

SHB 1195 - S COMM AMD

By Committee on State Government, Tribal Relations & Elections

ADOPTED AS AMENDED 04/15/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that passage of
4 chapter 304, Laws of 2018 (Engrossed Substitute House Bill No. 2938)
5 and chapter 111, Laws of 2018 (Substitute Senate Bill No. 5991) was
6 an important step in achieving the goals of reforming campaign
7 finance reporting and oversight, including simplifying the reporting
8 and enforcement processes to promote administrative efficiencies.
9 Much has been accomplished in the short time the public disclosure
10 commission has implemented these new laws. However, some additional
11 improvements were identified by the legislature, stakeholders, and
12 the public disclosure commission, that are necessary to further
13 implement these goals and the purpose of the state campaign finance
14 law. Additional refinements to the law will help to ensure the public
15 disclosure commission may continue to provide transparency of
16 election campaign funding activities, meaningful guidance to
17 participants in the political process, and enforcement that is
18 timely, fair, and focused on improving compliance.

19 **Sec. 2.** RCW 42.17A.001 and 1975 1st ex.s. c 294 s 1 are each
20 amended to read as follows:

21 It is hereby declared by the sovereign people to be the public
22 policy of the state of Washington:

23 (1) That political campaign and lobbying contributions and
24 expenditures be fully disclosed to the public and that secrecy is to
25 be avoided.

26 (2) That the people have the right to expect from their elected
27 representatives at all levels of government the utmost of integrity,
28 honesty, and fairness in their dealings.

29 (3) That the people shall be assured that the private financial
30 dealings of their public officials, and of candidates for those

1 offices, present no conflict of interest between the public trust and
2 private interest.

3 (4) That our representative form of government is founded on a
4 belief that those entrusted with the offices of government have
5 nothing to fear from full public disclosure of their financial and
6 business holdings, provided those officials deal honestly and fairly
7 with the people.

8 (5) That public confidence in government at all levels is
9 essential and must be promoted by all possible means.

10 (6) That public confidence in government at all levels can best
11 be sustained by assuring the people of the impartiality and honesty
12 of the officials in all public transactions and decisions.

13 (7) That the concept of attempting to increase financial
14 participation of individual contributors in political campaigns is
15 encouraged by the passage of the Revenue Act of 1971 by the Congress
16 of the United States, and in consequence thereof, it is desirable to
17 have implementing legislation at the state level.

18 (8) That the concepts of disclosure and limitation of election
19 campaign financing are established by the passage of the Federal
20 Election Campaign Act of 1971 by the Congress of the United States,
21 and in consequence thereof it is desirable to have implementing
22 legislation at the state level.

23 (9) That small contributions by individual contributors are to be
24 encouraged, and that not requiring the reporting of small
25 contributions may tend to encourage such contributions.

26 (10) That the public's right to know of the financing of
27 political campaigns and lobbying and the financial affairs of elected
28 officials and candidates far outweighs any right that these matters
29 remain secret and private.

30 (11) That, mindful of the right of individuals to privacy and of
31 the desirability of the efficient administration of government, full
32 access to information concerning the conduct of government on every
33 level must be assured as a fundamental and necessary precondition to
34 the sound governance of a free society.

35 The provisions of this chapter shall be liberally construed to
36 promote complete disclosure of all information respecting the
37 financing of political campaigns and lobbying, and the financial
38 affairs of elected officials and candidates, and full access to
39 public records so as to assure continuing public confidence of
40 fairness of elections and governmental processes, and so as to assure

1 that the public interest will be fully protected. In promoting such
2 complete disclosure, however, this chapter shall be enforced so as to
3 (~~insure~~) ensure that the information disclosed will not be misused
4 for arbitrary and capricious purposes and to (~~insure~~) ensure that
5 all persons reporting under this chapter will be protected from
6 harassment and unfounded allegations based on information they have
7 freely disclosed.

8 **Sec. 3.** RCW 42.17A.005 and 2018 c 304 s 2 and 2018 c 111 s 3 are
9 each reenacted and amended to read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "Actual malice" means to act with knowledge of falsity or
13 with reckless disregard as to truth or falsity.

14 (~~(2) ("Actual violation" means a violation of this chapter that
15 is not a remedial violation or technical correction.~~

16 ~~(3))~~ "Agency" includes all state agencies and all local
17 agencies. "State agency" includes every state office, department,
18 division, bureau, board, commission, or other state agency. "Local
19 agency" includes every county, city, town, municipal corporation,
20 quasi-municipal corporation, or special purpose district, or any
21 office, department, division, bureau, board, commission, or agency
22 thereof, or other local public agency.

23 (~~(4))~~ (3) "Authorized committee" means the political committee
24 authorized by a candidate, or by the public official against whom
25 recall charges have been filed, to accept contributions or make
26 expenditures on behalf of the candidate or public official.

27 (~~(5))~~ (4) "Ballot proposition" means any "measure" as defined
28 by RCW 29A.04.091, or any initiative, recall, or referendum
29 proposition proposed to be submitted to the voters of the state or
30 any municipal corporation, political subdivision, or other voting
31 constituency from and after the time when the proposition has been
32 initially filed with the appropriate election officer of that
33 constituency before its circulation for signatures.

34 (~~(6))~~ (5) "Benefit" means a commercial, proprietary, financial,
35 economic, or monetary advantage, or the avoidance of a commercial,
36 proprietary, financial, economic, or monetary disadvantage.

37 (~~(7))~~ (6) "Bona fide political party" means:
38 (a) An organization that has been recognized as a minor political
39 party by the secretary of state;

1 (b) The governing body of the state organization of a major
2 political party, as defined in RCW 29A.04.086, that is the body
3 authorized by the charter or bylaws of the party to exercise
4 authority on behalf of the state party; or

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

9 ((+8)) (7) "Books of account" means:

10 (a) In the case of a campaign or political committee, a ledger or
11 similar listing of contributions, expenditures, and debts, such as a
12 campaign or committee is required to file regularly with the
13 commission, current as of the most recent business day; or

14 (b) In the case of a commercial advertiser, details of political
15 advertising or electioneering communications provided by the
16 advertiser, including the names and addresses of persons from whom it
17 accepted political advertising or electioneering communications, the
18 exact nature and extent of the services rendered and the total cost
19 and the manner of payment for the services.

20 ((+9)) (8) "Candidate" means any individual who seeks nomination
21 for election or election to public office. An individual seeks
22 nomination or election when ~~((he or she))~~ the individual first:

23 (a) Receives contributions or makes expenditures or reserves
24 space or facilities with intent to promote ~~((his or her))~~ the
25 individual's candidacy for office;

26 (b) Announces publicly or files for office;

27 (c) Purchases commercial advertising space or broadcast time to
28 promote ~~((his or her))~~ the individual's candidacy; or

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

32 ((+10)) (9) "Caucus political committee" means a political
33 committee organized and maintained by the members of a major
34 political party in the state senate or state house of
35 representatives.

36 ((+11)) (10) "Commercial advertiser" means any person ~~((who))~~
37 that sells the service of communicating messages or producing
38 ~~((printed))~~ material for broadcast or distribution to the general
39 public or segments of the general public whether through ~~((the use~~
40 ~~of))~~ brochures, fliers, newspapers, magazines, television ~~((and)),~~

1 radio (~~(stations)~~), billboards (~~(companies)~~), direct mail advertising
2 (~~(companies)~~), printing (~~(companies)~~), paid internet or digital
3 communications, or (~~(otherwise)~~) any other means of mass
4 communications used for the purpose of appealing, directly or
5 indirectly, for votes or for financial or other support in any
6 election campaign.

7 (~~(12)~~) (11) "Commission" means the agency established under RCW
8 42.17A.100.

9 (~~(13)~~) (12) "Committee" unless the context indicates otherwise,
10 includes (~~(any)~~) a political committee such as a candidate, ballot
11 (~~(measure)~~) proposition, recall, political, or continuing political
12 committee.

13 (~~(14)~~) (13) "Compensation" unless the context requires a
14 narrower meaning, includes payment in any form for real or personal
15 property or services of any kind. For the purpose of compliance with
16 RCW 42.17A.710, "compensation" does not include per diem allowances
17 or other payments made by a governmental entity to reimburse a public
18 official for expenses incurred while the official is engaged in the
19 official business of the governmental entity.

20 (~~(15)~~) (14) "Continuing political committee" means a political
21 committee that is an organization of continuing existence not
22 (~~(established)~~) limited to participation in (~~(anticipation of)~~) any
23 particular election campaign or election cycle.

24 (~~(16)~~) (15)(a) "Contribution" includes:

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

29 (ii) An expenditure made by a person in cooperation,
30 consultation, or concert with, or at the request or suggestion of, a
31 candidate, a political or incidental committee, the person or persons
32 named on the candidate's or committee's registration form who direct
33 expenditures on behalf of the candidate or committee, or their
34 agents;

35 (iii) The financing by a person of the dissemination,
36 distribution, or republication, in whole or in part, of broadcast,
37 written, graphic, digital, or other form of political advertising or
38 electioneering communication prepared by a candidate, a political or
39 incidental committee, or its authorized agent;

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

4 (b) "Contribution" does not include:

5 (i) (~~Legally~~) Accrued interest on money deposited in a
6 political or incidental committee's account;

7 (ii) Ordinary home hospitality;

8 (iii) A contribution received by a candidate or political or
9 incidental committee that is returned to the contributor within ten
10 business days of the date on which it is received by the candidate or
11 political or incidental committee;

12 (iv) A news item, feature, commentary, or editorial in a
13 regularly scheduled news medium that is of (~~primary~~) interest to
14 the (~~general~~) public, that is in a news medium controlled by a
15 person whose business is that news medium, and that is not controlled
16 by a candidate or a political or incidental committee;

17 (v) An internal political communication primarily limited to the
18 members of or contributors to a political party organization or
19 political or incidental committee, or to the officers, management
20 staff, or stockholders of a corporation or similar enterprise, or to
21 the members of a labor organization or other membership organization;

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

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

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

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

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

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

3 (ix) The performance of ministerial functions by a person on
4 behalf of two or more candidates or political or incidental
5 committees either as volunteer services defined in (b)(vi) of this
6 subsection or for payment by the candidate or political or incidental
7 committee for whom the services are performed as long as:

8 (A) The person performs solely ministerial functions;

9 (B) A person who is paid by two or more candidates or political
10 or incidental committees is identified by the candidates and
11 political committees on whose behalf services are performed as part
12 of their respective statements of organization under RCW 42.17A.205;
13 and

14 (C) The person does not disclose, except as required by law, any
15 information regarding a candidate's or committee's plans, projects,
16 activities, or needs, or regarding a candidate's or committee's
17 contributions or expenditures that is not already publicly available
18 from campaign reports filed with the commission, or otherwise engage
19 in activity that constitutes a contribution under (a)(ii) of this
20 subsection.

21 A person who performs ministerial functions under this subsection
22 (~~((16))~~) (15) (b) (ix) is not considered an agent of the candidate or
23 committee as long as (~~(he or she)~~) the person has no authority to
24 authorize expenditures or make decisions on behalf of the candidate
25 or committee.

26 (c) Contributions other than money or its equivalent are deemed
27 to have a monetary value equivalent to the fair market value of the
28 contribution. Services or property or rights furnished at less than
29 their fair market value for the purpose of assisting any candidate or
30 political committee are deemed a contribution. Such a contribution
31 must be reported as an in-kind contribution at its fair market value
32 and counts towards any applicable contribution limit of the provider.

33 (~~((17))~~) (16) "Depository" means a bank, mutual savings bank,
34 savings and loan association, or credit union doing business in this
35 state.

36 (~~((18))~~) (17) "Elected official" means any person elected at a
37 general or special election to any public office, and any person
38 appointed to fill a vacancy in any such office.

39 (~~((19))~~) (18) "Election" includes any primary, general, or
40 special election for public office and any election in which a ballot

1 proposition is submitted to the voters. An election in which the
2 qualifications for voting include other than those requirements set
3 forth in Article VI, section 1 (Amendment 63) of the Constitution of
4 the state of Washington shall not be considered an election for
5 purposes of this chapter.

6 ~~((20))~~ (19) "Election campaign" means any campaign in support
7 of or in opposition to a candidate for election to public office and
8 any campaign in support of, or in opposition to, a ballot
9 proposition.

10 ~~((21))~~ (20) "Election cycle" means the period beginning on the
11 first day of January after the date of the last previous general
12 election for the office that the candidate seeks and ending on
13 December 31st after the next election for the office. In the case of
14 a special election to fill a vacancy in an office, "election cycle"
15 means the period beginning on the day the vacancy occurs and ending
16 on December 31st after the special election.

17 ~~((22))~~ (21) (a) "Electioneering communication" means any
18 broadcast, cable, or satellite television, radio transmission,
19 digital communication, United States postal service mailing,
20 billboard, newspaper, or periodical that:

21 (i) Clearly identifies a candidate for a state, local, or
22 judicial office either by specifically naming the candidate, or
23 identifying the candidate without using the candidate's name;

24 (ii) Is broadcast, transmitted electronically or by other means,
25 mailed, erected, distributed, or otherwise published within sixty
26 days before any election for that office in the jurisdiction in which
27 the candidate is seeking election; and

28 (iii) Either alone, or in combination with one or more
29 communications identifying the candidate by the same sponsor during
30 the sixty days before an election, has a fair market value or cost of
31 one thousand dollars or more.

32 (b) "Electioneering communication" does not include:

33 (i) Usual and customary advertising of a business owned by a
34 candidate, even if the candidate is mentioned in the advertising when
35 the candidate has been regularly mentioned in that advertising
36 appearing at least twelve months preceding ~~((his—or—her))~~ the
37 candidate becoming a candidate;

38 (ii) Advertising for candidate debates or forums when the
39 advertising is paid for by or on behalf of the debate or forum

1 sponsor, so long as two or more candidates for the same position have
2 been invited to participate in the debate or forum;

3 (iii) A news item, feature, commentary, or editorial in a
4 regularly scheduled news medium that is:

5 (A) Of (~~(primary)~~) interest to the (~~(general)~~) public;

6 (B) In a news medium controlled by a person whose business is
7 that news medium; and

8 (C) Not a medium controlled by a candidate or a political or
9 incidental committee;

10 (iv) Slate cards and sample ballots;

11 (v) Advertising for books, films, dissertations, or similar works

12 (A) written by a candidate when the candidate entered into a contract
13 for such publications or media at least twelve months before becoming
14 a candidate, or (B) written about a candidate;

15 (vi) Public service announcements;

16 (vii) An internal political communication primarily limited to
17 the members of or contributors to a political party organization or
18 political or incidental committee, or to the officers, management
19 staff, or stockholders of a corporation or similar enterprise, or to
20 the members of a labor organization or other membership organization;

21 (viii) An expenditure by or contribution to the authorized
22 committee of a candidate for state, local, or judicial office; or

23 (ix) Any other communication exempted by the commission through
24 rule consistent with the intent of this chapter.

25 (~~((23))~~) (22) "Expenditure" includes a payment, contribution,
26 subscription, distribution, loan, advance, deposit, or gift of money
27 or anything of value, and includes a contract, promise, or agreement,
28 whether or not legally enforceable, to make an expenditure.
29 "Expenditure" also includes a promise to pay, a payment, or a
30 transfer of anything of value in exchange for goods, services,
31 property, facilities, or anything of value for the purpose of
32 assisting, benefiting, or honoring any public official or candidate,
33 or assisting in furthering or opposing any election campaign. For the
34 purposes of this chapter, agreements to make expenditures, contracts,
35 and promises to pay may be reported as estimated obligations until
36 actual payment is made. "Expenditure" shall not include the partial
37 or complete repayment by a candidate or political or incidental
38 committee of the principal of a loan, the receipt of which loan has
39 been properly reported.

1 ~~((24))~~ (23) "Final report" means the report described as a
2 final report in RCW 42.17A.235~~((8))~~ (11)(a).

3 ~~((25))~~ (24) "General election" for the purposes of RCW
4 42.17A.405 means the election that results in the election of a
5 person to a state or local office. It does not include a primary.

6 ~~((26))~~ (25) "Gift" has the definition in RCW 42.52.010.

7 ~~((27))~~ (26) "Immediate family" includes the spouse or domestic
8 partner, dependent children, and other dependent relatives, if living
9 in the household. For the purposes of the definition of
10 "intermediary" in this section, "immediate family" means an
11 individual's spouse or domestic partner, and child, stepchild,
12 grandchild, parent, stepparent, grandparent, brother, half brother,
13 sister, or half sister of the individual and the spouse or the
14 domestic partner of any such person and a child, stepchild,
15 grandchild, parent, stepparent, grandparent, brother, half brother,
16 sister, or half sister of the individual's spouse or domestic partner
17 and the spouse or the domestic partner of any such person.

18 ~~((28))~~ (27) "Incidental committee" means any nonprofit
19 organization not otherwise defined as a political committee but that
20 may incidentally make a contribution or an expenditure in excess of
21 the reporting thresholds in RCW 42.17A.235, directly or through a
22 political committee. Any nonprofit organization is not an incidental
23 committee if it is only remitting payments through the nonprofit
24 organization in an aggregated form and the nonprofit organization is
25 not required to report those payments in accordance with this
26 chapter.

27 ~~((29))~~ (28) "Incumbent" means a person who is in present
28 possession of an elected office.

29 ~~((30))~~ (29)(a) "Independent expenditure" means an expenditure
30 that has each of the following elements:

31 (i) It is made in support of or in opposition to a candidate for
32 office by a person who is not:

33 (A) A candidate for that office;

34 (B) An authorized committee of that candidate for that office;
35 and

36 (C) A person who has received the candidate's encouragement or
37 approval to make the expenditure, if the expenditure pays in whole or
38 in part for political advertising supporting that candidate or
39 promoting the defeat of any other candidate or candidates for that
40 office;

1 (ii) It is made in support of or in opposition to a candidate for
2 office by a person with whom the candidate has not collaborated for
3 the purpose of making the expenditure, if the expenditure pays in
4 whole or in part for political advertising supporting that candidate
5 or promoting the defeat of any other candidate or candidates for that
6 office;

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

11 (iv) The expenditure, alone or in conjunction with another
12 expenditure or other expenditures of the same person in support of or
13 opposition to that candidate, has a value of (~~(one-half the~~
14 ~~contribution limit from an individual per election)) one thousand
15 dollars or more. A series of expenditures, each of which is under
16 (~~(one-half the contribution limit from an individual per election))~~
17 one thousand dollars, constitutes one independent expenditure if
18 their cumulative value is (~~(one-half the contribution limit from an~~
19 ~~individual per election)) one thousand dollars or more.~~~~

20 (b) "Independent expenditure" does not include: Ordinary home
21 hospitality; communications with journalists or editorial staff
22 designed to elicit a news item, feature, commentary, or editorial in
23 a regularly scheduled news medium that is of primary interest to the
24 general public, controlled by a person whose business is that news
25 medium, and not controlled by a candidate or a political committee;
26 participation in the creation of a publicly funded voters pamphlet
27 statement in written or video form; an internal political
28 communication primarily limited to contributors to a political party
29 organization or political action committee, the officers, management
30 staff, and stockholders of a corporation or similar enterprise, or
31 the members of a labor organization or other membership organization;
32 or the rendering of personal services of the sort commonly performed
33 by volunteer campaign workers or incidental expenses personally
34 incurred by volunteer campaign workers not in excess of two hundred
35 fifty dollars personally paid for by the worker.

36 (~~(+31+)) (30)~~ (a) "Intermediary" means an individual who transmits
37 a contribution to a candidate or committee from another person unless
38 the contribution is from the individual's employer, immediate family,
39 or an association to which the individual belongs.

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

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

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

8 ~~((32))~~ (31) "Legislation" means bills, resolutions, motions,
9 amendments, nominations, and other matters pending or proposed in
10 either house of the state legislature, and includes any other matter
11 that may be the subject of action by either house or any committee of
12 the legislature and all bills and resolutions that, having passed
13 both houses, are pending approval by the governor.

14 ~~((33))~~ (32) "Legislative office" means the office of a member
15 of the state house of representatives or the office of a member of
16 the state senate.

17 ~~((34))~~ (33) "Lobby" and "lobbying" each mean attempting to
18 influence the passage or defeat of any legislation by the legislature
19 of the state of Washington, or the adoption or rejection of any rule,
20 standard, rate, or other legislative enactment of any state agency
21 under the state administrative procedure act, chapter 34.05 RCW.
22 Neither "lobby" nor "lobbying" includes an association's or other
23 organization's act of communicating with the members of that
24 association or organization.

25 ~~((35))~~ (34) "Lobbyist" includes any person who lobbies either
26 ~~((in his or her))~~ on the person's own or another's behalf.

27 ~~((36))~~ (35) "Lobbyist's employer" means the person or persons
28 by whom a lobbyist is employed and all persons by whom ~~((he or she))~~
29 the lobbyist is compensated for acting as a lobbyist.

30 ~~((37))~~ (36) "Ministerial functions" means an act or duty
31 carried out as part of the duties of an administrative office without
32 exercise of personal judgment or discretion.

33 ~~((38))~~ (37) "Participate" means that, with respect to a
34 particular election, an entity:

35 (a) Makes either a monetary or in-kind contribution to a
36 candidate;

37 (b) Makes an independent expenditure or electioneering
38 communication in support of or opposition to a candidate;

1 (c) Endorses a candidate before contributions are made by a
2 subsidiary corporation or local unit with respect to that candidate
3 or that candidate's opponent;

4 (d) Makes a recommendation regarding whether a candidate should
5 be supported or opposed before a contribution is made by a subsidiary
6 corporation or local unit with respect to that candidate or that
7 candidate's opponent; or

8 (e) Directly or indirectly collaborates or consults with a
9 subsidiary corporation or local unit on matters relating to the
10 support of or opposition to a candidate, including, but not limited
11 to, the amount of a contribution, when a contribution should be
12 given, and what assistance, services or independent expenditures, or
13 electioneering communications, if any, will be made or should be made
14 in support of or opposition to a candidate.

15 ~~((39))~~ (38) "Person" includes an individual, partnership, joint
16 venture, public or private corporation, association, federal, state,
17 or local governmental entity or agency however constituted,
18 candidate, committee, political committee, political party, executive
19 committee thereof, or any other organization or group of persons,
20 however organized.

21 ~~((40))~~ (39) "Political advertising" includes any advertising
22 displays, newspaper ads, billboards, signs, brochures, articles,
23 tabloids, flyers, letters, radio or television presentations, digital
24 communication, or other means of mass communication, used for the
25 purpose of appealing, directly or indirectly, for votes or for
26 financial or other support or opposition in any election campaign.

27 ~~((41))~~ (40) "Political committee" means any person (except a
28 candidate or an individual dealing with ~~((his—or—her))~~ the
29 candidate's or individual's own funds or property) having the
30 expectation of receiving contributions or making expenditures in
31 support of, or opposition to, any candidate or any ballot
32 proposition.

33 ~~((42))~~ (41) "Primary" for the purposes of RCW 42.17A.405 means
34 the procedure for nominating a candidate to state or local office
35 under chapter 29A.52 RCW or any other primary for an election that
36 uses, in large measure, the procedures established in chapter 29A.52
37 RCW.

38 ~~((43))~~ (42) "Public office" means any federal, state, judicial,
39 county, city, town, school district, port district, special district,
40 or other state political subdivision elective office.

1 (~~(44)~~) (43) "Public record" has the definition in RCW
2 42.56.010.

3 (~~(45)~~) (44) "Recall campaign" means the period of time
4 beginning on the date of the filing of recall charges under RCW
5 29A.56.120 and ending thirty days after the recall election.

6 (~~(46)~~) (45) "~~(Remedial)~~ Remediable violation" means any
7 violation of this chapter that:

8 (a) Involved expenditures or contributions totaling no more than
9 the contribution limits set out under RCW 42.17A.405(2) per election,
10 or one thousand dollars if there is no statutory limit;

11 (b) Occurred:

12 (i) More than thirty days before an election, where the
13 commission entered into an agreement to resolve the matter; or

14 (ii) At any time where the violation did not constitute a
15 material violation because it was inadvertent and minor or otherwise
16 has been cured and, after consideration of all the circumstances,
17 further proceedings would not serve the purposes of this chapter;

18 (c) Does not materially (~~affect~~) harm the public interest,
19 beyond the harm to the policy of this chapter inherent in any
20 violation; and

21 (d) Involved:

22 (i) A person who:

23 (A) Took corrective action within five business days after the
24 commission first notified the person of noncompliance, or where the
25 commission did not provide notice and filed a required report within
26 twenty-one days after the report was due to be filed; and

27 (B) Substantially met the filing deadline for all other required
28 reports within the immediately preceding twelve-month period; or

29 (ii) A candidate who:

30 (A) Lost the election in question; and

31 (B) Did not receive contributions over one hundred times the
32 contribution limit in aggregate per election during the campaign in
33 question.

34 (~~(47)~~) (46)(a) "Sponsor" for purposes of an electioneering
35 communications, independent expenditures, or political advertising
36 means the person paying for the electioneering communication,
37 independent expenditure, or political advertising. If a person acts
38 as an agent for another or is reimbursed by another for the payment,
39 the original source of the payment is the sponsor.

1 (b) "Sponsor," for purposes of a political or incidental
2 committee, means any person, except an authorized committee, to whom
3 any of the following applies:

4 (i) The committee receives eighty percent or more of its
5 contributions either from the person or from the person's members,
6 officers, employees, or shareholders;

7 (ii) The person collects contributions for the committee by use
8 of payroll deductions or dues from its members, officers, or
9 employees.

10 ~~((48))~~ (47) "Sponsored committee" means a committee, other than
11 an authorized committee, that has one or more sponsors.

12 ~~((49))~~ (48) "State office" means state legislative office or
13 the office of governor, lieutenant governor, secretary of state,
14 attorney general, commissioner of public lands, insurance
15 commissioner, superintendent of public instruction, state auditor, or
16 state treasurer.

17 ~~((50))~~ (49) "State official" means a person who holds a state
18 office.

19 ~~((51))~~ (50) "Surplus funds" mean, in the case of a political
20 committee or candidate, the balance of contributions that remain in
21 the possession or control of that committee or candidate subsequent
22 to the election for which the contributions were received, and that
23 are in excess of the amount necessary to pay remaining debts or
24 expenses incurred by the committee or candidate with respect to that
25 election. In the case of a continuing political committee, "surplus
26 funds" mean those contributions remaining in the possession or
27 control of the committee that are in excess of the amount necessary
28 to pay all remaining debts or expenses when it makes its final report
29 under RCW 42.17A.255.

30 ~~((52))~~ (51) "Technical correction" means the correction of a
31 minor or ministerial error in a required report that does not
32 materially ~~((impact))~~ harm the public interest and needs to be
33 corrected for the report to be in full compliance with the
34 requirements of this chapter.

35 ~~((53))~~ (52) "Treasurer" and "deputy treasurer" mean the
36 individuals appointed by a candidate or political or incidental
37 committee, pursuant to RCW 42.17A.210, to perform the duties
38 specified in that section.

1 (53) "Violation" means a violation of this chapter that is not a
2 remediable violation, minor violation, or an error classified by the
3 commission as appropriate to address by a technical correction.

4 **Sec. 4.** RCW 42.17A.055 and 2018 c 304 s 3 are each amended to
5 read as follows:

6 (1) For each required report, as technology permits, the
7 commission shall make an electronic reporting tool available to
8 ((candidates, public officials, and political committees that)) all
9 those who are required to file that report((s)) under this chapter
10 ((an electronic filing alternative for submitting financial affairs
11 reports, contribution reports, and expenditure reports)).

12 (2) ~~((The commission shall make available to lobbyists and~~
13 ~~lobbyists' employers required to file reports under RCW 42.17A.600,~~
14 ~~42.17A.615, 42.17A.625, or 42.17A.630 an electronic filing~~
15 ~~alternative for submitting these reports.~~

16 ~~(3) State agencies required to report under RCW 42.17A.635 must~~
17 ~~file all reports electronically.~~

18 ~~(4) The commission shall make available to candidates, public~~
19 ~~officials, political committees, lobbyists, and lobbyists' employers~~
20 ~~an electronic copy of the appropriate reporting forms at no charge.~~

21 ~~(5))~~ All persons required to file reports under this chapter
22 must file them electronically where the commission has provided an
23 electronic option. The executive director may make exceptions on a
24 case-by-case basis for persons who lack the technological ability to
25 file reports electronically.

26 (3) If the electronic filing system provided by the commission is
27 inoperable for any period of time, the commission must keep a record
28 of the date and time of each instance and post outages on its web
29 site. If a report is due on a day the electronic filing system is
30 inoperable, it is not late if filed the first business day the system
31 is back in operation. The commission must provide notice to all
32 reporting entities when the system is back in operation.

33 ~~((6))~~ (4) All persons required to file reports under this
34 chapter shall, at the time of initial filing, provide the commission
35 an email address, or other electronic contact information, that shall
36 constitute the official address for purposes of all communications
37 from the commission. The person required to file one or more reports
38 must provide any new ((email address)) electronic contact information
39 to the commission within ten days, if the address has changed from

1 that listed on the most recent report. Committees must provide the
2 committee treasurer's electronic contact information to the
3 commission. Committees must also provide any new electronic contact
4 information for the committee's treasurer to the commission within
5 ten days of the change. The executive director may waive the
6 ((email)) electronic contact information requirement and allow use of
7 a postal address, ((en)) upon the ((basis)) showing of hardship.

8 ~~((7) The commission must publish a calendar of significant~~
9 ~~reporting dates on its web site.))~~

10 **Sec. 5.** RCW 42.17A.065 and 2010 c 204 s 204 are each amended to
11 read as follows:

12 By July 1st of each year, the commission shall calculate the
13 following performance measures, provide a copy of the performance
14 measures to the governor and appropriate legislative committees, and
15 make the performance measures available to the public:

16 (1) The average number of days that elapse between the
17 commission's receipt of reports filed under RCW 42.17A.205,
18 42.17A.225, 42.17A.235, ((and)) 42.17A.255, 42.17A.265, 42.17A.600,
19 42.17A.615, 42.17A.625, and 42.17A.630 and the time that the report,
20 a copy of the report, or a copy of the data or information included
21 in the report, is first accessible to the general public (a) in the
22 commission's office, and (b) via the commission's web site;

23 ~~((The average number of days that elapse between the~~
24 ~~commission's receipt of reports filed under RCW 42.17A.265 and the~~
25 ~~time that the report, a copy of the report, or a copy of the data or~~
26 ~~information included in the report, is first accessible to the~~
27 ~~general public (a) in the commission's office, and (b) via the~~
28 ~~commission's web site;~~

29 ~~(3) The average number of days that elapse between the~~
30 ~~commission's receipt of reports filed under RCW 42.17A.600,~~
31 ~~42.17A.615, 42.17A.625, and 42.17A.630 and the time that the report,~~
32 ~~a copy of the report, or a copy of the data or information included~~
33 ~~in the report, is first accessible to the general public (a) in the~~
34 ~~commission's office, and (b) via the commission's web site;~~

35 ~~(4) The percentage of candidates, categorized as statewide,~~
36 ~~legislative, or local, that have used each of the following methods~~
37 ~~to file reports under RCW 42.17A.235 or 42.17A.265: (a) Hard copy~~
38 ~~paper format; or (b) electronic format via the Internet;~~

1 ~~(5) The percentage of continuing political committees that have~~
2 ~~used each of the following methods to file reports under RCW~~
3 ~~42.17A.225 or 42.17A.265: (a) Hard copy paper format; or (b)~~
4 ~~electronic format via the Internet; and~~

5 ~~(6)) The percentage of ((lobbyists and lobbyists' employers~~
6 ~~that)) filers pursuant to RCW 42.17A.055 who have used ((each of the~~
7 ~~following methods to file reports under RCW 42.17A.600, 42.17A.615,~~
8 ~~42.17A.625, or 42.17A.630)): (a) Hard copy paper format; or (b)~~
9 ~~electronic format ((via the Internet)).~~

10 **Sec. 6.** RCW 42.17A.100 and 2010 c 204 s 301 are each amended to
11 read as follows:

12 (1) The public disclosure commission is established. The
13 commission shall be composed of five ~~((members))~~ commissioners
14 appointed by the governor, with the consent of the senate. The
15 commission shall have the authority and duties as set forth in this
16 chapter. All appointees shall be persons of the highest integrity and
17 qualifications. No more than three ~~((members))~~ commissioners shall
18 have an identification with the same political party.

19 (2) The term of each ~~((member))~~ commissioner shall be five years,
20 which may continue until a successor is appointed, but may not exceed
21 an additional twelve months. No ~~((member))~~ commissioner is eligible
22 for appointment to more than one full term. Any ~~((member))~~
23 commissioner may be removed by the governor, but only upon grounds of
24 neglect of duty or misconduct in office.

25 (3) (a) During ~~((his or her))~~ a commissioner's tenure, ~~((a member~~
26 ~~of the commission))~~ the commissioner is prohibited from engaging in
27 any of the following activities, either within or outside the state
28 of Washington:

29 ~~((a))~~ (i) Holding or campaigning for elective office;

30 ~~((b))~~ (ii) Serving as an officer of any political party or
31 political committee;

32 ~~((c))~~ (iii) Permitting ~~((his or her))~~ the commissioner's name
33 to be used in support of or in opposition to a candidate or
34 proposition;

35 ~~((d))~~ (iv) Soliciting or making contributions to a candidate or
36 in support of or in opposition to any candidate or proposition;

37 ~~((e))~~ (v) Participating in any way in any election campaign; or

38 ~~((f))~~ (vi) Lobbying, employing, or assisting a lobbyist, except
39 that a ~~((member))~~ commissioner or the staff of the commission may

1 lobby to the limited extent permitted by RCW 42.17A.635 on matters
2 directly affecting this chapter.

3 (b) This subsection is not intended to prohibit a commissioner
4 from participating in or supporting nonprofit or other organizations,
5 in the commissioner's private capacity, to the extent such
6 participation is not prohibited under (a) of this subsection.

7 (c) The provisions of this subsection do not relieve a
8 commissioner of any applicable disqualification and recusal
9 requirements.

10 (4) A vacancy on the commission shall be filled within thirty
11 days of the vacancy by the governor, with the consent of the senate,
12 and the appointee shall serve for the remaining term of (~~his or~~
13 ~~her~~) the appointee's predecessor. A vacancy shall not impair the
14 powers of the remaining (~~members~~) commissioners to exercise all of
15 the powers of the commission.

16 (5) Three (~~members of the commission~~) commissioners shall
17 constitute a quorum. The commission shall elect its own chair and
18 adopt its own rules of procedure in the manner provided in chapter
19 34.05 RCW.

20 (6) (~~Members~~) Commissioners shall be compensated in accordance
21 with RCW 43.03.250 and shall be reimbursed for travel expenses
22 incurred while engaged in the business of the commission as provided
23 in RCW 43.03.050 and 43.03.060. The compensation provided pursuant to
24 this section shall not be considered salary for purposes of the
25 provisions of any retirement system created under the laws of this
26 state.

27 **Sec. 7.** RCW 42.17A.105 and 2010 c 204 s 302 are each amended to
28 read as follows:

29 The commission shall:

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

32 (~~Prepare and publish a manual setting forth~~) Provide
33 recommended uniform methods of bookkeeping and reporting for use by
34 persons required to make reports and statements under this chapter;

35 (3) Compile and maintain a current list of all filed reports and
36 statements;

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

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

4 (6) Conduct a sufficient number of audits and field
5 investigations, as staff capacity permits without impacting the
6 timeliness of addressing alleged violations, to provide a
7 statistically valid finding regarding the degree of compliance with
8 the provisions of this chapter by all required filers. Any documents,
9 records, reports, computer files, papers, or materials provided to
10 the commission for use in conducting audits and investigations must
11 be returned to the candidate, campaign, or political committee from
12 which they were received within one week of the commission's
13 completion of an audit or field investigation;

14 (7) Prepare and publish an annual report to the governor as to
15 the effectiveness of this chapter and ~~((its enforcement by~~
16 ~~appropriate law enforcement authorities))~~ the work of the commission;

17 (8) Enforce this chapter according to the powers granted it by
18 law;

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

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

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

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

30 ~~((11))~~ (10) Adopt administrative rules establishing
31 requirements for filer participation in any system designed and
32 implemented by the commission for the electronic filing of reports;
33 ~~((and~~

34 ~~(12))~~ (11) Maintain and make available to the public and
35 political committees of this state a toll-free telephone number;

36 (12) Operate a web site or contract for the operation of a web
37 site that allows access to reports, copies of reports, or copies of
38 data and information submitted in reports, filed with the commission
39 under RCW 42.17A.205, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.265,
40 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630;

1 (13)(a) Attempt to make available via the web site other public
2 records submitted to or generated by the commission that are required
3 by this chapter to be available for public use or inspection;

4 (b) The statement of financial affairs filed by a professional
5 staff member of the legislature pursuant to RCW 42.17A.700 is subject
6 to public disclosure upon request, but the commission may not post
7 the statements of financial affairs on any web site;

8 (14) Publish a calendar of significant reporting dates on the
9 commission's web site; and

10 (15) Establish goals that all reports, copies of reports, or
11 copies of the data or information included in reports, filed under
12 RCW 42.17A.205, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.265,
13 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630, are submitted:

14 (a) Using the commission's electronic filing system and must be
15 accessible in the commission's office and on the commission's web
16 site within two business days of the commission's receipt of the
17 report; and

18 (b) On paper and must be accessible in the commission's office
19 and on the commission's web site within four business days of the
20 actual physical receipt of the report, and not the technical date of
21 filing as provided under RCW 42.17A.140, as specified in rule adopted
22 by the commission.

23 **Sec. 8.** RCW 42.17A.110 and 2018 c 304 s 4 are each amended to
24 read as follows:

25 In addition to the duties in RCW 42.17A.105, the commission may:

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

33 (2) Appoint an executive director and set, within the limits
34 established by the office of financial management under RCW
35 43.03.028, the executive director's compensation. The executive
36 director shall perform such duties and have such powers as the
37 commission may prescribe and delegate to implement and enforce this
38 chapter efficiently and effectively. The commission shall not
39 delegate its authority to adopt, amend, or rescind rules nor may it

1 delegate authority to determine that (~~an actual~~) a violation of
2 this chapter has occurred or to assess penalties for such violations;

3 (3) Prepare and publish reports and technical studies as in its
4 judgment will tend to promote the purposes of this chapter, including
5 reports and statistics concerning campaign financing, lobbying,
6 financial interests of elected officials, and enforcement of this
7 chapter;

8 (4) Conduct, as it deems appropriate, audits and field
9 investigations;

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

13 (6) Administer oaths and affirmations, issue subpoenas, and
14 compel attendance, take evidence, and require the production of any
15 records relevant to any investigation authorized under this chapter,
16 or any other proceeding under this chapter;

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

18 (8) Adopt rules relieving candidates or political committees of
19 obligations to comply with (~~the~~) election campaign provisions of
20 this chapter, if they have not received contributions nor made
21 expenditures in connection with any election campaign of more than
22 five thousand dollars; (~~and~~)

23 (9) Develop and provide to filers a system for certification of
24 reports required under this chapter which are transmitted (~~by~~
25 ~~facsimile or~~) electronically to the commission. Implementation of
26 the program is contingent on the availability of funds; and

27 (10) Make available and keep current on its web site a glossary
28 of all defined terms in this chapter and in rules adopted by the
29 commission.

30 NEW SECTION. Sec. 9. A new section is added to chapter 42.17A
31 RCW to read as follows:

32 (1) The commission may apply for and obtain a superior court
33 order approving and authorizing a subpoena in advance of its
34 issuance. The application may be made in Thurston county, the county
35 where the subpoenaed person resides or is found, or the county where
36 the subpoenaed documents, records, or evidence are located. The
37 application must:

38 (a) State that an order is sought under this section;

1 (b) Adequately specify the documents, records, evidence, or
2 testimony; and

3 (c) Include a declaration made under oath that an investigation
4 is being conducted for a lawfully authorized purpose related to an
5 investigation within the commission's authority and that the
6 subpoenaed documents, records, evidence, or testimony are reasonably
7 related to an investigation within the commission's authority.

8 (2) When an application under this section is made to the
9 satisfaction of the court, the court must issue an order approving
10 the subpoena. An order under this subsection constitutes authority of
11 law for the agency to subpoena the documents, records, evidence, or
12 testimony.

13 (3) The commission may seek approval and a court may issue an
14 order under this section without prior notice to any person,
15 including the person to whom the subpoena is directed and the person
16 who is the subject of an investigation. An application for court
17 approval is subject to the fee and process set forth in RCW
18 36.18.012(3).

19 **Sec. 10.** RCW 42.17A.120 and 2010 c 204 s 304 are each amended to
20 read as follows:

21 (1) The commission may suspend or modify any of the reporting
22 requirements of this chapter if it finds that literal application of
23 this chapter works a manifestly unreasonable hardship in a particular
24 case and the suspension or modification will not frustrate the
25 purposes of this chapter. The commission may suspend or modify
26 reporting requirements only to the extent necessary to substantially
27 relieve the hardship and only after a hearing is held and the
28 suspension or modification receives approval (~~from a majority of the~~
29 ~~commission. The commission shall act to suspend or modify any~~
30 ~~reporting requirements:~~

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

33 ~~(b) Only to the extent necessary to substantially relieve the~~
34 ~~hardship)).~~ A suspension or modification of the financial affairs
35 reporting requirements in RCW 42.17A.710 may be approved for an
36 elected official's term of office or for up to three years for an
37 executive state officer. If a material change in the applicant's
38 circumstances or relevant information occurs or has occurred, the

1 applicant must request a modification at least one month prior to the
2 next filing deadline rather than at the conclusion of the term.

3 (2) A manifestly unreasonable hardship exists if reporting the
4 name of an entity required to be reported under RCW
5 42.17A.710(1)(g)(ii) would be likely to adversely affect the
6 competitive position of any entity in which the person filing the
7 report, or any member of ~~((his or her))~~ the person's immediate
8 family, holds any office, directorship, general partnership interest,
9 or an ownership interest of ten percent or more.

10 (3) Requests for ~~((renewals of))~~ reporting modifications may be
11 heard in a brief adjudicative proceeding as set forth in RCW
12 34.05.482 through 34.05.494 and in accordance with the standards
13 established in this section. ~~((No initial request may be heard in a~~
14 ~~brief adjudicative proceeding. No request for renewal may be heard in~~
15 ~~a brief adjudicative proceeding if the initial request was granted~~
16 ~~more than three years previously or if the applicant is holding an~~
17 ~~office or position of employment different from the office or~~
18 ~~position held when the initial request was granted.))~~ The commission,
19 the commission chair acting as presiding officer, or another
20 commissioner appointed by the chair to serve as presiding officer,
21 may preside over a brief adjudicatory proceeding. If a modification
22 is requested by a filer because of a concern for personal safety, the
23 information submitted regarding that safety concern shall not be made
24 public prior to, or at, the hearing on the request. Any information
25 provided or prepared for the modification hearing shall remain exempt
26 from public disclosure under this chapter and chapter 42.56 RCW to
27 the extent it is determined at the hearing that disclosure of such
28 information would present a personal safety risk to a reasonable
29 person.

30 (4) If the commission, or presiding officer, grants a
31 modification request, the commission or presiding officer may apply
32 the modification retroactively to previously filed reports. In that
33 event, previously reported information of the kind that is no longer
34 being reported is confidential and exempt from public disclosure
35 under this chapter and chapter 42.56 RCW.

36 (5) Any citizen has standing to bring an action in Thurston
37 county superior court to contest the propriety of any order entered
38 under this section within one year from the date of the entry of the
39 order.

1 (~~(5)~~) (6) The commission shall adopt rules governing the
2 proceedings.

3 **Sec. 11.** RCW 42.17A.125 and 2011 c 60 s 21 are each amended to
4 read as follows:

5 (~~(1)~~) ~~At the beginning of each even-numbered calendar year, the~~
6 ~~commission shall increase or decrease the dollar amounts in RCW~~
7 ~~42.17A.005(26), 42.17A.405, 42.17A.410, 42.17A.445(3), 42.17A.475,~~
8 ~~and 42.17A.630(1) based on changes in economic conditions as~~
9 ~~reflected in the inflationary index recommended by the office of~~
10 ~~financial management. The new dollar amounts established by the~~
11 ~~commission under this section shall be rounded off to amounts as~~
12 ~~judged most convenient for public understanding and so as to be~~
13 ~~within ten percent of the target amount equal to the base amount~~
14 ~~provided in this chapter multiplied by the increase in the~~
15 ~~inflationary index since July 2008.~~

16 (~~2~~) ~~The commission may revise,~~) At least once every five years,
17 but no more often than every two years, the commission must consider
18 whether to revise the monetary contribution limits and reporting
19 thresholds and (~~reporting~~) code values of this chapter. If the
20 commission chooses to make revisions, the revisions shall be only for
21 the purpose of recognizing economic changes as reflected by an
22 inflationary index recommended by the office of financial management,
23 and may be rounded off to amounts as determined by the commission to
24 be most accessible for public understanding. The revisions shall be
25 guided by the change in the index for the period commencing with the
26 month of December preceding the last revision and concluding with the
27 month of December preceding the month the revision is adopted. As to
28 each of the three general categories of this chapter, reports of
29 campaign finance, reports of lobbyist activity, and reports of the
30 financial affairs of elected and appointed officials, the revisions
31 shall equally affect all thresholds within each category. The
32 revisions authorized by this subsection shall reflect economic
33 changes from the time of the last legislative enactment affecting the
34 respective code or threshold.

35 (~~(3)~~) Revisions made in accordance with (~~subsections (1) and~~
36 ~~(2) of~~) this section shall be adopted as rules (~~under~~) in
37 accordance with chapter 34.05 RCW.

1 **Sec. 12.** RCW 42.17A.135 and 2010 c 204 s 307 are each amended to
2 read as follows:

3 (1) Except as provided in subsections (2), (3), and (7) of this
4 section, the reporting provisions of this chapter do not apply to:

5 (a) Candidates, elected officials, and agencies in political
6 subdivisions with (~~less~~) fewer than (~~one~~) two thousand registered
7 voters as of the date of the most recent general election in the
8 jurisdiction;

9 (b) Political committees formed to support or oppose candidates
10 or ballot propositions in such political subdivisions; or

11 (c) Persons making independent expenditures in support of or
12 opposition to such ballot propositions.

13 (2) The reporting provisions of this chapter apply in any exempt
14 political subdivision from which a "petition for disclosure"
15 containing the valid signatures of fifteen percent of the number of
16 registered voters, as of the date of the most recent general election
17 in the political subdivision, is filed with the commission. The
18 commission shall by rule prescribe the form of the petition. After
19 the signatures are gathered, the petition shall be presented to the
20 auditor or elections officer of the county, or counties, in which the
21 political subdivision is located. The auditor or elections officer
22 shall verify the signatures and certify to the commission that the
23 petition contains no less than the required number of valid
24 signatures. The commission, upon receipt of a valid petition, shall
25 order every known affected person in the political subdivision to
26 file the initially required statement and reports within fourteen
27 days of the date of the order.

28 (3) The reporting provisions of this chapter apply in any exempt
29 political subdivision that by ordinance, resolution, or other
30 official action has petitioned the commission to make the provisions
31 applicable to elected officials and candidates of the exempt
32 political subdivision. A copy of the action shall be sent to the
33 commission. If the commission finds the petition to be a valid action
34 of the appropriate governing body or authority, the commission shall
35 order every known affected person in the political subdivision to
36 file the initially required statement and reports within fourteen
37 days of the date of the order.

38 (4) The commission shall void any order issued by it pursuant to
39 subsection (2) or (3) of this section when, at least four years after
40 issuing the order, the commission is presented a petition or official

1 action so requesting from the affected political subdivision. Such
2 petition or official action shall meet the respective requirements of
3 subsection (2) or (3) of this section.

4 (5) Any petition for disclosure, ordinance, resolution, or
5 official action of an agency petitioning the commission to void the
6 exemption in RCW 42.17A.200(3) shall not be considered unless it has
7 been filed with the commission:

8 (a) In the case of a ballot (~~(measure)~~) proposition, at least
9 sixty days before the date of any election in which campaign finance
10 reporting is to be required;

11 (b) In the case of a candidate, at least sixty days before the
12 first day on which a person may file a declaration of candidacy for
13 any election in which campaign finance reporting is to be required.

14 (6) Any person exempted from reporting under this chapter may at
15 (~~(his or her)~~) the person's option file the statement and reports.

16 (7) The reporting provisions of this chapter apply to a candidate
17 in any political subdivision if the candidate receives or expects to
18 receive five thousand dollars or more in contributions.

19 **Sec. 13.** RCW 42.17A.140 and 2010 c 204 s 308 are each amended to
20 read as follows:

21 (1) Except as provided in subsection (2) of this section, the
22 date of receipt of any properly addressed application, report,
23 statement, notice, or payment required to be made under the
24 provisions of this chapter is the date shown by the post office
25 cancellation mark on the envelope of the submitted material. The
26 provisions of this section do not apply to reports required to be
27 delivered under RCW 42.17A.265 and 42.17A.625.

28 (2) When a report is filed electronically with the commission, it
29 is deemed to have been received on the file transfer date. The
30 commission shall notify the filer of receipt of the electronically
31 filed report. Such notification may be sent by mail(~~(facsimile)~~)
32 or (~~(electronic mail)~~) electronically. If the notification of receipt
33 of the electronically filed report is not received by the filer, the
34 filer may offer (~~(his or her own)~~) proof of sending the report, and
35 such proof shall be treated as if it were a receipt sent by the
36 commission. Electronic filing may be used for purposes of filing the
37 special reports required to be delivered under RCW 42.17A.265 and
38 42.17A.625.

1 **Sec. 14.** RCW 42.17A.205 and 2011 c 145 s 3 are each amended to
2 read as follows:

3 (1) Every political committee shall file a statement of
4 organization with the commission. The statement must be filed within
5 two weeks after organization or within two weeks after the date the
6 committee first has the expectation of receiving contributions or
7 making expenditures in any election campaign, whichever is earlier. A
8 political committee organized within the last three weeks before an
9 election and having the expectation of receiving contributions or
10 making expenditures during and for that election campaign shall file
11 a statement of organization within three business days after its
12 organization or when it first has the expectation of receiving
13 contributions or making expenditures in the election campaign.

14 (2) The statement of organization shall include but not be
15 limited to:

16 (a) The name ~~((and))~~, address, and electronic contact information
17 of the committee;

18 (b) The names ~~((and))~~, addresses, and electronic contact
19 information of all related or affiliated committees or other persons,
20 and the nature of the relationship or affiliation;

21 (c) The names, addresses, and titles of its officers; or if it
22 has no officers, the names, addresses, and titles of its responsible
23 leaders;

24 (d) The name ~~((and))~~, address, and electronic contact information
25 of its treasurer and depository;

26 (e) A statement whether the committee is a continuing one;

27 (f) The name, office sought, and party affiliation of each
28 candidate whom the committee is supporting or opposing, and, if the
29 committee is supporting the entire ticket of any party, the name of
30 the party;

31 (g) The ballot proposition concerned, if any, and whether the
32 committee is in favor of or opposed to such proposition;

33 (h) What distribution of surplus funds will be made, in
34 accordance with RCW 42.17A.430, in the event of dissolution;

35 (i) ~~((The street address of the place and the hours during which
36 the committee will make available for public inspection its books of
37 account and all reports filed in accordance with RCW 42.17A.235;~~

38 ~~((j)))~~ Such other information as the commission may by
39 ~~((regulation))~~ rule prescribe, in keeping with the policies and
40 purposes of this chapter;

1 (~~(k)~~) (j) The name, address, and title of any person who
2 authorizes expenditures or makes decisions on behalf of the candidate
3 or committee; and

4 (~~(l)~~) (k) The name, address, and title of any person who is
5 paid by or is a volunteer for a candidate or political committee to
6 perform ministerial functions and who performs ministerial functions
7 on behalf of two or more candidates or committees.

8 (3) No two political committees may have the same name.

9 (4) Any material change in information previously submitted in a
10 statement of organization shall be reported to the commission within
11 the ten days following the change.

12 (5) As used in this section, the "name" of a sponsored committee
13 must include the name of the person (~~that~~) who is the sponsor of
14 the committee. If more than one person meets the definition of
15 sponsor, the name of the committee must include the name of at least
16 one sponsor, but may include the names of other sponsors. A person
17 may sponsor only one political committee for the same elected office
18 or same ballot (~~measure~~) proposition per election cycle.

19 **Sec. 15.** RCW 42.17A.207 and 2018 c 111 s 4 are each amended to
20 read as follows:

21 (1)(a) An incidental committee must file a statement of
22 organization with the commission within two weeks after the date the
23 committee first:

24 (i) Has the expectation of making (~~contributions or~~) any
25 expenditures aggregating at least twenty-five thousand dollars in a
26 calendar year in any election campaign, or to a political committee;
27 and

28 (ii) Is required to disclose a payment received under RCW
29 42.17A.240(2) (~~e~~) (d).

30 (b) If an incidental committee first meets the criteria requiring
31 filing a statement of organization as specified in (a) of this
32 subsection in the last three weeks before an election, then it must
33 file the statement of organization within three business days.

34 (2) The statement of organization must include but is not limited
35 to:

36 (a) The name (~~and~~), address, and electronic contact information
37 of the committee;

1 (b) The names and addresses of all related or affiliated
2 political or incidental committees or other persons, and the nature
3 of the relationship or affiliation;

4 (c) The names, addresses, and titles of its officers; or if it
5 has no officers, the names, addresses, and titles of its responsible
6 leaders and the name of the person designated as the treasurer of the
7 incidental committee;

8 (d) The name, office sought, and party affiliation of each
9 candidate whom the committee is supporting or opposing if the
10 committee contributes directly to a candidate and, if donating to a
11 political committee, the name and address of that political
12 committee;

13 (e) The ballot proposition concerned, if any, and whether the
14 committee is in favor of or opposed to such proposition; and

15 (f) Such other information as the commission may by rule
16 prescribe, in keeping with the policies and purposes of this chapter.

17 (3) Any material change in information previously submitted in a
18 statement of organization must be reported to the commission within
19 the ten days following the change.

20 **Sec. 16.** RCW 42.17A.210 and 2010 c 205 s 2 and 2010 c 204 s 403
21 are each reenacted and amended to read as follows:

22 (1) Each candidate, within two weeks after becoming a candidate,
23 and each political committee, at the time it is required to file a
24 statement of organization, shall designate and file with the
25 commission the name and address of one legally competent individual,
26 who may be the candidate, to serve as a treasurer.

27 (2) A candidate, a political committee, or a treasurer may
28 appoint as many deputy treasurers as is considered necessary and
29 shall file the names and addresses of the deputy treasurers with the
30 commission.

31 (3) (a) A candidate or political committee may at any time remove
32 a treasurer or deputy treasurer.

33 (b) In the event of the death, resignation, removal, or change of
34 a treasurer or deputy treasurer, the candidate or political committee
35 shall designate and file with the commission the name and address of
36 any successor.

37 (4) No treasurer or deputy treasurer may be deemed to be in
38 compliance with the provisions of this chapter until ((his or her))

1 the treasurer's or deputy treasurer's name ((and)), address, and
2 electronic contact information is filed with the commission.

3 **Sec. 17.** RCW 42.17A.215 and 2010 c 204 s 404 are each amended to
4 read as follows:

5 Each candidate and each political committee shall designate and
6 file with the commission (~~((and the appropriate county elections~~
7 ~~officer))~~) the name and address of not more than one depository for
8 each county in which the campaign is conducted in which the
9 candidate's or political committee's accounts are maintained and the
10 name of the account or accounts maintained in that depository on
11 behalf of the candidate or political committee. The candidate or
12 political committee may at any time change the designated depository
13 and shall file with the commission (~~((and the appropriate county~~
14 ~~elections officer))~~) the same information for the successor depository
15 as for the original depository. The candidate or political committee
16 may not be deemed in compliance with the provisions of this chapter
17 until the information required for the depository is filed with the
18 commission (~~((and the appropriate county elections officer))~~).

19 **Sec. 18.** RCW 42.17A.225 and 2018 c 304 s 6 are each amended to
20 read as follows:

21 (1) In addition to the provisions of this section, a continuing
22 political committee shall file and report on the same conditions and
23 at the same times as any other committee in accordance with the
24 provisions of RCW 42.17A.205, 42.17A.210, and 42.17A.220.

25 (2) A continuing political committee shall file with the
26 commission a report on the tenth day of each month detailing
27 expenditures made and contributions received for the preceding
28 calendar month. This report need only be filed if either the total
29 contributions received or total expenditures made since the last such
30 report exceed two hundred dollars. The report shall be on a form
31 supplied by the commission and shall include the following
32 information:

33 (a) The information required by RCW 42.17A.240;

34 (b) Each expenditure made to retire previously accumulated debts
35 of the committee identified by recipient, amount, and date of
36 payments;

37 (c) Other information the commission shall prescribe by rule.

1 (3) If a continuing political committee makes a contribution in
2 support of or in opposition to a candidate or ballot proposition
3 within sixty days before the date that the candidate or ballot
4 proposition will be voted upon, the committee shall report pursuant
5 to RCW 42.17A.235.

6 (4)(a) A continuing political committee shall file reports as
7 required by this chapter until the committee has ceased to function
8 and intends to dissolve, at which time, when there is no outstanding
9 debt or obligation and the committee is concluded in all respects, a
10 final report shall be filed. Upon submitting a final report, the
11 continuing political committee so intending to dissolve must file
12 notice of intent to dissolve with the commission and the commission
13 must post the notice on its web site.

14 (b) The continuing political committee may dissolve sixty days
15 after it files its notice to dissolve, only if:

16 (i) The continuing political committee does not make any
17 expenditures other than those related to the dissolution process or
18 engage in any political activity or any other activities that
19 generate additional reporting requirements under this chapter after
20 filing such notice;

21 (ii) No complaint or court action, pursuant to this chapter, is
22 pending against the continuing political committee; and

23 (iii) All penalties assessed by the commission or court order
24 ~~((are))~~ have been paid by the continuing political committee.

25 (c) The continuing political committee must continue to report
26 regularly as required under this chapter until all the conditions
27 under (b) of this subsection are resolved.

28 ~~((The treasurer may not close the continuing political
29 committee's bank account before the political committee has
30 dissolved.~~

31 ~~(e))~~ Upon dissolution, the commission must issue an
32 acknowledgment of dissolution, the duties of the treasurer shall
33 cease, and there shall be no further obligations under this chapter.
34 Dissolution does not absolve the candidate or board of the committee
35 from responsibility for any future obligations resulting from the
36 finding after dissolution of a violation committed prior to
37 dissolution.

38 (5) The treasurer shall maintain books of account, current within
39 five business days, that accurately reflect all contributions and
40 expenditures. During the ten calendar days immediately preceding the

1 date of any election that the committee has received any
2 contributions or made any expenditures, the books of account shall be
3 kept current within one business day and shall be open for public
4 inspection in the same manner as provided for candidates and other
5 political committees in RCW 42.17A.235(6).

6 (6) All reports filed pursuant to this section shall be certified
7 as correct by the treasurer.

8 (7) The treasurer shall preserve books of account, bills,
9 receipts, and all other financial records of the campaign or
10 political committee for not less than five calendar years following
11 the year during which the transaction occurred.

12 **Sec. 19.** RCW 42.17A.230 and 2010 c 205 s 5 and 2010 c 204 s 407
13 are each reenacted and amended to read as follows:

14 (1) Fund-raising activities meeting the standards of subsection
15 (2) of this section may be reported in accordance with the provisions
16 of this section in lieu of reporting in accordance with RCW
17 42.17A.235.

18 (2) Standards:

19 (a) The activity consists of one or more of the following:

20 (i) A sale of goods or services sold at a reasonable
21 approximation of the fair market value of each item or service; or

22 (ii) A gambling operation that is licensed, conducted, or
23 operated in accordance with the provisions of chapter 9.46 RCW; or

24 (iii) A gathering where food and beverages are purchased and the
25 price of admission or the per person charge for the food and
26 beverages is no more than twenty-five dollars; or

27 (iv) A concert, dance, theater performance, or similar
28 entertainment event and the price of admission is no more than
29 twenty-five dollars; or

30 (v) An auction or similar sale for which the total fair market
31 value or cost of items donated by any person is no more than fifty
32 dollars; and

33 (b) No person responsible for receiving money at the fund-raising
34 activity knowingly accepts payments from a single person at or from
35 such an activity to the candidate or committee aggregating more than
36 fifty dollars unless the name and address of the person making the
37 payment, together with the amount paid to the candidate or committee,
38 are disclosed in the report filed pursuant to subsection (6) of this
39 section; and

1 (c) Any other standards established by rule of the commission to
2 prevent frustration of the purposes of this chapter.

3 (3) All funds received from a fund-raising activity that conforms
4 with subsection (2) of this section must be deposited in the
5 depository within five business days of receipt by the treasurer or
6 deputy treasurer.

7 (4) At the time reports are required under RCW 42.17A.235, the
8 treasurer or deputy treasurer making the deposit shall file with the
9 commission a report of the fund-raising activity which must contain
10 the following information:

11 (a) The date of the activity;

12 (b) A precise description of the fund-raising methods used in the
13 activity; and

14 (c) The total amount of cash receipts from persons, each of whom
15 paid no more than fifty dollars.

16 (5) The treasurer or deputy treasurer shall certify the report is
17 correct.

18 (6) The treasurer shall report pursuant to RCW 42.17A.235 and
19 42.17A.240:

20 (a) The name and address and the amount contributed by each
21 person contributing goods or services with a fair market value of
22 more than fifty dollars to a fund-raising activity reported under
23 subsection (4) of this section; and

24 (b) The name and address and the amount paid by each person whose
25 identity can be ascertained, who made a contribution to the candidate
26 or committee aggregating more than fifty dollars at or from such a
27 fund-raising activity.

28 **Sec. 20.** RCW 42.17A.235 and 2018 c 304 s 7 and 2018 c 111 s 5
29 are each reenacted and amended to read as follows:

30 (1) (a) In addition to the information required under RCW
31 42.17A.205 and 42.17A.210, each candidate or political committee must
32 file with the commission a report of all contributions received and
33 expenditures made as a political committee on the next reporting date
34 pursuant to the timeline established in this section.

35 (b) In addition to the information required under RCW
36 (~~42.17A.205~~) 42.17A.207 and 42.17A.210, on the day an incidental
37 committee files a statement of organization with the commission, each
38 incidental committee must file with the commission a report of any
39 election campaign expenditures under RCW 42.17A.240(6), as well as

1 the source of the ten largest cumulative payments of ten thousand
2 dollars or greater it received in the current calendar year from a
3 single person, including any persons tied as the tenth largest source
4 of payments it received, if any.

5 (2) Each treasurer of a candidate or political committee, or an
6 incidental committee, required to file a statement of organization
7 under this chapter, shall file with the commission a report, for each
8 election in which a candidate ~~((or))~~, political committee, or
9 incidental committee is participating, containing the information
10 required by RCW 42.17A.240 at the following intervals:

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

13 (b) On the tenth day of the first full month after the election.

14 (3) (a) Each treasurer of a candidate or political committee shall
15 file with the commission a report on the tenth day of each month
16 during which the candidate or political committee is not
17 participating in an election campaign, only if the committee has
18 received a contribution or made an expenditure in the preceding
19 calendar month and either the total contributions received or total
20 expenditures made since the last such report exceed two hundred
21 dollars.

22 ~~((For an))~~ (b) Each incidental committee ~~((or))~~ shall file with the
23 commission a report on the tenth day of each month during which the
24 incidental committee is not otherwise required to report under this
25 section only if the committee has:

26 ~~((A))~~ (i) Received a payment that would change the information
27 required under RCW 42.17A.240(2) ~~((e))~~ (d) as included in its last
28 report; or

29 ~~((B))~~ (ii) Made any election campaign expenditure reportable
30 under RCW 42.17A.240(6) since its last report, and the total election
31 campaign expenditures made since the last report exceed two hundred
32 dollars.

33 (4) The report filed twenty-one days before the election shall
34 report all contributions received and expenditures made as of the end
35 of one business day before the date of the report. The report filed
36 seven days before the election shall report all contributions
37 received and expenditures made as of the end of one business day
38 before the date of the report. Reports filed on the tenth day of the
39 month shall report all contributions received and expenditures made

1 from the closing date of the last report filed through the last day
2 of the month preceding the date of the current report.

3 (5) For the period beginning the first day of the fourth month
4 preceding the date of the special election, or for the period
5 beginning the first day of the fifth month before the date of the
6 general election, and ending on the date of that special or general
7 election, each Monday the treasurer for a candidate or a political
8 committee shall file with the commission a report of each bank
9 deposit made during the previous seven calendar days. The report
10 shall contain the name of each person contributing the funds and the
11 amount contributed by each person. However, persons who contribute no
12 more than twenty-five dollars in the aggregate are not required to be
13 identified in the report. A copy of the report shall be retained by
14 the treasurer for ~~((his or her))~~ the treasurer's records. In the
15 event of deposits made by candidates, political committee members, or
16 paid staff other than the treasurer, the copy shall be immediately
17 provided to the treasurer for ~~((his or her))~~ the treasurer's records.
18 Each report shall be certified as correct by the treasurer.

19 (6) (a) The treasurer for a candidate or a political committee
20 shall maintain books of account accurately reflecting all
21 contributions and expenditures on a current basis within five
22 business days of receipt or expenditure. During the ten calendar days
23 immediately preceding the date of the election the books of account
24 shall be kept current within one business day. As specified in the
25 political committee's statement of organization filed under RCW
26 42.17A.205, the books of account must be open for public inspection
27 by appointment at a place agreed upon by both the treasurer and the
28 requestor, for inspections between 9:00 a.m. and 5:00 p.m. on any day
29 from the tenth calendar day immediately before the election through
30 the day immediately before the election, other than Saturday, Sunday,
31 or a legal holiday. It is a violation of this chapter for a candidate
32 or political committee to refuse to allow and keep an appointment for
33 an inspection to be conducted during these authorized times and days.
34 The appointment must be allowed at an authorized time and day for
35 such inspections that is within forty-eight hours of the time and day
36 that is requested for the inspection. The treasurer may provide
37 digital access or copies of the books of account in lieu of
38 scheduling an appointment at a designated place for inspection. If
39 the treasurer and requestor are unable to agree on a location and the
40 treasurer has not provided digital access to the books of account,

1 the default location for an appointment shall be a place of public
2 accommodation selected by the treasurer within a reasonable distance
3 from the treasurer's office.

4 (b) At the time of making the appointment, a person wishing to
5 inspect the books of account must provide the treasurer the name and
6 telephone number of the person wishing to inspect the books of
7 account. The person inspecting the books of account must show photo
8 identification before the inspection begins.

9 (c) A treasurer may refuse to show the books of account to any
10 person who does not make an appointment or provide the required
11 identification. The commission may issue limited rules to modify the
12 requirements set forth in this section in consideration of other
13 technology and best practices.

14 (7) Copies of all reports filed pursuant to this section shall be
15 readily available for public inspection by appointment, pursuant to
16 subsection (6) of this section.

17 (8) The treasurer or candidate shall preserve books of account,
18 bills, receipts, and all other financial records of the campaign or
19 political committee for not less than (~~two~~) five calendar years
20 following the year during which the transaction occurred or for any
21 longer period as otherwise required by law.

22 (9) All reports filed pursuant to subsection (1) or (2) of this
23 section shall be certified as correct by the candidate and the
24 treasurer.

25 (10) Where there is not a pending complaint concerning a report,
26 it is not evidence of a violation of this section to submit an
27 amended report within twenty-one days of filing an (~~underlying~~)
28 initial report if:

29 (a) The report is accurately amended;

30 (b) The (~~corrected~~) amended report is filed more than thirty
31 days before an election;

32 (c) The total aggregate dollar amount of the adjustment for the
33 (~~individual~~) amended report is within three times the contribution
34 limit per election or two hundred dollars, whichever is greater; and

35 (d) The committee reported all information that was available to
36 it at the time of filing, or made a good-faith effort to do so, or if
37 a refund of a contribution or expenditure is being reported.

38 (11)(a) When there is no outstanding debt or obligation, the
39 campaign fund is closed, the campaign is concluded in all respects,
40 and the political committee has ceased to function and intends to

1 dissolve, the treasurer shall file a final report. Upon submitting a
2 final report, the political committee so intending to dissolve must
3 file notice of intent to dissolve with the commission and the
4 commission must post the notice on its web site.

5 (b) Any political committee may dissolve sixty days after it
6 files its notice to dissolve, only if:

7 (i) The political committee does not make any expenditures other
8 than those related to the dissolution process or engage in any
9 political activity or any other activities that generate additional
10 reporting requirements under this chapter after filing such notice;

11 (ii) No complaint or court action under this chapter is pending
12 against the political committee; and

13 (iii) All penalties assessed by the commission or court order
14 ~~((are))~~ have been paid by the political committee.

15 (c) The political committee must continue to report regularly as
16 required under this chapter until all the conditions under (b) of
17 this subsection are resolved.

18 ~~((The treasurer may not close the political committee's bank
19 account before the political committee has dissolved.~~

20 ~~(e))~~ Upon dissolution, the commission must issue an
21 acknowledgment of dissolution, the duties of the treasurer shall
22 cease, and there shall be no further obligations under this chapter.
23 Dissolution does not absolve the candidate or board of the committee
24 from responsibility for any future obligations resulting from the
25 finding after dissolution of a violation committed prior to
26 dissolution.

27 ~~((9))~~ (12) The commission must adopt rules for the dissolution
28 of incidental committees.

29 **Sec. 21.** RCW 42.17A.240 and 2018 c 304 s 8 and 2018 c 111 s 6
30 are each reenacted and amended to read as follows:

31 Each report required under RCW 42.17A.235 (1) ~~((and (2))~~ through
32 (4) must be certified as correct by the treasurer and the candidate
33 and shall disclose the following, except ~~((that the commission may
34 suspend or modify reporting requirements for contributions received
35 by an incidental committee in cases of manifestly unreasonable
36 hardship under RCW 42.17A.120))~~ an incidental committee only must
37 disclose and certify as correct the information required under
38 subsections (2)(d) and (6) of this section:

39 (1) The funds on hand at the beginning of the period;

1 (2) The name and address of each person who has made one or more
2 contributions during the period, together with the money value and
3 date of each contribution and the aggregate value of all
4 contributions received from each person during the campaign, or in
5 the case of a continuing political committee, the current calendar
6 year, with the following exceptions:

7 (a) Pledges in the aggregate of less than one hundred dollars
8 from any one person need not be reported;

9 (b) Income that results from a fund-raising activity conducted in
10 accordance with RCW 42.17A.230 may be reported as one lump sum, with
11 the exception of that portion received from persons whose names and
12 addresses are required to be included in the report required by RCW
13 42.17A.230;

14 (~~(b)~~) (c) Contributions of no more than twenty-five dollars in
15 the aggregate from any one person during the election campaign may be
16 reported as one lump sum if the treasurer maintains a separate and
17 private list of the name, address, and amount of each such
18 contributor;

19 (~~(e)~~) (d) Payments received by an incidental committee from any
20 one person need not be reported unless the person is one of the
21 committee's ten largest sources of payments received, including any
22 persons tied as the tenth largest source of payments received, during
23 the current calendar year, and the value of the cumulative payments
24 received from that person during the current calendar year is ten
25 thousand dollars or greater. For payments to incidental committees
26 from multiple persons received in aggregated form, any payment of
27 more than ten thousand dollars from any single person must be
28 reported, but the aggregated payment itself may not be reported. The
29 commission may suspend or modify reporting requirements for payments
30 received by an incidental committee in cases of manifestly
31 unreasonable hardship under this chapter;

32 (~~(d)~~) (e) Payments from private foundations organized under
33 section 501(c)(3) of the internal revenue code to an incidental
34 committee do not have to be reported if:

35 (i) The private foundation is contracting with the incidental
36 committee for a specific purpose other than election campaign
37 purposes;

38 (ii) Use of the funds for election campaign purposes is
39 explicitly prohibited by contract; and

1 (iii) Funding from the private foundation represents less than
2 twenty-five percent of the incidental committee's total budget;

3 (~~((e) For purposes of this subsection,))~~ (f) Commentary or
4 analysis on a ballot (~~((measure))~~) proposition by an incidental
5 committee is not considered a contribution if it does not advocate
6 specifically to vote for or against the ballot (~~((measure))~~)
7 proposition; and

8 (~~((f))~~) (g) The money value of contributions of postage is the
9 face value of the postage;

10 (3) Each loan, promissory note, or security instrument to be used
11 by or for the benefit of the candidate or political committee made by
12 any person, including the names and addresses of the lender and each
13 person liable directly, indirectly or contingently and the date and
14 amount of each such loan, promissory note, or security instrument;

15 (4) All other contributions not otherwise listed or exempted;

16 (5) The name and address of each candidate or political committee
17 to which any transfer of funds was made, including the amounts and
18 dates of the transfers;

19 (6) The name and address of each person to whom an expenditure
20 was made in the aggregate amount of more than fifty dollars during
21 the period covered by this report, the amount, date, and purpose of
22 each expenditure, and the total sum of all expenditures. An
23 incidental committee only must report on expenditures, made and
24 reportable as contributions as defined in RCW 42.17A.005, to election
25 campaigns. For purposes of this subsection, commentary or analysis on
26 a ballot (~~((measure))~~) proposition by an incidental committee is not
27 considered an expenditure if it does not advocate specifically to
28 vote for or against the ballot (~~((measure))~~) proposition;

29 (7) The name (~~((and))~~), address, and electronic contact information
30 of each person (~~((directly compensated))~~) to whom an expenditure was
31 made for soliciting or procuring signatures on an initiative or
32 referendum petition, the amount of the compensation to each person,
33 and the total expenditures made for this purpose. Such expenditures
34 shall be reported under this subsection in addition to what is
35 required to be reported under subsection (6) of this section;

36 (8) (a) The name and address of any person and the amount owed for
37 any debt with a value of more than seven hundred fifty dollars that
38 has not been paid for any invoices submitted, goods received, or
39 services performed, within five business days during the period

1 within thirty days before an election, or within ten business days
2 during any other period.

3 (b) For purposes of this subsection, debt does not include ~~((~~
4 ~~(i))~~) regularly recurring expenditures of the same amount that
5 have already been reported at least once and that are not late or
6 outstanding ~~((~~
7 ~~(i)~~ ~~Any obligations already reported to pay for goods and~~
8 ~~services made by a third party on behalf of a candidate or political~~
9 ~~committee after the original payment or debt to that party has been~~
10 ~~reported))~~);

11 (9) The surplus or deficit of contributions over expenditures;

12 (10) The disposition made in accordance with RCW 42.17A.430 of
13 any surplus funds; and

14 (11) Any other information required by the commission by rule in
15 conformance with the policies and purposes of this chapter.

16 **Sec. 22.** RCW 42.17A.255 and 2011 c 60 s 24 are each amended to
17 read as follows:

18 (1) For the purposes of this section the term "independent
19 expenditure" means any expenditure that is made in support of or in
20 opposition to any candidate or ballot proposition and is not
21 otherwise required to be reported pursuant to RCW ~~((42.17A.220))~~
22 42.17A.225, 42.17A.235, and 42.17A.240. "Independent expenditure"
23 does not include: An internal political communication primarily
24 limited to the contributors to a political party organization or
25 political action committee, or the officers, management staff, and
26 stockholders of a corporation or similar enterprise, or the members
27 of a labor organization or other membership organization; or the
28 rendering of personal services of the sort commonly performed by
29 volunteer campaign workers, or incidental expenses personally
30 incurred by volunteer campaign workers not in excess of fifty dollars
31 personally paid for by the worker. "Volunteer services," for the
32 purposes of this section, means services or labor for which the
33 individual is not compensated by any person.

34 (2) Within five days after the date of making an independent
35 expenditure that by itself or when added to all other such
36 independent expenditures made during the same election campaign by
37 the same person equals one hundred dollars or more, or within five
38 days after the date of making an independent expenditure for which no
39 reasonable estimate of monetary value is practicable, whichever

1 occurs first, the person who made the independent expenditure shall
2 file with the commission an initial report of all independent
3 expenditures made during the campaign prior to and including such
4 date.

5 (3) At the following intervals each person who is required to
6 file an initial report pursuant to subsection (2) of this section
7 shall file with the commission a further report of the independent
8 expenditures made since the date of the last report:

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

11 (b) On the tenth day of the first month after the election; and

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

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

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

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

29 (a) The name (~~and~~), address, and electronic contact information
30 of the person filing the report;

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

39 (c) The total sum of all independent expenditures made during the
40 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
3 chapter.

4 **Sec. 23.** RCW 42.17A.260 and 2010 c 204 s 413 are each amended to
5 read as follows:

6 (1) The sponsor of political advertising (~~who~~) shall file a
7 special report to the commission within twenty-four hours of, or on
8 the first working day after, the date the political advertising is
9 first published, mailed, or otherwise presented to the public, if the
10 political advertising:

11 (a) Is published, mailed, or otherwise presented to the public
12 within twenty-one days of an election(~~, publishes, mails, or~~
13 otherwise presents to the public political advertising supporting or
14 opposing a candidate or ballot proposition that qualifies as an
15 independent expenditure with a fair market value of one thousand
16 dollars or more shall deliver, either electronically or in written
17 form, a special report to the commission within twenty-four hours of,
18 or on the first working day after, the date the political advertising
19 is first published, mailed, or otherwise presented to the public));
20 and

21 (b) Either:

22 (i) Qualifies as an independent expenditure with a fair market
23 value or actual cost of one thousand dollars or more, for political
24 advertising supporting or opposing a candidate; or

25 (ii) Has a fair market value or actual cost of one thousand
26 dollars or more, for political advertising supporting or opposing a
27 ballot proposition.

28 (2) If a sponsor is required to file a special report under this
29 section, the sponsor shall also deliver to the commission within the
30 delivery period established in subsection (1) of this section a
31 special report for each subsequent independent expenditure of any
32 size supporting or opposing the same candidate who was the subject of
33 the previous independent expenditure, supporting or opposing that
34 candidate's opponent, or, in the case of a subsequent expenditure of
35 any size made in support of or in opposition to a ballot proposition
36 not otherwise required to be reported pursuant to RCW 42.17A.225,
37 42.17A.235, or 42.17A.240, supporting or opposing the same ballot
38 proposition that was the subject of the previous (~~independent~~)
39 expenditure.

1 (3) The special report must include:

2 (a) The name and address of the person making the expenditure;

3 (b) The name and address of the person to whom the expenditure
4 was made;

5 (c) A detailed description of the expenditure;

6 (d) The date the expenditure was made and the date the political
7 advertising was first published or otherwise presented to the public;

8 (e) The amount of the expenditure;

9 (f) The name of the candidate supported or opposed by the
10 expenditure, the office being sought by the candidate, and whether
11 the expenditure supports or opposes the candidate; or the name of the
12 ballot proposition supported or opposed by the expenditure and
13 whether the expenditure supports or opposes the ballot proposition;
14 and

15 (g) Any other information the commission may require by rule.

16 (4) All persons required to report under RCW 42.17A.225,
17 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the
18 requirements of this section. The commission may determine that
19 reports filed pursuant to this section also satisfy the requirements
20 of RCW 42.17A.255.

21 (5) The sponsor of independent expenditures supporting a
22 candidate or opposing that candidate's opponent required to report
23 under this section shall file with each required report an affidavit
24 or declaration of the person responsible for making the independent
25 expenditure that the expenditure was not made in cooperation,
26 consultation, or concert with, or at the request or suggestion of,
27 the candidate, the candidate's authorized committee, or the
28 candidate's agent, or with the encouragement or approval of the
29 candidate, the candidate's authorized committee, or the candidate's
30 agent.

31 **Sec. 24.** RCW 42.17A.265 and 2010 c 204 s 414 are each amended to
32 read as follows:

33 (1) Treasurers shall prepare and deliver to the commission a
34 special report when a contribution or aggregate of contributions
35 totals one thousand dollars or more, is from a single person or
36 entity, and is received during a special reporting period.

37 (2) A political committee shall prepare and deliver to the
38 commission a special report when it makes a contribution or an

1 aggregate of contributions to a single entity that totals one
2 thousand dollars or more during a special reporting period.

3 (3) An aggregate of contributions includes only those
4 contributions made to or received from a single entity during any one
5 special reporting period. Any subsequent contribution of any size
6 made to or received from the same person or entity during the special
7 reporting period must also be reported.

8 (4) Special reporting periods, for purposes of this section,
9 include:

10 (a) The period beginning on the day after the last report
11 required by RCW 42.17A.235 and 42.17A.240 to be filed before a
12 primary and concluding on the end of the day before that primary;

13 (b) The period twenty-one days preceding a general election; and

14 (c) An aggregate of contributions includes only those
15 contributions received from a single entity during any one special
16 reporting period or made by the contributing political committee to a
17 single entity during any one special reporting period.

18 (5) If a campaign treasurer files a special report under this
19 section for one or more contributions received from a single entity
20 during a special reporting period, the treasurer shall also file a
21 special report under this section for each subsequent contribution of
22 any size which is received from that entity during the special
23 reporting period. If a political committee files a special report
24 under this section for a contribution or contributions made to a
25 single entity during a special reporting period, the political
26 committee shall also file a special report for each subsequent
27 contribution of any size which is made to that entity during the
28 special reporting period.

29 (6) Special reports required by this section shall be delivered
30 electronically, or in written form (~~(, including but not limited to~~
31 ~~mailgram, telegram, or nightletter. The special report may be~~
32 ~~transmitted orally by telephone to the commission if the written form~~
33 ~~of the report is postmarked and mailed to the commission or the~~
34 ~~electronic filing is transferred to the commission within the~~
35 ~~delivery periods established in (a) and (b) of this subsection)) if
36 an electronic alternative is not available.~~

37 (a) The special report required of a contribution recipient under
38 subsection (1) of this section shall be delivered to the commission
39 within forty-eight hours of the time, or on the first working day
40 after: The contribution of one thousand dollars or more is received

1 by the candidate or treasurer; the aggregate received by the
2 candidate or treasurer first equals one thousand dollars or more; or
3 any subsequent contribution from the same source is received by the
4 candidate or treasurer.

5 (b) The special report required of a contributor under subsection
6 (2) of this section or RCW 42.17A.625 shall be delivered to the
7 commission, and the candidate or political committee to whom the
8 contribution or contributions are made, within twenty-four hours of
9 the time, or on the first working day after: The contribution is
10 made; the aggregate of contributions made first equals one thousand
11 dollars or more; or any subsequent contribution to the same person or
12 entity is made.

13 (7) The special report shall include:

14 (a) The amount of the contribution or contributions;

15 (b) The date or dates of receipt;

16 (c) The name and address of the donor;

17 (d) The name and address of the recipient; and

18 (e) Any other information the commission may by rule require.

19 (8) Contributions reported under this section shall also be
20 reported as required by other provisions of this chapter.

21 (9) The commission shall prepare daily a summary of the special
22 reports made under this section and RCW 42.17A.625.

23 (10) Contributions governed by this section include, but are not
24 limited to, contributions made or received indirectly through a third
25 party or entity whether the contributions are or are not reported to
26 the commission as earmarked contributions under RCW 42.17A.270.

27 **Sec. 25.** RCW 42.17A.305 and 2010 c 204 s 502 are each amended to
28 read as follows:

29 (1) A payment for or promise to pay for any electioneering
30 communication shall be reported to the commission by the sponsor on
31 forms the commission shall develop by rule to include, at a minimum,
32 the following information:

33 (a) Name and address of the sponsor;

34 (b) Source of funds for the communication, including:

35 (i) General treasury funds. The name and address of businesses,
36 unions, groups, associations, or other organizations using general
37 treasury funds for the communication, however, if a business, union,
38 group, association, or other organization undertakes a special
39 solicitation of its members or other persons for an electioneering

1 communication, or it otherwise receives funds for an electioneering
2 communication, that entity shall report pursuant to (b)(ii) of this
3 subsection;

4 (ii) Special solicitations and other funds. The name, address,
5 and, for individuals, occupation and employer, of a person whose
6 funds were used to pay for the electioneering communication, along
7 with the amount, if such funds from the person have exceeded two
8 hundred fifty dollars in the aggregate for the electioneering
9 communication; and

10 (iii) Any other source information required or exempted by the
11 commission by rule;

12 (c) Name and address of the person to whom an electioneering
13 communication related expenditure was made;

14 (d) A detailed description of each expenditure of more than one
15 hundred dollars;

16 (e) The date the expenditure was made and the date the
17 electioneering communication was first broadcast, transmitted,
18 mailed, erected, distributed, or otherwise published;

19 (f) The amount of the expenditure;

20 (g) The name of each candidate clearly identified in the
21 electioneering communication, the office being sought by each
22 candidate, and the amount of the expenditure attributable to each
23 candidate; and

24 (h) Any other information the commission may require or exempt by
25 rule.

26 (2) Electioneering communications shall be reported as follows:
27 The sponsor of an electioneering communication shall report to the
28 commission within twenty-four hours of, or on the first working day
29 after, the date the electioneering communication is broadcast,
30 transmitted, mailed, erected, distributed, digitally or otherwise, or
31 otherwise published.

32 (3) Electioneering communications shall be reported
33 electronically by the sponsor using software provided or approved by
34 the commission. The commission may make exceptions on a case-by-case
35 basis for a sponsor who lacks the technological ability to file
36 reports using the electronic means provided or approved by the
37 commission.

38 (4) All persons required to report under RCW 42.17A.225,
39 42.17A.235, 42.17A.240, and 42.17A.255 are subject to the
40 requirements of this section, although the commission may determine

1 by rule that persons filing according to those sections may be exempt
2 from reporting some of the information otherwise required by this
3 section. The commission may determine that reports filed pursuant to
4 this section also satisfy the requirements of RCW 42.17A.255 and
5 42.17A.260.

6 (5) Failure of any sponsor to report electronically under this
7 section shall be a violation of this chapter.

8 **Sec. 26.** RCW 42.17A.345 and 2010 c 204 s 508 are each amended to
9 read as follows:

10 (1) Each commercial advertiser who has accepted or provided
11 political advertising or electioneering communications during the
12 election campaign shall maintain (~~(documents and)~~) current books of
13 account and related materials as provided by rule that shall be open
14 for public inspection during normal business hours during the
15 campaign and for a period of no less than (~~(three)~~) five years after
16 the date of the applicable election. The documents and books of
17 account shall specify:

18 (a) The names and addresses of persons from whom it accepted
19 political advertising or electioneering communications;

20 (b) The exact nature and extent of the services rendered; and

21 (c) The total cost and the manner of payment for the services.

22 (2) At the request of the commission, each commercial advertiser
23 required to comply with subsection (1) of this section shall
24 (~~(deliver)~~) provide to the commission copies of the information that
25 must be maintained and be open for public inspection pursuant to
26 subsection (1) of this section.

27 **Sec. 27.** RCW 42.17A.420 and 2018 c 111 s 7 are each amended to
28 read as follows:

29 (1) It is a violation of this chapter for any person to make, or
30 for any candidate or political committee to accept from any one
31 person, contributions reportable under RCW 42.17A.240 in the
32 aggregate exceeding fifty thousand dollars for any campaign for
33 statewide office or exceeding five thousand dollars for any other
34 campaign subject to the provisions of this chapter within twenty-one
35 days of a general election. This subsection does not apply to:

36 (a) Contributions made by, or accepted from, a bona fide
37 political party as defined in this chapter, excluding the county

1 central committee or legislative district committee (~~(. This~~
2 ~~subsection does not apply to)~~);

3 (b) Contributions made to, or received by, a ballot proposition
4 committee; or

5 (c) Payments received by an incidental committee.

6 (2) 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 42.17A.270.

10 **Sec. 28.** RCW 42.17A.475 and 2010 c 204 s 611 are each amended to
11 read as follows:

12 (1) A person may not make a contribution of more than (~~eighty~~)
13 one hundred dollars, other than an in-kind contribution, except by a
14 written instrument containing the name of the donor and the name of
15 the payee.

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

19 **Sec. 29.** RCW 42.17A.495 and 2010 c 204 s 613 are each amended to
20 read as follows:

21 (1) No employer or labor organization may increase the salary of
22 an officer or employee, or compensate an officer, employee, or other
23 person or entity, with the intention that the increase in salary, or
24 the compensation, or a part of it, be contributed or spent to support
25 or oppose a candidate, state official against whom recall charges
26 have been filed, political party, or political committee.

27 (2) No employer or labor organization may discriminate against an
28 officer or employee in the terms or conditions of employment for (a)
29 the failure to contribute to, (b) the failure in any way to support
30 or oppose, or (c) in any way supporting or opposing a candidate,
31 ballot proposition, political party, or political committee. At least
32 annually, an employee from whom wages or salary are withheld under
33 subsection (3) of this section shall be notified of the provisions of
34 this subsection.

35 (3) No employer or other person or entity responsible for the
36 disbursement of funds in payment of wages or salaries may withhold or
37 divert a portion of an employee's wages or salaries for contributions
38 to: (a) Any political (~~committees or~~) committees required to report

1 pursuant to RCW 42.17A.205, 42.17A.215, 42.17A.225, 42.17A.235, or
2 42.17A.240; or (b) for ((use—as)) political contributions to
3 candidates for state or local office, except upon the written request
4 of the employee. The request must be made on a form prescribed by the
5 commission informing the employee of the prohibition against employer
6 and labor organization discrimination described in subsection (2) of
7 this section. The employee may revoke the request at any time. At
8 least annually, the employee shall be notified about the right to
9 revoke the request.

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

18 **Sec. 30.** RCW 42.17A.600 and 2010 c 204 s 801 are each amended to
19 read as follows:

20 (1) Before lobbying, or within thirty days after being employed
21 as a lobbyist, whichever occurs first, unless exempt under RCW
22 42.17A.610, a lobbyist shall register by filing with the commission a
23 lobbyist registration statement, in such detail as the commission
24 shall prescribe, that includes the following information:

25 (a) The lobbyist's name, permanent business address, electronic
26 contact information, and any temporary residential and business
27 addresses in Thurston county during the legislative session;

28 (b) The name, address and occupation or business of the
29 lobbyist's employer;

30 (c) The duration of the lobbyist's employment;

31 (d) The compensation to be received for lobbying, the amount to
32 be paid for expenses, and what expenses are to be reimbursed;

33 (e) Whether the lobbyist is employed solely as a lobbyist or
34 whether the lobbyist is a regular employee performing services for
35 ~~((his or her))~~ the lobbyist's employer which include but are not
36 limited to the influencing of legislation;

37 (f) The general subject or subjects to be lobbied;

38 (g) A written authorization from each of the lobbyist's employers
39 confirming such employment;

1 (h) The name (~~and~~), address, and electronic contact information
2 of the person who will have custody of the accounts, bills, receipts,
3 books, papers, and documents required to be kept under this chapter;

4 (i) If the lobbyist's employer is an entity (including, but not
5 limited to, business and trade associations) whose members include,
6 or which as a representative entity undertakes lobbying activities
7 for, businesses, groups, associations, or organizations, the name and
8 address of each member of such entity or person represented by such
9 entity whose fees, dues, payments, or other consideration paid to
10 such entity during either of the prior two years have exceeded five
11 hundred dollars or who is obligated to or has agreed to pay fees,
12 dues, payments, or other consideration exceeding five hundred dollars
13 to such entity during the current year.

14 (2) Any lobbyist who receives or is to receive compensation from
15 more than one person for lobbying shall file a separate notice of
16 representation for each person. However, if two or more persons are
17 jointly paying or contributing to the payment of the lobbyist, the
18 lobbyist may file a single statement detailing the name, business
19 address, and occupation of each person paying or contributing and the
20 respective amounts to be paid or contributed.

21 (3) Whenever a change, modification, or termination of the
22 lobbyist's employment occurs, the lobbyist shall file with the
23 commission an amended registration statement within one week of the
24 change, modification, or termination.

25 (4) Each registered lobbyist shall file a new registration
26 statement, revised as appropriate, on the second Monday in January of
27 each odd-numbered year. Failure to do so terminates the lobbyist's
28 registration.

29 **Sec. 31.** RCW 42.17A.605 and 2010 c 204 s 802 are each amended to
30 read as follows:

31 Each lobbyist shall at the time (~~he or she~~) the lobbyist
32 registers submit electronically to the commission a recent photograph
33 of (~~himself or herself~~) the lobbyist of a size and format as
34 determined by rule of the commission, together with the name of the
35 lobbyist's employer, the length of (~~his or her~~) the lobbyist's
36 employment as a lobbyist before the legislature, a brief biographical
37 description, and any other information (~~he or she~~) the lobbyist may
38 wish to submit not to exceed fifty words in length. The photograph
39 and information shall be published by the commission (~~at least~~

1 ~~biennially in a booklet form for distribution to legislators and the~~
2 ~~public)) on its web site.~~

3 **Sec. 32.** RCW 42.17A.610 and 2010 c 204 s 803 are each amended to
4 read as follows:

5 The following persons and activities are exempt from registration
6 and reporting under RCW 42.17A.600, 42.17A.615, and 42.17A.640:

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

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

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

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

28 (5) Persons who restrict their lobbying activities to no more
29 than four days or parts of four days during any three-month period
30 and 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
33 in connection with such lobbying do not exceed twenty-five dollars.
34 The commission shall adopt rules to require disclosure by persons
35 exempt under this subsection or their employers or entities which
36 sponsor or coordinate the lobbying activities of such persons if it
37 determines that such regulations are necessary to prevent frustration
38 of the purposes of this chapter. Any person exempt under this

1 subsection (5) may at (~~his or her~~) the person's option register and
2 report under this chapter;

3 (6) The governor;

4 (7) The lieutenant governor;

5 (8) Except as provided by RCW 42.17A.635(1), members of the
6 legislature;

7 (9) Except as provided by RCW 42.17A.635(1), persons employed by
8 the legislature for the purpose of aiding in the preparation or
9 enactment of legislation or the performance of legislative duties;

10 (10) Elected officials, and officers and employees of any agency
11 reporting under RCW 42.17A.635(5).

12 **Sec. 33.** RCW 42.17A.615 and 2010 c 204 s 804 are each amended to
13 read as follows:

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

21 (2) The monthly report shall contain:

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

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

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

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

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

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

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

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

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

36 (b) Any expenses incurred for (~~(his or her)~~) the lobbyist's own
37 living accommodations;

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

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

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

8 **Sec. 34.** RCW 42.17A.630 and 2010 c 204 s 807 are each amended to
9 read as follows:

10 (1) Every employer of a lobbyist registered under this chapter
11 during the preceding calendar year and every person other than an
12 individual (~~that~~) who made contributions aggregating to more than
13 sixteen thousand dollars or independent expenditures aggregating to
14 more than eight hundred dollars during the preceding calendar year
15 shall file with the commission on or before the last day of February
16 of each year a statement disclosing for the preceding calendar year
17 the following information:

18 (a) The name of each state elected official and the name of each
19 candidate for state office who was elected to the office and any
20 member of the immediate family of those persons to whom the person
21 reporting has paid any compensation in the amount of eight hundred
22 dollars or more during the preceding calendar year for personal
23 employment or professional services, including professional services
24 rendered by a corporation, partnership, joint venture, association,
25 union, or other entity in which the person holds any office,
26 directorship, or any general partnership interest, or an ownership
27 interest of ten percent or more, the value of the compensation in
28 accordance with the reporting provisions set out in RCW
29 42.17A.710(~~(2)~~) (3), and the consideration given or performed in
30 exchange for the compensation.

31 (b) The name of each state elected official, successful candidate
32 for state office, or members of (~~his or her~~) the official's or
33 candidate's immediate family to whom the person reporting made
34 expenditures, directly or indirectly, either through a lobbyist or
35 otherwise, the amount of the expenditures and the purpose for the
36 expenditures. For the purposes of this subsection, "expenditure"
37 shall not include any expenditure made by the employer in the
38 ordinary course of business if the expenditure is not made for the
39 purpose of influencing, honoring, or benefiting the elected official,

1 successful candidate, or member of his immediate family, as an
2 elected official or candidate.

3 (c) The total expenditures made by the person reporting for
4 lobbying purposes, whether through or on behalf of a registered
5 lobbyist or otherwise.

6 (d) All contributions made to a political committee supporting or
7 opposing a candidate for state office, or to a political committee
8 supporting or opposing a statewide ballot proposition. Such
9 contributions shall be identified by the name and the address of the
10 recipient and the aggregate amount contributed to each such
11 recipient.

12 (e) The name and address of each registered lobbyist employed by
13 the person reporting and the total expenditures made by the person
14 reporting for each lobbyist for lobbying purposes.

15 (f) The names, offices sought, and party affiliations of
16 candidates for state offices supported or opposed by independent
17 expenditures of the person reporting and the amount of each such
18 expenditure.

19 (g) The identifying proposition number and a brief description of
20 any statewide ballot proposition supported or opposed by expenditures
21 not reported under (d) of this subsection and the amount of each such
22 expenditure.

23 (h) Any other information the commission prescribes by rule.

24 (2)(a) Except as provided in (b) of this subsection, an employer
25 of a lobbyist registered under this chapter shall file a special
26 report with the commission if the employer makes a contribution or
27 contributions aggregating more than one hundred dollars in a calendar
28 month to any one of the following: A candidate, elected official,
29 officer or employee of an agency, or political committee. The report
30 shall identify the date and amount of each such contribution and the
31 name of the candidate, elected official, agency officer or employee,
32 or political committee receiving the contribution or to be benefited
33 by the contribution. The report shall be filed on a form prescribed
34 by the commission and shall be filed within fifteen days after the
35 last day of the calendar month during which the contribution was
36 made.

37 (b) The provisions of (a) of this subsection do not apply to a
38 contribution that is made through a registered lobbyist and
39 reportable under RCW 42.17A.425.

1 **Sec. 35.** RCW 42.17A.655 and 2010 c 204 s 812 are each amended to
2 read as follows:

3 (1) A person required to register as a lobbyist under RCW
4 42.17A.600 shall substantiate financial reports required to be made
5 under this chapter with accounts, bills, receipts, books, papers, and
6 other necessary documents and records. All such documents must be
7 obtained and preserved for a period of at least five years from the
8 date of filing the statement containing such items and shall be made
9 available for inspection by the commission at any time. If the terms
10 of the lobbyist's employment contract require that these records be
11 turned over to (~~his or her~~) the lobbyist's employer, responsibility
12 for the preservation and inspection of these records under this
13 subsection shall be with such employer.

14 (2) A person required to register as a lobbyist under RCW
15 42.17A.600 shall not:

16 (a) Engage in any lobbying activity before registering as a
17 lobbyist;

18 (b) Knowingly deceive or attempt to deceive a legislator
19 regarding the facts pertaining to any pending or proposed
20 legislation;

21 (c) Cause or influence the introduction of a bill or amendment to
22 that bill for the purpose of later being employed to secure its
23 defeat;

24 (d) Knowingly represent an interest adverse to (~~his or her~~) the
25 lobbyist's employer without full disclosure of the adverse interest
26 to the employer and obtaining the employer's written consent;

27 (e) Exercise any undue influence, extortion, or unlawful
28 retaliation upon any legislator due to the legislator's position or
29 vote on any pending or proposed legislation;

30 (f) Enter into any agreement, arrangement, or understanding in
31 which any portion of (~~his or her~~) the lobbyist's compensation is or
32 will be contingent upon (~~his or her~~) the lobbyist's success in
33 influencing legislation.

34 (3) A violation by a lobbyist of this section shall be cause for
35 revocation of (~~his or her~~) the lobbyist's registration, and may
36 subject the lobbyist and the lobbyist's employer, if the employer
37 aids, abets, ratifies, or confirms the violation, to other civil
38 liabilities as provided by this chapter.

1 **Sec. 36.** RCW 42.17A.700 and 2010 c 204 s 901 are each amended to
2 read as follows:

3 (1) After January 1st and before April 15th of each year, every
4 elected official and every executive state officer who served for any
5 portion of the preceding year shall electronically file with the
6 commission a statement of financial affairs for the preceding
7 calendar year or for that portion of the year served. (~~However, any~~
8 ~~local elected official whose term of office ends on December 31st~~
9 ~~shall file the statement required to be filed by this section for the~~
10 ~~final year of his or her term.~~) Any official or officer in office
11 for any period of time in a calendar year, but not in office as of
12 January 1st of the following year, may electronically file either
13 within sixty days of leaving office or during the January 1st through
14 April 15th reporting period of that following year. Such filing must
15 include information for the portion of the current calendar year for
16 which the official or officer was in office.

17 (2) Within two weeks of becoming a candidate, every candidate
18 shall file with the commission a statement of financial affairs for
19 the preceding twelve months.

20 (3) Within two weeks of appointment, every person appointed to a
21 vacancy in an elective office or executive state officer position
22 during the months of January through November shall file with the
23 commission a statement of financial affairs for the preceding twelve
24 months, except as provided in subsection (4) of this section. For
25 appointments made in December, the appointee must file the statement
26 of financial affairs between January 1st and January 15th of the
27 immediate following year for the preceding twelve-month period ending
28 on December 31st.

29 (4) A statement of a candidate or appointee filed during the
30 period from January 1st to April 15th shall cover the period from
31 January 1st of the preceding calendar year to the time of candidacy
32 or appointment if the filing of the statement would relieve the
33 individual of a prior obligation to file a statement covering the
34 entire preceding calendar year.

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

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

39 (7) Every elected official and every executive state officer
40 shall file with their statement of financial affairs a statement

1 certifying that they have read and are familiar with RCW 42.17A.555
2 or 42.52.180, whichever is applicable.

3 (8) For the purposes of this section, the term "executive state
4 officer" includes those listed in RCW 42.17A.705.

5 (9) This section does not apply to incumbents or candidates for a
6 federal office or the office of precinct committee officer.

7 **Sec. 37.** RCW 42.17A.710 and 2010 c 204 s 903 are each amended to
8 read as follows:

9 (1) The statement of financial affairs required by RCW 42.17A.700
10 shall disclose the following information for the reporting individual
11 and each member of (~~his or her~~) the reporting individual's
12 immediate family:

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

14 (b) Each bank account, savings account, and insurance policy in
15 which a direct financial interest was held that exceeds twenty
16 thousand dollars at any time during the reporting period; each other
17 item of intangible personal property in which a direct financial
18 interest was held that exceeds two thousand dollars during the
19 reporting period; the name, address, and nature of the entity; and
20 the nature and highest value of each direct financial interest during
21 the reporting period;

22 (c) The name and address of each creditor to whom the value of
23 two thousand dollars or more was owed; the original amount of each
24 debt to each creditor; the amount of each debt owed to each creditor
25 as of the date of filing; the terms of repayment of each debt; and
26 the security given, if any, for each such debt. Debts arising from a
27 "retail installment transaction" as defined in chapter 63.14 RCW
28 (retail installment sales act) need not be reported;

29 (d) Every public or private office, directorship, and position
30 held as trustee; except that an elected official or executive state
31 officer need not report the elected official's or executive state
32 officer's service on a governmental board, commission, association,
33 or functional equivalent, when such service is part of the elected
34 official's or executive state officer's official duties;

35 (e) All persons for whom any legislation, rule, rate, or standard
36 has been prepared, promoted, or opposed for current or deferred
37 compensation. For the purposes of this subsection, "compensation"
38 does not include payments made to the person reporting by the
39 governmental entity for which the person serves as an elected

1 official or state executive officer or professional staff member for
2 (~~his or her~~) the person's service in office; the description of
3 such actual or proposed legislation, rules, rates, or standards; and
4 the amount of current or deferred compensation paid or promised to be
5 paid;

6 (f) The name and address of each governmental entity,
7 corporation, partnership, joint venture, sole proprietorship,
8 association, union, or other business or commercial entity from whom
9 compensation has been received in any form of a total value of two
10 thousand dollars or more; the value of the compensation; and the
11 consideration given or performed in exchange for the compensation;

12 (g) The name of any corporation, partnership, joint venture,
13 association, union, or other entity in which is held any office,
14 directorship, or any general partnership interest, or an ownership
15 interest of ten percent or more; the name or title of that office,
16 directorship, or partnership; the nature of ownership interest; and:

17 (i) With respect to a governmental unit in which the official seeks
18 or holds any office or position, if the entity has received
19 compensation in any form during the preceding twelve months from the
20 governmental unit, the value of the compensation and the
21 consideration given or performed in exchange for the compensation;

22 and (ii) the name of each governmental unit, corporation,
23 partnership, joint venture, sole proprietorship, association, union,
24 or other business or commercial entity from which the entity has
25 received compensation in any form in the amount of ten thousand
26 dollars or more during the preceding twelve months and the
27 consideration given or performed in exchange for the compensation. As

28 used in (g)(ii) of this subsection, "compensation" does not include
29 payment for water and other utility services at rates approved by the
30 Washington state utilities and transportation commission or the
31 legislative authority of the public entity providing the service.

32 With respect to any bank or commercial lending institution in which
33 is held any office, directorship, partnership interest, or ownership
34 interest, it shall only be necessary to report either the name,
35 address, and occupation of every director and officer of the bank or

36 commercial lending institution and the average monthly balance of
37 each account held during the preceding twelve months by the bank or
38 commercial lending institution from the governmental entity for which
39 the individual is an official or candidate or professional staff
40 member, or all interest paid by a borrower on loans from and all

1 interest paid to a depositor by the bank or commercial lending
2 institution if the interest exceeds two thousand four hundred
3 dollars;

4 (h) A list, including legal or other sufficient descriptions as
5 prescribed by the commission, of all real property in the state of
6 Washington, the assessed valuation of which exceeds ten thousand
7 dollars in which any direct financial interest was acquired during
8 the preceding calendar year, and a statement of the amount and nature
9 of the financial interest and of the consideration given in exchange
10 for that interest;

11 (i) A list, including legal or other sufficient descriptions as
12 prescribed by the commission, of all real property in the state of
13 Washington, the assessed valuation of which exceeds ten thousand
14 dollars in which any direct financial interest was divested during
15 the preceding calendar year, and a statement of the amount and nature
16 of the consideration received in exchange for that interest, and the
17 name and address of the person furnishing the consideration;

18 (j) A list, including legal or other sufficient descriptions as
19 prescribed by the commission, of all real property in the state of
20 Washington, the assessed valuation of which exceeds ten thousand
21 dollars in which a direct financial interest was held. If a
22 description of the property has been included in a report previously
23 filed, the property may be listed, for purposes of this subsection
24 (1)(j), by reference to the previously filed report;

25 (k) A list, including legal or other sufficient descriptions as
26 prescribed by the commission, of all real property in the state of
27 Washington, the assessed valuation of which exceeds twenty thousand
28 dollars, in which a corporation, partnership, firm, enterprise, or
29 other entity had a direct financial interest, in which corporation,
30 partnership, firm, or enterprise a ten percent or greater ownership
31 interest was held;

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

35 (m) A list of each occasion, specifying date, donor, and amount,
36 at which items specified in RCW 42.52.010(~~((+10))~~) (9) (d) and (f)
37 were accepted; and

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

1 (2)(a) When judges, prosecutors, sheriffs, or their immediate
2 family members are required to disclose real property that is the
3 personal residence of the judge, prosecutor, or sheriff, the
4 requirements of subsection (1)(h) through (k) of this section may be
5 satisfied for that property by substituting:

6 (i) The city or town;

7 (ii) The type of residence, such as a single-family or
8 multifamily residence, and the nature of ownership; and

9 (iii) Such other identifying information the commission
10 prescribes by rule for the mailing address where the property is
11 located.

12 (b) Nothing in this subsection relieves the judge, prosecutor, or
13 sheriff of any other applicable obligations to disclose potential
14 conflicts or to recuse oneself.

15 (3)(a) Where an amount is required to be reported under
16 subsection (1)(a) through (m) of this section, it (~~shall be~~
17 sufficient to comply with the requirement to report whether the
18 amount is less than four thousand dollars, at least four thousand
19 dollars but less than twenty thousand dollars, at least twenty
20 thousand dollars but less than forty thousand dollars, at least forty
21 thousand dollars but less than one hundred thousand dollars, or one
22 hundred thousand dollars or more.)) may be reported within a range as
23 provided in (b) of this subsection.

24 (b)

<u>Code A</u>	<u>Less than thirty thousand dollars;</u>
<u>Code B</u>	<u>At least thirty thousand dollars, but less</u> <u>than sixty thousand dollars;</u>
<u>Code C</u>	<u>At least sixty thousand dollars, but less</u> <u>than one hundred thousand dollars;</u>
<u>Code D</u>	<u>At least one hundred thousand dollars, but</u> <u>less than two hundred thousand dollars;</u>
<u>Code E</u>	<u>At least two hundred thousand dollars, but</u> <u>less than five hundred thousand dollars;</u>
<u>Code F</u>	<u>At least five hundred thousand dollars, but</u> <u>less than seven hundred and fifty</u> <u>thousand dollars;</u>

Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

~~((3))~~ (4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

Sec. 38. RCW 42.17A.750 and 2018 c 304 s 12 are each amended to read as follows:

(1) In addition to the penalties in subsection (2) of this section, and any other remedies provided by law, one or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this chapter by any candidate ~~((or political))~~, committee, or incidental committee probably affected the outcome of any election, the result of that election may be held void and a special election held within sixty days of the finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, ~~((his or her))~~ the lobbyist's or sponsor's registration may be revoked or suspended and ~~((he or she))~~ the lobbyist or sponsor may be enjoined from receiving compensation or making expenditures for lobbying. The imposition of a sanction shall not excuse the lobbyist from filing statements and reports required by this chapter.

(c) A person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each violation. However, a person or entity who violates

1 RCW 42.17A.405 may be subject to a civil penalty of ten thousand
2 dollars or three times the amount of the contribution illegally made
3 or accepted, whichever is greater.

4 (d) When assessing a civil penalty, the court may consider the
5 nature of the violation and any relevant circumstances, including the
6 following factors:

7 (i) The respondent's compliance history, including whether the
8 noncompliance was isolated or limited in nature, indicative of
9 systematic or ongoing problems, or part of a pattern of violations by
10 the respondent, resulted from a knowing or intentional effort to
11 conceal, deceive or mislead, or from collusive behavior, or in the
12 case of a political committee or other entity, part of a pattern of
13 violations by the respondent's officers, staff, principal decision
14 makers, consultants, or sponsoring organization;

15 (ii) The impact on the public, including whether the
16 noncompliance deprived the public of timely or accurate information
17 during a time-sensitive period or otherwise had a significant or
18 material impact on the public;

19 (iii) Experience with campaign finance law and procedures or the
20 financing, staffing, or size of the respondent's campaign or
21 organization;

22 (iv) The amount of financial activity by the respondent during
23 the statement period or election cycle;

24 (v) Whether the late or unreported activity was within three
25 times the contribution limit per election, including in proportion to
26 the total amount of expenditures by the respondent in the campaign or
27 statement period;

28 (vi) Whether the respondent or any person benefited politically
29 or economically from the noncompliance;

30 (vii) Whether there was a personal emergency or illness of the
31 respondent or member of (~~his or her~~) the respondent's immediate
32 family;

33 (viii) Whether other emergencies such as fire, flood, or utility
34 failure prevented filing;

35 (ix) Whether there was commission staff or equipment error,
36 including technical problems at the commission that prevented or
37 delayed electronic filing;

38 (x) The respondent's demonstrated good-faith uncertainty
39 concerning commission staff guidance or instructions;

40 (xi) Whether the respondent is a first-time filer;

1 (xii) Good faith efforts to comply, including consultation with
2 commission staff prior to initiation of enforcement action and
3 cooperation with commission staff during enforcement action and a
4 demonstrated wish to acknowledge and take responsibility for the
5 violation;

6 (xiii) Penalties imposed in factually similar cases; and

7 (xiv) Other factors relevant to the particular case.

8 (e) A person who fails to file a properly completed statement or
9 report within the time required by this chapter may be subject to a
10 civil penalty of ten dollars per day for each day each delinquency
11 continues.

12 (f) Each state agency director who knowingly fails to file
13 statements required by RCW 42.17A.635 shall be subject to personal
14 liability in the form of a civil penalty in the amount of one hundred
15 dollars per statement. These penalties are in addition to any other
16 civil remedies or sanctions imposed on the agency.

17 (g) A person who fails to report a contribution or expenditure as
18 required by this chapter may be subject to a civil penalty equivalent
19 to the amount not reported as required.

20 (h) Any state agency official, officer, or employee who is
21 responsible for or knowingly directs or expends public funds in
22 violation of RCW 42.17A.635 (2) or (3) may be subject to personal
23 liability in the form of a civil penalty in an amount that is at
24 least equivalent to the amount of public funds expended in the
25 violation.

26 (i) The court may enjoin any person to prevent the doing of any
27 act herein prohibited, or to compel the performance of any act
28 required herein.

29 (2) The commission may refer the following violations for
30 criminal prosecution:

31 (a) A person who, with actual malice, violates a provision of
32 this chapter is guilty of a misdemeanor under chapter 9.92 RCW;

33 (b) A person who, within a five-year period, with actual malice,
34 violates three or more provisions of this chapter is guilty of a
35 gross misdemeanor under chapter 9.92 RCW; and

36 (c) A person who, with actual malice, procures or offers any
37 false or forged document to be filed, registered, or recorded with
38 the commission under this chapter is guilty of a class C felony under
39 chapter 9.94A RCW.

1 **Sec. 39.** RCW 42.17A.755 and 2018 c 304 s 13 are each amended to
2 read as follows:

3 (1) The commission may initiate or respond to a complaint,
4 request a technical correction, or otherwise resolve matters of
5 compliance with this chapter, in accordance with this section. If a
6 complaint is filed with or initiated by the commission, the
7 commission must:

8 (a) Dismiss the complaint or otherwise resolve the matter in
9 accordance with subsection (2) of this section, as appropriate under
10 the circumstances after conducting a preliminary review;

11 (b) Initiate an investigation to determine whether (~~(an actual)~~)
12 a violation has occurred, conduct hearings, and issue and enforce an
13 appropriate order, in accordance with chapter 34.05 RCW and
14 subsection (3) of this section; or

15 (c) Refer the matter to the attorney general, in accordance with
16 subsection (4) of this section.

17 (2)(a) For complaints of (~~(remedial)~~) remediable violations or
18 requests for technical corrections, the commission may, by rule,
19 delegate authority to its executive director to resolve these matters
20 in accordance with subsection (1)(a) of this section, provided the
21 executive director consistently applies such authority.

22 (b) The commission shall, by rule, develop additional processes
23 by which a respondent may agree by stipulation to any allegations and
24 pay a penalty subject to a schedule of violations and penalties,
25 unless waived by the commission as provided for in this section. Any
26 stipulation must be referred to the commission for review. If
27 approved or modified by the commission, agreed to by the parties, and
28 the respondent complies with all requirements set forth in the
29 stipulation, the matter is then considered resolved and no further
30 action or review is allowed.

31 (3) If the commission initiates an investigation, an initial
32 hearing must be held within ninety days of the complaint being filed.
33 Following an investigation, in cases where it chooses to determine
34 whether (~~(an actual)~~) a violation has occurred, the commission shall
35 hold a hearing pursuant to the administrative procedure act, chapter
36 34.05 RCW. Any order that the commission issues under this section
37 shall be pursuant to such a hearing.

38 (a) The person against whom an order is directed under this
39 section shall be designated as the respondent. The order may require
40 the respondent to cease and desist from the activity that constitutes

1 a violation and in addition, or alternatively, may impose one or more
2 of the remedies provided in RCW 42.17A.750(1) (b) through (h), or
3 other requirements as the commission determines appropriate to
4 effectuate the purposes of this chapter.

5 (b) The commission may assess a penalty in an amount not to
6 exceed ten thousand dollars per violation, unless the parties
7 stipulate otherwise. Any order that the commission issues under this
8 section that imposes a financial penalty must be made pursuant to a
9 hearing, held in accordance with the administrative procedure act,
10 chapter 34.05 RCW.

11 (c) The commission has the authority to waive a penalty for a
12 first-time (~~actual~~) violation. A second (~~actual~~) violation of the
13 same requirement by the same person, regardless if the person or
14 individual committed the (~~actual~~) violation for a different
15 political committee or incidental committee, shall result in a
16 penalty. Successive (~~actual~~) violations of the same requirement
17 shall result in successively increased penalties. The commission may
18 suspend any portion of an assessed penalty contingent on future
19 compliance with this chapter. The commission must create a schedule
20 to enhance penalties based on repeat (~~actual~~) violations by the
21 person.

22 (d) Any order issued by the commission is subject to judicial
23 review under the administrative procedure act, chapter 34.05 RCW. If
24 the commission's order is not satisfied and no petition for review is
25 filed within thirty days, the commission may petition a court of
26 competent jurisdiction of any county in which a petition for review
27 could be filed under that jurisdiction, for an order of enforcement.
28 Proceedings in connection with the commission's petition shall be in
29 accordance with RCW 42.17A.760.

30 (4) In lieu of holding a hearing or issuing an order under this
31 section, the commission may refer the matter to the attorney general
32 consistent with this section, when the commission believes:

33 (a) Additional authority is needed to ensure full compliance with
34 this chapter;

35 (b) An (~~actual~~) apparent violation potentially warrants a
36 penalty greater than the commission's penalty authority; or

37 (c) The maximum penalty the commission is able to levy is not
38 enough to address the severity of the violation.

39 (5) Prior to filing a citizen's action under RCW 42.17A.775, a
40 person who has filed a complaint pursuant to this section must

1 provide written notice to the attorney general if the commission does
2 not, within 90 days of the complaint being filed with the commission,
3 take action pursuant to subsection (1) of this section. A person must
4 simultaneously provide a copy of the written notice to the
5 commission.

6 **Sec. 40.** RCW 42.17A.765 and 2018 c 304 s 14 are each amended to
7 read as follows:

8 (1) (a) (~~Only after a matter is referred by the commission, under~~
9 ~~RCW 42.17A.755,~~) The attorney general may bring civil actions in the
10 name of the state for any appropriate civil remedy, including but not
11 limited to the special remedies provided in RCW 42.17A.750 (~~-~~) upon:

12 (i) Referral by the commission pursuant to RCW 42.17A.755(4);

13 (ii) Receipt of a notice provided in accordance with RCW
14 42.17A.755(5); or

15 (iii) Receipt of a notice of intent to commence a citizen's
16 action, as provided under RCW 42.17A.775(3).

17 (b) Within forty-five days of receiving a referral from the
18 commission or notice of the commission's failure to take action
19 provided in accordance with RCW 42.17A.755(5), or within ten days of
20 receiving a citizen's action notice, the attorney general must
21 (~~provide notice of his or her~~) publish a decision whether to
22 commence an action on the attorney general's office web site (~~within~~
23 forty-five days of receiving the referral, which constitutes state
24 action for purposes of this chapter). Publication of the decision
25 within the forty-five day period, or ten-day period, whichever is
26 applicable, shall preclude a citizen's action pursuant to RCW
27 42.17A.775.

28 (~~(b)~~) (c) The attorney general should use the enforcement
29 powers in this section in a consistent manner that provides guidance
30 in complying with the provisions of this chapter to candidates,
31 political committees, or other individuals subject to the regulations
32 of this chapter.

33 (2) The attorney general may investigate or cause to be
34 investigated the activities of any person who there is reason to
35 believe is or has been acting in violation of this chapter, and may
36 require any such person or any other person reasonably believed to
37 have information concerning the activities of such person to appear
38 at a time and place designated in the county in which such person
39 resides or is found, to give such information under oath and to

1 produce all accounts, bills, receipts, books, paper and documents
2 which may be relevant or material to any investigation authorized
3 under this chapter.

4 (3) When the attorney general requires the attendance of any
5 person to obtain such information or produce the accounts, bills,
6 receipts, books, papers, and documents that may be relevant or
7 material to any investigation authorized under this chapter, (~~he or~~
8 ~~she~~) the attorney general shall issue an order setting forth the
9 time when and the place where attendance is required and shall cause
10 the same to be delivered to or sent by registered mail to the person
11 at least fourteen days before the date fixed for attendance. The
12 order shall have the same force and effect as a subpoena, shall be
13 effective statewide, and, upon application of the attorney general,
14 obedience to the order may be enforced by any superior court judge in
15 the county where the person receiving it resides or is found, in the
16 same manner as though the order were a subpoena. The court, after
17 hearing, for good cause, and upon application of any person aggrieved
18 by the order, shall have the right to alter, amend, revise, suspend,
19 or postpone all or any part of its provisions. In any case where the
20 order is not enforced by the court according to its terms, the
21 reasons for the court's actions shall be clearly stated in writing,
22 and the action shall be subject to review by the appellate courts by
23 certiorari or other appropriate proceeding.

24 **Sec. 41.** RCW 42.17A.775 and 2018 c 304 s 16 are each amended to
25 read as follows:

26 (1) A person who has reason to believe that a provision of this
27 chapter is being or has been violated may bring a citizen's action in
28 the name of the state, in accordance with the procedures of this
29 section.

30 (2) A citizen's action may be brought and prosecuted only if the
31 person first has filed a complaint with the commission and:

32 (a) The commission has not taken action authorized under RCW
33 42.17A.755(1) within ninety days of the complaint being filed with
34 the commission(~~;~~~~and~~), and the person who initially filed the
35 complaint with the commission provided written notice to the attorney
36 general in accordance with RCW 42.17A.755(5) and the attorney general
37 has not commenced an action, or published a decision whether to
38 commence action pursuant to RCW 42.17A.765(1)(b), within forty-five
39 days of receiving the notice;

1 (b) For matters referred to the attorney general within ninety
2 days of the commission receiving the complaint, the attorney general
3 has not commenced an action, or published a decision whether to
4 commence an action pursuant to RCW 42.17A.765(1)(b), within forty-
5 five days of receiving referral from the commission; and

6 (c) The person who initially filed the complaint with the
7 commission has provided notice of a citizen's action in accordance
8 with subsection (3) of this section and the commission or the
9 attorney general has not commenced action within the ten days
10 provided under subsection (3) of this section.

11 (3) To initiate the citizen's action, after meeting the
12 requirements under subsection (2) (a) and (b) of this section, a
13 person must notify the attorney general and the commission that (~~he~~
14 ~~or she~~) the person will commence a citizen's action within ten days
15 if the commission does not take action authorized under RCW
16 42.17A.755(1), or (~~(, if applicable,)~~) the attorney general does not
17 commence an action or publish a decision whether to commence an
18 action pursuant to RCW 42.17A.765(1)(b). The attorney general and the
19 commission must notify the other of its decision whether to commence
20 an action.

21 (4) The citizen's action must be commenced within two years after
22 the date when the alleged violation occurred and may not be commenced
23 against a committee or incidental committee before the end of such
24 period if the committee or incidental committee has received an
25 acknowledgment of dissolution.

26 (5) If the person who brings the citizen's action prevails, the
27 judgment awarded shall escheat to the state, (~~but he or she shall be~~
28 ~~entitled to be reimbursed by the state~~) except for reasonable costs
29 and reasonable attorneys' fees (~~(the person incurred)~~) awarded by the
30 court, if any, which shall be paid by the defendant. In the case of a
31 citizen's action that is dismissed and that the court also finds was
32 brought without reasonable cause, the court may order the person
33 commencing the action to pay all trial costs and reasonable
34 attorneys' fees incurred by the defendant.

35 **Sec. 42.** RCW 42.17A.785 and 2018 c 304 s 18 are each amended to
36 read as follows:

37 (1) The public disclosure transparency account is created in the
38 state treasury. All receipts from penalties, sanctions, or other
39 remedies collected pursuant to enforcement actions (~~(or)~~),

1 settlements, judgments, or otherwise under this chapter, including
2 any fees or costs awarded to the state, must be deposited into the
3 account. Moneys in the account may be spent only after appropriation.
4 Moneys in the account may be used only for the implementation of
5 chapter 304, Laws of 2018 and duties under this chapter, and may not
6 be used to supplant general fund appropriations to the commission.

7 (2) Any fees and costs awarded pursuant to RCW 42.17A.775(5) may
8 not be deposited into the public disclosure transparency account or
9 reimbursed from the account or otherwise by the state. Payment and
10 collection of any such fees and costs are the sole responsibility of
11 the person commencing the action and the defendant.

12 NEW SECTION. Sec. 43. The following acts or parts of acts are
13 each repealed:

14 (1) RCW 42.17A.050 (Web site for commission documents) and 2010 c
15 204 s 201, 1999 c 401 s 9, & 1994 c 40 s 2;

16 (2) RCW 42.17A.061 (Access goals) and 2010 c 204 s 203, 2000 c
17 237 s 5, & 1999 c 401 s 2; and

18 (3) RCW 42.17A.245 (Electronic filing—When required) and 2011 c
19 145 s 4, 2010 c 204 s 410, 2000 c 237 s 4, & 1999 c 401 s 12.

20 NEW SECTION. Sec. 44. Sections 36 and 37 of this act take
21 effect January 1, 2020.

22 NEW SECTION. Sec. 45. Except for sections 36 and 37 of this
23 act, this act is necessary for the immediate preservation of the
24 public peace, health, or safety, or support of the state government
25 and its existing public institutions, and takes effect immediately."

SHB 1195 - S COMM AMD

By Committee on State Government, Tribal Relations & Elections

ADOPTED AS AMENDED 04/15/2019

26 On page 1, line 2 of the title, after "enforcement;" strike the
27 remainder of the title and insert "amending RCW 42.17A.001,
28 42.17A.055, 42.17A.065, 42.17A.100, 42.17A.105, 42.17A.110,
29 42.17A.120, 42.17A.125, 42.17A.135, 42.17A.140, 42.17A.205,
30 42.17A.207, 42.17A.215, 42.17A.225, 42.17A.255, 42.17A.260,
31 42.17A.265, 42.17A.305, 42.17A.345, 42.17A.420, 42.17A.475,

1 42.17A.495, 42.17A.600, 42.17A.605, 42.17A.610, 42.17A.615,
2 42.17A.630, 42.17A.655, 42.17A.700, 42.17A.710, 42.17A.750,
3 42.17A.755, 42.17A.765, 42.17A.775, and 42.17A.785; reenacting and
4 amending RCW 42.17A.005, 42.17A.210, 42.17A.230, 42.17A.235, and
5 42.17A.240; adding a new section to chapter 42.17A RCW; creating a
6 new section; repealing RCW 42.17A.050, 42.17A.061, and 42.17A.245;
7 providing an effective date; and declaring an emergency."

EFFECT: (1) Makes the PDC's review of monetary contribution limits discretionary, rather than mandatory, at least every two years.

(2) Removes a cross-reference to effectuate removal of requirement that dissolving political committees keep bank accounts open.

(3) Removes conflicting provision of current law to effectuate provision in the bill that all PDC filers file reports electronically, with certain exceptions.

(4) Clarifies that employers may not withhold wages for contributions to state or local committees or candidates, rather than any committees or candidates.

(5) Removes provisions allowing Public Disclosure Commission (PDC) commissioners to lobby outside the state if the lobbying activity does not create the appearance of a conflict of interest with PDC duties and does not involve any PDC affiliation.

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