

**2SHB 1758 - S AMD TO GO COMM AMD (S3078.1) 490**

By Senators Rasmussen, Deccio, McCaslin, Carrell, Haugen,  
Hargrove, Morton, Zarelli, Fraser, Spanel, Swecker

ADOPTED 04/11/2005

1 On page 4, after line 22 of the amendment, insert the following:

2 "Sec. 6. RCW 42.17.020 and 2002 c 75 s 1 are each amended to read  
3 as follows:

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

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

15 (3) "Ballot proposition" means any "measure" as defined by RCW  
16 ((29.01.110)) 29A.04.091, or any initiative, recall, or referendum  
17 proposition proposed to be submitted to the voters of the state or any  
18 municipal corporation, political subdivision, or other voting  
19 constituency from and after the time when the proposition has been  
20 initially filed with the appropriate election officer of that  
21 constituency prior to its circulation for signatures.

22 (4) "Benefit" means a commercial, proprietary, financial, economic,  
23 or monetary advantage, or the avoidance of a commercial, proprietary,  
24 financial, economic, or monetary disadvantage.

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

26 (a) An organization that has filed a valid certificate of  
27 nomination with the secretary of state under chapter ((29.24)) 29A.20  
28 RCW;

29 (b) The governing body of the state organization of a major

1 political party, as defined in RCW ((~~29.01.090~~)) 29A.04.086, that is  
2 the body authorized by the charter or bylaws of the party to exercise  
3 authority on behalf of the state party; or

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

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

9 (7) "Treasurer" and "deputy treasurer" mean the individuals  
10 appointed by a candidate or political committee, pursuant to RCW  
11 42.17.050, to perform the duties specified in that section.

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

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

17 (b) Announces publicly or files for office;

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

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

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

25 (10) "Commercial advertiser" means any person who sells the service  
26 of communicating messages or producing printed material for broadcast  
27 or distribution to the general public or segments of the general public  
28 whether through the use of newspapers, magazines, television and radio  
29 stations, billboard companies, direct mail advertising companies,  
30 printing companies, or otherwise.

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

32 (12) "Compensation" unless the context requires a narrower meaning,  
33 includes payment in any form for real or personal property or services  
34 of any kind: PROVIDED, That for the purpose of compliance with RCW  
35 42.17.241, the term "compensation" shall not include per diem  
36 allowances or other payments made by a governmental entity to reimburse  
37 a public official for expenses incurred while the official is engaged  
38 in the official business of the governmental entity.

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

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

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

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

1 fifty dollars personally paid for by the worker. "Volunteer services,"  
2 for the purposes of this section, means services or labor for which the  
3 individual is not compensated by any person;

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

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

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

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

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

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

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

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

1 (18) "Election cycle" means the period beginning on the first day  
2 of December after the date of the last previous general election for  
3 the office that the candidate seeks and ending on November 30th after  
4 the next election for the office. In the case of a special election to  
5 fill a vacancy in an office, "election cycle" means the period  
6 beginning on the day the vacancy occurs and ending on November 30th  
7 after the special election.

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

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

24 (21) "General election" for the purposes of RCW 42.17.640 means the  
25 election that results in the election of a person to a state office.  
26 It does not include a primary.

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

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

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

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

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

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

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

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

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

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

34 (26) "Legislation" means bills, resolutions, motions, amendments,  
35 nominations, and other matters pending or proposed in either house of  
36 the state legislature, and includes any other matter that may be the  
37 subject of action by either house or any committee of the legislature

1 and all bills and resolutions that, having passed both houses, are  
2 pending approval by the governor.

3 (27) "Lobby" and "lobbying" each mean attempting to influence the  
4 passage or defeat of any legislation by the legislature of the state of  
5 Washington, or the adoption or rejection of any rule, standard, rate,  
6 or other legislative enactment of any state agency under the state  
7 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor  
8 "lobbying" includes an association's or other organization's act of  
9 communicating with the members of that association or organization.

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

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

15 (30) "Person" includes an individual, partnership, joint venture,  
16 public or private corporation, association, federal, state, or local  
17 governmental entity or agency however constituted, candidate,  
18 committee, political committee, political party, executive committee  
19 thereof, or any other organization or group of persons, however  
20 organized.

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

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

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

35 (34) "Primary" for the purposes of RCW 42.17.640 means the  
36 procedure for nominating a candidate to state office under chapter  
37 (~~(29.18 or 29.21)~~) 29A.52 RCW or any other primary for an election that

1 uses, in large measure, the procedures established in chapter ((~~29.18~~  
2 ~~or 29.21~~)) 29A.52 RCW.

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

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

18 (37) "Recall campaign" means the period of time beginning on the  
19 date of the filing of recall charges under RCW ((~~29.82.015~~)) 29A.56.120  
20 and ending thirty days after the recall election.

21 (38) "State legislative office" means the office of a member of the  
22 state house of representatives or the office of a member of the state  
23 senate.

24 (39) "State office" means state legislative office or the office of  
25 governor, lieutenant governor, secretary of state, attorney general,  
26 commissioner of public lands, insurance commissioner, superintendent of  
27 public instruction, state auditor, or state treasurer.

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

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



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

10 As used in this chapter, the singular shall take the plural and any  
11 gender, the other, as the context requires."

**2SHB 1758 - S AMD TO GO COMM AMD (S3078.1) 490**

By Senators Rasmussen, Deccio, McCaslin, Carrell, Haugen,  
Hargrove, Morton, Zarelli, Fraser, Spanel, Swecker

**ADOPTED 04/11/2005**

12 On page 4, line 24 of the title amendment, after "42.17.348,"  
13 strike "and 42.17.340" and insert "42.17.340, and 42.17.020"

EFFECT: This amendment clarifies that legislative offices are  
included in the definition of public records for the Senate and the  
House.

--- END ---