
SENATE BILL 5193

State of Washington

57th Legislature

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By Senators Morton, Rasmussen, Winsley, Franklin, Roach and McCaslin

Read first time 01/15/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to the application of public records laws to
2 state legislative offices; and amending RCW 42.17.020.

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

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

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

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

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

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

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

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

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

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

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

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

21 (7) "Treasurer" and "deputy treasurer" mean the individuals
22 appointed by a candidate or political committee, pursuant to RCW
23 42.17.050, to perform the duties specified in that section.

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

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

30 (b) Announces publicly or files for office;

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

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

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

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

8 (11) "Commission" means the agency established under RCW
9 42.17.350.

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

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

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

22 (i) A loan, gift, deposit, subscription, forgiveness of
23 indebtedness, donation, advance, pledge, payment, transfer of
24 funds between political committees, or anything of value,
25 including personal and professional services for less than full
26 consideration;

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

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

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

37 (b) "Contribution" does not include:

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

3 (ii) Ordinary home hospitality;

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

8 (iv) A news item, feature, commentary, or editorial in a
9 regularly scheduled news medium that is of primary interest to the
10 general public, that is in a news medium controlled by a person
11 whose business is that news medium, and that is not controlled by
12 a candidate or a political committee;

13 (v) An internal political communication primarily limited to
14 the members of or contributors to a political party organization
15 or political committee, or to the officers, management staff, or
16 stockholders of a corporation or similar enterprise, or to the
17 members of a labor organization or other membership organization;

18 (vi) The rendering of personal services of the sort commonly
19 performed by volunteer campaign workers, or incidental expenses
20 personally incurred by volunteer campaign workers not in excess of
21 fifty dollars personally paid for by the worker. "Volunteer
22 services," for the purposes of this section, means services or
23 labor for which the individual is not compensated by any person;

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

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

33 (A) A political party or caucus political committee if the
34 person paying for the services is the regular employer of the
35 person rendering such services; or

36 (B) A candidate or an authorized committee if the person paying
37 for the services is the regular employer of the individual

1 rendering the services and if the services are solely for the
2 purpose of ensuring compliance with state election or public
3 disclosure laws.

4 (c) Contributions other than money or its equivalent are deemed
5 to have a monetary value equivalent to the fair market value of
6 the contribution. Services or property or rights furnished at
7 less than their fair market value for the purpose of assisting any
8 candidate or political committee are deemed a contribution. Such
9 a contribution must be reported as an in-kind contribution at its
10 fair market value and counts towards any applicable contribution
11 limit of the provider.

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

15 (16) "Election" includes any primary, general, or special
16 election for public office and any election in which a ballot
17 proposition is submitted to the voters: PROVIDED, That an
18 election in which the qualifications for voting include other than
19 those requirements set forth in Article VI, section 1 (Amendment
20 63) of the Constitution of the state of Washington shall not be
21 considered an election for purposes of this chapter.

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

25 (18) "Election cycle" means the period beginning on the first
26 day of December after the date of the last previous general
27 election for the office that the candidate seeks and ending on
28 November 30th after the next election for the office. In the case
29 of a special election to fill a vacancy in an office, "election
30 cycle" means the period beginning on the day the vacancy occurs
31 and ending on November 30th after the special election.

32 (19) "Expenditure" includes a payment, contribution,
33 subscription, distribution, loan, advance, deposit, or gift of
34 money or anything of value, and includes a contract, promise, or
35 agreement, whether or not legally enforceable, to make an
36 expenditure. The term "expenditure" also includes a promise to
37 pay, a payment, or a transfer of anything of value in exchange for
38 goods, services, property, facilities, or anything of value for

1 the purpose of assisting, benefiting, or honoring any public
2 official or candidate, or assisting in furthering or opposing any
3 election campaign. For the purposes of this chapter, agreements
4 to make expenditures, contracts, and promises to pay may be
5 reported as estimated obligations until actual payment is made.
6 The term "expenditure" shall not include the partial or complete
7 repayment by a candidate or political committee of the principal
8 of a loan, the receipt of which loan has been properly reported.

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

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

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

15 (23) "Immediate family" includes the spouse, dependent
16 children, and other dependent relatives, if living in the
17 household. For the purposes of RCW 42.17.640 through 42.17.790,
18 "immediate family" means an individual's spouse, and child,
19 stepchild, grandchild, parent, stepparent, grandparent, brother,
20 half brother, sister, or half sister of the individual and the
21 spouse of any such person and a child, stepchild, grandchild,
22 parent, stepparent, grandparent, brother, half brother, sister, or
23 half sister of the individual's spouse and the spouse of any such
24 person.

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

27 (a) It is made in support of or in opposition to a candidate
28 for office by a person who is not (i) a candidate for that office,
29 (ii) an authorized committee of that candidate for that office,
30 (iii) a person who has received the candidate's encouragement or
31 approval to make the expenditure, if the expenditure pays in whole
32 or in part for political advertising supporting that candidate or
33 promoting the defeat of any other candidate or candidates for that
34 office, or (iv) a person with whom the candidate has collaborated
35 for the purpose of making the expenditure, if the expenditure pays
36 in whole or in part for political advertising supporting that
37 candidate or promoting the defeat of any other candidate or
38 candidates for that office;

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

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

11 (25)(a) "Intermediary" means an individual who transmits a
12 contribution to a candidate or committee from another person
13 unless the contribution is from the individual's employer,
14 immediate family as defined for purposes of RCW 42.17.640 through
15 42.17.790, or an association to which the individual belongs.

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

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

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

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

30 (27) "Lobby" and "lobbying" each mean attempting to influence
31 the passage or defeat of any legislation by the legislature of the
32 state of Washington, or the adoption or rejection of any rule,
33 standard, rate, or other legislative enactment of any state agency
34 under the state Administrative Procedure Act, chapter 34.05 RCW.
35 Neither "lobby" nor "lobbying" includes an association's or other
36 organization's act of communicating with the members of that
37 association or organization.

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

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

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

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

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

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

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

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

35 (36) "Public record" includes any writing containing
36 information relating to the conduct of government or the
37 performance of any governmental or proprietary function prepared,
38 owned, used, or retained by any state or local agency regardless

1 of physical form or characteristics. For state legislative
2 offices, the office of the secretary of the senate, and the office
3 of the chief clerk of the house of representatives, public records
4 means legislative records as defined in RCW 40.14.100 and also
5 means the following: All budget and financial records; personnel
6 leave, travel, and payroll records; records of legislative
7 sessions; reports submitted to the legislature; and any other
8 record designated a public record by any official action of the
9 senate or the house of representatives.

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

13 (38) "State legislative office" means the office of a member of
14 the state house of representatives or the office of a member of
15 the state senate.

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

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

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

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

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

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

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