
SENATE BILL 5820

State of Washington

67th Legislature

2022 Regular Session

By Senators Carlyle and Hunt

Read first time 01/12/22. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to appointing the superintendent of public
2 instruction; amending RCW 28A.300.010, 28A.300.040, 43.01.010,
3 43.03.010, 43.03.011, 41.32.010, 29A.52.231, and 42.17A.005; and
4 providing a contingent effective date.

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

6 **Sec. 1.** RCW 28A.300.010 and 1990 c 33 s 250 are each amended to
7 read as follows:

8 ~~((A superintendent of public instruction shall be elected by the~~
9 ~~qualified electors of the state, on the first Tuesday after the first~~
10 ~~Monday in November of the year in which state officers are elected,~~
11 ~~and shall hold his or her office for the term of four years, and~~
12 ~~until his or her successor is elected and qualified.)) (1) The
13 executive head and appointing authority of the office of the
14 superintendent of public instruction is the superintendent of public
15 instruction. The superintendent is appointed by the governor with the
16 consent of the senate and must be paid a salary fixed by the governor
17 in accordance with the provisions of RCW 43.03.040. If a vacancy
18 occurs in the position of the superintendent while the senate is not
19 in session, the governor shall make a temporary appointment until the
20 next meeting of the senate at which time the governor shall present
21 the senate with a nomination for the position.~~

1 (2) The superintendent of public instruction in office on the
2 effective date of this section shall continue in office for the
3 remainder of the term for which he or she was elected and until a
4 successor is appointed by the governor.

5 **Sec. 2.** RCW 28A.300.040 and 2011 1st sp.s. c 43 s 302 are each
6 amended to read as follows:

7 In addition to any other powers and duties as provided by law,
8 the powers and duties of the superintendent of public instruction
9 shall be:

10 (1) To have supervision over all matters pertaining to the public
11 schools of the state;

12 (2) To report to the governor and the legislature such
13 information and data as may be required for the management and
14 improvement of the schools;

15 (3) To prepare and have printed such forms, registers, courses of
16 study, rules for the government of the common schools, and such other
17 material and books as may be necessary for the discharge of the
18 duties of teachers and officials charged with the administration of
19 the laws relating to the common schools, and to distribute the same
20 to educational service district superintendents;

21 (4) To travel, without neglecting his or her other official
22 duties as superintendent of public instruction, for the purpose of
23 attending educational meetings or conventions, of visiting schools,
24 and of consulting educational service district superintendents or
25 other school officials;

26 (5) To prepare and from time to time to revise a manual of the
27 Washington state common school code, copies of which shall be made
28 available online and which shall be sold at approximate actual cost
29 of publication and distribution per volume to public and nonpublic
30 agencies or individuals, said manual to contain Titles 28A and 28C
31 RCW, rules related to the common schools, and such other matter as
32 the state superintendent or the state board of education shall
33 determine;

34 (6) To file all papers, reports and public documents transmitted
35 to the superintendent by the school officials of the several counties
36 or districts of the state, each year separately. Copies of all papers
37 filed in the superintendent's office, and the superintendent's
38 official acts, may, or upon request, shall be certified by the
39 superintendent and attested by the superintendent's official seal,

1 and when so certified shall be evidence of the papers or acts so
2 certified to;

3 (7) To require annually, on or before the 15th day of August, of
4 the president, manager, or principal of every educational institution
5 in this state, a report as required by the superintendent of public
6 instruction; and it is the duty of every president, manager, or
7 principal, to complete and return such forms within such time as the
8 superintendent of public instruction shall direct;

9 (8) To keep in the superintendent's office a record of all
10 teachers receiving certificates to teach in the common schools of
11 this state;

12 (9) To issue certificates as provided by law;

13 (10) To keep in the superintendent's office at the capital of the
14 state, all books and papers pertaining to the business of the
15 superintendent's office, and to keep and preserve in the
16 superintendent's office a complete record of statistics, as well as a
17 record of the meetings of the state board of education;

18 (11) With the assistance of the office of the attorney general,
19 to decide all points of law which may be submitted to the
20 superintendent in writing by any educational service district
21 superintendent, or that may be submitted to the superintendent by any
22 other person, upon appeal from the decision of any educational
23 service district superintendent; and the superintendent shall publish
24 his or her rulings and decisions from time to time for the
25 information of school officials and teachers; and the
26 superintendent's decision shall be final unless set aside by a court
27 of competent jurisdiction;

28 (12) To administer oaths and affirmations in the discharge of the
29 superintendent's official duties;

30 (13) To deliver to his or her successor(~~(, at the expiration of~~
31 ~~the superintendent's term of office,)~~) all records, books, maps,
32 documents and papers of whatever kind belonging to the
33 superintendent's office or which may have been received by the
34 superintendent's for the use of the superintendent's office;

35 (14) To administer family services and programs to promote the
36 state's policy as provided in RCW 74.14A.025;

37 (15) To promote the adoption of school-based curricula and
38 policies that provide quality, daily physical education for all
39 students, and to encourage policies that provide all students with

1 opportunities for physical activity outside of formal physical
2 education classes;

3 (16) To perform such other duties as may be required by law.

4 **Sec. 3.** RCW 43.01.010 and 1965 c 8 s 43.01.010 are each amended
5 to read as follows:

6 The governor, lieutenant governor, secretary of state, treasurer,
7 auditor, attorney general, (~~superintendent of public instruction,~~)
8 commissioner of public lands, and insurance commissioner, shall hold
9 office for the term of four years, and until their successors are
10 elected and qualified; and the term shall commence on the Wednesday
11 after the second Monday of January following their election.

12 **Sec. 4.** RCW 43.03.010 and 1989 c 10 s 8 are each amended to read
13 as follows:

14 The annual salaries of the following named state elected
15 officials shall be prescribed by the Washington citizens' commission
16 on salaries for elected officials: Governor; lieutenant governor:
17 PROVIDED, That in arriving at the annual salary of the lieutenant
18 governor the commission shall prescribe a fixed amount plus a sum
19 equal to 1/260th of the difference between the annual salary of the
20 lieutenant governor and the annual salary of the governor for each
21 day that the lieutenant governor is called upon to perform the duties
22 of the governor by reason of the absence from the state, removal,
23 resignation, death, or disability of the governor; secretary of
24 state; state treasurer; state auditor; attorney general;
25 (~~superintendent of public instruction;~~) commissioner of public
26 lands; and state insurance commissioner. Members of the legislature
27 shall receive for their service per annum the amount prescribed by
28 the Washington citizens' commission on salaries for elected
29 officials; and in addition, reimbursement for mileage for travel to
30 and from legislative sessions as provided in RCW 43.03.060.

31 **Sec. 5.** RCW 43.03.011 and 2021 c 1 s 1 are each amended to read
32 as follows:

33 Pursuant to Article XXVIII, section 1 of the state Constitution
34 and RCW 43.03.010 and 43.03.310, the annual salaries of the state
35 elected officials of the executive branch shall be as follows:

- 36 (1) Effective July 1, 2020:
37 (a) Governor. \$187,353

1	(b) Lieutenant governor.	\$117,300
2	(c) Secretary of state.	\$134,640
3	(d) Treasurer.	\$153,615
4	(e) Auditor.	\$132,212
5	(f) Attorney general.	\$172,259
6	(g) (Superintendent of public instruction.)	\$153,000
7	(h)) Commissioner of public lands.	\$153,000
8	((i)) <u>(h)</u> Insurance commissioner.	\$137,700
9	(2) Effective July 1, 2021:	
10	(a) Governor.	\$187,353
11	(b) Lieutenant governor.	\$117,300
12	(c) Secretary of state.	\$134,640
13	(d) Treasurer.	\$153,615
14	(e) Auditor.	\$132,212
15	(f) Attorney general.	\$172,259
16	(g) (Superintendent of public instruction.)	\$153,000
17	(h)) Commissioner of public lands.	\$153,000
18	((i)) <u>(h)</u> Insurance commissioner.	\$137,700
19	(3) Effective July 1, 2022:	
20	(a) Governor.	\$190,632
21	(b) Lieutenant governor.	\$119,353
22	(c) Secretary of state.	\$136,996
23	(d) Treasurer.	\$156,303
24	(e) Auditor.	\$134,526
25	(f) Attorney general.	\$175,274
26	(g) (Superintendent of public instruction.)	\$155,678
27	(h)) Commissioner of public lands.	\$155,678
28	((i)) <u>(h)</u> Insurance commissioner.	\$140,110
29	(4) The lieutenant governor shall receive the fixed amount of his	
30	or her salary plus 1/260th of the difference between his or her	
31	salary and that of the governor for each day that the lieutenant	
32	governor is called upon to perform the duties of the governor by	
33	reason of the absence from the state, removal, resignation, death, or	
34	disability of the governor.	

35 **Sec. 6.** RCW 41.32.010 and 2021 c 12 s 3 are each amended to read
36 as follows:

37 As used in this chapter, unless a different meaning is plainly
38 required by the context:

1 (1) (a) "Accumulated contributions" for plan 1 members, means the
2 sum of all regular annuity contributions and, except for the purpose
3 of withdrawal at the time of retirement, any amount paid under RCW
4 41.50.165(2) with regular interest thereon.

5 (b) "Accumulated contributions" for plan 2 members, means the sum
6 of all contributions standing to the credit of a member in the
7 member's individual account, including any amount paid under RCW
8 41.50.165(2), together with the regular interest thereon.

9 (2) "Actuarial equivalent" means a benefit of equal value when
10 computed upon the basis of such mortality tables and regulations as
11 shall be adopted by the director and regular interest.

12 (3) "Adjustment ratio" means the value of index A divided by
13 index B.

14 (4) "Annual increase" means, initially, fifty-nine cents per
15 month per year of service which amount shall be increased each July
16 1st by three percent, rounded to the nearest cent.

17 (5) "Annuity" means the moneys payable per year during life by
18 reason of accumulated contributions of a member.

19 (6) "Average final compensation" for plan 2 and plan 3 members,
20 means the member's average earnable compensation of the highest
21 consecutive sixty service credit months prior to such member's
22 retirement, termination, or death. Periods constituting authorized
23 leaves of absence may not be used in the calculation of average final
24 compensation except under RCW 41.32.810(2).

25 (7) (a) "Beneficiary" for plan 1 members, means any person in
26 receipt of a retirement allowance or other benefit provided by this
27 chapter.

28 (b) "Beneficiary" for plan 2 and plan 3 members, means any person
29 in receipt of a retirement allowance or other benefit provided by
30 this chapter resulting from service rendered to an employer by
31 another person.

32 (8) "Contract" means any agreement for service and compensation
33 between a member and an employer.

34 (9) "Creditable service" means membership service plus prior
35 service for which credit is allowable. This subsection shall apply
36 only to plan 1 members.

37 (10) "Department" means the department of retirement systems
38 created in chapter 41.50 RCW.

39 (11) "Dependent" means receiving one-half or more of support from
40 a member.

1 (12) "Director" means the director of the department.

2 (13) "Disability allowance" means monthly payments during
3 disability. This subsection shall apply only to plan 1 members.

4 (14)(a) "Earnable compensation" for plan 1 members, means:

5 (i) All salaries and wages paid by an employer to an employee
6 member of the retirement system for personal services rendered during
7 a fiscal year. In all cases where compensation includes maintenance
8 the employer shall fix the value of that part of the compensation not
9 paid in money.

10 (ii) For an employee member of the retirement system teaching in
11 an extended school year program, two consecutive extended school
12 years, as defined by the employer school district, may be used as the
13 annual period for determining earnable compensation in lieu of the
14 two fiscal years.

15 (iii) "Earnable compensation" for plan 1 members also includes
16 the following actual or imputed payments, which are not paid for
17 personal services:

18 (A) Retroactive payments to an individual by an employer on
19 reinstatement of the employee in a position, or payments by an
20 employer to an individual in lieu of reinstatement in a position
21 which are awarded or granted as the equivalent of the salary or wages
22 which the individual would have earned during a payroll period shall
23 be considered earnable compensation and the individual shall receive
24 the equivalent service credit.

25 (B) If a leave of absence, without pay, is taken by a member for
26 the purpose of serving as a member of the state legislature, and such
27 member has served in the legislature five or more years, the salary
28 which would have been received for the position from which the leave
29 of absence was taken shall be considered as compensation earnable if
30 the employee's contribution thereon is paid by the employee. In
31 addition, where a member has been a member of the state legislature
32 for five or more years, earnable compensation for the member's two
33 highest compensated consecutive years of service shall include a sum
34 not to exceed thirty-six hundred dollars for each of such two
35 consecutive years, regardless of whether or not legislative service
36 was rendered during those two years.

37 (iv) For members employed less than full time under written
38 contract with a school district, or community college district, in an
39 instructional position, for which the member receives service credit
40 of less than one year in all of the years used to determine the

1 earnable compensation used for computing benefits due under RCW
2 41.32.497, 41.32.498, and 41.32.520, the member may elect to have
3 earnable compensation defined as provided in RCW 41.32.345. For the
4 purposes of this subsection, the term "instructional position" means
5 a position in which more than seventy-five percent of the member's
6 time is spent as a classroom instructor (including office hours), a
7 librarian, a psychologist, a social worker, a nurse, a physical
8 therapist, an occupational therapist, a speech language pathologist
9 or audiologist, or a counselor. Earnable compensation shall be so
10 defined only for the purpose of the calculation of retirement
11 benefits and only as necessary to insure that members who receive
12 fractional service credit under RCW 41.32.270 receive benefits
13 proportional to those received by members who have received full-time
14 service credit.

15 (v) "Earnable compensation" does not include:

16 (A) Remuneration for unused sick leave authorized under RCW
17 41.04.340, 28A.400.210, or 28A.310.490;

18 (B) Remuneration for unused annual leave in excess of two hundred
19 forty hours as authorized by RCW 43.01.044 and 43.01.041.

20 (b) "Earnable compensation" for plan 2 and plan 3 members, means
21 salaries or wages earned by a member during a payroll period for
22 personal services, including overtime payments, and shall include
23 wages and salaries deferred under provisions established pursuant to
24 sections 403(b), 414(h), and 457 of the United States Internal
25 Revenue Code, but shall exclude lump sum payments for deferred annual
26 sick leave, unused accumulated vacation, unused accumulated annual
27 leave, or any form of severance pay.

28 "Earnable compensation" for plan 2 and plan 3 members also
29 includes the following actual or imputed payments which, except in
30 the case of (b)(ii)(B) of this subsection, are not paid for personal
31 services:

32 (i) Retroactive payments to an individual by an employer on
33 reinstatement of the employee in a position or payments by an
34 employer to an individual in lieu of reinstatement in a position
35 which are awarded or granted as the equivalent of the salary or wages
36 which the individual would have earned during a payroll period shall
37 be considered earnable compensation, to the extent provided above,
38 and the individual shall receive the equivalent service credit.

1 (ii) In any year in which a member serves in the legislature the
2 member shall have the option of having such member's earnable
3 compensation be the greater of:

4 (A) The earnable compensation the member would have received had
5 such member not served in the legislature; or

6 (B) Such member's actual earnable compensation received for
7 teaching and legislative service combined. Any additional
8 contributions to the retirement system required because compensation
9 earnable under (b)(ii)(A) of this subsection is greater than
10 compensation earnable under (b)(ii)(B) of this subsection shall be
11 paid by the member for both member and employer contributions.

12 (c) In calculating earnable compensation under (a) or (b) of this
13 subsection, the department of retirement systems shall include:

14 (i) Any compensation forgone by a member employed by a state
15 agency or institution during the 2009-2011 fiscal biennium as a
16 result of reduced work hours, mandatory or voluntary leave without
17 pay, temporary reduction in pay implemented prior to December 11,
18 2010, or temporary layoffs if the reduced compensation is an integral
19 part of the employer's expenditure reduction efforts, as certified by
20 the employer;

21 (ii) Any compensation forgone by a member during the 2011-2013
22 fiscal biennium as a result of reduced work hours, mandatory leave
23 without pay, temporary layoffs, or reductions to current pay if the
24 reduced compensation is an integral part of the employer's
25 expenditure reduction efforts, as certified by the employer.
26 Reductions to current pay shall not include elimination of previously
27 agreed upon future salary reductions; and

28 (iii) Any compensation forgone by a member during the 2019-2021
29 and 2021-2023 fiscal biennia as a result of reduced work hours,
30 mandatory leave without pay, temporary layoffs, furloughs, reductions
31 to current pay, or other similar measures resulting from the COVID-19
32 budgetary crisis, if the reduced compensation is an integral part of
33 the employer's expenditure reduction efforts, as certified by the
34 employer. Reductions to current pay shall not include elimination of
35 previously agreed upon future salary increases.

36 (15)(a) "Eligible position" for plan 2 members from June 7, 1990,
37 through September 1, 1991, means a position which normally requires
38 two or more uninterrupted months of creditable service during
39 September through August of the following year.

1 (b) "Eligible position" for plan 2 and plan 3 on and after
2 September 1, 1991, means a position that, as defined by the employer,
3 normally requires five or more months of at least seventy hours of
4 earnable compensation during September through August of the
5 following year.

6 (c) For purposes of this chapter an employer shall not define
7 "position" in such a manner that an employee's monthly work for that
8 employer is divided into more than one position.

9 (d) The (~~elected~~) position of the superintendent of public
10 instruction is an eligible position.

11 (16) "Employed" or "employee" means a person who is providing
12 services for compensation to an employer, unless the person is free
13 from the employer's direction and control over the performance of
14 work. The department shall adopt rules and interpret this subsection
15 consistent with common law.

16 (17) "Employer" means the state of Washington, the school
17 district, or any agency of the state of Washington by which the
18 member is paid. Except as otherwise specifically provided in this
19 chapter, "employer" does not include a government contractor. For
20 purposes of this subsection, a "government contractor" is any entity,
21 including a partnership, limited liability company, for-profit or
22 nonprofit corporation, or person, that provides services pursuant to
23 a contract with an employer. The determination whether an employer-
24 employee relationship has been established is not based on the
25 relationship between a government contractor and an employer, but is
26 based solely on the relationship between a government contractor's
27 employee and an employer under this chapter. For the purposes of
28 retirement plan membership, this subsection includes tribal schools
29 who have chosen to participate in the retirement system and satisfied
30 the requirements of RCW 28A.715.010(7).

31 (18) "Fiscal year" means a year which begins July 1st and ends
32 June 30th of the following year.

33 (19) "Former state fund" means the state retirement fund in
34 operation for teachers under chapter 187, Laws of 1923, as amended.

35 (20) "Index" means, for any calendar year, that year's annual
36 average consumer price index, Seattle, Washington area, for urban
37 wage earners and clerical workers, all items compiled by the bureau
38 of labor statistics, United States department of labor.

39 (21) "Index A" means the index for the year prior to the
40 determination of a postretirement adjustment.

1 (22) "Index B" means the index for the year prior to index A.

2 (23) "Index year" means the earliest calendar year in which the
3 index is more than sixty percent of index A.

4 (24) "Local fund" means any of the local retirement funds for
5 teachers operated in any school district in accordance with the
6 provisions of chapter 163, Laws of 1917 as amended.

7 (25) "Member" means any teacher included in the membership of the
8 retirement system who has not been removed from membership under RCW
9 41.32.878 or 41.32.768. Also, any other employee of the public
10 schools who, on July 1, 1947, had not elected to be exempt from
11 membership and who, prior to that date, had by an authorized payroll
12 deduction, contributed to the member reserve.

13 (26) "Member account" or "member's account" for purposes of plan
14 3 means the sum of the contributions and earnings on behalf of the
15 member in the defined contribution portion of plan 3.

16 (27) "Member reserve" means the fund in which all of the
17 accumulated contributions of members are held.

18 (28) "Membership service" means service rendered subsequent to
19 the first day of eligibility of a person to membership in the
20 retirement system: PROVIDED, That where a member is employed by two
21 or more employers the individual shall receive no more than one
22 service credit month during any calendar month in which multiple
23 service is rendered. The provisions of this subsection shall apply
24 only to plan 1 members.

25 (29) "Pension" means the moneys payable per year during life from
26 the pension reserve.

27 (30) "Pension reserve" is a fund in which shall be accumulated an
28 actuarial reserve adequate to meet present and future pension
29 liabilities of the system and from which all pension obligations are
30 to be paid.

31 (31) "Plan 1" means the teachers' retirement system, plan 1
32 providing the benefits and funding provisions covering persons who
33 first became members of the system prior to October 1, 1977.

34 (32) "Plan 2" means the teachers' retirement system, plan 2
35 providing the benefits and funding provisions covering persons who
36 first became members of the system on and after October 1, 1977, and
37 prior to July 1, 1996.

38 (33) "Plan 3" means the teachers' retirement system, plan 3
39 providing the benefits and funding provisions covering persons who

1 first become members of the system on and after July 1, 1996, or who
2 transfer under RCW 41.32.817.

3 (34) "Prior service" means service rendered prior to the first
4 date of eligibility to membership in the retirement system for which
5 credit is allowable. The provisions of this subsection shall apply
6 only to plan 1 members.

7 (35) "Prior service contributions" means contributions made by a
8 member to secure credit for prior service. The provisions of this
9 subsection shall apply only to plan 1 members.

10 (36) "Public school" means any institution or activity operated
11 by the state of Washington or any instrumentality or political
12 subdivision thereof employing teachers, except the University of
13 Washington and Washington State University. For the purposes of
14 retirement plan membership, this subsection includes tribal schools
15 who have chosen to participate in the retirement system and satisfied
16 the requirements of RCW 28A.715.010(7).

17 (37) "Regular contributions" means the amounts required to be
18 deducted from the compensation of a member and credited to the
19 member's individual account in the member reserve. This subsection
20 shall apply only to plan 1 members.

21 (38) "Regular interest" means such rate as the director may
22 determine.

23 (39) "Retiree" means any person who has begun accruing a
24 retirement allowance or other benefit provided by this chapter
25 resulting from service rendered to an employer while a member.

26 (40)(a) "Retirement allowance" for plan 1 members, means monthly
27 payments based on the sum of annuity and pension, or any optional
28 benefits payable in lieu thereof.

29 (b) "Retirement allowance" for plan 2 and plan 3 members, means
30 monthly payments to a retiree or beneficiary as provided in this
31 chapter.

32 (41) "Retirement system" means the Washington state teachers'
33 retirement system.

34 (42) "Separation from service or employment" occurs when a person
35 has terminated all employment with an employer. Separation from
36 service or employment does not occur, and if claimed by an employer
37 or employee may be a violation of RCW 41.32.055, when an employee and
38 employer have a written or oral agreement to resume employment with
39 the same employer following termination. Mere expressions or
40 inquiries about postretirement employment by an employer or employee

1 that do not constitute a commitment to reemploy the employee after
2 retirement are not an agreement under this section.

3 (43) (a) "Service" for plan 1 members means the time during which
4 a member has been employed by an employer for compensation.

5 (i) If a member is employed by two or more employers the
6 individual shall receive no more than one service credit month during
7 any calendar month in which multiple service is rendered.

8 (ii) As authorized by RCW 28A.400.300, up to forty-five days of
9 sick leave may be creditable as service solely for the purpose of
10 determining eligibility to retire under RCW 41.32.470.

11 (iii) As authorized in RCW 41.32.065, service earned in an out-
12 of-state retirement system that covers teachers in public schools may
13 be applied solely for the purpose of determining eligibility to
14 retire under RCW 41.32.470.

15 (iv) Reduction efforts such as furloughs, reduced work hours,
16 mandatory leave without pay, temporary layoffs, or other similar
17 situations as contemplated by subsection (14) (c) (iii) of this section
18 do not result in a reduction in service credit that otherwise would
19 have been earned for that month of work, and the member shall receive
20 the full service credit for the hours that were scheduled to be
21 worked before the reduction.

22 (b) "Service" for plan 2 and plan 3 members, means periods of
23 employment by a member for one or more employers for which earnable
24 compensation is earned subject to the following conditions:

25 (i) A member employed in an eligible position or as a substitute
26 shall receive one service credit month for each month of September
27 through August of the following year if he or she earns earnable
28 compensation for eight hundred ten or more hours during that period
29 and is employed during nine of those months, except that a member may
30 not receive credit for any period prior to the member's employment in
31 an eligible position except as provided in RCW 41.32.812 and
32 41.50.132.

33 (ii) Any other member employed in an eligible position or as a
34 substitute who earns earnable compensation during the period from
35 September through August shall receive service credit according to
36 one of the following methods, whichever provides the most service
37 credit to the member:

38 (A) If a member is employed either in an eligible position or as
39 a substitute teacher for nine months of the twelve-month period
40 between September through August of the following year but earns

1 earnable compensation for less than eight hundred ten hours but for
2 at least six hundred thirty hours, he or she will receive one-half of
3 a service credit month for each month of the twelve-month period;

4 (B) If a member is employed in an eligible position or as a
5 substitute teacher for at least five months of a six-month period
6 between September through August of the following year and earns
7 earnable compensation for six hundred thirty or more hours within the
8 six-month period, he or she will receive a maximum of six service
9 credit months for the school year, which shall be recorded as one
10 service credit month for each month of the six-month period;

11 (C) All other members employed in an eligible position or as a
12 substitute teacher shall receive service credit as follows:

13 (I) A service credit month is earned in those calendar months
14 where earnable compensation is earned for ninety or more hours;

15 (II) A half-service credit month is earned in those calendar
16 months where earnable compensation is earned for at least seventy
17 hours but less than ninety hours; and

18 (III) A quarter-service credit month is earned in those calendar
19 months where earnable compensation is earned for less than seventy
20 hours.

21 (iii) Any person who is a member of the teachers' retirement
22 system and who is elected or appointed to a state elective position
23 may continue to be a member of the retirement system and continue to
24 receive a service credit month for each of the months in a state
25 elective position by making the required member contributions.

26 (iv) When an individual is employed by two or more employers the
27 individual shall only receive one month's service credit during any
28 calendar month in which multiple service for ninety or more hours is
29 rendered.

30 (v) As authorized by RCW 28A.400.300, up to forty-five days of
31 sick leave may be creditable as service solely for the purpose of
32 determining eligibility to retire under RCW 41.32.470. For purposes
33 of plan 2 and plan 3 "forty-five days" as used in RCW 28A.400.300 is
34 equal to two service credit months. Use of less than forty-five days
35 of sick leave is creditable as allowed under this subsection as
36 follows:

37 (A) Less than eleven days equals one-quarter service credit
38 month;

39 (B) Eleven or more days but less than twenty-two days equals one-
40 half service credit month;

1 (C) Twenty-two days equals one service credit month;

2 (D) More than twenty-two days but less than thirty-three days
3 equals one and one-quarter service credit month;

4 (E) Thirty-three or more days but less than forty-five days
5 equals one and one-half service credit month.

6 (vi) As authorized in RCW 41.32.065, service earned in an out-of-
7 state retirement system that covers teachers in public schools may be
8 applied solely for the purpose of determining eligibility to retire
9 under RCW 41.32.470.

10 (vii) Reduction efforts such as furloughs, reduced work hours,
11 mandatory leave without pay, temporary layoffs, or other similar
12 situations as contemplated by subsection (14)(c)(iii) of this section
13 do not result in a reduction in service credit that otherwise would
14 have been earned for that month of work, and the member shall receive
15 the full service credit for the hours that were scheduled to be
16 worked before the reduction.

17 (viii) The department shall adopt rules implementing this
18 subsection.

19 (44) "Service credit month" means a full service credit month or
20 an accumulation of partial service credit months that are equal to
21 one.

22 (45) "Service credit year" means an accumulation of months of
23 service credit which is equal to one when divided by twelve.

24 (46) "State actuary" or "actuary" means the person appointed
25 pursuant to RCW 44.44.010(2).

26 (47) "State elective position" means any position held by any
27 person elected or appointed to statewide office or elected or
28 appointed as a member of the legislature.

29 (48) "Substitute teacher" means:

30 (a) A teacher who is hired by an employer to work as a temporary
31 teacher, except for teachers who are annual contract employees of an
32 employer and are guaranteed a minimum number of hours; or

33 (b) Teachers who either (i) work in ineligible positions for more
34 than one employer or (ii) work in an ineligible position or positions
35 together with an eligible position.

36 (49) "Teacher" means any person qualified to teach who is engaged
37 by a public school in an instructional, administrative, or
38 supervisory capacity. The term includes state, educational service
39 district, and school district superintendents and their assistants
40 and all employees certificated by the superintendent of public

1 instruction; and in addition thereto any full time school doctor who
2 is employed by a public school and renders service of an
3 instructional or educational nature.

4 **Sec. 7.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to
5 read as follows:

6 The offices of (~~superintendent of public instruction,~~) justice
7 of the supreme court, judge of the court of appeals, judge of the
8 superior court, and judge of the district court shall be nonpartisan
9 and the candidates therefor shall be nominated and elected as such.

10 All city, town, and special purpose district elective offices
11 shall be nonpartisan and the candidates therefor shall be nominated
12 and elected as such.

13 **Sec. 8.** RCW 42.17A.005 and 2020 c 152 s 2 are each amended to
14 read as follows:

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

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

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

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

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

1 (5) "Benefit" means a commercial, proprietary, financial,
2 economic, or monetary advantage, or the avoidance of a commercial,
3 proprietary, financial, economic, or monetary disadvantage.

4 (6) "Bona fide political party" means:

5 (a) An organization that has been recognized as a minor political
6 party by the secretary of state;

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

11 (c) The county central committee or legislative district
12 committee of a major political party. There may be only one
13 legislative district committee for each party in each legislative
14 district.

15 (7) "Books of account" means:

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

20 (b) In the case of a commercial advertiser, details of political
21 advertising or electioneering communications provided by the
22 advertiser, including the names and addresses of persons from whom it
23 accepted political advertising or electioneering communications, the
24 exact nature and extent of the services rendered and the total cost
25 and the manner of payment for the services.

26 (8) "Candidate" means any individual who seeks nomination for
27 election or election to public office. An individual seeks nomination
28 or election when the individual first:

29 (a) Receives contributions or makes expenditures or reserves
30 space or facilities with intent to promote the individual's candidacy
31 for office;

32 (b) Announces publicly or files for office;

33 (c) Purchases commercial advertising space or broadcast time to
34 promote the individual's candidacy; or

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

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

1 (10) "Commercial advertiser" means any person that sells the
2 service of communicating messages or producing material for broadcast
3 or distribution to the general public or segments of the general
4 public whether through brochures, fliers, newspapers, magazines,
5 television, radio, billboards, direct mail advertising, printing,
6 paid internet or digital communications, or any other means of mass
7 communications used for the purpose of appealing, directly or
8 indirectly, for votes or for financial or other support in any
9 election campaign.

10 (11) "Commission" means the agency established under RCW
11 42.17A.100.

12 (12) "Committee" unless the context indicates otherwise, includes
13 a political committee such as a candidate, ballot proposition,
14 recall, political, or continuing political committee.

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

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

25 (15)(a) "Contribution" includes:

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

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

36 (iii) The financing by a person of the dissemination,
37 distribution, or republication, in whole or in part, of broadcast,
38 written, graphic, digital, or other form of political advertising or
39 electioneering communication prepared by a candidate, a political or
40 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) Accrued interest on money deposited in a political or
6 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 interest to the public,
14 that is in a news medium controlled by a person whose business is
15 that news medium, and that is not controlled by a candidate or a
16 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 any applicable
33 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 (15)(b)(ix) is not considered an agent of the candidate or committee
23 as long as the person has no authority to authorize expenditures or
24 make decisions on behalf of the candidate or committee.

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

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

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

37 (18) "Election" includes any primary, general, or special
38 election for public office and any election in which a ballot
39 proposition is submitted to the voters. An election in which the
40 qualifications for voting include other than those requirements set

1 forth in Article VI, section 1 (Amendment 63) of the Constitution of
2 the state of Washington shall not be considered an election for
3 purposes of this chapter.

4 (19) "Election campaign" means any campaign in support of or in
5 opposition to a candidate for election to public office and any
6 campaign in support of, or in opposition to, a ballot proposition.

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

14 (21)(a) "Electioneering communication" means any broadcast,
15 cable, or satellite television, radio transmission, digital
16 communication, United States postal service mailing, billboard,
17 newspaper, or periodical that:

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

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

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

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

30 (i) Usual and customary advertising of a business owned by a
31 candidate, even if the candidate is mentioned in the advertising when
32 the candidate has been regularly mentioned in that advertising
33 appearing at least twelve months preceding the candidate becoming a
34 candidate;

35 (ii) Advertising for candidate debates or forums when the
36 advertising is paid for by or on behalf of the debate or forum
37 sponsor, so long as two or more candidates for the same position have
38 been invited to participate in the debate or forum;

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

1 (A) Of interest to the public;

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

4 (C) Not a medium controlled by a candidate or a political or
5 incidental committee;

6 (iv) Slate cards and sample ballots;

7 (v) Advertising for books, films, dissertations, or similar works
8 (A) written by a candidate when the candidate entered into a contract
9 for such publications or media at least twelve months before becoming
10 a candidate, or (B) written about a candidate;

11 (vi) Public service announcements;

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

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

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

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

36 (23) "Final report" means the report described as a final report
37 in RCW 42.17A.235(11) (a).

38 (24) "Foreign national" means:

39 (a) An individual who is not a citizen of the United States and
40 is not lawfully admitted for permanent residence;

1 (b) A government, or subdivision, of a foreign country;

2 (c) A foreign political party; and

3 (d) Any entity, such as a partnership, association, corporation,
4 organization, or other combination of persons, that is organized
5 under the laws of or has its principal place of business in a foreign
6 country.

7 (25) "General election" for the purposes of RCW 42.17A.405 means
8 the election that results in the election of a person to a state or
9 local office. It does not include a primary.

10 (26) "Gift" has the definition in RCW 42.52.010.

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

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

30 (29) "Incumbent" means a person who is in present possession of
31 an elected office.

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

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

36 (A) A candidate for that office;

37 (B) An authorized committee of that candidate for that office;

38 and

39 (C) A person who has received the candidate's encouragement or
40 approval to make the expenditure, if the expenditure pays in whole or

1 in part for political advertising supporting that candidate or
2 promoting the defeat of any other candidate or candidates for that
3 office;

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

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

14 (iv) The expenditure, alone or in conjunction with another
15 expenditure or other expenditures of the same person in support of or
16 opposition to that candidate, has a value of one thousand dollars or
17 more. A series of expenditures, each of which is under one thousand
18 dollars, constitutes one independent expenditure if their cumulative
19 value is 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)(a) "Intermediary" means an individual who transmits a
37 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) "Legislation" means bills, resolutions, motions, amendments,
9 nominations, and other matters pending or proposed in either house of
10 the state legislature, and includes any other matter that may be the
11 subject of action by either house or any committee of the legislature
12 and all bills and resolutions that, having passed both houses, are
13 pending approval by the governor.

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

17 (34) "Lobby" and "lobbying" each mean attempting to influence the
18 passage or defeat of any legislation by the legislature of the state
19 of Washington, or the adoption or rejection of any rule, standard,
20 rate, or other legislative enactment of any state agency under the
21 state administrative procedure act, chapter 34.05 RCW. Neither
22 "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) "Lobbyist" includes any person who lobbies either on the
26 person's own or another's behalf.

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

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

33 (38) "Participate" means that, with respect to a particular
34 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) "Person" includes an individual, partnership, joint venture,
16 public or private corporation, association, federal, state, or local
17 governmental entity or agency however constituted, candidate,
18 committee, political committee, political party, executive committee
19 thereof, or any other organization or group of persons, however
20 organized.

21 (40) "Political advertising" includes any advertising displays,
22 newspaper ads, billboards, signs, brochures, articles, tabloids,
23 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) "Political committee" means any person (except a candidate
28 or an individual dealing with the candidate's or individual's own
29 funds or property) having the expectation of receiving contributions
30 or making expenditures in support of, or opposition to, any candidate
31 or any ballot proposition.

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

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

39 (44) "Public record" has the definition in RCW 42.56.010.

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

4 (46) "Remediable violation" means any violation of this chapter
5 that:

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

9 (b) Occurred:

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

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

16 (c) Does not materially harm the public interest, beyond the harm
17 to the policy of this chapter inherent in any violation; and

18 (d) Involved:

19 (i) A person who:

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

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

26 (ii) A candidate who:

27 (A) Lost the election in question; and

28 (B) Did not receive contributions over one hundred times the
29 contribution limit in aggregate per election during the campaign in
30 question.

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

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

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

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

7 (48) "Sponsored committee" means a committee, other than an
8 authorized committee, that has one or more sponsors.

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

14 (50) "State official" means a person who holds a state office.

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

26 (52) "Technical correction" means the correction of a minor or
27 ministerial error in a required report that does not materially harm
28 the public interest and needs to be corrected for the report to be in
29 full compliance with the requirements of this chapter.

30 (53) "Treasurer" and "deputy treasurer" mean the individuals
31 appointed by a candidate or political or incidental committee,
32 pursuant to RCW 42.17A.210, to perform the duties specified in that
33 section.

34 (54) "Violation" means a violation of this chapter that is not a
35 remediable violation, minor violation, or an error classified by the
36 commission as appropriate to address by a technical correction.

37 NEW SECTION. **Sec. 9.** This act takes effect if the proposed
38 amendment to Article III, sections 1, 3, 10, and 24 of the state
39 Constitution (Senate Joint Resolution No. . . . (S-3196/22)),

1 providing for the appointment of the superintendent of public
2 instruction, is validly submitted to and is approved and ratified by
3 the voters at the next general election and certified by the
4 secretary of state.

--- **END** ---