
HOUSE BILL 2317

State of Washington

53rd Legislature

1994 Regular Session

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 01/12/94. Referred to Committee on State Government.

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, 42.17.160, 42.17.170, 42.17.132,
7 43.07.310, 29.80.010, 29.80.020, 29.81.010, 29.80.040, and 29.80.090;
8 adding new sections to chapter 42.17 RCW; creating new sections; and
9 repealing RCW 42.17.021, 42.17.2415, and 42.17.630.

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

11 **CAMPAIGN PRACTICES**

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

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

1 or any office, department, division, bureau, board, commission, or
2 agency thereof, or other local public agency.

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

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

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

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

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

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

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

25 ~~((4))~~ (6) "Treasurer" and "deputy treasurer" mean the individuals
26 appointed by a candidate or political committee, pursuant to RCW
27 42.17.050, to perform the duties specified in that section.

28 ~~((5))~~ (7) "Candidate" means ~~((any individual who seeks election~~
29 ~~to public office. An individual shall be deemed to seek election when~~
30 ~~he first:~~

31 ~~(a) Receives contributions or makes expenditures or reserves space~~
32 ~~or facilities with intent to promote his candidacy for office; or~~

33 ~~(b) Announces publicly or files for office))~~ an individual seeking
34 nomination for election or seeking election to an office. An
35 individual is deemed to be seeking nomination for election or seeking
36 election when the individual first:

37 (a) Announces publicly or files for the office;

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

1 (c) Receives contributions or makes expenditures for facilities
2 with intent to promote his or her candidacy for the office; or

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

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

11 ~~((+7))~~ (9) "Commission" means the agency established under RCW
12 42.17.350.

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

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

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

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

1 contribution.— Sums paid for tickets to fund raising events such as
2 dinners and parties are contributions; however, the amount of any such
3 contribution may be reduced for the purpose of complying with the
4 reporting requirements of this chapter, by the actual cost of
5 consumables furnished in connection with the purchase of the tickets,
6 and only the excess over the actual cost of the consumables shall be
7 deemed a contribution)).

8 ~~((11))~~ (b) Subject to further definition by the commission,
9 "contribution" does not include the following:

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

11 (ii) Ordinary home hospitality;

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

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

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

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

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

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

1 (ix) Legal or accounting services rendered to or on behalf of:
2 (A) A political party or political committee established by a
3 caucus of the state legislature if the person paying for the services
4 is the regular employer of the person rendering such services; or
5 (B) A candidate or an authorized committee if the person paying for
6 the services is the regular employer of the individual rendering the
7 services and if the services are solely for the purpose of ensuring
8 compliance with state election or public disclosure laws.
9 (c) Contributions other than money or its equivalent are deemed to
10 have a monetary value equivalent to the fair market value of the
11 contribution.
12 (d) Sums paid for tickets to fund-raising events such as dinners
13 and parties are contributions, except for the actual cost of the
14 consumables furnished at the event.
15 (e) An expenditure made by a person in cooperation, consultation,
16 or concert with, or at the request or suggestion of, a candidate, a
17 political committee, or their agents, is considered to be a
18 contribution to such candidate or political committee.
19 (f) The financing by a person of the dissemination, distribution,
20 or republication, in whole or in part, of broadcast, written, graphic,
21 or other form of political advertising prepared by a candidate, a
22 political committee, or its authorized agent, is considered to be a
23 contribution to the candidate or political committee.
24 (14) "Elected official" means any person elected at a general or
25 special election to any public office, and any person appointed to fill
26 a vacancy in any such office.
27 ~~((12))~~ (15) "Election" includes any primary, general, or special
28 election for public office and any election in which a ballot
29 proposition is submitted to the voters: PROVIDED, That an election in
30 which the qualifications for voting include other than those
31 requirements set forth in Article VI, section 1 (Amendment 63) of the
32 Constitution of the state of Washington shall not be considered an
33 election for purposes of this chapter.
34 ~~((13))~~ (16) "Election campaign" means any campaign in support of
35 or in opposition to a candidate for election to public office and any
36 campaign in support of, or in opposition to, a ballot proposition.
37 ~~((14))~~ (17) "Election cycle" means the period beginning on the
38 first day of December after the date of the last previous general
39 election for the office that the candidate seeks and ending on November

1 30th after the next election for the office. In the case of a special
2 election to fill a vacancy in an office, "election cycle" means the
3 period beginning on the day the vacancy occurs and ending on November
4 30th after the special election.

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

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

22 ((+15+)) (20) "Independent expenditure" means an "expenditure" as
23 defined in this section that has each of the following elements:

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

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

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

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

9 ~~((16))~~ (22) "Gift((7))" ((for the purposes of RCW 42.17.170 and
10 42.17.2415, means a rendering of anything of value in return for which
11 reasonable consideration is not given and received and includes a
12 rendering of money, property, services, discount, loan forgiveness,
13 payment of indebtedness, or reimbursements from or payments by persons
14 (other than the federal government, or the state of Washington or any
15 agency or political subdivision thereof) for travel or anything else of
16 value. The term "reasonable consideration" refers to the approximate
17 range of consideration that exists in transactions not involving
18 donative intent. However, the value of the gift of partaking in a
19 single hosted reception shall be determined by dividing the total
20 amount of the cost of conducting the reception by the total number of
21 persons partaking in the reception. "Gift" for the purposes of RCW
22 42.17.170 and 42.17.2415 does not include:

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

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

27 (c) A contribution that is required to be reported under RCW
28 42.17.090 or 42.17.243;

29 (d) Informational material that is transferred for the purpose of
30 informing the recipient about matters pertaining to official business
31 of the governmental entity of which the recipient is an official or
32 officer, and that is not intended to confer on that recipient any
33 commercial, proprietary, financial, economic, or monetary advantage, or
34 the avoidance of any commercial, proprietary, financial, economic, or
35 monetary disadvantage;

36 (e) A gift that is not used and that, within thirty days after
37 receipt, is returned to the donor or delivered to a charitable
38 organization. However, this exclusion from the definition does not
39 apply if the recipient of the gift delivers the gift to a charitable

1 organization and claims the delivery as a charitable contribution for
2 tax purposes;

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

8 (g) A gift given prior to September 29, 1991)) is as defined in
9 section 101, chapter, Laws of 1994 (section 101 of Z-1274.5/94).
10 "Gift" does not include campaign contributions reported under this
11 chapter.

12 ((-17)) (23) "Immediate family" ((includes the spouse, dependent
13 children, and other dependent relatives, if living in the household))
14 means a spouse, a child, stepchild, grandchild, parent, stepparent,
15 grandparent, brother, half brother, sister, or half sister of the
16 person and the spouse of such person and a child, stepchild,
17 grandchild, parent, stepparent, grandparent, brother, half brother,
18 sister, or half sister of the spouse and the spouse of such person.

19 ((-18)) (24)(a) "Intermediary" means an individual who transmits
20 a contribution to a candidate or committee from another person unless
21 the contribution is from the individual's employer, immediate family,
22 or an association to which the individual belongs.

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

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

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

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

36 ((-19)) (26) "Lobby" and "lobbying" each mean attempting to
37 influence the passage or defeat of any legislation by the legislature
38 of the state of Washington, or the adoption or rejection of any rule,
39 standard, rate, or other legislative enactment of any state agency

1 under the state Administrative Procedure Act, chapter 34.05 RCW.
2 Neither "lobby" nor "lobbying" includes an association's or other
3 organization's act of communicating with the members of that
4 association or organization.

5 ~~((20))~~ (27) "Lobbyist" includes any person who lobbies either in
6 his or her own or another's behalf and includes employee lobbyists and
7 contract lobbyists.

8 ~~((21))~~ (28) "Lobbyist's employer" means the person or persons by
9 whom a lobbyist is employed ~~((and all persons by whom he is compensated~~
10 ~~for acting))~~ or authorized to act as a lobbyist.

11 ~~((22))~~ (29) "Person" includes an individual, partnership, joint
12 venture, public or private corporation, association, federal, state, or
13 local governmental entity or agency however constituted, candidate,
14 committee, political committee, political party, executive committee
15 thereof, or any other organization or group of persons, however
16 organized.

17 ~~((23))~~ (30) "Person in interest" means the person who is the
18 subject of a record or any representative designated by that person,
19 except that if that person is under a legal disability, the term
20 "person in interest" means and includes the parent or duly appointed
21 legal representative.

22 ~~((24))~~ (31) "Political advertising" includes any advertising
23 displays, newspaper ads, billboards, signs, brochures, articles,
24 tabloids, flyers, letters, telemarketing, radio or television
25 presentations, or other means of mass communication, used for the
26 purpose of appealing, directly or indirectly, for votes or for
27 financial or other support in any election campaign.

28 ~~((25))~~ (32) "Political committee" means any person (except a
29 candidate or an individual dealing with his or her own funds or
30 property) having the expectation of receiving contributions or making
31 expenditures in support of, or opposition to, any candidate or any
32 ballot proposition.

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

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

1 (~~(27)~~) (35) "Public record" includes any writing containing
2 information relating to the conduct of government or the performance of
3 any governmental or proprietary function prepared, owned, used, or
4 retained by any state or local agency regardless of physical form or
5 characteristics.

6 (~~(28)~~) (36) "Recall campaign" means the period of time beginning
7 on the date of the filing of recall charges under RCW 29.82.015 and
8 ending thirty days after the recall election.

9 (37) "State legislative office" means the office of a member of the
10 state house of representatives and the office of a member of the state
11 senate.

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

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

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

27 (~~(29)~~) (41) "Writing" means handwriting, typewriting, printing,
28 photostating, photographing, and every other means of recording any
29 form of communication or representation, including, but not limited to,
30 letters, words, pictures, sounds, or symbols, or combination thereof,
31 and all papers, maps, magnetic or paper tapes, photographic films and
32 prints, motion picture, film and video recordings, magnetic or punched
33 cards, discs, drums, diskettes, sound recordings, and other documents
34 including existing data compilations from which information may be
35 obtained or translated.

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

38

USE OF PUBLIC RESOURCES

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

3 USE OF PUBLIC RESOURCES FOR LOCAL GOVERNMENT POLITICAL CAMPAIGNS.
4 No elective local government official nor any employee of his or her
5 office nor any person appointed to or employed by any local government
6 public office or agency may use or authorize the use of any of the
7 facilities of a public office or agency, directly or indirectly, for
8 the purpose of assisting a campaign for election of any person to any
9 office or for the promotion of or opposition to any ballot proposition.
10 Knowing acquiescence by a person with authority to direct, control, or
11 influence the actions of the local government official or employee
12 using public resources in violation of this section constitutes a
13 violation of this section. Facilities of public office or agency
14 include, but are not limited to, use of stationery, postage, machines,
15 and equipment, use of employees of the office or agency during working
16 hours, vehicles, office space, publications of the office or agency,
17 and clientele lists of persons served by the office or agency(~~(+~~
18 ~~PROVIDED, That~~)). ~~The ((foregoing))~~ provisions of this section shall
19 not apply to the following activities:

20 (1) Action taken at an open public meeting by members of an elected
21 local government legislative body to express a collective decision, or
22 to actually vote upon a motion, proposal, resolution, order, or
23 ordinance, or to support or oppose a ballot proposition so long as (a)
24 any required notice of the meeting includes the title and number of the
25 ballot proposition, and (b) members of the legislative body or members
26 of the public are afforded an approximately equal opportunity for the
27 expression of an opposing view;

28 (2) A statement by an elected local government official in support
29 of or in opposition to any ballot proposition at an open press
30 conference or in response to a specific inquiry. For the purposes of
31 this subsection, it is not a violation of this section for an elected
32 local government official to respond to an inquiry regarding a ballot
33 proposition, to make incidental remarks concerning a ballot proposition
34 in an official communication, or otherwise comment on a ballot
35 proposition without an actual, measurable expenditure of public funds.
36 Measurable expenditure has the meaning adopted by rule under section
37 118, chapter ..., Laws of 1994 (section 118 of Z-1274.5/94);

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

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

3 USE OF FACILITIES. (1) (~~Every legislator and every committee of~~
4 ~~the legislature shall file with the commission quarterly reports~~
5 ~~listing the names, addresses, and salaries of all persons employed by~~
6 ~~the person or committee making the filing for the purpose of aiding in~~
7 ~~the preparation or enactment of legislation or the performance of~~
8 ~~legislative duties of such legislator or committee during the preceding~~
9 ~~quarter. The reports shall be made in the form and the manner~~
10 ~~prescribed by the commission and shall be filed between the first and~~
11 ~~tenth days of each calendar quarter: PROVIDED, That the information~~
12 ~~required by this subsection may be supplied, insofar as it is~~
13 ~~available, by the chief clerk of the house of representatives or by the~~
14 ~~secretary of the senate on a form prepared by the commission.)) The
15 house of representatives and the senate shall report annually: The
16 total budget; the portion of the total attributed to staff; number of
17 full-time and part-time positions occupied by nonpartisan staff, with
18 dollar figures as well as number of positions; number of full-time and
19 part-time positions occupied by partisan staff, by caucus, and the
20 dollar figures attributed to those positions; and comparable figures
21 for the preceding ten years.~~

22 (2) Unless authorized by subsection (3) of this section or
23 otherwise expressly authorized by law, no public funds may be used
24 directly or indirectly for lobbying: PROVIDED, This does not prevent
25 officers or employees of an agency from communicating with a member of
26 the legislature on the request of that member; or communicating to the
27 legislature, through the proper official channels, requests for
28 legislative action or appropriations which are deemed necessary for the
29 efficient conduct of the public business or actually made in the proper
30 performance of their official duties: PROVIDED FURTHER, That this
31 subsection does not apply to the legislative branch.

32 (3) Any agency, not otherwise expressly authorized by law, may
33 expend public funds for lobbying, but such lobbying activity shall be
34 limited to (a) providing information or communicating on matters
35 pertaining to official agency business to any elected official or
36 officer or employee of any agency or (b) advocating the official
37 position or interests of the agency to any elected official or officer
38 or employee of any agency: PROVIDED, That public funds may not be
39 expended as a direct or indirect gift or campaign contribution to any

1 elected official or officer or employee of any agency. ((For the
2 purposes of this subsection, the term "gift" means a voluntary transfer
3 of any thing of value without consideration of equal or greater value,
4 but does not include informational material transferred for the sole
5 purpose of informing the recipient about matters pertaining to official
6 agency business:—PROVIDED FURTHER, That)) This section does not
7 permit the printing of a state publication which has been otherwise
8 prohibited by law.

9 (4) No elective official or any employee of his or her office or
10 any person appointed to or employed by any public office or agency may
11 use or authorize the use of any of the facilities of a public office or
12 agency, directly or indirectly, in any effort to support or oppose an
13 initiative to the legislature. "Facilities of a public office or
14 agency" has the same meaning as in RCW 42.17.130 and section 118,
15 chapter, Laws of 1994 (section 118 of Z-1274.5/94). The
16 provisions of this subsection shall not apply to the following
17 activities:

18 (a) Action taken at an open public meeting by members of an elected
19 legislative body to express a collective decision, or to actually vote
20 upon a motion, proposal, resolution, order, or ordinance, or to support
21 or oppose an initiative to the legislature so long as (i) any required
22 notice of the meeting includes the title and number of the initiative
23 to the legislature, and (ii) members of the legislative body or members
24 of the public are afforded an approximately equal opportunity for the
25 expression of an opposing view;

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

29 (c) Activities which are part of the normal and regular conduct of
30 the office or agency.

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

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

37 (b) The name, title, and job description and salary of each elected
38 official, officer, or employee who lobbied, a general description of

1 the nature of the lobbying, and the proportionate amount of time spent
2 on the lobbying;

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

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

9 (i) Requests for appropriations by a state agency to the office of
10 financial management pursuant to chapter 43.88 RCW nor requests by the
11 office of financial management to the legislature for appropriations
12 other than its own agency budget requests;

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

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

19 (iv) Requests, recommendations, or other communication between or
20 within state agencies or between or within local agencies;

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

22 (A) Telephone conversations or preparation of written
23 correspondence;

24 (B) In-person lobbying on behalf of an agency of no more than four
25 days or parts thereof during any three-month period by officers or
26 employees of that agency and in-person lobbying by any elected official
27 of such agency on behalf of such agency or in connection with the
28 powers, duties, or compensation of such official: PROVIDED, That the
29 total expenditures of nonpublic funds made in connection with such
30 lobbying for or on behalf of any one or more members of the legislature
31 or state elected officials or public officers or employees of the state
32 of Washington do not exceed fifteen dollars for any three-month period:
33 PROVIDED FURTHER, That the exemption under this subsection is in
34 addition to the exemption provided in (A) of this subsection;

35 (C) Preparation or adoption of policy positions.

36 The statements shall be in the form and the manner prescribed by
37 the commission and shall be filed within one month after the end of the
38 quarter covered by the report.

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

10 (7) The provisions of this section do not relieve any elected
11 official or officer or employee of an agency from complying with other
12 provisions of this chapter, if such elected official, officer, or
13 employee is not otherwise exempted.

14 (8) The purpose of this section is to require each state agency and
15 certain local agencies to report the identities of those persons who
16 lobby on behalf of the agency for compensation, together with certain
17 separately identifiable and measurable expenditures of an agency's
18 funds for that purpose. This section shall be reasonably construed to
19 accomplish that purpose and not to require any agency to report any of
20 its general overhead cost or any other costs which relate only
21 indirectly or incidentally to lobbying or which are equally
22 attributable to or inseparable from nonlobbying activities of the
23 agency.

24 The public disclosure commission may adopt rules clarifying and
25 implementing this legislative interpretation and policy.

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

28 USE OF PUBLIC RESOURCES--CERTIFICATION. (1) Every elected official
29 and every executive state officer shall after January 1st and before
30 April 15th of each year file with the commission a statement of
31 financial affairs for the preceding calendar year. However, any local
32 elected official whose term of office expires immediately after
33 December 31st shall file the statement required to be filed by this
34 section for the year that ended on that December 31st. ~~((In addition
35 to and in conjunction with the statement of financial affairs, every
36 official and officer shall file a statement describing any gifts
37 received during the preceding calendar year.))~~

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

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

8 (4) A statement of a candidate or appointee filed during the period
9 from January 1st to April 15th shall cover the period from January 1st
10 of the preceding calendar year to the time of candidacy or appointment
11 if the filing of the statement would relieve the individual of a prior
12 obligation to file a statement covering the entire preceding calendar
13 year.

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

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

18 (7) Every elected official and every executive state officer shall
19 file with their statement of financial affairs a statement certifying
20 that they have read and are familiar with RCW 42.17.130 or section 118,
21 chapter, Laws of 1994 (section 118 of Z-1274.5/94), whichever is
22 applicable.

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

25 ((+8)) (9) This section does not apply to incumbents or candidates
26 for a federal office or the office of precinct committee officer.

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

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

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

33 (b) Each bank or savings account or insurance policy in which any
34 such person or persons owned a direct financial interest that exceeded
35 five thousand dollars at any time during the reporting period; each
36 other item of intangible personal property in which any such person or
37 persons owned a direct financial interest, the value of which exceeded
38 five hundred dollars during the reporting period; the name, address,

1 and nature of the entity; and the nature and highest value of each such
2 direct financial interest during the reporting period; and

3 (c) The name and address of each creditor to whom the value of five
4 hundred dollars or more was owed; the original amount of each debt to
5 each such creditor; the amount of each debt owed to each creditor as of
6 the date of filing; the terms of repayment of each such debt; and the
7 security given, if any, for each such debt: PROVIDED, That debts
8 arising out of a "retail installment transaction" as defined in chapter
9 63.14 RCW (Retail Installment Sales Act) need not be reported; and

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

12 (e) All persons for whom any legislation, rule, rate, or standard
13 has been prepared, promoted, or opposed for current or deferred
14 compensation: PROVIDED, That for the purposes of this subsection,
15 "compensation" does not include payments made to the person reporting
16 by the governmental entity for which such person serves as an elected
17 official or state executive officer or professional staff member for
18 his service in office; the description of such actual or proposed
19 legislation, rules, rates, or standards; and the amount of current or
20 deferred compensation paid or promised to be paid; and

21 (f) The name and address of each governmental entity, corporation,
22 partnership, joint venture, sole proprietorship, association, union, or
23 other business or commercial entity from whom compensation has been
24 received in any form of a total value of five hundred dollars or more;
25 the value of the compensation; and the consideration given or performed
26 in exchange for the compensation; and

27 (g) The name of any corporation, partnership, joint venture,
28 association, union, or other entity in which is held any office,
29 directorship, or any general partnership interest, or an ownership
30 interest of ten percent or more; the name or title of that office,
31 directorship, or partnership; the nature of ownership interest; and
32 with respect to each such entity: (i) With respect to a governmental
33 unit in which the official seeks or holds any office or position, if
34 the entity has received compensation in any form during the preceding
35 twelve months from the governmental unit, the value of the compensation
36 and the consideration given or performed in exchange for the
37 compensation; (ii) the name of each governmental unit, corporation,
38 partnership, joint venture, sole proprietorship, association, union, or
39 other business or commercial entity from which the entity has received

1 compensation in any form in the amount of two thousand five hundred
2 dollars or more during the preceding twelve months and the
3 consideration given or performed in exchange for the compensation:
4 PROVIDED, That the term "compensation" for purposes of this subsection
5 (1)(g)(ii) does not include payment for water and other utility
6 services at rates approved by the Washington state utilities and
7 transportation commission or the legislative authority of the public
8 entity providing the service: PROVIDED, FURTHER, That with respect to
9 any bank or commercial lending institution in which is held any office,
10 directorship, partnership interest, or ownership interest, it shall
11 only be necessary to report either the name, address, and occupation of
12 every director and officer of the bank or commercial lending
13 institution and the average monthly balance of each account held during
14 the preceding twelve months by the bank or commercial lending
15 institution from the governmental entity for which the individual is an
16 official or candidate or professional staff member, or all interest
17 paid by a borrower on loans from and all interest paid to a depositor
18 by the bank or commercial lending institution if the interest exceeds
19 six hundred dollars; and

20 (h) A list, including legal or other sufficient descriptions as
21 prescribed by the commission, of all real property in the state of
22 Washington, the assessed valuation of which exceeds two thousand five
23 hundred dollars in which any direct financial interest was acquired
24 during the preceding calendar year, and a statement of the amount and
25 nature of the financial interest and of the consideration given in
26 exchange for that interest; and

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

34 (j) A list, including legal or other sufficient descriptions as
35 prescribed by the commission, of all real property in the state of
36 Washington, the assessed valuation of which exceeds two thousand five
37 hundred dollars in which a direct financial interest was held:
38 PROVIDED, That if a description of the property has been included in a

1 report previously filed, the property may be listed, for purposes of
2 this provision, by reference to the previously filed report; and

3 (k) A list, including legal or other sufficient descriptions as
4 prescribed by the commission, of all real property in the state of
5 Washington, the assessed valuation of which exceeds five thousand
6 dollars, in which a corporation, partnership, firm, enterprise, or
7 other entity had a direct financial interest, in which corporation,
8 partnership, firm, or enterprise a ten percent or greater ownership
9 interest was held; and

10 (l)(i) A list of each item specified in section 101(7)(d) and (f),
11 chapter, Laws of 1994 (section 101 of Z-1274.5/94) received from
12 a nongovernmental entity during the preceding calendar year with a
13 value in excess of fifty dollars. Each item shall be identified by
14 date and donor; and

15 (ii) A list of each occasion in which food and beverage in excess
16 of fifty dollars was accepted; and

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

20 (2) Where an amount is required to be reported under subsection
21 (1)(~~(, paragraphs)~~) (a) through (~~(k)~~) (m) of this section, it shall
22 be sufficient to comply with the requirement to report whether the
23 amount is less than one thousand dollars, at least one thousand dollars
24 but less than five thousand dollars, at least five thousand dollars but
25 less than ten thousand dollars, at least ten thousand dollars but less
26 than twenty-five thousand dollars, or twenty-five thousand dollars or
27 more. An amount of stock may be reported by number of shares instead
28 of by market value. No provision of this subsection may be interpreted
29 to prevent any person from filing more information or more detailed
30 information than required.

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

35 **PUBLIC DISCLOSURE COMMISSION--REPORTING**

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

1 PUBLIC DISCLOSURE COMMISSION MEMBERSHIP INCREASED. There is hereby
2 established a "public disclosure commission" which shall be composed of
3 ~~((five))~~ seven members who shall be appointed by the governor, with the
4 consent of the senate if confirmation is requested by the appropriate
5 standing committee of the senate. The governor shall notify the
6 secretary of the senate of the appointment. The appropriate standing
7 committee of the legislature must inform the governor within sixty days
8 of the notice that the senate intends to proceed with the confirmation
9 process. All appointees shall be persons of the highest integrity and
10 qualifications. No more than three members shall have an
11 identification with the same political party. The original members
12 shall be appointed within sixty days after January 1, 1973. The term
13 of each member shall be five years except that the ~~((original five~~
14 ~~members shall serve initial terms of one, two, three, four, and five))~~
15 two new members appointed after the effective date of this act shall
16 serve initial terms of two and four years, respectively, as designated
17 by the governor. No member of the commission, during his or her
18 tenure, shall (1) hold or campaign for elective office; (2) be an
19 officer of any political party or political committee; (3) permit his
20 or her name to be used, or make contributions, in support of or in
21 opposition to any candidate or proposition; (4) participate in any way
22 in any election campaign; or (5) lobby or employ or assist a lobbyist:
23 PROVIDED, That a member or the staff of the commission may lobby to the
24 limited extent permitted by RCW 42.17.190 on matters directly affecting
25 this chapter. No member shall be eligible for appointment to more than
26 ~~((one))~~ two full terms. A vacancy on the commission shall be filled by
27 the governor within thirty days of the vacancy ~~((by the governor)),~~
28 with the consent of the senate ~~((, and))~~ if 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. The appointee shall serve for the remaining term of his or
34 her predecessor. A vacancy shall not impair the powers of the
35 remaining members to exercise all of the powers of the commission.
36 ~~((Three))~~ Four members of the commission shall constitute a quorum.
37 The commission shall elect its own ~~((chairman))~~ chair and adopt its own
38 rules of procedure in the manner provided in chapter 34.05 RCW. Any

1 member of the commission may be removed by the governor, but only upon
2 grounds of neglect of duty or misconduct in office.

3 Members shall be compensated in accordance with RCW 43.03.250 and
4 in addition shall be reimbursed for travel expenses incurred while
5 engaged in the business of the commission as provided in RCW 43.03.050
6 and 43.03.060. The compensation provided pursuant to this section
7 shall not be considered salary for purposes of the provisions of any
8 retirement system created pursuant to the general laws of this state.

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

11 APPLICATION OF REPORTING REQUIREMENTS SPECIAL DISTRICTS. (1)
12 Except as provided in subsections (2) (~~and~~), (3), and (4) of this
13 section, the reporting provisions of this chapter do not apply to
14 candidates, elected officials, and agencies in political subdivisions
15 with less than one thousand registered voters as of the date of the
16 most recent general election in the jurisdiction, to political
17 committees formed to support or oppose candidates or ballot
18 propositions in such political subdivisions, or to persons making
19 independent expenditures in support of or opposition to such ballot
20 propositions.

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

35 (3) The reporting provisions of this chapter apply in any exempt
36 political subdivision that by ordinance, resolution, or other official
37 action has petitioned the commission to make the provisions applicable
38 to elected officials and candidates of the exempt political

1 subdivision. A copy of the action shall be sent to the commission. If
2 the commission finds the petition to be a valid action of the
3 appropriate governing body or authority, the commission shall order
4 every known affected person in the political subdivision to file the
5 initially required statement and reports within fourteen days of the
6 date of the order.

7 (4) The reporting provisions of RCW 42.17.240 apply to candidates,
8 elected officials, and agencies in political subdivisions with less
9 than one thousand registered voters as of the date of the most recent
10 general election in the jurisdiction.

11 (5) The commission shall void any order issued by it pursuant to
12 subsection (2) or (3) of this section when, at least four years after
13 issuing the order, the commission is presented a petition or official
14 action so requesting from the affected political subdivision. Such
15 petition or official action shall meet the respective requirements of
16 subsection (2) or (3) of this section.

17 ~~((+5))~~ (6) Any petition for disclosure, ordinance, resolution, or
18 official action of an agency petitioning the commission to void the
19 exemption in RCW 42.17.030(3) shall not be considered unless it has
20 been filed with the commission:

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

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

27 ~~((+6))~~ (7) Any person exempted from reporting under this chapter
28 may at his or her option file the statement and reports.

29 NEW SECTION. Sec. 8. A new section is added to chapter 42.17 RCW
30 to read as follows:

31 FEE--PUBLIC DISCLOSURE EDUCATION. The commission shall collect
32 from each candidate, committee, and lobbyist required to report or
33 register under this chapter, once per campaign cycle, or in the case of
34 a lobbyist, at registration, a fee, not to exceed fifty dollars, to be
35 set by rule by the commission. All receipts collected under this
36 section shall be deposited in the public disclosure education fund,
37 hereby created in the custody of the state treasurer. Expenditures
38 from the account may be used only to develop and support a campaign

1 education program. Only the executive director of the commission or
2 the director's designee may authorize expenditures from the account.
3 The account is subject to allotment procedures under chapter 43.88 RCW,
4 but no appropriation is required for expenditures.

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

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

10 **TECHNICAL CORRECTIONS**

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

13 TECHNICAL CORRECTIONS. For purposes of this chapter:

14 (1) A contribution by a political committee with funds that have
15 all been contributed by one person who exercises exclusive control over
16 the distribution of the funds of the political committee is a
17 contribution by the controlling person.

18 (2) Two or more entities are treated as a single entity if one of
19 the two or more entities is a corporate subsidiary, branch, or
20 department of (~~(a corporation)~~) one of the other entities or a local
21 unit, branch, or affiliate of one of the other entities that is a trade
22 association, labor union, or collective bargaining association. All
23 contributions made by a person or political committee whose
24 contribution or expenditure activity is financed, maintained, or
25 controlled by a single trade association, labor union, collective
26 bargaining organization, or the local unit of a trade association,
27 labor union, or collective bargaining organization are considered made
28 by (~~(the same person or entity)~~) such association, union, or
29 organization.

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

32 TECHNICAL CORRECTIONS. (1) A loan is considered to be a
33 contribution from the (~~(maker)~~) lender and (~~(the)~~) any guarantor of the
34 loan and is subject to the contribution limitations of this chapter.

1 The full amount of the loan shall be attributed to the lender and to
2 each guarantor.

3 (2) A loan to a candidate or the candidate's political committee
4 must be by written agreement.

5 (3) The proceeds of a loan made to a candidate:

6 (a) By a commercial lending institution;

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

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

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

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

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

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

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

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

23 TECHNICAL CORRECTIONS. (1) No state official or state official's
24 agent may knowingly solicit, directly or indirectly, a contribution to
25 a candidate, political party, or political committee from an employee
26 in the state official's agency.

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

30 (a) Employment;

31 (b) Conditions of employment; or

32 (c) Application for employment,

33 based on the employee's or applicant's contribution or promise to
34 contribute or failure to make a contribution or contribute to a
35 political party or political committee.

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

3 TECHNICAL CORRECTIONS. A person (~~(or entity)~~) may not solicit from
4 a candidate, political committee, political party, or other person (~~(or~~
5 ~~entity)~~) money or other property as a condition or consideration for an
6 endorsement, article, or other communication in the news media
7 promoting or opposing a candidate, political committee, or political
8 party.

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

11 TECHNICAL CORRECTIONS. A person (~~(or entity)~~) may not, directly or
12 indirectly, reimburse another person (~~(or entity)~~) for a contribution
13 to a candidate, political committee, or political party.

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

16 TECHNICAL CORRECTIONS. (1) Except as provided in subsection (2) of
17 this section, a candidate or the candidate's political committee may
18 not use or permit the use of contributions, whether or not surplus,
19 solicited for or received by the candidate or the candidate's political
20 committee to further the candidacy of the individual for an office
21 other than the office designated on the statement of organization. A
22 contribution solicited for or received on behalf of the candidate is
23 considered solicited or received for the candidacy for which the
24 individual is then a candidate if the contribution is solicited or
25 received before the general elections for which the candidate is a
26 nominee or is unopposed.

27 (2) With the written approval of the contributor, a candidate or
28 the candidate's political committee may use or permit the use of
29 contributions, whether or not surplus, solicited for or received by the
30 candidate or the candidate's political committee from that contributor
31 to further the candidacy of the individual for an office other than the
32 office designated on the statement of organization.

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

35 TECHNICAL CORRECTIONS. (1) For the purposes of this section and
36 RCW 42.17.550 the term "independent campaign expenditure" means any

1 expenditure that is made in support of or in opposition to any
2 candidate or ballot proposition and is not otherwise required to be
3 reported pursuant to RCW 42.17.060, 42.17.080, or 42.17.090.
4 "Independent expenditure" does not include: An internal political
5 communication primarily limited to the contributors to a political
6 party organization or political action committee, or the officers,
7 management staff, and stockholders of a corporation or similar
8 enterprise, or the members of a labor organization or other membership
9 organization; or the rendering of personal services of the sort
10 commonly performed by volunteer campaign workers, or incidental
11 expenses personally incurred by volunteer campaign workers not in
12 excess of fifty dollars personally paid for by the worker. "Volunteer
13 services," for the purposes of this section, means services or labor
14 for which the individual is not compensated by any person and that are
15 performed outside the individual's normal working hours.

16 (2) Within five days after the date of making an independent
17 campaign expenditure that by itself or when added to all other such
18 independent campaign expenditures made during the same election
19 campaign by the same person equals one hundred dollars or more, or
20 within five days after the date of making an independent campaign
21 expenditure for which no reasonable estimate of monetary value is
22 practicable, whichever occurs first, the person who made the
23 independent campaign expenditure shall file with the commission and the
24 county elections officer of the county of residence for the candidate
25 supported or opposed by the independent campaign expenditure (or in the
26 case of an expenditure made in support of or in opposition to a local
27 ballot proposition, the county of residence for the person making the
28 expenditure) an initial report of all independent campaign expenditures
29 made during the campaign prior to and including such date.

30 (3) At the following intervals each person who is required to file
31 an initial report pursuant to subsection (2) of this section shall file
32 with the commission and the county elections officer of the county of
33 residence for the candidate supported or opposed by the independent
34 campaign expenditure (or in the case of an expenditure made in support
35 of or in opposition to a ballot proposition, the county of residence
36 for the person making the expenditure) a further report of the
37 independent campaign expenditures made since the date of the last
38 report:

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

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

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

9 The report filed pursuant to paragraph (a) of this subsection (3)
10 shall be the final report, and upon submitting such final report the
11 duties of the reporting person shall cease, and there shall be no
12 obligation to make any further reports.

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

15 (5) Each report required by subsections (2) and (3) of this section
16 shall disclose for the period beginning at the end of the period for
17 the last previous report filed or, in the case of an initial report,
18 beginning at the time of the first independent campaign expenditure,
19 and ending not more than one business day before the date the report is
20 due:

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

22 (b) The name and address of each person to whom an independent
23 campaign expenditure was made in the aggregate amount of more than
24 fifty dollars, and the amount, date, and purpose of each such
25 expenditure. If no reasonable estimate of the monetary value of a
26 particular independent campaign expenditure is practicable, it is
27 sufficient to report instead a precise description of services,
28 property, or rights furnished through the expenditure and where
29 appropriate to attach a copy of the item produced or distributed by the
30 expenditure;

31 (c) The total sum of all independent campaign expenditures made
32 during the campaign to date; and

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

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

37 TECHNICAL CORRECTIONS. Contributions received and reported in
38 accordance with RCW 42.17.060 through 42.17.090 may only be transferred

1 to the personal account of a candidate, or of a treasurer or other
2 individual or expended for such individual's personal use under the
3 following circumstances:

4 (1) Reimbursement for or loans to cover lost earnings incurred as
5 a result of campaigning or services performed for the political
6 committee. Such lost earnings shall be verifiable as unpaid salary, or
7 when the individual is not salaried, as an amount not to exceed income
8 received by the individual for services rendered during an appropriate,
9 corresponding time period. All lost earnings incurred shall be
10 documented and a record thereof shall be maintained by the individual
11 or the individual's political committee. The political committee shall
12 include a copy of such record when its expenditure for such
13 reimbursement is reported pursuant to RCW 42.17.090.

14 (2) Reimbursement for direct out-of-pocket election campaign and
15 postelection campaign related expenses made by the individual. To
16 receive reimbursement from the political committee, the individual
17 shall provide the political committee with written documentation as to
18 the amount, date, and description of each expense, and the political
19 committee shall include a copy of such information when its expenditure
20 for such reimbursement is reported pursuant to RCW 42.17.090.

21 (3) Repayment of loans made by the individual to political
22 committees, which repayment shall be reported pursuant to RCW
23 42.17.090. However, contributions may not be used to reimburse a
24 candidate for loans totaling more than three thousand dollars made by
25 the candidate to the candidate's own ((authorized)) political committee
26 or campaign.

27

CONTRIBUTIONS AND EXPENDITURES

28 **Sec. 19.** RCW 42.17.090 and 1993 c 256 s 6 are each amended to read
29 as follows:

30 CONTRIBUTOR'S EMPLOYER DISCLOSED. (1) Each report required under
31 RCW 42.17.080 (1) and (2) shall disclose the following:

32 (a) The funds on hand at the beginning of the period;

33 (b) The name ((and)), address, occupation, employer, and spouse's
34 employer of each person who has made one or more contributions during
35 the period, together with the money value and date of such
36 contributions and the aggregate value of all contributions received
37 from each such person during the campaign or in the case of a

1 continuing political committee, the current calendar year(~~(: PROVIDED,~~
2 ~~That)~~). Pledges in the aggregate of less than one hundred dollars from
3 any one person need not be reported(~~(: PROVIDED FURTHER, That)~~). The
4 income which results from a fund-raising activity conducted in
5 accordance with RCW 42.17.067 may be reported as one lump sum, with the
6 exception of that portion of such income which was received from
7 persons whose names and addresses are required to be included in the
8 report required by RCW 42.17.067(~~(: PROVIDED FURTHER, That)~~).
9 Contributions of no more than twenty-five dollars in the aggregate from
10 any one person during the election campaign may be reported as one lump
11 sum so long as the campaign treasurer maintains a separate and private
12 list of the name, address, and amount of each such contributor(~~(:
13 PROVIDED FURTHER, That)~~). The money value of contributions of postage
14 shall be the face value of such postage;

15 (c) Each loan, promissory note, or security instrument to be used
16 by or for the benefit of the candidate or political committee made by
17 any person, together with the names and addresses of the lender and
18 each person liable directly, indirectly or contingently and the date
19 and amount of each such loan, promissory note, or security instrument;

20 (d) All other contributions not otherwise listed or exempted;

21 (e) The name and address of each candidate or political committee
22 to which any transfer of funds was made, together with the amounts and
23 dates of such transfers;

24 (f) The name and address of each person to whom an expenditure was
25 made in the aggregate amount of more than fifty dollars during the
26 period covered by this report, and the amount, date, and purpose of
27 each such expenditure. A candidate for state executive or state
28 legislative office or the political committee of such a candidate shall
29 report this information for an expenditure under one of the following
30 categories, whichever is appropriate: (i) Expenditures for the
31 election of the candidate; (ii) expenditures for nonreimbursed public
32 office-related expenses; (iii) expenditures required to be reported
33 under (e) of this subsection; or (iv) expenditures of surplus funds and
34 other expenditures. The report of such a candidate or committee shall
35 contain a separate total of expenditures for each category and a total
36 sum of all expenditures. Other candidates and political committees
37 need not report information regarding expenditures under the categories
38 listed in (i) through (iv) of this subsection or under similar such
39 categories unless required to do so by the commission by rule. The

1 report of such an other candidate or committee shall also contain the
2 total sum of all expenditures;

3 (g) The name and address of each person to whom any expenditure was
4 made directly or indirectly to compensate the person for soliciting or
5 procuring signatures on an initiative or referendum petition, the
6 amount of such compensation to each such person, and the total of the
7 expenditures made for this purpose. Such expenditures shall be
8 reported under this subsection (1)(g) whether the expenditures are or
9 are not also required to be reported under (f) of this subsection;

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

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

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

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

20 (l) Funds received from a political committee not otherwise
21 required to report under this chapter (a "nonreporting committee").
22 Such funds shall be forfeited to the state of Washington unless the
23 nonreporting committee has filed or within ten days following such
24 receipt files with the commission a statement disclosing: (i) Its name
25 and address; (ii) the purposes of the nonreporting committee; (iii) the
26 names, addresses, and titles of its officers or if it has no officers,
27 the names, addresses, and titles of its responsible leaders; (iv) the
28 name, office sought, and party affiliation of each candidate in the
29 state of Washington whom the nonreporting committee is supporting, and,
30 if such committee is supporting the entire ticket of any party, the
31 name of the party; (v) the ballot proposition supported or opposed in
32 the state of Washington, if any, and whether such committee is in favor
33 of or opposed to such proposition; (vi) the name and address of each
34 person residing in the state of Washington or corporation which has a
35 place of business in the state of Washington who has made one or more
36 contributions in the aggregate of more than twenty-five dollars to the
37 nonreporting committee during the current calendar year, together with
38 the money value and date of such contributions; (vii) the name and
39 address of each person in the state of Washington to whom an

1 expenditure was made by the nonreporting committee on behalf of a
2 candidate or political committee in the aggregate amount of more than
3 fifty dollars, the amount, date, and purpose of such expenditure, and
4 the total sum of such expenditures; (viii) such other information as
5 the commission may prescribe by rule, in keeping with the policies and
6 purposes of this chapter. A nonreporting committee incurring an
7 obligation to file additional reports in a calendar year may satisfy
8 the obligation by filing with the commission a letter providing
9 updating or amending information.

10 (2) The treasurer and the candidate shall certify the correctness
11 of each report.

12 NEW SECTION. **Sec. 20.** A new section is added to chapter 42.17 RCW
13 to read as follows:

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

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

22 **LATE CONTRIBUTIONS.** (1) Campaign treasurers shall prepare and
23 deliver to the commission a special report regarding any contribution
24 or aggregate of contributions which: Exceeds five hundred dollars; is
25 from a single person or entity; and is received during a special
26 reporting period.

27 Any political committee making a contribution or an aggregate of
28 contributions to a single entity which exceeds five hundred dollars
29 shall also prepare and deliver to the commission the special report if
30 the contribution or aggregate of contributions is made during a special
31 reporting period.

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

33 (a) Each of the following intervals is a special reporting period:
34 (i) The interval beginning after the period covered by the last report
35 required by RCW 42.17.080 and 42.17.090 to be filed before a primary
36 and concluding on the end of the day before that primary; and (ii) the

1 interval composed of the twenty-one days preceding a general election;
2 and

3 (b) An aggregate of contributions includes only those contributions
4 received from a single entity during any one special reporting period
5 or made by the contributing political committee to a single entity
6 during any one special reporting period.

7 (2) If a campaign treasurer files a special report under this
8 section for one or more contributions received from a single entity
9 during a special reporting period, the treasurer shall also file a
10 special report under this section for each subsequent contribution of
11 any size which is received from that entity during the special
12 reporting period. If a political committee files a special report
13 under this section for a contribution or contributions made to a single
14 entity during a special reporting period, the political committee shall
15 also file a special report for each subsequent contribution of any size
16 which is made to that entity during the special reporting period.

17 (3) Except as provided in subsection (4) of this section, the
18 special report required by this section shall be delivered in written
19 form, including but not limited to mailgram, telegram, or nightletter.
20 The special report required of a contribution recipient by subsection
21 (1) of this section shall be delivered to the commission within forty-
22 eight hours of the time, or on the first working day after: The
23 contribution exceeding five hundred dollars is received by the
24 candidate or treasurer; the aggregate received by the candidate or
25 treasurer first exceeds five hundred dollars; or the subsequent
26 contribution that must be reported under subsection (2) of this section
27 is received by the candidate or treasurer. The special report required
28 of a contributor by subsection (1) of this section or RCW 42.17.175
29 shall be delivered to the commission, and the candidate or political
30 committee to whom the contribution or contributions are made, within
31 twenty-four hours of the time, or on the first working day after: The
32 contribution is made; the aggregate of contributions made first exceeds
33 five hundred dollars; or the subsequent contribution that must be
34 reported under subsection (2) of this section is made.

35 (4) The special report may be transmitted orally by telephone to
36 the commission to satisfy the delivery period required by subsection
37 (3) of this section if the written form of the report is also mailed to
38 the commission and postmarked within the delivery period established in
39 subsection (3) of this section.

- 1 (5) The special report shall include at least:
- 2 (a) The amount of the contribution or contributions;
- 3 (b) The date or dates of receipt;
- 4 (c) The name and address of the donor;
- 5 (d) The name and address of the recipient; and
- 6 (e) Any other information the commission may by rule require.
- 7 (6) Contributions reported under this section shall also be
- 8 reported as required by other provisions of this chapter.
- 9 (7) The commission shall publish daily a summary of the special
- 10 reports made under this section and RCW 42.17.175.
- 11 (8) It is a violation of this chapter for any person to make, or
- 12 for any candidate or political committee to accept from any one person,
- 13 contributions reportable under RCW 42.17.090 in the aggregate exceeding
- 14 fifty thousand dollars for any campaign for state-wide office or
- 15 exceeding five thousand dollars for any other campaign subject to the
- 16 provisions of this chapter within twenty-one days of a general
- 17 election. This subsection does not apply to contributions made by, or
- 18 accepted from, a (~~major Washington state~~) bona fide political party
- 19 as defined in ((RCW 29.01.090)) this chapter, excluding the county
- 20 central committee or legislative district committee.
- 21 (9) Contributions governed by this section include, but are not
- 22 limited to, contributions made or received indirectly through a third
- 23 party or entity whether the contributions are or are not reported to
- 24 the commission as earmarked contributions under RCW 42.17.135.

25 **Sec. 22.** RCW 42.17.640 and 1993 c 2 s 4 (Initiative Measure No.

26 134) are each amended to read as follows:

27 POLITICAL PARTY AND LEGISLATIVE CAUCUS LIMITS--INTERNAL REFERENCE

28 TECHNICAL CORRECTIONS. (1) No person, other than a bona fide political

29 party or a political committee established by a caucus of the state

30 legislature, may make contributions to a candidate for a state

31 legislative office that in the aggregate exceed five hundred dollars or

32 to a candidate for a state office other than a state legislative office

33 that in the aggregate exceed one thousand dollars for each election in

34 which the candidate is on the ballot or appears as a write-in

35 candidate. Contributions made with respect to a primary may not be

36 made after the date of the primary. Contributions made with respect to

37 a general election may not be made after the final day of the

38 applicable election cycle.

1 (2) No person, other than a bona fide political party or a
2 political committee established by a caucus of the state legislature,
3 may make contributions to a state official against whom recall charges
4 have been filed, or to a political committee having the expectation of
5 making expenditures in support of the recall of the state official,
6 during a recall campaign that in the aggregate exceed five hundred
7 dollars if for a state legislative office or one thousand dollars if
8 for a state office other than a state legislative office.

9 (3)(a) Notwithstanding subsection (1) of this section, no bona fide
10 political party (~~((or caucus of the state legislature))~~) may make
11 contributions to a candidate during an election cycle that in the
12 aggregate exceed (i) (~~((fifty))~~) ten cents multiplied by the number of
13 eligible registered voters in the jurisdiction from which the candidate
14 is elected if the contributor is (~~((a caucus of the state legislature~~
15 ~~or))~~) the governing body of a state organization, or (ii) (~~((twenty-~~
16 ~~five))~~) five cents multiplied by the number of registered voters in the
17 jurisdiction from which the candidate is elected if the contributor is
18 a county central committee or a legislative district committee.

19 (b) No candidate may accept contributions from a county central
20 committee or a legislative district committee during an election cycle
21 that when combined with contributions from other county central
22 committees or legislative district committees would in the aggregate
23 exceed (~~((twenty-five))~~) five cents times the number of registered voters
24 in the jurisdiction from which the candidate is elected.

25 (c) No political committee established by a caucus of the state
26 legislature may make contributions to a candidate during an election
27 cycle that in the aggregate exceed one thousand dollars for legislative
28 candidates and two thousand dollars for state-wide candidates.

29 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
30 political party (~~((or caucus of the state legislature))~~) may make
31 contributions to a state official against whom recall charges have been
32 filed, or to a political committee having the expectation of making
33 expenditures in support of the state official, during a recall campaign
34 that in the aggregate exceed (i) (~~((fifty))~~) ten cents multiplied by the
35 number of eligible registered voters in the jurisdiction entitled to
36 recall the state official if the contributor is (~~((a caucus of the state~~
37 ~~legislature of {or})~~) the governing body of a state organization, or
38 (ii) (~~((twenty-five))~~) five cents multiplied by the number of registered
39 voters in the jurisdiction from which the candidate is elected if the

1 contributor is a county central committee or a legislative district
2 committee.

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

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

19 (5) Notwithstanding subsections (1) through (4) of this section, no
20 person other than an individual, bona fide political party, or
21 political committee established by a caucus of the state legislature
22 may make contributions reportable under this chapter to a political
23 committee established by a caucus of the state legislature that in the
24 aggregate exceed five hundred dollars in a calendar year or to a bona
25 fide political party that in the aggregate exceed two thousand five
26 hundred dollars in a calendar year. This subsection does not apply to
27 loans made in the ordinary course of business.

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

32 (7) A contribution received within the twelve-month period after a
33 recall election concerning a state office is considered to be a
34 contribution during that recall campaign if the contribution is used to
35 pay a debt or obligation incurred to influence the outcome of that
36 recall campaign.

37 (8) The contributions allowed by subsection (~~(+2)~~) (3) of this
38 section are in addition to those allowed by subsection (1) of this
39 section, and the contributions allowed by subsection (4) of this

1 section are in addition to those allowed by subsection (~~(3)~~) (2) of
2 this section.

3 (9) RCW 42.17.640 through 42.17.790 apply to a special election
4 conducted to fill a vacancy in a state office. However, the
5 contributions made to a candidate or received by a candidate for a
6 primary or special election conducted to fill such a vacancy shall not
7 be counted toward any of the limitations that apply to the candidate or
8 to contributions made to the candidate for any other primary or
9 election.

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

21 (11) Notwithstanding the other subsections of this section, no
22 county central committee or legislative district committee may make
23 contributions reportable under this chapter to a candidate, state
24 official against whom recall charges have been filed, or political
25 committee having the expectation of making expenditures in support of
26 the recall of a state official if the county central committee or
27 legislative district committee is outside of the jurisdiction entitled
28 to elect the candidate or recall the state official.

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

31 (13) A person who has made an independent expenditure for a
32 candidate or ballot proposition campaign may not make a direct
33 contribution within the same election cycle to the same candidate or
34 ballot proposition committee. No person may accept a contribution that
35 the person knows was made in violation of this subsection.

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

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

4 NEW SECTION. **Sec. 24.** A new section is added to chapter 42.17 RCW
5 to read as follows:

6 LOCAL FAIR CAMPAIGN PRACTICES. Local agencies may enact provisions
7 for the regulation of fair campaign practices for local elections, not
8 prohibited by state law and rules adopted under this chapter.

9 NEW SECTION. **Sec. 25.** STUDY. The legislature finds that campaign
10 spending limits, public financing, and variable contribution limits
11 could be used to advance fair campaign practices, however the
12 imposition of spending limits raises certain constitutional questions.
13 Similar constitutional questions apply to the imposition of
14 contribution limits on ballot measure campaigns. The senate committee
15 on law and justice and the house of representatives committee on state
16 government shall jointly study the issue of campaign spending limits
17 and report to the legislature by December 1, 1995, on the desirability
18 of campaign spending limits, public financing of campaigns, variable
19 contribution limits, legal and political barriers to instituting public
20 financing of campaigns, and whether any local agencies chose to enact
21 public campaign financing. The committees shall also examine current
22 functions of the initiative process, the financing of state ballot
23 measures, and related matters to assure that the initiative process is
24 used responsibly by and for the interests of the citizens of the state
25 of Washington.

26 **FAIR CAMPAIGN**

27 **Sec. 26.** RCW 42.17.510 and 1993 c 2 s 22 (Initiative Measure No.
28 134) are each amended to read as follows:

29 ADVERTISING. (1) All written political advertising, whether
30 relating to candidates or ballot propositions, shall include the
31 sponsor's name and address. All radio and television political
32 advertising, whether relating to candidates or ballot propositions,
33 shall include the sponsor's name. The use of an assumed name shall be
34 unlawful. The party with which a candidate files shall be clearly
35 identified in political advertising for partisan office.

1 (2) In addition to the materials required by subsection (1) of this
2 section, all political advertising undertaken as an independent
3 expenditure by a person (~~or entity~~) other than a political party
4 organization must include the following statement on the communication
5 "NOTICE TO VOTERS (Required by law): This advertisement is not
6 authorized or approved by any candidate. It is paid for by (name,
7 address, city, state)." If the advertisement is undertaken by a
8 nonindividual, then the following notation must also be included: "Top
9 Five Contributors," followed by a listing of the names of the five
10 persons (~~or entities~~) making the largest contributions reportable
11 under this chapter during the twelve-month period before the date of
12 the advertisement.

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

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

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

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

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

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

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

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

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

1 TELEPHONE POLLS. A person conducting a telephone poll for the
2 purposes of a candidate's campaign shall identify the sponsor of the
3 poll.

4 **Sec. 28.** RCW 29.85.060 and 1991 c 81 s 5 are each amended to read
5 as follows:

6 HINDERING OR BRIBING VOTER. (1) Any person who uses menace, force,
7 threat, or any unlawful means ((towards any voter to hinder or deter
8 such a voter from voting)), or directly or indirectly offers any bribe,
9 reward, or any thing of value ((to a voter)), to hinder or deter any
10 voter from voting, or in exchange for the voter's vote for or against
11 any person or ballot measure, or authorizes any person to do so, is
12 guilty of a class C felony punishable under RCW 9A.20.021.

13 (2) In-kind services such as transportation or child care or other
14 services intended to enable the voter to get to his or her polling
15 place but not intended to influence the voter's vote may be provided
16 and are not prohibited under this section.

17 **PUBLIC OFFICE FUNDS**

18 **Sec. 29.** RCW 43.290.020 and 1991 c 24 s 4 are each amended to read
19 as follows:

20 OFFICE OF INTERNATIONAL RELATIONS AND PROTOCOL. (1) The office of
21 international relations and protocol may:

22 ((+1)) (a) Create temporary advisory committees as necessary to
23 deal with specific international issues. Advisory committee
24 representation may include external organizations such as the Seattle
25 consular corps, world affairs councils, public ports, world trade
26 organizations, private nonprofit organizations dealing with
27 international education or international environmental issues,
28 organizations concerned with international understanding, businesses
29 with experience in international relations, or other organizations
30 deemed appropriate by the director.

31 ((+2)) (b) Accept or request grants or gifts from citizens and
32 other private sources to be used to defray the costs of appropriate
33 hosting of foreign dignitaries, including appropriate gift-giving and
34 reciprocal gift-giving, the purchase of meals for foreign dignitaries
35 visiting the state, who are received by the state of Washington or a
36 state official acting in an official capacity, payment of expenses of

1 a reception in honor of such visitors, or other activities of the
2 office. The office shall open and maintain a bank account into which
3 it shall deposit all money received under this subsection (1)(b). Such
4 money and the interest accruing thereon shall not constitute public
5 funds, shall be kept segregated and apart from funds of the state, and
6 shall not be subject to appropriation or allotment by the state or
7 subject to chapter 43.88 RCW.

8 (2) The office shall:

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

14 (b) Report all contributions and expenses to the public disclosure
15 commission quarterly.

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

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

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

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

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

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

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

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

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

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

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

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

1 shall include a copy of such record when its expenditure for such
2 reimbursement is reported pursuant to RCW 42.17.090;

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

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

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

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

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

21 NEW SECTION. **Sec. 33.** A new section is added to chapter 42.17 RCW
22 to read as follows:

23 PUBLIC OFFICE FUND. No state official may receive contributions or
24 gifts, nor directly or indirectly maintain a public office fund, or
25 other similar fund by any other name, for the purpose of making
26 expenditures for nonreimbursed public office related expenses or
27 community activities except as provided by RCW 42.17.095, 44.04.060,
28 44.04.070, 43.290.020, 43.147.010, or section 115, chapter ..., Laws of
29 1994 (section 115 of Z-1274.5/94).

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 NEW SECTION. **Sec. 39.** LOBBYIST EMPLOYER REPORTING. (1) Each
17 employer of a lobbyist registered under this chapter shall file a
18 semiannual report. Reports shall be filed as specified in subsection
19 (2) of this section.

20 (2) Employer reports shall include the following:

21 (a) The employer's name, business address, and telephone number;

22 (b) The name of lobbyists registered on behalf of the employer;

23 (c) The name and address of each political committee associated,
24 affiliated, or sponsored by the employer and total contributions made
25 by the committee during the reporting period;

26 (d) The name of each legislator, state elected official, state
27 officer or employee, successful candidate for state office, and any
28 member of the immediate family of those persons to whom the employer
29 has paid any compensation in the amount of five hundred dollars or more
30 during the reporting period for personal employment or professional
31 services, including professional services rendered by a corporation,
32 partnership, joint venture, association, union, or other entity in
33 which the person holds any office, directorship, or any general
34 partnership interest, or an ownership interest of ten percent or more,
35 the value of the compensation in accordance with the reporting
36 provisions set out in RCW 42.17.241(2), and the consideration given or
37 performed in exchange for the compensation;

1 (e) The name of each legislator, state elected official, state
2 officer or employee, successful candidate for state office, and any
3 member of the immediate family of those persons for whom the lobbyist
4 employer incurred expenditures, directly or indirectly, through a
5 lobbyist or otherwise. For purposes of this subsection, "expenditure"
6 shall not include any expenditure made by the employer in the ordinary
7 course of business if the expenditure is not made for the purpose of
8 influencing, honoring, or benefiting the recipient of the expenditure
9 or the member of his or her family as an official or candidate;

10 (f) The total expenditures made during the reporting period by the
11 employer for lobbying purposes, whether through or on behalf of a
12 lobbyist or otherwise. As used in this section, "expenditures"
13 includes amounts paid or incurred during the reporting period for (i)
14 political advertising as defined in RCW 42.17.020; and (ii) public
15 relations, telemarketing, polling, or similar activities if such
16 activities, directly or indirectly, are intended, designed, or
17 calculated to influence legislation or the adoption or rejection of any
18 rule, standard, or rate by any agency under the administrative
19 procedure act. The report shall specify the amount, the person to whom
20 the amount was paid, and a brief description of the activity;

21 (g) Total amount or value of contributions made during the
22 reporting period by the employer to any candidate for state or local
23 office, any political committee whose purpose is to support or oppose
24 the election of one or more candidate for state or local office, a
25 political committee established by a caucus of the state legislature,
26 a political party, or any political committee formed for the purpose of
27 supporting or opposing a state or local ballot proposition or any grass
28 roots lobby;

29 (h) Total amounts of compensation for lobbying during the reporting
30 period paid or owed to lobbyists employed, hired, contracted, retained,
31 or assigned by the employer;

32 (i) Total amount for any "special lobbying activities" as
33 designated by section 40 of this act;

34 (j) Total amount of reimbursement for expenses incurred in
35 connection with lobbying during the reporting period paid or owed to
36 lobbyists employed, hired, contracted, retained, or assigned by the
37 employer;

1 (k) Total amount for entertainment in connection with lobbying
2 during the reporting period paid or owed to lobbyists employed, hired,
3 contracted, retained, or assigned by the employer;

4 (l) Total amount of expenditures by the employer or value of gifts
5 during the reporting period to legislators, legislative staff, state
6 elected officials, state officers and employees, or members of their
7 immediate families;

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

14 (n) Such other information as the commission prescribes by rule in
15 keeping with the policies and purposes of this chapter.

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

21 NEW SECTION. Sec. 40. REPORTING. (1) A person who spends twenty-
22 five hundred dollars or more to sponsor a special lobbying activity
23 other than that covered by RCW 42.17.200 shall report the information
24 required in this section.

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

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

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

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

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

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

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

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

8 (ii) Advertising and printing;

9 (iii) Transportation;

10 (iv) Food, beverages, and catering;

11 (v) Lodging;

12 (vi) Rent of buildings or equipment; and

13 (vii) Other expenditures; and

14 (f) Such other relevant information as the commission may require.

15 NEW SECTION. **Sec. 41.** Sections 34 through 40 of this act are each
16 added to chapter 42.17 RCW.

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

19 REGISTRATION AND REPORTING. The following persons and activities
20 shall be exempt from registration and reporting under RCW 42.17.150,
21 42.17.170, and 42.17.200:

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

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

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

31 ((+3+)) (4) Persons who lobby without compensation or other
32 consideration for acting as a lobbyist: PROVIDED, Such person makes no
33 expenditure for or on behalf of any member of the legislature or
34 elected official or public officer or employee of the state of
35 Washington in connection with such lobbying. The exemption contained
36 in this subsection is intended to permit and encourage citizens of this
37 state to lobby any legislator, public official, or state agency without

1 incurring any registration or reporting obligation provided they do not
2 exceed the limits stated above. Any person exempt under this
3 subsection ((+3+)) (4) may at his or her option register and report
4 under this chapter;

5 ((+4+)) (5) Persons who restrict their lobbying activities to no
6 more than four days or parts thereof during any three-month period and
7 whose total expenditures during such three-month period for or on
8 behalf of any one or more members of the legislature or state elected
9 officials or public officers or employees of the state of Washington in
10 connection with such lobbying do not exceed twenty-five (~~{dollars}~~)
11 dollars: PROVIDED, That the commission shall promulgate regulations to
12 require disclosure by persons exempt under this subsection or their
13 employers or entities which sponsor or coordinate the lobbying
14 activities of such persons if it determines that such regulations are
15 necessary to prevent frustration of the purposes of this chapter. Any
16 person exempt under this subsection ((+4+)) (5) may at his or her
17 option register and report under this chapter;

18 ((+5+)) (6) The governor;

19 ((+6+)) (7) The lieutenant governor;

20 ((+7+)) (8) Except as provided by RCW 42.17.190(1), members of the
21 legislature;

22 ((+8+)) (9) Except as provided by RCW 42.17.190(1), persons
23 employed by the legislature for the purpose of aiding in the
24 preparation or enactment of legislation or the performance of
25 legislative duties;

26 ((+9+)) (10) Elected officials, and officers and employees of any
27 agency reporting under RCW 42.17.190(4) as now or hereafter amended.

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

30 MONTHLY PERIODIC REPORT. (1) Any lobbyist registered under RCW
31 42.17.150 and any person who lobbies shall file with the commission
32 periodic reports of his activities signed by the lobbyist. The reports
33 shall be made in the form and manner prescribed by the commission.
34 They shall be due monthly and shall be filed within fifteen days after
35 the last day of the calendar month covered by the report.

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

37 (a) The totals of all expenditures for lobbying activities made or
38 incurred by such lobbyist or on behalf of such lobbyist by the

1 lobbyist's employer during the period covered by the report. Such
2 totals for lobbying activities shall be segregated according to
3 financial category, including compensation; food and refreshments;
4 living accommodations; advertising; travel; contributions; and other
5 expenses or services. Each individual expenditure of more than twenty-
6 five dollars for entertainment shall be identified by date, place,
7 amount, and the names of all persons in the group partaking in or of
8 such entertainment including any portion thereof attributable to the
9 lobbyist's participation therein, ~~((without))~~ and shall include amounts
10 actually expended on each person where calculable, or allocating any
11 portion of ((such)) the expenditure to individual participants.
12 ~~((However, if the expenditure for a single hosted reception is more~~
13 ~~than one hundred dollars per person partaking therein, the report shall~~
14 ~~specify the per person amount, which shall be determined by dividing~~
15 ~~the total amount of the expenditure by the total number of persons~~
16 ~~partaking in the reception.))~~

17 Notwithstanding the foregoing, lobbyists are not required to report
18 the following:

19 (i) Unreimbursed personal living and travel expenses not incurred
20 directly for lobbying;

21 (ii) Any expenses incurred for his or her own living
22 accommodations;

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

25 (iv) Any expenses incurred for telephone, and any office expenses,
26 including rent and salaries and wages paid for staff and secretarial
27 assistance.

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

31 (c) An itemized listing of each such expenditure, whether
32 contributed by the lobbyist personally or delivered or transmitted by
33 the lobbyist, in the nature of a contribution of money or of tangible
34 or intangible personal property to any candidate, elected official, or
35 officer or employee of any agency, or any political committee
36 supporting or opposing any ballot proposition, or for or on behalf of
37 any candidate, elected official, or officer or employee of any agency,
38 or any political committee supporting or opposing any ballot
39 proposition. All contributions made to, or for the benefit of, any

1 candidate, elected official, or officer or employee of any agency, or
2 any political committee supporting or opposing any ballot proposition
3 shall be identified by date, amount, and the name of the candidate,
4 elected official, or officer or employee of any agency, or any
5 political committee supporting or opposing any ballot proposition
6 receiving, or to be benefited by each such contribution.

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

12 (e) Such other information relevant to lobbying activities as the
13 commission shall by rule prescribe. Information supporting such
14 activities as are required to be reported is subject to audit by the
15 commission.

16 (f) ~~((A listing of each gift, as defined in RCW 42.17.020, made to
17 a state elected official or executive state officer or to a member of
18 the immediate family of such an official or officer. Such a gift shall
19 be separately identified by the date it was given, the approximate
20 value of the gift, and the name of the recipient. However, for a
21 hosted reception where the average per person amount is reported under
22 (a) of this subsection, the approximate value for the gift of partaking
23 in the event is such average per person amount. The commission shall
24 adopt forms to be used for reporting the giving of gifts under this
25 subsection (2)(f). The forms shall be designed to permit a lobbyist to
26 report on a separate form for each recipient the reportable gifts given
27 to that recipient during the reporting period or, alternatively, to
28 report on one form all reportable gifts given by the lobbyist during
29 the reporting period)) A listing of each payment for an item specified
30 in section 101(7)(d) and (f), chapter, Laws of 1994 (section 101
31 of Z-1274.5/94) in excess of fifty dollars. Each item shall be
32 identified by recipient, date, and approximate value of the item.~~

33 (g) The total expenditures made during the reporting period by the
34 lobbyist for lobbying purposes, whether through or on behalf of a
35 lobbyist or otherwise. As used in this section, "expenditures"
36 includes amounts paid or incurred during the reporting period for (i)
37 political advertising as defined in RCW 42.17.020; and (ii) public
38 relations, telemarketing, polling, or similar activities if such
39 activities, directly or indirectly, are intended, designed, or

1 calculated to influence legislation or the adoption or rejection of a
2 rule, standard, or rate by an agency under the administrative procedure
3 act. The report shall specify the amount, the person to whom the
4 amount was paid, and a brief description of the activity.

5 (3) If a state elected official or a member of such an official's
6 immediate family is identified by a lobbyist in such a report as having
7 received from the lobbyist (~~(a gift, as defined in RCW 42.17.020)~~) an
8 item specified in section 101(7)(d) and (f), chapter, Laws of 1994
9 (section 101 of Z-1274.5/94) from the lobbyist, the lobbyist shall
10 transmit to the official a copy of the completed form used to identify
11 the gift in the report at the same time the report is filed with the
12 commission.

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

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

18 MAILING. During the twelve-month period preceding the expiration
19 of a state legislator's term in office, no incumbent to that office may
20 mail to a constituent at public expense a letter, newsletter, brochure,
21 or other piece of literature that is not in direct response to that
22 constituent's request for a response or for information. However, one
23 mailing mailed within thirty days after the start of a regular
24 legislative session and one mailing mailed within sixty days after the
25 end of a regular legislative session of identical newsletters to
26 constituents are permitted. A violation of this section constitutes
27 use of the facilities of a public office for the purpose of assisting
28 a campaign under (~~(RCW 42.17.130)~~) section 118, chapter, Laws of
29 1994 (section 118 of Z-1274.5/94).

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

33 **VOTERS' AND CANDIDATES' PAMPHLET**

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

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

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

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

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

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

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

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

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

20 (7) The training of state and local party observers required by RCW
21 29.60.040;

22 (8) The conduct of postelection reviews as established in RCW
23 29.60.070; and

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

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

27 CANDIDATES' PAMPHLET. As soon as possible before each state
28 primary and general election at which federal or state officials are to
29 be elected, the secretary of state shall publish and mail to each
30 individual place of residence of the state a candidates' pamphlet
31 containing photographs and campaign statements of eligible nominees who
32 desire to participate therein, together with a campaign mailing address
33 and telephone number submitted by the nominee at the nominee's option,
34 and in even-numbered years containing a description of the office of
35 precinct committee officer and its duties, in order that voters will
36 understand that the office is a state office and will be found on the
37 ballot of the forthcoming general election. In odd-numbered years no
38 candidates' pamphlet may be published unless an election is to be held

1 to fill a vacancy in one or more of the following state-wide elective
2 offices: United States senator, governor, lieutenant governor,
3 secretary of state, state treasurer, state auditor, attorney general,
4 superintendent of public instruction, commissioner of public lands,
5 insurance commissioner, or justice of the supreme court.

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

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

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

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

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

1 (a) The legal identification of the measure by serial designation
2 and number;

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

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

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

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

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

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

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

20 (4) Following each argument or rebuttal statement each member of
21 the committee advocating for or against a measure shall be listed by
22 name and address to the end that the public shall be fully apprised of
23 the advocate's identity. The names of the persons preparing the
24 statement shall be printed in bold face capital letters. Also,
25 following each argument or rebuttal statement, the secretary of state
26 shall list, at the option of the committee that submitted the argument
27 or statement, a telephone number that citizens may call in order to
28 obtain information on the ballot measure.

29 (5) At the conclusion of the pamphlet the full text of each of the
30 measures shall appear. The text of the proposed constitutional
31 amendments shall be set forth in the form provided for in RCW
32 29.81.080.

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

35 PRINTING. The nominees' statements, photographs, and the addresses
36 and telephone numbers submitted by them as set forth in RCW 29.80.010
37 and 29.80.020 shall be published by the secretary of state as a
38 candidates' pamphlet, the printing of which shall be completed as soon

1 as possible before the state primary or general election concerned.
2 The overall dimensions of the pamphlet shall be determined by the
3 secretary of state as those which in the secretary's judgment best
4 serve the voters, and whenever possible the candidates' pamphlet shall
5 be combined with the voters' pamphlet as a single publication.

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

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

26 **MISCELLANEOUS**

27 NEW SECTION. **Sec. 51.** REPEALER. The following acts or parts of
28 acts are each repealed:

- 29 (1) RCW 42.17.021 and 1993 c 2 s 30;
30 (2) RCW 42.17.2415 and 1991 sp.s. c 18 s 3; and
31 (3) RCW 42.17.630 and 1993 c 2 s 3 (Initiative Measure No. 134).

32 NEW SECTION. **Sec. 52.** CAPTIONS AND HEADINGS. Captions and
33 headings as used in this act constitute no part of the law.

1 NEW SECTION. **Sec. 53.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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