

SUBSTITUTE HOUSE BILL 2317

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on State Government (originally sponsored by Representatives Peery, Anderson, Ebersole, Pruitt, Johanson, Patterson, Rust, Dunshee, Jones, Valle, King, Cothorn, Campbell, Basich, Quall, Springer, J. Kohl and H. Myers; by request of Commission on Ethics in Government & Campaign Financing, Governor Lowry and Attorney General)

Read first time 02/04/94.

1 AN ACT Relating to fair campaign practices; amending RCW 42.17.020,
2 42.17.130, 42.17.190, 42.17.240, 42.17.241, 42.17.350, 42.17.405,
3 42.17.410, 42.17.660, 42.17.720, 42.17.740, 42.17.750, 42.17.770,
4 42.17.780, 42.17.790, 42.17.100, 42.17.125, 42.17.510, 42.17.090,
5 42.17.105, 42.17.640, 42.17.128, 42.17.510, 29.85.060, 43.290.020,
6 42.17.710, 42.17.395, 42.17.095, 42.17.180, 42.17.160, 42.17.170,
7 42.17.132, 43.07.310, 29.80.010, 29.80.020, 29.81.010, 29.80.040,
8 29.80.090, 42.17.550, 29.80.030, 29.80.050, 42.17.670, 42.17.680, and
9 42.17.150; adding new sections to chapter 42.17 RCW; creating new
10 sections; and repealing RCW 42.17.021, 42.17.2415, and 42.17.630.

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

12 **CAMPAIGN PRACTICES**

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

15 DEFINITIONS. (1) "Agency" includes all state agencies and all
16 local agencies. "State agency" includes every state office,
17 department, division, bureau, board, commission, or other state agency.
18 "Local agency" includes every county, city, town, municipal

1 corporation, quasi-municipal corporation, or special purpose district,
2 or any office, department, division, bureau, board, commission, or
3 agency thereof, or other local public agency.

4 (2) "Ballot proposition" means any "measure" as defined by RCW
5 29.01.110, or any initiative, recall, or referendum proposition
6 proposed to be submitted to the voters of the state or any municipal
7 corporation, political subdivision, or other voting constituency from
8 and after the time when the proposition has been initially filed with
9 the appropriate election officer of that constituency prior to its
10 circulation for signatures.

11 (3) "Bona fide political party" means:

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

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

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

21 (4) "Caucus of the state legislature" means the caucus of members
22 of a major political party in the state house of representatives or in
23 the state senate.

24 (5) "Depository" means a bank designated by a candidate or
25 political committee pursuant to RCW 42.17.050.

26 ~~((+4))~~ (6) "Treasurer" and "deputy treasurer" mean the individuals
27 appointed by a candidate or political committee, pursuant to RCW
28 42.17.050, to perform the duties specified in that section.

29 ~~((+5))~~ (7) "Candidate" means any individual who seeks nomination
30 for election or election to public office. An individual shall be
31 deemed to ~~((seek))~~ be seeking nomination or election when he or she
32 first:

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

36 (b) Announces publicly or files for office;

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

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

3 ~~((+6))~~ (8) "Commercial advertiser" means any person who sells the
4 service of communicating messages or producing printed material for
5 broadcast or distribution to the general public or segments of the
6 general public whether through the use of newspapers, magazines,
7 television and radio stations, billboard companies, direct mail
8 advertising companies, printing companies, or otherwise.

9 ~~((+7))~~ (9) "Commission" means the agency established under RCW
10 42.17.350.

11 ~~((+8))~~ (10) "Compensation" unless the context requires a narrower
12 meaning, includes payment in any form for real or personal property or
13 services of any kind: PROVIDED, That for the purpose of compliance
14 with RCW 42.17.241, the term "compensation" shall not include per diem
15 allowances or other payments made by a governmental entity to reimburse
16 a public official for expenses incurred while the official is engaged
17 in the official business of the governmental entity.

18 ~~((+9))~~ (11) "Continuing political committee" means a political
19 committee that is an organization of continuing existence not
20 established in anticipation of any particular election campaign.

21 ~~((+10))~~ (12) "Contract lobbyist" is a person, other than a regular
22 employee of a lobbyist employer, who independently contracts for
23 economic consideration for the purpose of lobbying.

24 (13)(a) "Contribution" includes a loan, gift, deposit,
25 subscription, forgiveness of indebtedness, donation, advance, pledge,
26 payment, transfer of funds between political committees, or transfer of
27 anything of value, including personal and professional services for
28 less than full consideration(~~(, but)~~). "Contribution" does not include
29 interest on moneys deposited in a political committee's account,
30 ordinary home hospitality and the rendering of personal services of the
31 sort commonly performed by volunteer campaign workers, or incidental
32 expenses personally incurred by volunteer campaign workers not in
33 excess of fifty dollars personally paid for by the worker. Volunteer
34 services, for the purposes of this chapter, means services or labor for
35 which the individual is not compensated by any person. For the
36 purposes of this chapter, contributions other than money or its
37 equivalents shall be deemed to have a money value equivalent to the
38 fair market value of the contribution. Sums paid for tickets to fund-
39 raising events such as dinners and parties are contributions; however,

1 the amount of any such contribution may be reduced for the purpose of
2 complying with the reporting requirements of this chapter, by the
3 actual cost of consumables furnished in connection with the purchase of
4 the tickets, and only the excess over the actual cost of the
5 consumables shall be deemed a contribution.

6 ~~((11))~~ (b) For the purposes of RCW 42.17.640 through 42.17.790,
7 and subject to further definition by the commission, "contribution"
8 does not include the following:

9 (i) Interest on money deposited in a political committee's account;

10 (ii) Ordinary home hospitality;

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

14 (iv) An expenditure or contribution earmarked for voter
15 registration, for absentee ballot information, for precinct caucuses,
16 for get-out-the-vote campaigns, for precinct judges or inspectors, for
17 sample ballots, or for ballot counting, all without promotion of or
18 political advertising for individual candidates;

19 (v) A news item, feature, commentary, or editorial in a regularly
20 scheduled news medium that is of primary interest to the general
21 public, that is in a news medium controlled by a person whose primary
22 business is that news medium, and that is not controlled by a candidate
23 or political committee;

24 (vi) An expenditure by a political committee for its own internal
25 organization or fund raising without direct association with individual
26 candidates;

27 (vii) An internal political communication primarily limited to the
28 contributors to a political party organization or political action
29 committee, or the officers, management staff, and stockholders of a
30 corporation or similar enterprise, or the members of a labor
31 organization or other membership organization;

32 (viii) The rendering of personal services of the sort commonly
33 performed by volunteer campaign workers, or incidental expenses
34 personally incurred by volunteer campaign workers not in excess of
35 fifty dollars personally paid for by the worker. "Volunteer services,"
36 for the purposes of this section, means services or labor for which the
37 individual is not compensated by any person and that are performed
38 outside the individual's normal working hours; or

39 (ix) Legal or accounting services rendered to or on behalf of:

1 (A) A political party or political committee established by a
2 caucus of the state legislature if the person paying for the services
3 is the regular employer of the person rendering such services; or

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

8 (c) For the purposes of RCW 42.17.640 through 42.17.790:

9 (i) An expenditure made by a person in cooperation, consultation,
10 or concert with, or at the request or suggestion of, a candidate, a
11 political committee, or their agents, is considered to be a
12 contribution to such candidate or political committee.

13 (ii) The financing by a person of the dissemination, distribution,
14 or republication, in whole or in part, of broadcast, written, graphic,
15 or other form of political advertising prepared by a candidate, a
16 political committee, or its authorized agent, is considered to be a
17 contribution to the candidate or political committee.

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

21 ~~((12))~~ (15) "Election" includes any primary, general, or special
22 election for public office and any election in which a ballot
23 proposition is submitted to the voters: PROVIDED, That an election in
24 which the qualifications for voting include other than those
25 requirements set forth in Article VI, section 1 (Amendment 63) of the
26 Constitution of the state of Washington shall not be considered an
27 election for purposes of this chapter.

28 ~~((13))~~ (16) "Election campaign" means any campaign in support of
29 or in opposition to a candidate for election to public office and any
30 campaign in support of, or in opposition to, a ballot proposition.

31 ~~((14))~~ (17) "Election cycle" means the period beginning on the
32 first day of December after the date of the last previous general
33 election for the office that the candidate seeks and ending on November
34 30th after the next election for the office. In the case of a special
35 election to fill a vacancy in an office, "election cycle" means the
36 period beginning on the day the vacancy occurs and ending on November
37 30th after the special election.

1 (18) "Employee lobbyist" is a regular employee of a lobbyist
2 employer who has lobbying as all or part of his or her regular duties
3 for his or her lobbyist employer.

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

18 ~~((15))~~ (20) "Independent expenditure" means an "expenditure" as
19 defined in this section that:

20 (a) Is made in support of or in opposition to a candidate for
21 office and:

22 (i) Is made by a person who is not (A) a candidate for that office,
23 (B) an authorized committee of that candidate for that office, (C) a
24 person who has received the candidate's encouragement or approval to
25 make the expenditure, if the expenditure pays in whole or in part for
26 any political advertising supporting that candidate or promoting the
27 defeat of any other candidate or candidates for that office, or (D) a
28 person with whom the candidate has collaborated for the purpose of
29 making the expenditure, if the expenditure pays in whole or in part for
30 any political advertising supporting that candidate or promoting the
31 defeat of any other candidate or candidates for that office;

32 (ii) Pays in whole or in part for any political advertising that
33 either specifically names the candidate supported or opposed, or
34 clearly and beyond any doubt identifies the candidate without using the
35 candidate's name; and

36 (iii) Alone or in conjunction with another expenditure or other
37 expenditures of the same person in support of or opposition to that
38 candidate, has a value of five hundred dollars or more; or

39 (b) Is made in support of or in opposition to a ballot measure and:

1 (i) Is made by a person that is not a political committee required
2 to file reports under this chapter;

3 (ii) Pays in whole or in part for any political advertising that
4 either specifically names the number or title of the ballot measure, or
5 clearly and beyond any doubt identifies the ballot measure without
6 using the number or title; and

7 (iii) Alone or in conjunction with another expenditure or other
8 expenditures of the same person in support of or opposition to a
9 particular ballot measure, has a value of five hundred dollars or more.

10 A series of expenditures under (a) or (b) of this subsection, each
11 of which is under five hundred dollars, constitutes one independent
12 expenditure if their cumulative value is five hundred dollars or more.
13 An "independent expenditure" does not include: An internal political
14 communication primarily limited to the contributors to a political
15 party organization, or political committee, or to the officers,
16 management staff, or stockholders of a corporation or similar
17 enterprise, or to the members of a labor union or other membership
18 organization; or the rendering of personal services of the sort
19 commonly performed by volunteer campaign workers, or incidental
20 expenses personally incurred by volunteer campaign workers not in
21 excess of fifty dollars personally paid for by the worker. "Volunteer
22 services," for the purposes of this subsection, means services or labor
23 for which the individual is not compensated by any person and that are
24 performed outside the individual's normal working hours.

25 (21) "Final report" means the report described as a final report in
26 RCW 42.17.080(2).

27 ~~((16))~~ (22) "Gift((7))" ((for the purposes of RCW 42.17.170 and
28 42.17.2415, means a rendering of anything of value in return for which
29 reasonable consideration is not given and received and includes a
30 rendering of money, property, services, discount, loan forgiveness,
31 payment of indebtedness, or reimbursements from or payments by persons
32 (other than the federal government, or the state of Washington or any
33 agency or political subdivision thereof) for travel or anything else of
34 value. The term "reasonable consideration" refers to the approximate
35 range of consideration that exists in transactions not involving
36 donative intent. However, the value of the gift of partaking in a
37 single hosted reception shall be determined by dividing the total
38 amount of the cost of conducting the reception by the total number of

1 persons partaking in the reception. "Gift" for the purposes of RCW
2 42.17.170 and 42.17.2415 does not include:

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

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

7 (c) A contribution that is required to be reported under RCW
8 42.17.090 or 42.17.243;

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

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

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

27 (g) A gift given prior to September 29, 1991)) is as defined in
28 section 101, chapter . . . (Substitute House Bill No. 2316), Laws of
29 1994. "Gift" does not include campaign contributions reported under
30 this chapter.

31 (({17})) (23) "Immediate family" ((includes)) means the spouse,
32 dependent children, and other dependent relatives, if living in the
33 household. For the purposes of RCW 42.17.640 through 42.17.790,
34 "immediate family" means a spouse, a child, stepchild, grandchild,
35 parent, stepparent, grandparent, brother, half brother, sister, or half
36 sister of the candidate and the spouse of such person and a child,
37 stepchild, grandchild, parent, stepparent, grandparent, brother, half
38 brother, sister, or half sister of the candidate's spouse and the
39 spouse of such person.

1 ~~((18))~~ (24)(a) "Intermediary" means an individual who transmits
2 a contribution to a candidate or committee from another person unless
3 the contribution is from the individual's employer, immediate family,
4 or an association to which the individual belongs.

5 (b) A treasurer or a candidate is not an intermediary for purpose
6 of the committee that the treasurer or candidate serves.

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

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

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

18 ~~((19))~~ (26) "Lobby" and "lobbying" each mean attempting to
19 influence the passage or defeat of any legislation by the legislature
20 of the state of Washington, or the adoption or rejection of any rule,
21 standard, rate, or other legislative enactment of any state agency
22 under the state Administrative Procedure Act, chapter 34.05 RCW.
23 Neither "lobby" nor "lobbying" includes an association's or other
24 organization's act of communicating with the members of that
25 association or organization.

26 ~~((20))~~ (27) "Lobbyist" includes any person who lobbies either in
27 his or her own or another's behalf and includes employee lobbyists and
28 contract lobbyists.

29 ~~((21))~~ (28) "Lobbyist's employer" means the person or persons by
30 whom a lobbyist is employed ~~((and all persons by whom he is compensated~~
31 ~~for acting)) or authorized to act as a lobbyist.~~

32 ~~((22))~~ (29) "Person" includes an individual, partnership, joint
33 venture, public or private corporation, association, federal, state, or
34 local governmental entity or agency however constituted, candidate,
35 committee, political committee, political party, executive committee
36 thereof, or any other organization or group of persons, however
37 organized or any other entity.

38 ~~((23))~~ (30) "Person in interest" means the person who is the
39 subject of a record or any representative designated by that person,

1 except that if that person is under a legal disability, the term
2 "person in interest" means and includes the parent or duly appointed
3 legal representative.

4 ~~((+24))~~ (31) "Political advertising" includes any advertising
5 displays, newspaper ads, billboards, signs, brochures, articles,
6 tabloids, flyers, letters, telemarketing, radio or television
7 presentations, or other means of mass communication, used for the
8 purpose of appealing, directly or indirectly, for votes or for
9 financial or other support in any election campaign.

10 ~~((+25))~~ (32) "Political committee" means any person (except a
11 candidate or an individual dealing with his or her own funds or
12 property) having the expectation of receiving contributions or making
13 expenditures in support of, or opposition to, any candidate or any
14 ballot proposition.

15 ~~((+26))~~ (33) "Primary" means the procedure for nominating a
16 candidate to office under chapter 29.18 or 29.21 RCW or any other
17 primary for an election which uses, in large measure, the procedures
18 established in chapter 29.18 or 29.21 RCW.

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

22 ~~((+27))~~ (35) "Public record" includes any writing containing
23 information relating to the conduct of government or the performance of
24 any governmental or proprietary function prepared, owned, used, or
25 retained by any state or local agency regardless of physical form or
26 characteristics.

27 ~~((+28))~~ (36) "Recall campaign" means the period of time beginning
28 on the date of the filing of recall charges under RCW 29.82.015 and
29 ending thirty days after the recall election.

30 (37) "State legislative office" means the office of a member of the
31 state house of representatives and the office of a member of the state
32 senate.

33 (38) "State office" means state legislative office or the office of
34 governor, lieutenant governor, secretary of state, attorney general,
35 commissioner of public lands, insurance commissioner, superintendent of
36 public instruction, state auditor, or state treasurer.

37 (39) "State official" means a person who holds a state office.

38 (40) "Surplus funds" mean, in the case of a political committee or
39 candidate, the balance of contributions that remain in the possession

1 or control of that committee or candidate subsequent to the election
2 for which the contributions were received, and that are in excess of
3 the amount necessary to pay remaining debts incurred by the committee
4 or candidate prior to that election. In the case of a continuing
5 political committee, "surplus funds" mean those contributions remaining
6 in the possession or control of the committee that are in excess of the
7 amount necessary to pay all remaining debts when it makes its final
8 report under RCW 42.17.065.

9 ((29)) (41) "Writing" means handwriting, typewriting, printing,
10 photostating, photographing, and every other means of recording any
11 form of communication or representation, including, but not limited to,
12 letters, words, pictures, sounds, or symbols, or combination thereof,
13 and all papers, maps, magnetic or paper tapes, photographic films and
14 prints, motion picture, film and video recordings, magnetic or punched
15 cards, discs, drums, diskettes, sound recordings, and other documents
16 including existing data compilations from which information may be
17 obtained or translated.

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

20 USE OF PUBLIC RESOURCES

21 **Sec. 2.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to
22 read as follows:

23 USE OF PUBLIC RESOURCES FOR LOCAL GOVERNMENT POLITICAL CAMPAIGNS.
24 No elective local government official nor any employee of his or her
25 office nor any person appointed to or employed by any local government
26 public office or agency may use or authorize the use of any of the
27 facilities of a public office or agency, directly or indirectly, for
28 the purpose of assisting a campaign for election of any person to any
29 office or for the promotion of or opposition to any ballot proposition.
30 Knowing acquiescence by a person with authority to direct, control, or
31 influence the actions of the local government official or employee
32 using public resources in violation of this section constitutes a
33 violation of this section. Facilities of public office or agency
34 include, but are not limited to, use of stationery, postage, machines,
35 and equipment, use of employees of the office or agency during working
36 hours, vehicles, office space, publications of the office or agency,
37 and clientele lists of persons served by the office or agency((÷

1 ~~PROVIDED, That~~). The (~~foregoing~~) provisions of this section shall
2 not apply to the following activities:

3 (1) Action taken at an open public meeting by members of an elected
4 local government legislative body to express a collective decision, or
5 to actually vote upon a motion, proposal, resolution, order, or
6 ordinance, or to support or oppose a ballot proposition so long as (a)
7 any required notice of the meeting includes the title and number of the
8 ballot proposition, and (b) members of the legislative body or members
9 of the public are afforded an approximately equal opportunity for the
10 expression of an opposing view;

11 (2) A statement by an elected local government official in support
12 of or in opposition to any ballot proposition at an open press
13 conference or in response to a specific inquiry. For the purposes of
14 this subsection, it is not a violation of this section for an elected
15 local government official to respond to an inquiry regarding a ballot
16 proposition, to make incidental remarks concerning a ballot proposition
17 in an official communication, or otherwise comment on a ballot
18 proposition without an actual, measurable expenditure of public funds.
19 Measurable expenditure has the meaning adopted by rule under section
20 118, chapter . . . (Substitute House Bill No. 2316), Laws of 1994;

21 (3) Activities which are part of the normal and regular conduct of
22 the office or agency.

23 **Sec. 3.** RCW 42.17.190 and 1986 c 239 s 1 are each amended to read
24 as follows:

25 ~~USE OF FACILITIES. (1) ((Every legislator and every committee of~~
26 ~~the legislature shall file with the commission quarterly reports~~
27 ~~listing the names, addresses, and salaries of all persons employed by~~
28 ~~the person or committee making the filing for the purpose of aiding in~~
29 ~~the preparation or enactment of legislation or the performance of~~
30 ~~legislative duties of such legislator or committee during the preceding~~
31 ~~quarter. The reports shall be made in the form and the manner~~
32 ~~prescribed by the commission and shall be filed between the first and~~
33 ~~tenth days of each calendar quarter: PROVIDED, That the information~~
34 ~~required by this subsection may be supplied, insofar as it is~~
35 ~~available, by the chief clerk of the house of representatives or by the~~
36 ~~secretary of the senate on a form prepared by the commission.)) The~~
37 ~~house of representatives and the senate shall report annually: The~~
38 ~~total budget; the portion of the total attributed to staff; number of~~

1 full-time and part-time positions occupied by nonpartisan staff, with
2 dollar figures as well as number of positions; number of full-time and
3 part-time positions occupied by partisan staff, by caucus, and the
4 dollar figures attributed to those positions; and comparable figures
5 for the preceding ten years.

6 (2) Unless authorized by subsection (3) of this section or
7 otherwise expressly authorized by law, no public funds may be used
8 directly or indirectly for lobbying: PROVIDED, This does not prevent
9 officers or employees of an agency from communicating with a member of
10 the legislature on the request of that member; or communicating to the
11 legislature, through the proper official channels, requests for
12 legislative action or appropriations which are deemed necessary for the
13 efficient conduct of the public business or actually made in the proper
14 performance of their official duties: PROVIDED FURTHER, That this
15 subsection does not apply to the legislative branch.

16 (3) Any agency, not otherwise expressly authorized by law, may
17 expend public funds for lobbying, but such lobbying activity shall be
18 limited to (a) providing information or communicating on matters
19 pertaining to official agency business to any elected official or
20 officer or employee of any agency or (b) advocating the official
21 position or interests of the agency to any elected official or officer
22 or employee of any agency: PROVIDED, That public funds may not be
23 expended as a direct or indirect gift or campaign contribution to any
24 elected official or officer or employee of any agency. For the
25 purposes of this subsection, the term "gift" means a voluntary transfer
26 of any thing of value without consideration of equal or greater value,
27 but does not include informational material transferred for the sole
28 purpose of informing the recipient about matters pertaining to official
29 agency business(~~(:—PROVIDED FURTHER, That)~~). This section does not
30 permit the printing of a state publication which has been otherwise
31 prohibited by law.

32 (4) No elective official or any employee of his or her office or
33 any person appointed to or employed by any public office or agency may
34 use or authorize the use of any of the facilities of a public office or
35 agency, directly or indirectly, in any effort to support or oppose an
36 initiative to the legislature. "Facilities of a public office or
37 agency" has the same meaning as in RCW 42.17.130 and section 118,
38 chapter . . . (Substitute House Bill No. 2316), Laws of 1994. The
39 provisions of this subsection shall not apply to the following activities:

1 (a) Action taken at an open public meeting by members of an elected
2 legislative body to express a collective decision, or to actually vote
3 upon a motion, proposal, resolution, order, or ordinance, or to support
4 or oppose an initiative to the legislature so long as (i) any required
5 notice of the meeting includes the title and number of the initiative
6 to the legislature, and (ii) members of the legislative body or members
7 of the public are afforded an approximately equal opportunity for the
8 expression of an opposing view;

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

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

14 (d) Activities conducted regarding an initiative to the legislature
15 that would be permitted under RCW 42.17.130 and section 118, chapter
16 . . . (Substitute House Bill No. 2316), Laws of 1994 if conducted
17 regarding other ballot measures.

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

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

24 (b) The name, title, and job description and salary of each elected
25 official, officer, or employee who lobbied, a general description of
26 the nature of the lobbying, and the proportionate amount of time spent
27 on the lobbying;

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

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

34 (i) Requests for appropriations by a state agency to the office of
35 financial management pursuant to chapter 43.88 RCW nor requests by the
36 office of financial management to the legislature for appropriations
37 other than its own agency budget requests;

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

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

7 (iv) Requests, recommendations, or other communication between or
8 within state agencies or between or within local agencies;

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

10 (A) Telephone conversations or preparation of written
11 correspondence;

12 (B) In-person lobbying on behalf of an agency of no more than four
13 days or parts thereof during any three-month period by officers or
14 employees of that agency and in-person lobbying by any elected official
15 of such agency on behalf of such agency or in connection with the
16 powers, duties, or compensation of such official: PROVIDED, That the
17 total expenditures of nonpublic funds made in connection with such
18 lobbying for or on behalf of any one or more members of the legislature
19 or state elected officials or public officers or employees of the state
20 of Washington do not exceed fifteen dollars for any three-month period:
21 PROVIDED FURTHER, That the exemption under this subsection is in
22 addition to the exemption provided in (A) of this subsection;

23 (C) Preparation or adoption of policy positions.

24 The statements shall be in the form and the manner prescribed by
25 the commission and shall be filed within one month after the end of the
26 quarter covered by the report.

27 (6) In lieu of reporting under subsection (5) of this section any
28 county, city, town, municipal corporation, quasi municipal corporation,
29 or special purpose district may determine and so notify the public
30 disclosure commission, that elected officials, officers, or employees
31 who on behalf of any such local agency engage in lobbying reportable
32 under subsection (5) of this section shall register and report such
33 reportable lobbying in the same manner as a lobbyist who is required to
34 register and report under RCW 42.17.150 and 42.17.170. Each such local
35 agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

36 (7) The provisions of this section do not relieve any elected
37 official or officer or employee of an agency from complying with other
38 provisions of this chapter, if such elected official, officer, or
39 employee is not otherwise exempted.

1 (8) The purpose of this section is to require each state agency and
2 certain local agencies to report the identities of those persons who
3 lobby on behalf of the agency for compensation, together with certain
4 separately identifiable and measurable expenditures of an agency's
5 funds for that purpose. This section shall be reasonably construed to
6 accomplish that purpose and not to require any agency to report any of
7 its general overhead cost or any other costs which relate only
8 indirectly or incidentally to lobbying or which are equally
9 attributable to or inseparable from nonlobbying activities of the
10 agency.

11 The public disclosure commission may adopt rules clarifying and
12 implementing this legislative interpretation and policy.

13 **Sec. 4.** RCW 42.17.240 and 1993 c 2 s 31 (Initiative Measure No.
14 134) are each amended to read as follows:

15 USE OF PUBLIC RESOURCES--CERTIFICATION. (1) Every elected official
16 and every executive state officer shall after January 1st and before
17 April 15th of each year file with the commission a statement of
18 financial affairs for the preceding calendar year. However, any local
19 elected official whose term of office expires immediately after
20 December 31st shall file the statement required to be filed by this
21 section for the year that ended on that December 31st. ~~((In addition
22 to and in conjunction with the statement of financial affairs, every
23 official and officer shall file a statement describing any gifts
24 received during the preceding calendar year.))~~

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

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

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

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

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

5 (7) Every elected official and every executive state officer shall
6 file with their statement of financial affairs a statement certifying
7 that they have read and are familiar with RCW 42.17.130 or section 118,
8 chapter . . . (Substitute House Bill No. 2316), Laws of 1994, whichever
9 is applicable.

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

12 ((+8+)) (9) This section does not apply to incumbents or candidates
13 for a federal office or the office of precinct committee officer.

14 **Sec. 5.** RCW 42.17.241 and 1984 c 34 s 3 are each amended to read
15 as follows:

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

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

20 (b) Each bank or savings account or insurance policy in which any
21 such person or persons owned a direct financial interest that exceeded
22 five thousand dollars at any time during the reporting period; each
23 other item of intangible personal property in which any such person or
24 persons owned a direct financial interest, the value of which exceeded
25 five hundred dollars during the reporting period; the name, address,
26 and nature of the entity; and the nature and highest value of each such
27 direct financial interest during the reporting period; and

28 (c) The name and address of each creditor to whom the value of five
29 hundred dollars or more was owed; the original amount of each debt to
30 each such creditor; the amount of each debt owed to each creditor as of
31 the date of filing; the terms of repayment of each such debt; and the
32 security given, if any, for each such debt: PROVIDED, That debts
33 arising out of a "retail installment transaction" as defined in chapter
34 63.14 RCW (Retail Installment Sales Act) need not be reported; and

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

37 (e) All persons for whom any legislation, rule, rate, or standard
38 has been prepared, promoted, or opposed for current or deferred

1 compensation: PROVIDED, That for the purposes of this subsection,
2 "compensation" does not include payments made to the person reporting
3 by the governmental entity for which such person serves as an elected
4 official or state executive officer or professional staff member for
5 his service in office; the description of such actual or proposed
6 legislation, rules, rates, or standards; and the amount of current or
7 deferred compensation paid or promised to be paid; and

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

14 (g) The name of any corporation, partnership, joint venture,
15 association, union, or other entity in which is held any office,
16 directorship, or any general partnership interest, or an ownership
17 interest of ten percent or more; the name or title of that office,
18 directorship, or partnership; the nature of ownership interest; and
19 with respect to each such entity: (i) With respect to a governmental
20 unit in which the official seeks or holds any office or position, if
21 the entity has received compensation in any form during the preceding
22 twelve months from the governmental unit, the value of the compensation
23 and the consideration given or performed in exchange for the
24 compensation; (ii) the name of each governmental unit, corporation,
25 partnership, joint venture, sole proprietorship, association, union, or
26 other business or commercial entity from which the entity has received
27 compensation in any form in the amount of two thousand five hundred
28 dollars or more during the preceding twelve months and the
29 consideration given or performed in exchange for the compensation:
30 PROVIDED, That the term "compensation" for purposes of this subsection
31 (1)(g)(ii) does not include payment for water and other utility
32 services at rates approved by the Washington state utilities and
33 transportation commission or the legislative authority of the public
34 entity providing the service: PROVIDED, FURTHER, That with respect to
35 any bank or commercial lending institution in which is held any office,
36 directorship, partnership interest, or ownership interest, it shall
37 only be necessary to report either the name, address, and occupation of
38 every director and officer of the bank or commercial lending
39 institution and the average monthly balance of each account held during

1 the preceding twelve months by the bank or commercial lending
2 institution from the governmental entity for which the individual is an
3 official or candidate or professional staff member, or all interest
4 paid by a borrower on loans from and all interest paid to a depositor
5 by the bank or commercial lending institution if the interest exceeds
6 six hundred dollars; and

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

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

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

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

35 (l)(i) A list of each item specified in section 101(9)(d) and (f),
36 chapter . . . (Substitute House Bill No. 2316), Laws of 1994 received
37 from a nongovernmental entity during the preceding calendar year with
38 a value in excess of fifty dollars. Each item shall be identified by
39 date and donor; and

1 (ii) A list of each occasion in which food and beverage in excess
2 of fifty dollars was accepted under section 115(5), chapter . . .
3 (Substitute House Bill No. 2316), Laws of 1994; and

4 (m) Such other information as the commission may deem necessary in
5 order to properly carry out the purposes and policies of this chapter,
6 as the commission shall prescribe by rule.

7 (2) Where an amount is required to be reported under subsection
8 (1)(~~(, paragraphs)~~) (a) through (~~(k)~~) (m) of this section, it shall
9 be sufficient to comply with the requirement to report whether the
10 amount is less than one thousand dollars, at least one thousand dollars
11 but less than five thousand dollars, at least five thousand dollars but
12 less than ten thousand dollars, at least ten thousand dollars but less
13 than twenty-five thousand dollars, or twenty-five thousand dollars or
14 more. An amount of stock may be reported by number of shares instead
15 of by market value. No provision of this subsection may be interpreted
16 to prevent any person from filing more information or more detailed
17 information than required.

18 (3) Items of value given to an official's or employee's spouse or
19 children are attributable to the official or employee, except the item
20 is not attributable if an independent business, family, or social
21 relationship exists between the donor and the spouse or child.

22 PUBLIC DISCLOSURE COMMISSION--REPORTING

23 **Sec. 6.** RCW 42.17.350 and 1984 c 287 s 74 are each amended to read
24 as follows:

25 PUBLIC DISCLOSURE COMMISSION MEMBERSHIP INCREASED. There is hereby
26 established a "public disclosure commission" which shall be composed of
27 (~~(five)~~) seven members who shall be appointed by the governor, with the
28 consent of the senate if confirmation is requested by the appropriate
29 standing committee of the senate. The governor shall notify the
30 secretary of the senate of the appointment. The appropriate standing
31 committee of the legislature must inform the governor within sixty days
32 of the notice that the senate intends to proceed with the confirmation
33 process. All appointees shall be persons of the highest integrity and
34 qualifications. No more than (~~(three)~~) four members shall have an
35 identification with the same political party. The original members
36 shall be appointed within sixty days after January 1, 1973. The term
37 of each member shall be five years except that the (~~(original five~~

1 ~~members shall serve initial terms of one, two, three, four, and five)~~
2 two new members appointed after the effective date of this act shall
3 serve initial terms of two and four years, respectively, as designated
4 by the governor. No member of the commission, during his or her
5 tenure, shall (1) hold or campaign for elective office; (2) be an
6 officer of any political party or political committee; (3) permit his
7 or her name to be used, or make contributions, in support of or in
8 opposition to any candidate or proposition; (4) participate in any way
9 in any election campaign; or (5) lobby or employ or assist a lobbyist:
10 PROVIDED, That a member or the staff of the commission may lobby to the
11 limited extent permitted by RCW 42.17.190 on matters directly affecting
12 this chapter. No member shall be eligible for appointment to more than
13 ((one)) two full terms. A vacancy on the commission shall be filled by
14 the governor within thirty days of the vacancy ((by the governor)),
15 with the consent of the senate((, and)) if requested by the appropriate
16 standing committee of the senate. The governor shall notify the
17 secretary of the senate of the appointment. The appropriate standing
18 committee of the legislature must inform the governor within sixty days
19 of the notice that the senate intends to proceed with the confirmation
20 process. The appointee shall serve for the remaining term of his or
21 her predecessor. A vacancy shall not impair the powers of the
22 remaining members to exercise all of the powers of the commission.
23 ((Three)) Four members of the commission shall constitute a quorum.
24 The commission shall elect its own ((chairman)) chair and adopt its own
25 rules of procedure in the manner provided in chapter 34.05 RCW. Any
26 member of the commission may be removed by the governor, but only upon
27 grounds of neglect of duty or misconduct in office.

28 Members shall be compensated in accordance with RCW 43.03.250 and
29 in addition shall be reimbursed for travel expenses incurred while
30 engaged in the business of the commission as provided in RCW 43.03.050
31 and 43.03.060. The compensation provided pursuant to this section
32 shall not be considered salary for purposes of the provisions of any
33 retirement system created pursuant to the general laws of this state.

34 **Sec. 7.** RCW 42.17.405 and 1986 c 12 s 3 are each amended to read
35 as follows:

36 APPLICATION OF REPORTING REQUIREMENTS SPECIAL DISTRICTS. (1)
37 Except as provided in subsections (2) ((and)), (3), and (4) of this
38 section, the reporting provisions of this chapter do not apply to

1 candidates, elected officials, and agencies in political subdivisions
2 with less than one thousand registered voters as of the date of the
3 most recent general election in the jurisdiction, to political
4 committees formed to support or oppose candidates or ballot
5 propositions in such political subdivisions, or to persons making
6 independent expenditures in support of or opposition to such ballot
7 propositions.

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

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

32 (4) The reporting provisions of RCW 42.17.240 apply to candidates
33 and elected officials in political subdivisions with less than one
34 thousand registered voters as of the date of the most recent general
35 election in the jurisdiction.

36 (5) The commission shall void any order issued by it pursuant to
37 subsection (2) or (3) of this section when, at least four years after
38 issuing the order, the commission is presented a petition or official
39 action so requesting from the affected political subdivision. Such

1 petition or official action shall meet the respective requirements of
2 subsection (2) or (3) of this section.

3 ~~((+5))~~ (6) Any petition for disclosure, ordinance, resolution, or
4 official action of an agency petitioning the commission to void the
5 exemption in RCW 42.17.030(3) shall not be considered unless it has
6 been filed with the commission:

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

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

13 ~~((+6))~~ (7) Any person exempted from reporting under this chapter
14 may at his or her option file the statement and reports.

15 NEW SECTION. **Sec. 8.** A new section is added to chapter 42.17 RCW
16 to read as follows:

17 FEE--PUBLIC DISCLOSURE EDUCATION. The commission shall collect
18 from each candidate, committee, and lobbyist required to report or
19 register under this chapter, a fee, not to exceed fifty dollars, to be
20 set by rule by the commission. The fee shall be paid once during an
21 election cycle by a candidate or committee and once during a year, at
22 registration, by a lobbyist. All receipts collected under this section
23 shall be deposited in the public disclosure education fund, hereby
24 created in the custody of the state treasurer. Expenditures from the
25 fund may be used only to develop and support a campaign education
26 program. Only the executive director of the commission or the
27 director's designee may authorize expenditures from the fund. The fund
28 is subject to allotment procedures under chapter 43.88 RCW, but no
29 appropriation is required for expenditures.

30 **Sec. 9.** RCW 42.17.410 and 1982 c 147 s 18 are each amended to read
31 as follows:

32 LIMITATION ON ACTIONS. Any action brought under the provisions of
33 this chapter must be commenced within ~~((five))~~ seven years after the
34 date when the violation occurred.

35

TECHNICAL CORRECTIONS

1 **Sec. 10.** RCW 42.17.660 and 1993 c 2 s 6 (Initiative Measure No.
2 134) are each amended to read as follows:

3 TECHNICAL CORRECTIONS. For purposes of this chapter:

4 (1) A contribution by a political committee with funds that have
5 all been contributed by one person who exercises exclusive control over
6 the distribution of the funds of the political committee is a
7 contribution by the controlling person.

8 (2) Two or more entities are treated as a single entity if one of
9 the two or more entities is a corporate subsidiary, branch, or
10 department of (~~(a corporation)~~) one of the other entities or a local
11 unit, branch, or affiliate of one of the other entities that is a trade
12 association, labor union, or collective bargaining association. All
13 contributions made by a person or political committee whose
14 contribution or expenditure activity is financed, maintained, or
15 controlled by a single trade association, labor union, collective
16 bargaining organization, or the local unit of a trade association,
17 labor union, or collective bargaining organization are considered made
18 by (~~(the same person or entity)~~) such association, union, or
19 organization.

20 **Sec. 11.** RCW 42.17.720 and 1993 c 2 s 12 (Initiative Measure No.
21 134) are each amended to read as follows:

22 TECHNICAL CORRECTIONS. (1) A loan is considered to be a
23 contribution from the (~~(maker)~~) lender and (~~(the)~~) any guarantor of the
24 loan and is subject to the contribution limitations of this chapter.
25 The full amount of the loan shall be attributed to the lender and to
26 each guarantor.

27 (2) A loan to a candidate for state office or the candidate's
28 political committee must be by written agreement.

29 (3) The proceeds of a loan made to a candidate for state office:

30 (a) By a commercial lending institution;

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

32 (c) On the same terms ordinarily available to members of the
33 public(~~(; and~~

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

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

36 **Sec. 12.** RCW 42.17.740 and 1993 c 2 s 14 (Initiative Measure No.
37 134) are each amended to read as follows:

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

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

8 **Sec. 13.** RCW 42.17.750 and 1993 c 2 s 15 (Initiative Measure No.
9 134) are each amended to read as follows:

10 TECHNICAL CORRECTIONS. (1) No state official or state official's
11 agent may knowingly solicit, directly or indirectly, a contribution to
12 a candidate for state office, political party, or political committee
13 from an employee in the state official's agency.

14 (2) No state official or state employee may provide an advantage or
15 disadvantage to an employee or applicant for employment in the
16 classified civil service concerning the applicant's or employee's:

17 (a) Employment;

18 (b) Conditions of employment; or

19 (c) Application for employment,

20 based on the employee's or applicant's contribution or promise to
21 contribute or failure to make a contribution or contribute to a
22 political party or political committee.

23 **Sec. 14.** RCW 42.17.770 and 1993 c 2 s 17 (Initiative Measure No.
24 134) are each amended to read as follows:

25 TECHNICAL CORRECTIONS. A person (~~or entity~~) may not solicit from
26 a candidate for state office, political committee, political party, or
27 other person (~~or entity~~) money or other property as a condition or
28 consideration for an endorsement, article, or other communication in
29 the news media promoting or opposing a candidate for state office,
30 political committee, or political party.

31 **Sec. 15.** RCW 42.17.780 and 1993 c 2 s 18 (Initiative Measure No.
32 134) are each amended to read as follows:

33 TECHNICAL CORRECTIONS. A person (~~or entity~~) may not, directly or
34 indirectly, reimburse another person (~~or entity~~) for a contribution
35 to a candidate for state office, political committee, or political
36 party.

1 **Sec. 16.** RCW 42.17.790 and 1993 c 2 s 19 (Initiative Measure No.
2 134) are each amended to read as follows:

3 TECHNICAL CORRECTIONS. (1) Except as provided in subsection (2) of
4 this section, a candidate for state office or the candidate's political
5 committee may not use or permit the use of contributions, whether or
6 not surplus, solicited for or received by the candidate or the
7 candidate's political committee to further the candidacy of the
8 individual for an office other than the office designated on the
9 statement of organization. A contribution solicited for or received on
10 behalf of the candidate for state office is considered solicited or
11 received for the candidacy for which the individual is then a candidate
12 if the contribution is solicited or received before the general
13 elections for which the candidate is a nominee or is unopposed.

14 (2) With the written approval of the contributor, a candidate for
15 state office or the candidate's political committee may use or permit
16 the use of contributions, whether or not surplus, solicited for or
17 received by the candidate or the candidate's political committee from
18 that contributor to further the candidacy of the individual for an
19 office other than the office designated on the statement of
20 organization.

21 **Sec. 17.** RCW 42.17.100 and 1989 c 280 s 10 are each amended to
22 read as follows:

23 TECHNICAL CORRECTIONS--INDEPENDENT EXPENDITURE. (1) ~~((For the~~
24 ~~purposes of this section the term "independent campaign expenditure"~~
25 ~~means any expenditure that is made in support of or in opposition to~~
26 ~~any candidate or ballot proposition and is not otherwise required to be~~
27 ~~reported pursuant to RCW 42.17.060, 42.17.080, or 42.17.090.~~

28 ~~(2))~~ Within five days after the date of making an independent
29 ~~((campaign))~~ expenditure that by itself or when added to all other such
30 independent ~~((campaign))~~ expenditures made during the same election
31 campaign by the same person equals ~~((one))~~ five hundred dollars or
32 more, or within five days after the date of making an independent
33 ~~((campaign))~~ expenditure for which no reasonable estimate of monetary
34 value is practicable, whichever occurs first, the person who made the
35 independent ~~((campaign))~~ expenditure shall file with the commission and
36 the county elections officer of the county of residence for the
37 candidate supported or opposed by the independent ~~((campaign))~~
38 expenditure (or in the case of an expenditure made in support of or in

1 opposition to a local ballot proposition, the county of residence for
2 the person making the expenditure) an initial report of all independent
3 (~~(campaign)~~) expenditures made during the campaign prior to and
4 including such date.

5 (~~(+3+)~~) (2) At the following intervals each person who is required
6 to file an initial report pursuant to subsection (~~(+2+)~~) (1) of this
7 section shall file with the commission and the county elections officer
8 of the county of residence for the candidate supported or opposed by
9 the independent (~~(campaign)~~) expenditure (or in the case of an
10 expenditure made in support of or in opposition to a ballot
11 proposition, the county of residence for the person making the
12 expenditure) a further report of the independent (~~(campaign)~~)
13 expenditures made since the date of the last report:

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

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

17 (c) On the tenth day of each month in which no other reports are
18 required to be filed pursuant to this section. However, the further
19 reports required by this subsection (~~(+3+)~~) (2) shall only be filed if
20 the reporting person has made an independent (~~(campaign)~~) expenditure
21 since the date of the last previous report filed.

22 The report filed pursuant to paragraph (a) of this subsection
23 (~~(+3+)~~) (2) shall be the final report, and upon submitting such final
24 report the duties of the reporting person shall cease, and there shall
25 be no obligation to make any further reports.

26 (~~(+4+)~~) (3) All reports filed pursuant to this section shall be
27 certified as correct by the reporting person.

28 (~~(+5+)~~) (4) Each report required by subsections (~~(+2+)~~) (1) and
29 (~~(+3+)~~) (2) of this section shall disclose for the period beginning at
30 the end of the period for the last previous report filed or, in the
31 case of an initial report, beginning at the time of the first
32 independent (~~(campaign)~~) expenditure, and ending not more than one
33 business day before the date the report is due:

34 (a) The name and address of the person filing the report;

35 (b) The name and address of each person to whom an independent
36 (~~(campaign)~~) expenditure was made in the aggregate amount of more than
37 fifty dollars, and the amount, date, and purpose of each such
38 expenditure. If no reasonable estimate of the monetary value of a
39 particular independent (~~(campaign)~~) expenditure is practicable, it is

1 sufficient to report instead a precise description of services,
2 property, or rights furnished through the expenditure and where
3 appropriate to attach a copy of the item produced or distributed by the
4 expenditure;

5 (c) The total sum of all independent (~~campaign~~) expenditures made
6 during the campaign to date; and

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

9 **Sec. 18.** RCW 42.17.125 and 1993 c 2 s 21 (Initiative Measure No.
10 134) are each amended to read as follows:

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

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

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

33 (3) Repayment of loans made by the individual to political
34 committees, which repayment shall be reported pursuant to RCW
35 42.17.090. However, contributions may not be used to reimburse a
36 candidate for loans totaling more than three thousand dollars made by
37 the candidate to the candidate's own (~~authorized~~) political committee
38 or campaign.

1 (f) The name and address of each person to whom an expenditure was
2 made in the aggregate amount of more than fifty dollars during the
3 period covered by this report, and the amount, date, and purpose of
4 each such expenditure. A candidate for state executive or state
5 legislative office or the political committee of such a candidate shall
6 report this information for an expenditure under one of the following
7 categories, whichever is appropriate: (i) Expenditures for the
8 election of the candidate; (ii) expenditures for nonreimbursed public
9 office-related expenses; (iii) expenditures required to be reported
10 under (e) of this subsection; or (iv) expenditures of surplus funds and
11 other expenditures. The report of such a candidate or committee shall
12 contain a separate total of expenditures for each category and a total
13 sum of all expenditures. Other candidates and political committees
14 need not report information regarding expenditures under the categories
15 listed in (i) through (iv) of this subsection or under similar such
16 categories unless required to do so by the commission by rule. The
17 report of such an other candidate or committee shall also contain the
18 total sum of all expenditures;

19 (g) The name and address of each person to whom any expenditure was
20 made directly or indirectly to compensate the person for soliciting or
21 procuring signatures on an initiative or referendum petition, the
22 amount of such compensation to each such person, and the total of the
23 expenditures made for this purpose. Such expenditures shall be
24 reported under this subsection (1)(g) whether the expenditures are or
25 are not also required to be reported under (f) of this subsection;

26 (h) The name and address of any person and the amount owed for any
27 debt, obligation, note, unpaid loan, or other liability in the amount
28 of more than two hundred fifty dollars or in the amount of more than
29 fifty dollars that has been outstanding for over thirty days;

30 (i) The surplus or deficit of contributions over expenditures;

31 (j) The disposition made in accordance with RCW 42.17.095 of any
32 surplus funds;

33 (k) Such other information as shall be required by the commission
34 by rule in conformance with the policies and purposes of this chapter;
35 and

36 (l) Funds received from a political committee not otherwise
37 required to report under this chapter (a "nonreporting committee").
38 Such funds shall be forfeited to the state of Washington unless the
39 nonreporting committee has filed or within ten days following such

1 receipt files with the commission a statement disclosing: (i) Its name
2 and address; (ii) the purposes of the nonreporting committee; (iii) the
3 names, addresses, and titles of its officers or if it has no officers,
4 the names, addresses, and titles of its responsible leaders; (iv) the
5 name, office sought, and party affiliation of each candidate in the
6 state of Washington whom the nonreporting committee is supporting, and,
7 if such committee is supporting the entire ticket of any party, the
8 name of the party; (v) the ballot proposition supported or opposed in
9 the state of Washington, if any, and whether such committee is in favor
10 of or opposed to such proposition; (vi) the name and address of each
11 person residing in the state of Washington or corporation which has a
12 place of business in the state of Washington who has made one or more
13 contributions in the aggregate of more than twenty-five dollars to the
14 nonreporting committee during the current calendar year, together with
15 the money value and date of such contributions; (vii) the name and
16 address of each person in the state of Washington to whom an
17 expenditure was made by the nonreporting committee on behalf of a
18 candidate or political committee in the aggregate amount of more than
19 fifty dollars, the amount, date, and purpose of such expenditure, and
20 the total sum of such expenditures; (viii) such other information as
21 the commission may prescribe by rule, in keeping with the policies and
22 purposes of this chapter. A nonreporting committee incurring an
23 obligation to file additional reports in a calendar year may satisfy
24 the obligation by filing with the commission a letter providing
25 updating or amending information.

26 (2) The treasurer and the candidate shall certify the correctness
27 of each report.

28 NEW SECTION. Sec. 20. A new section is added to chapter 42.17 RCW
29 to read as follows:

30 CONTRIBUTOR'S EMPLOYER DISCLOSURE--MAY NOT RETAIN CONTRIBUTION.
31 (1) Candidates and political committees may not use contributions from
32 persons who fail to furnish the information required to be reported
33 under RCW 42.17.090(1)(b). The contributions shall be returned to the
34 contributor unless the information is obtained and reported within
35 thirty days of receipt or the end of the election cycle, whichever
36 occurs first.

37 (2) The provisions of RCW 42.17.090(1)(b) requiring the listing of
38 the occupation, employer, and spouse's employer of certain contributors

1 do not apply to a political committee the principal purpose of which is
2 receiving contributions and making expenditures regarding one or more
3 ballot measures. The commission may not require, by rule, that such a
4 committee gather or provide such information or that such information
5 be gathered or listed for any contributions from a person aggregating
6 one hundred dollars or less. This subsection does not prohibit the
7 commission, when conducting an audit, from seeking from contributors
8 the identity of their employers or the identity of the employers of
9 their spouses.

10 **Sec. 21.** RCW 42.17.105 and 1991 c 157 s 1 are each amended to read
11 as follows:

12 LATE CONTRIBUTIONS. (1) Campaign treasurers shall prepare and
13 deliver to the commission a special report regarding any contribution
14 or aggregate of contributions which: Exceeds five hundred dollars; is
15 from a single person or entity; and is received during a special
16 reporting period.

17 Any political committee making a contribution or an aggregate of
18 contributions to a single entity which exceeds five hundred dollars
19 shall also prepare and deliver to the commission the special report if
20 the contribution or aggregate of contributions is made during a special
21 reporting period.

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

23 (a) Each of the following intervals is a special reporting period:

24 (i) The interval beginning after the period covered by the last report
25 required by RCW 42.17.080 and 42.17.090 to be filed before a primary
26 and concluding on the end of the day before that primary; and (ii) the
27 interval composed of the twenty-one days preceding a general election;
28 and

29 (b) An aggregate of contributions includes only those contributions
30 received from a single entity during any one special reporting period
31 or made by the contributing political committee to a single entity
32 during any one special reporting period.

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

1 under this section for a contribution or contributions made to a single
2 entity during a special reporting period, the political committee shall
3 also file a special report for each subsequent contribution of any size
4 which is made to that entity during the special reporting period.

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

23 (4) The special report may be transmitted orally by telephone to
24 the commission to satisfy the delivery period required by subsection
25 (3) of this section if the written form of the report is also mailed to
26 the commission and postmarked within the delivery period established in
27 subsection (3) of this section.

28 (5) The special report shall include at least:

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

30 (b) The date or dates of receipt;

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

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

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

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

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

38 (8) It is a violation of this chapter for any person to make, or
39 for any candidate or political committee to accept from any one person,

1 contributions reportable under RCW 42.17.090 in the aggregate exceeding
2 fifty thousand dollars for any campaign for state-wide office or
3 exceeding five thousand dollars for any other campaign subject to the
4 provisions of this chapter within twenty-one days of a general
5 election. This subsection does not apply to contributions made by, or
6 accepted from, a (~~major Washington state~~) bona fide political party
7 as defined in (~~RCW 29.01.090~~) this chapter, excluding the county
8 central committee or legislative district committee.

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

13 **Sec. 22.** RCW 42.17.640 and 1993 c 2 s 4 (Initiative Measure No.
14 134) are each amended to read as follows:

15 POLITICAL PARTY AND LEGISLATIVE CAUCUS LIMITS--INTERNAL REFERENCE
16 TECHNICAL CORRECTIONS. (1) No person, other than a bona fide political
17 party or a political committee established by a caucus of the state
18 legislature, may make contributions to a candidate for a state
19 legislative office that in the aggregate exceed five hundred dollars or
20 to a candidate for a state office other than a state legislative office
21 that in the aggregate exceed one thousand dollars for each election in
22 which the candidate is on the ballot or appears as a write-in
23 candidate. Contributions made with respect to a primary may not be
24 made after the date of the primary. Contributions made with respect to
25 a general election may not be made after the final day of the
26 applicable election cycle.

27 (2) No person, other than a bona fide political party or a
28 political committee established by a caucus of the state legislature,
29 may make contributions to a state official against whom recall charges
30 have been filed, or to a political committee having the expectation of
31 making expenditures in support of the recall of the state official,
32 during a recall campaign that in the aggregate exceed five hundred
33 dollars if for a state legislative office or one thousand dollars if
34 for a state office other than a state legislative office.

35 (3)(a) Notwithstanding subsection (1) of this section, no bona fide
36 political party (~~or caucus of the state legislature~~) may make
37 contributions to a candidate for state office during an election cycle
38 that in the aggregate exceed (i) (~~fifty~~) ten cents multiplied by the

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

8 (b) No candidate for state office may accept contributions from a
9 county central committee or a legislative district committee during an
10 election cycle that when combined with contributions from other county
11 central committees or legislative district committees would in the
12 aggregate exceed (~~(twenty-five)~~) five cents times the number of
13 registered voters in the jurisdiction from which the candidate is
14 elected.

15 (c) No political committee established by a caucus of the state
16 legislature may make contributions to a candidate during an election
17 cycle that in the aggregate exceed one thousand dollars for a candidate
18 for a state legislative office and two thousand dollars for a candidate
19 for state office other than state legislative office.

20 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
21 political party (~~(or caucus of the state legislature)~~) may make
22 contributions to a state official against whom recall charges have been
23 filed, or to a political committee having the expectation of making
24 expenditures in support of the state official, during a recall campaign
25 that in the aggregate exceed (i) (~~(fifty)~~) ten cents multiplied by the
26 number of eligible registered voters in the jurisdiction entitled to
27 recall the state official if the contributor is (~~(a caucus of the state~~
28 ~~legislature of [or])~~) the governing body of a state organization, or
29 (ii) (~~(twenty-five)~~) five cents multiplied by the number of registered
30 voters in the jurisdiction from which the (~~(candidate)~~) official is
31 elected if the contributor is a county central committee or a
32 legislative district committee.

33 (b) Notwithstanding subsection (2) of this section, no political
34 committee established by a caucus of the state legislature may make
35 contributions to a state official against whom recall charges have been
36 filed, or to a political committee having the expectation of making
37 expenditures in support of the state official, during a recall campaign
38 that in the aggregate exceed two thousand dollars.

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

11 (5) Notwithstanding subsections (1) through (4) of this section, no
12 person other than an individual, bona fide political party, or
13 political committee established by a caucus of the state legislature
14 may make contributions reportable under this chapter to a political
15 committee established by a caucus of the state legislature that in the
16 aggregate exceed five hundred dollars in a calendar year or to a bona
17 fide political party that in the aggregate exceed two thousand five
18 hundred dollars in a calendar year. This subsection does not apply to
19 loans made in the ordinary course of business.

20 (6) For the purposes of RCW 42.17.640 through 42.17.790, a
21 contribution to the authorized political committee of a candidate, or
22 of a state official against whom recall charges have been filed, is
23 considered to be a contribution to the candidate or state official.

24 (7) A contribution received within the twelve-month period after a
25 recall election concerning a state office is considered to be a
26 contribution during that recall campaign if the contribution is used to
27 pay a debt or obligation incurred to influence the outcome of that
28 recall campaign.

29 (8) The contributions allowed by subsection (2) of this section are
30 in addition to those allowed by subsection (1) of this section, and the
31 contributions allowed by subsection (4) of this section are in addition
32 to those allowed by subsection (3) of this section.

33 (9) RCW 42.17.640 through 42.17.790 apply to a special election
34 conducted to fill a vacancy in a state office. However, the
35 contributions made to a candidate or received by a candidate for a
36 primary or special election conducted to fill such a vacancy shall not
37 be counted toward any of the limitations that apply to the candidate or
38 to contributions made to the candidate for any other primary or
39 election.

1 (10) Notwithstanding the other subsections of this section, no
2 corporation or business entity not doing business in Washington state,
3 no labor union with fewer than ten members who reside in Washington
4 state, and no political committee that has not received contributions
5 of ten dollars or more from at least ten persons registered to vote in
6 Washington state during the preceding one hundred eighty days may make
7 contributions reportable under this chapter to a candidate for state
8 office, to a state official against whom recall charges have been
9 filed, or to a political committee having the expectation of making
10 expenditures in support of the recall of the official. This subsection
11 does not apply to loans made in the ordinary course of business.

12 (11) Notwithstanding the other subsections of this section, no
13 county central committee or legislative district committee may make
14 contributions reportable under this chapter to a candidate for state
15 office, state official against whom recall charges have been filed, or
16 political committee having the expectation of making expenditures in
17 support of the recall of a state official if the county central
18 committee or legislative district committee is outside of the
19 jurisdiction entitled to elect the candidate or recall the state
20 official.

21 (12) No person may accept contributions that exceed the
22 contribution limitations provided in this section.

23 (13) A candidate for state office, a state official against whom
24 recall charges have been filed, or a political committee having the
25 expectation of making expenditures in support of the recall of a state
26 official may not accept from a single caucus of the state legislature
27 contributions from more than one political committee during the
28 election cycle. No caucus of the state legislature may make
29 contributions to a particular candidate, state official, or political
30 committee from more than one political committee of the caucus during
31 an election cycle.

32 **Sec. 23.** RCW 42.17.128 and 1993 c 2 s 24 (Initiative Measure No.
33 134) are each amended to read as follows:

34 PUBLIC CAMPAIGN FINANCING. Public funds, whether derived through
35 taxes, fees, penalties, or any other sources, shall not be used to
36 finance political campaigns for state (~~or local~~) office.

1 "NOTICE TO VOTERS (Required by law): This advertisement is not
2 authorized or approved by any candidate. It is paid for by (name,
3 address, city, state)." If the advertisement is undertaken by a
4 nonindividual, then the following notation must also be included: "Top
5 Five Contributors," followed by a listing of the names of the five
6 persons (~~or entities~~) making the largest contributions reportable
7 under this chapter during the twelve-month period before the date of
8 the advertisement.

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

11 (a) Appear on each page or fold of the written communication in at
12 least ten-point type, or in type at least ten percent of the largest
13 size type used in a written communication directed at more than one
14 voter, such as a billboard or poster, whichever is larger;

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

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

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

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

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

29 (6) Advertising by a candidate's political committee must be
30 personally endorsed and approved by the candidate. The commission
31 shall adopt rules to implement this section.

32 NEW SECTION. Sec. 27. A new section is added to chapter 42.17 RCW
33 to read as follows:

34 TELEPHONE POLLS. A person conducting a telephone poll for the
35 purposes of a candidate's campaign shall identify the sponsor of the
36 poll.

1 funds, shall be kept segregated and apart from funds of the state, and
2 shall not be subject to appropriation or allotment by the state or
3 subject to chapter 43.88 RCW.

4 (2) The office shall:

5 (a) Establish written guidelines for determining the procedure and
6 criteria for state officials to request the expenditure of funds from
7 the account created by this section. Such expenditures shall not be
8 considered income or gifts to the requesting state official or
9 officials.

10 (b) Report all contributions and expenses to the public disclosure
11 commission quarterly.

12 **Sec. 30.** RCW 42.17.710 and 1993 c 2 s 11 (Initiative Measure No.
13 134) are each amended to read as follows:

14 CONTRIBUTIONS TO PUBLIC OFFICE FUNDS--TECHNICAL CORRECTIONS.
15 During the period beginning on the thirtieth day before the date a
16 regular legislative session convenes and continuing thirty days past
17 the date of final adjournment, and during the period beginning on the
18 date a special legislative session convenes and continuing through the
19 date that session adjourns, no state official or a person employed by
20 or acting on behalf of a state official or state legislator may solicit
21 or accept contributions to a (~~public office fund, to a~~) candidate for
22 state office or (~~authorized~~) candidate's political committee, or to
23 retire a campaign debt.

24 **Sec. 31.** RCW 42.17.395 and 1989 c 175 s 91 are each amended to
25 read as follows:

26 ENFORCEMENT. (1) The commission may (a) determine whether an
27 actual violation of this chapter has occurred; and (b) issue and
28 enforce an appropriate order following such determination.

29 (2) The commission, in cases where it chooses to determine whether
30 an actual violation of this chapter has occurred, shall hold a hearing
31 pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to
32 make such determination. Any order that the commission issues under
33 this section shall be pursuant to such hearing.

34 (3) In lieu of holding a hearing or issuing an order under this
35 section, the commission may refer the matter to the attorney general or
36 other enforcement agency as provided in RCW 42.17.360.

1 (4) The person against whom an order is directed under this section
2 shall be designated as the respondent. The order may require the
3 respondent to cease and desist from the activity that constitutes a
4 violation and in addition, or alternatively, may impose one or more of
5 the remedies provided in RCW 42.17.390(~~((1) (b), (c), (d), or (e))~~)
6 (2), (3), (4), or (5): PROVIDED, That no individual penalty assessed
7 by the commission may exceed one thousand dollars, and in any case
8 where multiple violations are involved in a single complaint or
9 hearing, the maximum aggregate penalty may not exceed two thousand five
10 hundred dollars.

11 (5) An order issued by the commission under this section shall be
12 subject to judicial review under the Administrative Procedure Act,
13 chapter 34.05 RCW. If the commission's order is not satisfied and no
14 petition for review is filed within thirty days as provided in RCW
15 34.05.542, the commission may petition a court of competent
16 jurisdiction of any county in which a petition for review could be
17 filed under that section, for an order of enforcement. Proceedings in
18 connection with the commission's petition shall be in accordance with
19 RCW 42.17.397.

20 **Sec. 32.** RCW 42.17.095 and 1993 c 2 s 20 (Initiative Measure No.
21 134) are each amended to read as follows:

22 PUBLIC OFFICE EXPENSES--TECHNICAL CORRECTIONS. The surplus funds
23 of a candidate, or of a political committee supporting or opposing a
24 candidate, may only be disposed of in any one or more of the following
25 ways:

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

28 (2) Transfer the surplus to the candidate's personal account as
29 reimbursement for lost earnings incurred as a result of that
30 candidate's election campaign. Such lost earnings shall be verifiable
31 as unpaid salary or, when the candidate is not salaried, as an amount
32 not to exceed income received by the candidate for services rendered
33 during an appropriate, corresponding time period. All lost earnings
34 incurred shall be documented and a record thereof shall be maintained
35 by the candidate or the candidate's political committee. The committee
36 shall include a copy of such record when its expenditure for such
37 reimbursement is reported pursuant to RCW 42.17.090;

1 (3) Transfer the surplus to a political party or to a political
2 committee established by a caucus of the state legislature;

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

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

7 (6) Hold the surplus in the campaign depository or depositories
8 designated in accordance with RCW 42.17.050 for possible use in a
9 future election campaign for the same office last sought by the
10 candidate or for nonreimbursed public office related expenses and
11 report any such disposition in accordance with RCW 42.17.090:
12 PROVIDED, That if the candidate subsequently announces or publicly
13 files for office, information as appropriate is reported to the
14 commission in accordance with RCW 42.17.040 through 42.17.090. If a
15 subsequent office is not sought the surplus held shall be disposed of
16 in accordance with the requirements of this section.

17 (7) No candidate or ((authorized)) candidate's political committee
18 may transfer funds to any other candidate or other political committee.

19 NEW SECTION. Sec. 33. A new section is added to chapter 42.17 RCW
20 to read as follows:

21 PUBLIC OFFICE FUND. No state official may receive contributions or
22 gifts, nor directly or indirectly maintain a public office fund, or
23 other similar fund by any other name, for the purpose of making
24 expenditures for nonreimbursed public office related expenses except as
25 provided by RCW 42.17.095, 43.290.020, 43.147.010, or section 115 or
26 121, chapter . . . (Substitute House Bill No. 2316), Laws of 1994.
27 This section may not be construed to restrict expenditures of public
28 moneys for reimbursable expenses such as, but not limited to, the
29 expenditures authorized by RCW 44.04.060 and 44.04.070.

30 LOBBYIST REPORTING CHANGES

31 NEW SECTION. Sec. 34. EMPLOYEE-LOBBYISTS. (1) Before doing any
32 lobbying, or within two weeks after being employed or assigned as a
33 lobbyist, whichever is sooner, an employee-lobbyist shall file with the
34 commission a registration statement. The registration shall include
35 the following:

36 (a) The lobbyist's name, business address, and telephone number;

1 (b) The name, business address, and telephone number of the
2 lobbyist employer;

3 (c) The terms of the employee's compensation for lobbying,
4 including the nature and extent of reimbursement for expenses; and

5 (d) A statement describing the extent to which lobbying comprises
6 the employee's duties for the employer.

7 (2) The lobbyist's registration shall be accompanied by a written
8 statement:

9 (a) Confirming the lobbyist's employment or assignment by the
10 employer's chief executive officer or similarly authorized individual;

11 (b) Describing the employer's principal product, service, or
12 business activity;

13 (c) Describing the subject matters regarding which lobbying will be
14 conducted on behalf of the employer.

15 The name, address, and telephone number of the person who will have
16 custody of the records required to be kept under this chapter on behalf
17 of the lobbyist employer.

18 If the employer has a connected, related, or closely affiliated
19 political committee, the name of that committee.

20 If the employer is an entity that as a representative entity
21 lobbies for individuals, businesses, groups, associations, or
22 organizations, the name and address of each member of the entity or
23 person represented by the entity whose fees, dues, payments, or other
24 consideration paid to the entity during either of the previous two
25 years have exceeded five hundred dollars or who is obligated to or has
26 agreed to pay fees, dues, payments, or other consideration exceeding
27 five hundred dollars to the entity during the current year.

28 NEW SECTION. **Sec. 35.** SEPARATE REGISTRATION. A lobbyist who
29 receives or is to receive compensation from more than one employer for
30 lobbying services with respect to the same legislation or subject of
31 rule making shall file a separate registration for each employer.

32 NEW SECTION. **Sec. 36.** ANNUAL REGISTRATION. Every lobbyist
33 registered with the commission shall file an annual registration,
34 revised as appropriate, before the second Monday in January. Failure
35 to do so shall terminate the lobbyist's registration.

1 NEW SECTION. **Sec. 37.** CHANGE IN STATUS. A lobbyist shall notify
2 the commission within two weeks of a material change in the status of
3 his or her registration. As used in this section, "material change"
4 means the following:

5 (1) A termination of employment as a lobbyist;

6 (2) A change in the terms of compensation provided in a prior
7 filing with the commission;

8 (3) A change in the name or address of the lobbyist or a lobbyist
9 employer;

10 (4) A change in status from contract-lobbyist to employee-lobbyist
11 or vice-versa;

12 (5) A change in status with regard to a proprietor, officer,
13 partner, or employee of a contract lobbyist.

14 NEW SECTION. **Sec. 38.** CONTRACT-LOBBYISTS. (1) Before doing any
15 lobbying, or within two weeks after contracting to provide lobbying
16 services to any person, whichever is sooner, a contract-lobbyist shall
17 file with the commission a registration statement. The registration
18 shall include the following:

19 (a) The lobbyist's name, business address, and telephone number;

20 (b) The name of any individual who is a proprietor, officer,
21 partner, or employee of the contract lobbyist, or who is authorized to
22 lobby on behalf of the contract-lobbyist's employers;

23 (c) The name, business address, and telephone number of the
24 lobbyist employer;

25 (d) The terms of the contract-lobbyist's compensation for lobbying,
26 including the nature and extent of reimbursement for expenses;

27 (e) The name, address, and telephone number of the person who will
28 have custody of the records required to be kept by the contract-
29 lobbyist under this chapter;

30 (f) The name and address of any other lobbyist the contract-
31 lobbyist has agreed to compensate in exchange for assisting with
32 lobbying on behalf of the employer named in the registration.

33 (2) The lobbyist's registration shall be accompanied by a written
34 statement:

35 (a) Confirming the lobbyist's contract by the employer's chief
36 executive officer or similarly authorized individual;

37 (b) Describing the employer's principal product, service, or
38 business activity;

1 (c) Describing the subject matters regarding which lobbying will be
2 conducted on behalf of the employer.

3 The name, address, and telephone number of the person who will have
4 custody of the records required to be kept under this chapter on behalf
5 of the lobbyist employer.

6 If the employer has a connected, related, or closely affiliated
7 political committee, the name of that committee.

8 If the employer is an entity that as a representative entity
9 lobbies for individuals, businesses, groups, associations, or
10 organizations, the name and address of each member of the entity or
11 person represented by the entity whose fees, dues, payments, or other
12 consideration paid to the entity during either of the previous two
13 years have exceeded five hundred dollars or who is obligated to or has
14 agreed to pay fees, dues, payments, or other consideration exceeding
15 five hundred dollars to the entity during the current year.

16 **Sec. 39.** RCW 42.17.180 and 1993 c 2 s 27 (Initiative Measure No.
17 134) are each amended to read as follows:

18 (1) Every employer of a lobbyist registered under this chapter
19 (~~during the preceding calendar year and~~) shall file a report
20 semiannually disclosing the information required by this section.
21 Every person, other than an individual, that made contributions
22 aggregating to more than ten thousand dollars or independent
23 expenditures aggregating to more than five hundred dollars during the
24 preceding calendar year shall file with the commission on or before the
25 last day of February of each year a statement disclosing for the
26 preceding calendar year the following information:

27 (a) The person's name, business address, and telephone number.

28 (b) The name of each state legislator, state elected official (~~and~~
29 ~~the name of each~~), candidate for state office who was elected to the
30 office, state officer or state employee, and any member of the
31 immediate family of those persons to whom the person reporting has paid
32 any compensation in the amount of five hundred dollars or more during
33 the preceding calendar year for personal employment or professional
34 services, including professional services rendered by a corporation,
35 partnership, joint venture, association, union, or other entity in
36 which the person holds any office, directorship, or any general
37 partnership interest, or an ownership interest of ten percent or more,
38 the value of the compensation in accordance with the reporting

1 provisions set out in RCW 42.17.241(2), and the consideration given or
2 performed in exchange for the compensation.

3 ~~((b))~~ (c) The name of each state legislator, state elected
4 official, successful candidate for state office, state officer or state
5 employee, or members of his or her immediate family to whom the person
6 reporting made expenditures, directly or indirectly, either through a
7 lobbyist or otherwise, the amount of the expenditures and the purpose
8 for the expenditures. For the purposes of this subsection, the term
9 expenditure shall not include any expenditure made by the employer in
10 the ordinary course of business if the expenditure is not made for the
11 purpose of influencing, honoring, or benefiting the elected official,
12 successful candidate, officer or employee, or member of his or her
13 immediate family, as an elected official ~~((or))~~, candidate, officer, or
14 employee.

15 ~~((e))~~ (d) The total expenditures made by the person reporting for
16 lobbying purposes, whether through or on behalf of a registered
17 lobbyist or otherwise. With regard to such expenditures of the
18 employer of a lobbyist, "expenditures" includes, but is not limited to
19 amounts paid or incurred during the reporting period for (i) political
20 advertising as defined in RCW 42.17.020, and (ii) public relations,
21 telemarketing, polling, or similar activities if such activities,
22 directly or indirectly, are intended, designed, or calculated to
23 influence legislation or the adoption or rejection of any rule,
24 standard, or rate of an agency under the administrative procedure act.
25 The report shall specify the amount, the person to whom the amount was
26 paid, and a brief description of the activity.

27 ~~((d))~~ (e) All contributions made to a candidate for state or
28 local elective office, a political committee supporting or opposing a
29 candidate for state or local office, ~~((or))~~ to a political committee
30 supporting or opposing a state-wide or local ballot proposition or
31 whose purpose is to support or oppose the election of one or more
32 candidates for state or local office, a political committee of a caucus
33 of the state legislature, a political party, or a political committee
34 formed for the purpose of grass roots lobbying. Such contributions
35 shall be identified by the name and the address of the recipient and
36 the aggregate amount contributed to each such recipient.

37 ~~((e))~~ (f) The name and address of each registered lobbyist
38 employed, hired, contracted, retained, or assigned by the person
39 reporting ~~((and))~~, the total expenditures made by such person for or

1 owed by the person to each such lobbyist for lobbying purposes, and the
2 total amount of reimbursement for expenses incurred in connection with
3 lobbying during the reporting period paid or owed to such lobbyists.

4 (g) The total amount for any special lobbying activities as those
5 activities are designated under section 40 of this act.

6 (h) Total amount of expenditures by the employer of a lobbyist for,
7 or the value of, gifts given to state legislators, state legislative
8 staff, state elected officials, state officers and employees, or
9 members of their immediate families, during the reporting period.

10 (i) The name and amount paid each employee or other person to or
11 for whom fees, salary, or wages of five hundred dollars or more was
12 spent for lobbying or professional assistance for lobbying. This
13 provision shall not apply to persons to the extent that their lobbying
14 or assistance is the result of an appointment or written request of the
15 legislature or agency to participate in a study or provide expertise.

16 (j) The name and address of each political committee associated,
17 affiliated, or sponsored by the employer and total contributions made
18 by the committee during the reporting period.

19 ~~((f))~~ (k) The names, offices sought, and party affiliations of
20 candidates for state offices supported or opposed by independent
21 expenditures of the person reporting and the amount of each such
22 expenditure.

23 ~~((g))~~ (l) The identifying proposition number and a brief
24 description of any state-wide ballot proposition supported or opposed
25 by expenditures not reported under ~~((d))~~ (e) of this subsection and
26 the amount of each such expenditure.

27 ~~((h))~~ (m) Such other information as the commission prescribes by
28 rule.

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

1 the commission and shall be filed within fifteen days after the last
2 day of the calendar month during which the contribution was made.

3 (b) The provisions of (a) of this subsection do not apply to a
4 contribution which is made through a registered lobbyist and reportable
5 under RCW 42.17.170.

6 (3) The compensation and expenditures to be reported under this
7 section for lobbying are those whose principal purpose is for lobbying,
8 and those that would not have been made but for lobbying. The amounts
9 or values required to be reported shall include cash, the fair market
10 value of goods, services, or tangible or intangible property.

11 NEW SECTION. Sec. 40. REPORTING. (1) A person who spends twenty-
12 five hundred dollars or more to sponsor a single event that is a
13 special lobbying activity other than that covered by RCW 42.17.200
14 shall report the information required in this section.

15 (2) For purposes of this section: (a) "Special lobbying
16 activities" includes but is not limited to receptions, rallies,
17 demonstrations, transportation of members or supporters to facilitate
18 individual or group lobbying, dinners, conventions, mass gatherings,
19 parades, and mailings; and (b) "sponsor" means the person or entity who
20 pays for, organizes, coordinates, or directs a lobbying activity.

21 (3) Within two weeks after the lobbying activity, the sponsor shall
22 file with the commission a report including the following:

23 (a) The name and address of the sponsor;

24 (b) The name and address of the principal officers of the sponsor;

25 (c) A description of the activity and the place and date on which
26 it was conducted;

27 (d) The name, address, and amount contributed by each person who
28 contributed money, goods, or services with a value of one hundred
29 dollars or more;

30 (e) The total of all expenditures made to sponsor or support the
31 activity. Expenditures shall be listed in the following categories:

32 (i) Salaries or compensation of persons paid to plan, coordinate,
33 operate, or participate in the event;

34 (ii) Advertising and printing;

35 (iii) Transportation;

36 (iv) Food, beverages, and catering;

37 (v) Lodging;

38 (vi) Rent of buildings or equipment; and

- 1 (vii) Other expenditures; and
2 (f) Such other relevant information as the commission may require.

3 NEW SECTION. **Sec. 41.** Sections 34 through 38 and 40 of this act
4 are each added to chapter 42.17 RCW.

5 **Sec. 42.** RCW 42.17.160 and 1982 c 147 s 12 are each amended to
6 read as follows:

7 REGISTRATION AND REPORTING. The following persons and activities
8 shall be exempt from registration and reporting under RCW 42.17.150,
9 sections 34 and 38 of this act, 42.17.170, and 42.17.200:

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

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

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

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

30 ~~((4))~~ (5) Persons who restrict their lobbying activities to no
31 more than four days or parts thereof during any three-month period and
32 whose total expenditures during such three-month period for or on
33 behalf of any one or more members of the legislature or state elected
34 officials or public officers or employees of the state of Washington in
35 connection with such lobbying do not exceed twenty-five ~~{{dollars}}~~
36 dollars: PROVIDED, That the commission shall promulgate regulations to
37 require disclosure by persons exempt under this subsection or their

1 employers or entities which sponsor or coordinate the lobbying
2 activities of such persons if it determines that such regulations are
3 necessary to prevent frustration of the purposes of this chapter. Any
4 person exempt under this subsection (~~((4))~~) (5) may at his or her
5 option register and report under this chapter;

6 (~~((5))~~) (6) The governor;

7 (~~((6))~~) (7) The lieutenant governor;

8 (~~((7))~~) (8) Except as provided by RCW 42.17.190(1), members of the
9 legislature;

10 (~~((8))~~) (9) Except as provided by RCW 42.17.190(1), persons
11 employed by the legislature for the purpose of aiding in the
12 preparation or enactment of legislation or the performance of
13 legislative duties;

14 (~~((9))~~) (10) Elected officials, and officers and employees of any
15 agency reporting under RCW 42.17.190(4) as now or hereafter amended.

16 **Sec. 43.** RCW 42.17.170 and 1991 sp.s. c 18 s 2 are each amended to
17 read as follows:

18 MONTHLY PERIODIC REPORT. (1) Any lobbyist registered under RCW
19 42.17.150 or section 34 or 38 of this act, and any person who lobbies
20 shall file with the commission periodic reports of his activities
21 signed by the lobbyist. The reports shall be made in the form and
22 manner prescribed by the commission. They shall be due monthly and
23 shall be filed within fifteen days after the last day of the calendar
24 month covered by the report.

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

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

1 (~~((However, if the expenditure for a single hosted reception is more
2 than one hundred dollars per person partaking therein, the report shall
3 specify the per person amount, which shall be determined by dividing
4 the total amount of the expenditure by the total number of persons
5 partaking in the reception.))~~)

6 Notwithstanding the foregoing, lobbyists are not required to report
7 the following:

8 (i) Unreimbursed personal living and travel expenses not incurred
9 directly for lobbying;

10 (ii) Any expenses incurred for his or her own living
11 accommodations;

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

14 (iv) Any expenses incurred for telephone, and any office expenses,
15 including rent and salaries and wages paid for staff and secretarial
16 assistance.

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

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

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

1 (e) Such other information relevant to lobbying activities as the
2 commission shall by rule prescribe. Information supporting such
3 activities as are required to be reported is subject to audit by the
4 commission.

5 ~~(f) ((A listing of each gift, as defined in RCW 42.17.020, made to~~
6 ~~a state elected official or executive state officer or to a member of~~
7 ~~the immediate family of such an official or officer. Such a gift shall~~
8 ~~be separately identified by the date it was given, the approximate~~
9 ~~value of the gift, and the name of the recipient. However, for a~~
10 ~~hosted reception where the average per person amount is reported under~~
11 ~~(a) of this subsection, the approximate value for the gift of partaking~~
12 ~~in the event is such average per person amount. The commission shall~~
13 ~~adopt forms to be used for reporting the giving of gifts under this~~
14 ~~subsection (2)(f). The forms shall be designed to permit a lobbyist to~~
15 ~~report on a separate form for each recipient the reportable gifts given~~
16 ~~to that recipient during the reporting period or, alternatively, to~~
17 ~~report on one form all reportable gifts given by the lobbyist during~~
18 ~~the reporting period)) A listing of each payment for an item specified~~
19 in section 101(9) (d) or (f) or 115(5), chapter . . . (Substitute House
20 Bill No. 2316), Laws of 1994 in excess of fifty dollars made to a state
21 elected official, state officer, or state employee. Each item shall be
22 identified by recipient, date, and approximate value of the item.

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

34 (3) If a state elected official or a member of such an official's
35 immediate family is identified by a lobbyist in such a report as having
36 received from the lobbyist ~~((a gift, as defined in RCW 42.17.020))~~ an
37 item specified in section 101(9) (d) or (f) or 115(5), chapter . . .
38 (Substitute House Bill No. 2316), Laws of 1994, the lobbyist shall
39 transmit to the official a copy of the completed form used to identify

1 the ((gift)) item in the report at the same time the report is filed
2 with the commission.

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

6 **Sec. 44.** RCW 42.17.132 and 1993 c 2 s 25 (Initiative Measure No.
7 134) are each amended to read as follows:

8 MAILING. During the twelve-month period preceding the expiration
9 of a state legislator's term in office, no incumbent to that office may
10 mail to a constituent at public expense a letter, newsletter, brochure,
11 or other piece of literature that is not in direct response to that
12 constituent's request for a response or for information. However, one
13 mailing mailed within thirty days after the start of a regular
14 legislative session and one mailing mailed within sixty days after the
15 end of a regular legislative session of identical newsletters to
16 constituents are permitted. A violation of this section constitutes
17 use of the facilities of a public office for the purpose of assisting
18 a campaign under ((RCW—42.17.130)) section 118, chapter . . .
19 (Substitute House Bill No. 2316), Laws of 1994.

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

23 **VOTERS' AND CANDIDATES' PAMPHLET**

24 **Sec. 45.** RCW 43.07.310 and 1992 c 163 s 2 are each amended to read
25 as follows:

26 VOTERS' PAMPHLET--ELECTRONIC. The secretary of state, through the
27 division of elections, is responsible for the following duties, as
28 prescribed by Title 29 RCW:

29 (1) The filing, verification of signatures, and certification of
30 state initiative, referendum, and recall petitions;

31 (2)(a) The production and distribution of a state voters' and
32 candidates' pamphlet for the state primary and general election;

33 (b) In addition to the written pamphlet, the secretary of state may
34 produce the state voters' and candidates' pamphlet in electronic
35 format. If the secretary of state produces the pamphlet in video
36 format, closed captioning shall be used;

1 (3) The examination, testing, and certification of voting
2 equipment, voting devices, and vote-tallying systems;

3 (4) The administration, canvassing, and certification of the
4 presidential primary, state primaries, and state general elections;

5 (5) The administration of motor voter and other voter registration
6 and voter outreach programs;

7 (6) The training, testing, and certification of state and local
8 elections personnel as established in RCW 29.60.030;

9 (7) The training of state and local party observers required by RCW
10 29.60.040;

11 (8) The conduct of postelection reviews as established in RCW
12 29.60.070; and

13 (9) Other duties that may be prescribed by the legislature.

14 **Sec. 46.** RCW 29.80.010 and 1987 c 295 s 17 are each amended to
15 read as follows:

16 CANDIDATES' PAMPHLET. (1) Except as provided in subsection (2) of
17 this section, as soon as possible before each state primary and general
18 election at which federal or state officials are to be elected, the
19 secretary of state shall publish and mail to each individual place of
20 residence of the state a candidates' pamphlet containing photographs
21 and campaign statements of eligible candidates or nominees who desire
22 to participate therein, together with a campaign mailing address and
23 telephone number submitted by the candidate or nominee at ((the
24 nominee's)) his or her option, and in even-numbered years containing a
25 description of the office of precinct committee officer and its duties,
26 in order that voters will understand that the office is a state office
27 and will be found on the ballot of the forthcoming general election.

28 (2) In odd-numbered years no candidates' pamphlet may be published
29 unless an election is to be held to fill a vacancy in one or more of
30 the following state-wide elective offices: United States senator,
31 governor, lieutenant governor, secretary of state, state treasurer,
32 state auditor, attorney general, superintendent of public instruction,
33 commissioner of public lands, insurance commissioner, or justice of the
34 supreme court. A pamphlet for a state primary shall not be published
35 in an odd-numbered year.

36 **Sec. 47.** RCW 29.80.020 and 1984 c 54 s 2 are each amended to read
37 as follows:

1 CANDIDATE STATEMENTS. At a time to be determined by the secretary
2 of state(~~(, but in any event not later than forty five days))~~) before
3 the applicable state primary and general election, each candidate or
4 nominee for the office of United States senator, United States
5 representative, governor, lieutenant governor, secretary of state,
6 state treasurer, state auditor, attorney general, superintendent of
7 public instruction, commissioner of public lands, insurance
8 commissioner, state senator, state representative, justice of the
9 supreme court, judge of the court of appeals, or judge of the superior
10 court may file with the secretary of state a written statement
11 advocating his or her candidacy accompanied by the campaign mailing
12 address and telephone number submitted by the candidate or nominee at
13 (~~the nominee's~~) his or her option, and a photograph not more than
14 five years old and of a size and quality that the secretary of state
15 determines to be suitable for reproduction in the voters' pamphlet.
16 The maximum number of words for the statements shall be determined
17 according to the offices sought as follows: State representative, one
18 hundred words; state senator, judge of the superior court, judge of the
19 court of appeals, justice of the supreme court, and all state offices
20 voted upon throughout the state, except that of governor, two hundred
21 words; United States senator, United States representative, and
22 governor, three hundred words. No such statement or photograph may be
23 printed in the candidates' pamphlet for any person who is the sole
24 candidate or nominee for any nonpartisan or judicial office.

25 **Sec. 48.** RCW 29.81.010 and 1984 c 54 s 4 are each amended to read
26 as follows:

27 The voters' pamphlet shall contain as to each state measure to be
28 voted upon, the following in the order set forth in this section:

29 (1) Upon the top portion of the first two opposing pages relating
30 to the measure and not exceeding one-third of the total printing area
31 shall appear:

32 (a) The legal identification of the measure by serial designation
33 and number;

34 (b) The official ballot title of the measure;

35 (c) A brief statement explaining the law as it presently exists;

36 (d) A brief statement explaining the effect of the proposed measure
37 should it be approved into law;

1 (e) The total number of votes cast for and against the measure in
2 both the state senate and house of representatives if the measure has
3 been passed by the legislature;

4 (f) A heavy double ruled line across both pages to clearly set
5 apart the above items from the remaining text.

6 (2) Upon the lower portion of the left page of the two facing pages
7 shall appear an argument advocating the voters' approval of the measure
8 together with any rebuttal statement of the opposing argument as
9 provided in RCW 29.81.030, 29.81.040, or 29.81.050.

10 (3) Upon the lower portion of the right hand page of the two facing
11 pages shall appear an argument advocating the voters' rejection of the
12 measure together with any rebuttal statement of the opposing argument
13 as provided in RCW 29.81.030, 29.81.040, or 29.81.050.

14 (4) Following each argument or rebuttal statement each member of
15 the committee advocating for or against a measure shall be listed in
16 bold face capital letters by name and address to the end that the
17 public shall be fully apprised of the advocate's identity. Also,
18 following each argument or rebuttal statement, the secretary of state
19 shall list, at the option of the committee that submitted the argument
20 or statement, a telephone number that citizens may call in order to
21 obtain information on the ballot measure.

22 (5) At the conclusion of the pamphlet the full text of each of the
23 measures shall appear. The text of the proposed constitutional
24 amendments shall be set forth in the form provided for in RCW
25 29.81.080.

26 **Sec. 49.** RCW 29.80.040 and 1984 c 54 s 3 are each amended to read
27 as follows:

28 PRINTING. The candidates' or nominees' statements, photographs,
29 and the addresses and telephone numbers submitted by them as set forth
30 in RCW 29.80.010 and 29.80.020 shall be published by the secretary of
31 state as a candidates' pamphlet, the printing of which shall be
32 completed as soon as possible before the state primary or general
33 election concerned. The overall dimensions of the pamphlet shall be
34 determined by the secretary of state as those which in the secretary's
35 judgment best serve the voters, and whenever possible the candidates'
36 pamphlet shall be combined with the voters' pamphlet as a single
37 publication.

1 **Sec. 50.** RCW 29.80.090 and 1984 c 54 s 7 are each amended to read
2 as follows:

3 PUBLIC DISCLOSURE COMMISSION SERVICES. In addition to other
4 contents included in the candidates' pamphlet, the secretary of state
5 shall prepare and include a section containing (1) a brief explanation
6 of how voters may participate in the election campaign process; (2) the
7 name, address, and telephone number of each political party that has
8 one or more candidates or nominees listed in the candidates' pamphlet,
9 but this information shall be included in the candidates' pamphlet only
10 if and as filed with the secretary of state by the state committee of
11 a major political party or the presiding officer of the convention of
12 a minor political party; (3) the address and telephone number of the
13 public disclosure commission established under RCW 42.17.350 and a
14 description of the services available through the public disclosure
15 commission; (4) a summary of the disclosure requirements that apply
16 when contributions are made to candidates and political committees; and
17 (5) an explanation of the federal income tax credits and deductions
18 that are available to persons who make such contributions. Whenever
19 the candidates' pamphlet is combined with the voters' pamphlet, the
20 section shall be placed at or near the beginning of the combined
21 publication.

22 **Sec. 51.** RCW 42.17.550 and 1993 c 2 s 23 (Initiative Measure No.
23 134) are each amended to read as follows:

24 TECHNICAL CORRECTIONS. A person or entity other than a party
25 organization making an independent expenditure by mailing one thousand
26 or more identical or nearly identical cumulative pieces of political
27 advertising in a single calendar year shall, within two working days
28 after the date of the mailing, file a statement disclosing the number
29 of pieces in the mailing and an example of the mailed political
30 advertising with the election officer of the county or residence for
31 the candidate supported or opposed by the independent ((~~campaign~~))
32 expenditure or, in the case of an expenditure made in support of or in
33 opposition to a ballot proposition, the county of residence for the
34 person making the expenditure.

35 **Sec. 52.** RCW 29.80.030 and 1979 ex.s. c 57 s 4 are each amended to
36 read as follows:

1 TECHNICAL CORRECTIONS. (1) The secretary of state shall reject any
2 statement offered for filing, which, in his opinion, contains any
3 obscene, profane, libelous or defamatory matter, or any language or
4 matter, the circulation of which through the mails is prohibited by
5 congress. Nor shall any candidate or nominee submit a photograph
6 showing the uniform or insignia of any organization which advocates or
7 teaches racial or religious intolerance.

8 (2) Within five days after such rejection the persons submitting
9 such statement for filing may appeal to a board of review, consisting
10 of the superintendent of public instruction, attorney general and the
11 lieutenant governor. The decision of such board shall be final upon
12 the acceptance or rejection of the matter thus in controversy.

13 **Sec. 53.** RCW 29.80.050 and 1971 ex.s. c 145 s 3 are each amended
14 to read as follows:

15 TECHNICAL CORRECTIONS. Candidates and nominees shall pay for their
16 prorated space in the candidates' pamphlet allocated according to the
17 respective offices sought as follows:

18 (1) For United States senator, United States representative and
19 governor, each shall pay two hundred dollars. The candidates and
20 nominees for each position shall equally share no less than two full
21 pages.

22 (2) For all state offices voted upon throughout the state, except
23 for that of governor, each shall pay one hundred dollars. The
24 candidates and nominees for each position shall equally share no less
25 than one full page.

26 (3) For state senator, judge of the court of appeals and judge of
27 the superior court, each shall pay fifty dollars. The candidates and
28 nominees for each position shall equally share no less than one full
29 page.

30 (4) For state representative, each shall pay twenty-five dollars.
31 The candidates and nominees for each position shall equally share no
32 less than one-half page.

33 All such payments shall be made to the secretary of state when the
34 statement is offered to him for filing and be transmitted by him to the
35 public printer to be used as a credit offset to the cost of printing
36 the candidates' and voters' pamphlet.

37 Nominees for president and vice president of each political party
38 certified by the secretary of state shall together be entitled to one

1 page without charge. Each such page so allocated shall not contain
2 more than five hundred words in addition to the pictures of the
3 candidates or nominees concerned.

4 **Sec. 54.** RCW 42.17.670 and 1993 c 2 s 7 (Initiative Measure No.
5 134) are each amended to read as follows:

6 All contributions made by a person or entity, either directly or
7 indirectly, to a candidate for state office, to a state official
8 against whom recall charges have been filed, or to a political
9 committee, are considered to be contributions from that person or
10 entity to the candidate, state official, or political committee, as are
11 contributions that are in any way earmarked or otherwise directed
12 through an intermediary or conduit to the candidate, state official, or
13 political committee. For the purposes of this section, "earmarked"
14 means a designation, instruction, or encumbrance, whether direct or
15 indirect, expressed or implied, or oral or written, that is intended to
16 result in or does result in all or any part of a contribution being
17 made to a certain candidate or state official. If a conduit or
18 intermediary exercises any direction or control over the choice of the
19 recipient candidate or state official, the contribution is considered
20 to be by both the original contributor and the conduit or intermediary.

21 **Sec. 55.** RCW 42.17.680 and 1993 c 2 s 8 (Initiative Measure No.
22 134) are each amended to read as follows:

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

30 (2) No employer or labor organization may discriminate against an
31 officer or employee in the terms or conditions of employment for (a)
32 the failure to contribute to, (b) the failure in any way to support or
33 oppose, or (c) in any way supporting or opposing a candidate for state
34 office, ballot proposition, political party, or political committee.

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

1 to political committees or for use as political contributions except
2 upon the written request of the employee. The request must be made on
3 a form prescribed by the commission informing the employee of the
4 prohibition against employer and labor organization discrimination
5 described in subsection (2) of this section. The request is valid for
6 no more than twelve months from the date it is made by the employee.

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

15 **Sec. 56.** RCW 42.17.150 and 1987 c 201 s 1 are each amended to read
16 as follows:

17 (1) Before doing any lobbying, or within (~~thirty days~~) two weeks
18 after being employed as a lobbyist, whichever occurs first, a lobbyist
19 shall register by filing with the commission a lobbyist registration
20 statement, in such detail as the commission shall prescribe, showing:

21 (a) His or her name, permanent business address, and any temporary
22 residential and business addresses in Thurston county during the
23 legislative session;

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

26 (c) The duration of his or her employment;

27 (d) His or her compensation for lobbying; how much he or she is to
28 be paid for expenses, and what expenses are to be reimbursed;

29 (e) Whether the person from whom he or she receives said
30 compensation employs him or her solely as a lobbyist or whether he or
31 she is a regular employee performing services for his or her employer
32 which include but are not limited to the influencing of legislation;

33 (f) The general subject or subjects of his or her legislative
34 interest;

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

1 (h) The name and address of the person who will have custody of the
2 accounts, bills, receipts, books, papers, and documents required to be
3 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, or
6 which as a representative entity undertakes lobbying activities for,
7 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 such
10 entity during either of the prior two years have exceeded five hundred
11 dollars or who is obligated to or has agreed to pay fees, dues,
12 payments, or other consideration exceeding five hundred dollars to such
13 entity during the current year.

14 (2) Any lobbyist who receives or is to receive compensation from
15 more than one person for his or her services as a lobbyist shall file
16 a separate notice of representation with respect to each such person;
17 except that where a lobbyist whose fee for acting as such in respect to
18 the same legislation or type of legislation is, or is to be, paid or
19 contributed to by more than one person then such lobbyist may file a
20 single statement, in which he or she shall detail the name, business
21 address and occupation of each person so paying or contributing, and
22 the amount of the respective payments or contributions made by each
23 such person.

24 ~~((3) Whenever a change, modification, or termination of the
25 lobbyist's employment occurs, the lobbyist shall, within one week of
26 such change, modification or termination, furnish full information
27 regarding the same by filing with the commission an amended
28 registration statement.~~

29 ~~((4) Each lobbyist who has registered shall file a new registration
30 statement, revised as appropriate, on the second Monday in January of
31 each odd numbered year, and failure to do so shall terminate his
32 registration.))~~

33 MISCELLANEOUS

34 NEW SECTION. **Sec. 57.** REPEALER. The following acts or parts of
35 acts are each repealed:

36 (1) RCW 42.17.021 and 1993 c 2 s 30;

37 (2) RCW 42.17.2415 and 1991 sp.s. c 18 s 3; and

1 (3) RCW 42.17.630 and 1993 c 2 s 3 (Initiative Measure No. 134).

2 NEW SECTION. **Sec. 58.** CAPTIONS AND HEADINGS. Captions and
3 headings as used in this act constitute no part of the law.

4 NEW SECTION. **Sec. 59.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

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