 42.17.095 and 1993 c 2 s 20 are each amended to read  
2 as follows:

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

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

8           (2) Transfer the surplus to the candidate's personal account as  
9 reimbursement for lost earnings incurred as a result of that  
10 candidate's election campaign. Such lost earnings shall be verifiable  
11 as unpaid salary or, when the candidate is not salaried, as an amount  
12 not to exceed income received by the candidate for services rendered  
13 during an appropriate, corresponding time period. All lost earnings  
14 incurred shall be documented and a record thereof shall be maintained  
15 by the candidate or the candidate's political committee. The committee  
16 shall include a copy of such record when its expenditure for such  
17 reimbursement is reported pursuant to RCW 42.17.090;

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

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

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

24           (6) Hold the surplus in the campaign depository or depositories  
25 designated in accordance with RCW 42.17.050 for possible use in a  
26 future election campaign for the same office last sought by the  
27 candidate and report any such disposition in accordance with RCW  
28 42.17.090: PROVIDED, That if the candidate subsequently announces or  
29 publicly files for office, information as appropriate is reported to  
30 the commission in accordance with RCW 42.17.040 through 42.17.090. If  
31 a subsequent office is not sought the surplus held shall be disposed of  
32 in accordance with the requirements of this section.

33           (7) Hold the surplus campaign funds in a separate account for  
34 nonreimbursed public office-related expenses or as provided in this  
35 section, and report any such disposition in accordance with RCW  
36 42.17.090. The separate account required under this subsection shall  
37 not be used for deposits of campaign funds that are not surplus.

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

1       The disposal of surplus funds under this section shall not be  
2 considered a contribution for purposes of this chapter.

3       **Sec. 32.** RCW 42.17.160 and 1982 c 147 s 12 are each amended to  
4 read as follows:

5       The following persons and activities shall be exempt from  
6 registration and reporting under RCW 42.17.150, 42.17.170, and  
7 42.17.200:

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

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

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

17          ((+3))) (4) Persons who lobby without compensation or other  
18 consideration for acting as a lobbyist: PROVIDED, Such person makes no  
19 expenditure for or on behalf of any member of the legislature or  
20 elected official or public officer or employee of the state of  
21 Washington in connection with such lobbying. The exemption contained  
22 in this subsection is intended to permit and encourage citizens of this  
23 state to lobby any legislator, public official, or state agency without  
24 incurring any registration or reporting obligation provided they do not  
25 exceed the limits stated above. Any person exempt under this  
26 subsection ((+3))) (4) may at his or her option register and report  
27 under this chapter;

28          ((+4))) (5) Persons who restrict their lobbying activities to no  
29 more than four days or parts thereof during any three-month period and  
30 whose total expenditures during such three-month period for or on  
31 behalf of any one or more members of the legislature or state elected  
32 officials or public officers or employees of the state of Washington in  
33 connection with such lobbying do not exceed twenty-five (({dollars}))  
34 dollars: PROVIDED, That the commission shall promulgate regulations to  
35 require disclosure by persons exempt under this subsection or their  
36 employers or entities which sponsor or coordinate the lobbying  
37 activities of such persons if it determines that such regulations are  
38 necessary to prevent frustration of the purposes of this chapter. Any

1 person exempt under this subsection ((4)) (5) may at his or her  
2 option register and report under this chapter;  
3 ((5)) (6) The governor;  
4 ((6)) (7) The lieutenant governor;  
5 ((7)) (8) Except as provided by RCW 42.17.190(1), members of the  
6 legislature;  
7 ((8)) (9) Except as provided by RCW 42.17.190(1), persons  
8 employed by the legislature for the purpose of aiding in the  
9 preparation or enactment of legislation or the performance of  
10 legislative duties;  
11 ((9)) (10) Elected officials, and officers and employees of any  
12 agency reporting under RCW 42.17.190(4) as now or hereafter amended.

13 **Sec. 33.** RCW 42.17.170 and 1991 sp.s. c 18 s 2 are each amended to  
14 read as follows:

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

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

22 (a) The totals of all expenditures for lobbying activities made or  
23 incurred by such lobbyist or on behalf of such lobbyist by the  
24 lobbyist's employer during the period covered by the report. Such  
25 totals for lobbying activities shall be segregated according to  
26 financial category, including compensation; food and refreshments;  
27 living accommodations; advertising; travel; contributions; and other  
28 expenses or services. Each individual expenditure of more than twenty-  
29 five dollars for entertainment shall be identified by date, place,  
30 amount, and the names of all persons in the group partaking in or of  
31 such entertainment including any portion thereof attributable to the  
32 lobbyist's participation therein, ((without)) and shall include amounts  
33 actually expended on each person where calculable, or allocating any  
34 portion of ((such)) the expenditure to individual participants.  
35 ((However, if the expenditure for a single hosted reception is more  
36 than one hundred dollars per person partaking therein, the report shall  
37 specify the per person amount, which shall be determined by dividing

1 the total amount of the expenditure by the total number of persons  
2 partaking in the reception.))

3 Notwithstanding the foregoing, lobbyists are not required to report  
4 the following:

5 (i) Unreimbursed personal living and travel expenses not incurred  
6 directly for lobbying;

7 (ii) Any expenses incurred for his or her own living  
8 accommodations;

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

11 (iv) Any expenses incurred for telephone, and any office expenses,  
12 including rent and salaries and wages paid for staff and secretarial  
13 assistance.

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

17 (c) An itemized listing of each such expenditure, whether  
18 contributed by the lobbyist personally or delivered or transmitted by  
19 the lobbyist, in the nature of a contribution of money or of tangible  
20 or intangible personal property to any candidate, elected official, or  
21 officer or employee of any agency, or any political committee  
22 supporting or opposing any ballot proposition, or for or on behalf of  
23 any candidate, elected official, or officer or employee of any agency,  
24 or any political committee supporting or opposing any ballot  
25 proposition. All contributions made to, or for the benefit of, any  
26 candidate, elected official, or officer or employee of any agency, or  
27 any political committee supporting or opposing any ballot proposition  
28 shall be identified by date, amount, and the name of the candidate,  
29 elected official, or officer or employee of any agency, or any  
30 political committee supporting or opposing any ballot proposition  
31 receiving, or to be benefited by each such contribution.

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

37 (e) Such other information relevant to lobbying activities as the  
38 commission shall by rule prescribe. Information supporting such

1 activities as are required to be reported is subject to audit by the  
2 commission.

3 ~~(f) ((A listing of each gift, as defined in RCW 42.17.020, made to~~  
4 ~~a state elected official or executive state officer or to a member of~~  
5 ~~the immediate family of such an official or officer. Such a gift shall~~  
6 ~~be separately identified by the date it was given, the approximate~~  
7 ~~value of the gift, and the name of the recipient. However, for a~~  
8 ~~hosted reception where the average per person amount is reported under~~  
9 ~~(a) of this subsection, the approximate value for the gift of partaking~~  
10 ~~in the event is such average per person amount. The commission shall~~  
11 ~~adopt forms to be used for reporting the giving of gifts under this~~  
12 ~~subsection (2)(f). The forms shall be designed to permit a lobbyist to~~  
13 ~~report on a separate form for each recipient the reportable gifts given~~  
14 ~~to that recipient during the reporting period or, alternatively, to~~  
15 ~~report on one form all reportable gifts given by the lobbyist during~~  
16 ~~the reporting period)) A listing of each payment for an item specified~~  
17 ~~in RCW 42.52.150(5) in excess of fifty dollars and each item specified~~  
18 ~~in RCW 42.52.010(9) (d) and (f) made to a state elected official, state~~  
19 ~~officer, or state employee. Each item shall be identified by~~  
20 ~~recipient, date, and approximate value of the item.~~

21 (g) The total expenditures made during the reporting period by the  
22 lobbyist for lobbying purposes, whether through or on behalf of a  
23 lobbyist or otherwise. As used in this subsection, "expenditures"  
24 includes amounts paid or incurred during the reporting period for (i)  
25 political advertising as defined in RCW 42.17.020; and (ii) public  
26 relations, telemarketing, polling, or similar activities if such  
27 activities, directly or indirectly, are intended, designed, or  
28 calculated to influence legislation or the adoption or rejection of a  
29 rule, standard, or rate by an agency under the administrative procedure  
30 act. The report shall specify the amount, the person to whom the  
31 amount was paid, and a brief description of the activity.

32 (3) If a state elected official or a member of such an official's  
33 immediate family is identified by a lobbyist in such a report as having  
34 received from the lobbyist ~~((a gift, as defined in RCW 42.17.020)) an~~  
35 item specified in RCW 42.52.150(5) or 42.52.010(9) (d) or (f), the  
36 lobbyist shall transmit to the official a copy of the completed form  
37 used to identify the ~~((gift)) item~~ in the report at the same time the  
38 report is filed with the commission.

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

4       NEW SECTION.   **Sec. 34.**   The following acts or parts of acts are  
5 each repealed:

- 6           (1) RCW 42.17.021 and 1993 c 2 s 30;  
7           (2) RCW 42.17.630 and 1993 c 2 s 3;  
8           (3) RCW 42.17.2415 and 1991 sp.s. c 18 s 3; and  
9           (4) RCW 42.52.210 and 1959 c 320 s 5.

10       NEW SECTION.   **Sec. 35.**   Sections 1 through 32, 34, and 37 of this  
11 act are necessary for the immediate preservation of the public peace,  
12 health, or safety, or support of the state government and its existing  
13 public institutions, and shall take effect July 1, 1995.

14       NEW SECTION.   **Sec. 36.**   Section 33 of this act takes effect  
15 September 1, 1995.

16       NEW SECTION.   **Sec. 37.**   Captions as used in this act constitute no  
17 part of the law.

18       NEW SECTION.   **Sec. 38.**   If any provision of this act or its  
19 application to any person or circumstance is held invalid, the  
20 remainder of the act or the application of the provision to other  
21 persons or circumstances is not affected.

--- END ---