

SECOND SUBSTITUTE SENATE BILL 6112

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Drew, McCaslin, Gaspard, Snyder, Fraser, Franklin, Quigley, Sheldon, Bauer, Owen, Spanel, Pelz, M. Rasmussen and Winsley; by request of Commission on Ethics in Government & Campaign Financing, Governor Lowry and Attorney General)

Read first time 02/08/94.

1 AN ACT Relating to fair campaign practices; amending RCW 42.17.020,
2 42.17.130, 42.17.190, 42.17.240, 42.17.241, 42.17.350, 42.17.405,
3 42.17.410, 42.17.660, 42.17.720, 42.17.740, 42.17.750, 42.17.770,
4 42.17.780, 42.17.790, 42.17.100, 42.17.125, 42.17.090, 42.17.105,
5 42.17.640, 42.17.128, 42.17.510, 29.85.060, 43.290.020, 42.17.710,
6 42.17.395, 42.17.095, 42.17.160, 42.17.170, 42.17.132, 43.07.310,
7 29.80.010, 29.80.020, 29.81.010, 29.80.040, 29.80.090, 29.81A.010,
8 42.17.150, and 42.17.180; adding new sections to chapter 42.17 RCW;
9 creating new sections; repealing RCW 42.17.021, 42.17.2415, and
10 42.17.630; and providing an effective date.

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

12 CAMPAIGN PRACTICES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (c) Receives contributions or makes expenditures or reserves space
4 or facilities with intent to promote his or her candidacy for the
5 office; or

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

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

14 ~~((+7))~~ (9) "Commission" means the agency established under RCW
15 42.17.350.

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

23 ~~((+9))~~ (11) "Continuing political committee" means a political
24 committee that is an organization of continuing existence not
25 established in anticipation of any particular election campaign.

26 ~~((+10))~~ (12) "Contract lobbyist" is a person, other than a regular
27 employee of a lobbyist employer, who independently contracts for
28 economic consideration for the purpose of lobbying.

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

1 individual is not compensated by any person. For the purposes of this
2 chapter, contributions other than money or its equivalents shall be
3 deemed to have a money value equivalent to the fair market value of the
4 contribution. Sums paid for tickets to fund raising events such as
5 dinners and parties are contributions; however, the amount of any such
6 contribution may be reduced for the purpose of complying with the
7 reporting requirements of this chapter, by the actual cost of
8 consumables furnished in connection with the purchase of the tickets,
9 and only the excess over the actual cost of the consumables shall be
10 deemed a contribution).

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

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

15 (ii) Ordinary home hospitality;

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

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

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

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

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

37 (viii) The rendering of personal services of the sort commonly
38 performed by volunteer campaign workers, or incidental expenses
39 personally incurred by volunteer campaign workers not in excess of

1 fifty dollars personally paid for by the worker. "Volunteer services,"
2 for the purposes of this section, means services or labor for which the
3 individual is not compensated by any person and that are performed
4 outside the individual's normal working hours; or

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

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

9 (B) A candidate or a candidate's political committee if the person
10 paying for the services is the regular employer of the individual
11 rendering the services and if the services are solely for the purpose
12 of ensuring compliance with state election or public disclosure laws.

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

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

18 (ii) The financing by a person of the dissemination, distribution,
19 or republication, in whole or in part, of broadcast, written, graphic,
20 or other form of political advertising prepared by a candidate, a
21 political committee, or its authorized agent, is considered to be a
22 contribution to the candidate or political committee.

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

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

33 ~~((+13+))~~ (16) "Election campaign" means any campaign in support of
34 or in opposition to a candidate for election to public office and any
35 campaign in support of, or in opposition to, a ballot proposition.

36 ~~((+14+))~~ (17) "Election cycle" means the period beginning on the
37 first day of December after the date of the last previous general
38 election for the office that the candidate seeks and ending on November
39 30th after the next election for the office. In the case of a special

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

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

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

21 ((+15+)) (20) "Independent expenditure" means an "expenditure" as
22 defined in this section that has each of the following elements:

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

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

38 (c) The expenditure, alone or in conjunction with another
39 expenditure or other expenditures of the same person in support of or

1 opposition to that candidate, has a value of five hundred dollars or
2 more. A series of expenditures, each of which is under five hundred
3 dollars, constitutes one independent expenditure if their cumulative
4 value is five hundred dollars or more.

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

7 (~~((16))~~) (22) "Gift(~~(7)~~)" (~~((for the purposes of RCW 42.17.170 and~~
8 ~~42.17.2415, means a rendering of anything of value in return for which~~
9 ~~reasonable consideration is not given and received and includes a~~
10 ~~rendering of money, property, services, discount, loan forgiveness,~~
11 ~~payment of indebtedness, or reimbursements from or payments by persons~~
12 ~~(other than the federal government, or the state of Washington or any~~
13 ~~agency or political subdivision thereof) for travel or anything else of~~
14 ~~value. The term "reasonable consideration" refers to the approximate~~
15 ~~range of consideration that exists in transactions not involving~~
16 ~~donative intent. However, the value of the gift of partaking in a~~
17 ~~single hosted reception shall be determined by dividing the total~~
18 ~~amount of the cost of conducting the reception by the total number of~~
19 ~~persons partaking in the reception. "Gift" for the purposes of RCW~~
20 ~~42.17.170 and 42.17.2415 does not include:~~

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

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

25 (c) A contribution that is required to be reported under RCW
26 42.17.090 or 42.17.243;

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

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

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

6 ~~(g) A gift given prior to September 29, 1991))~~ is as defined in
7 section 101, chapter . . . (Senate Bill No. 6111), Laws of 1994.
8 "Gift" does not include campaign contributions reported under this
9 chapter.

10 ~~((17))~~ (23) "Immediate family" ((includes)) means the spouse,
11 dependent children, and other dependent relatives, if living in the
12 household. For the purposes of RCW 42.17.640 through 42.17.790,
13 immediate family means a spouse, a child, stepchild, grandchild,
14 parent, stepparent, grandparent, brother, half brother, sister, or half
15 sister of the candidate and the spouse of such person and a child,
16 stepchild, grandchild, parent, stepparent, grandparent, brother, half
17 brother, sister, or half sister of the candidate's spouse and the
18 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, or any other entity.

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

19 ~~((+1+))~~ (a) Action taken at an open public meeting by members of an
20 elected legislative body to express a collective decision, or to
21 actually vote upon a motion, proposal, resolution, order, or ordinance,
22 or to support or oppose a ballot proposition so long as ((+a+)) (i) any
23 required notice of the meeting includes the title and number of the
24 ballot proposition, and ((+b+)) (ii) members of the legislative body or
25 members of the public are afforded an approximately equal opportunity
26 for the expression of an opposing view;

27 ~~((+2+))~~ (b) A statement by an elected official in support of or in
28 opposition to any ballot proposition at an open press conference or in
29 response to a specific inquiry;

30 ~~((+3+))~~ (c) Activities which are part of the normal and regular
31 conduct of the office or agency.

32 (2) No agency or official or employee of any agency may disburse
33 funds in the form of dues or membership fees to an entity that uses any
34 portion of the dues or membership fees for the support of or opposition
35 to a ballot proposition. This subsection does not apply to funds
36 deducted from a public employee's pay and forwarded to a bargaining
37 representative pursuant to RCW 41.56.110.

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 . . . (Senate Bill No. 6111), Laws of 1994. The provisions of
16 this subsection shall not apply to the following activities:

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

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

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

30 (d) Activities conducted regarding an initiative to the legislature
31 that would be permitted under RCW 42.17.130 and section 118, chapter
32 . . . (Senate Bill No. 6111), Laws of 1994 if conducted regarding other
33 ballot measures.

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

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

1 (b) The name, title, and job description and salary of each elected
2 official, officer, or employee who lobbied, a general description of
3 the nature of the lobbying, and the proportionate amount of time spent
4 on the lobbying;

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

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

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

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

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

21 (iv) Requests, recommendations, or other communication between or
22 within state agencies or between or within local agencies;

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

24 (A) Telephone conversations or preparation of written
25 correspondence;

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

37 (C) Preparation or adoption of policy positions.

1 The statements shall be in the form and the manner prescribed by
2 the commission and shall be filed within one month after the end of the
3 quarter covered by the report.

4 (6) In lieu of reporting under subsection (5) of this section any
5 county, city, town, municipal corporation, quasi municipal corporation,
6 or special purpose district may determine and so notify the public
7 disclosure commission, that elected officials, officers, or employees
8 who on behalf of any such local agency engage in lobbying reportable
9 under subsection (5) of this section shall register and report such
10 reportable lobbying in the same manner as a lobbyist who is required to
11 register and report under RCW 42.17.150 and 42.17.170. Each such local
12 agency shall report as a lobbyist employer pursuant to ((RCW
13 42.17.180)) section 39 of this act.

14 (7) The provisions of this section do not relieve any elected
15 official or officer or employee of an agency from complying with other
16 provisions of this chapter, if such elected official, officer, or
17 employee is not otherwise exempted.

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

28 The public disclosure commission may adopt rules clarifying and
29 implementing this legislative interpretation and policy.

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

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

1 to and in conjunction with the statement of financial affairs, every
2 official and officer shall file a statement describing any gifts
3 received during the preceding calendar year.))

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

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

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

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

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

21 (7) Every elected official and every executive state officer shall
22 file with their statement of financial affairs a statement certifying
23 that they have read and are familiar with RCW 42.17.130 or section 118,
24 chapter . . . (Senate Bill No. 6111), Laws of 1994, whichever is
25 applicable.

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

28 ((+8)) (9) This section does not apply to incumbents or candidates
29 for a federal office or the office of precinct committee officer.

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

32 FINANCIAL AFFAIRS REPORT--GIFTS. (1) The statement of financial
33 affairs required by RCW 42.17.240 shall disclose for the reporting
34 individual and each member of his or her immediate family:

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

36 (b) Each bank or savings account or insurance policy in which any
37 such person or persons owned a direct financial interest that exceeded
38 five thousand dollars at any time during the reporting period; each

1 other item of intangible personal property in which any such person or
2 persons owned a direct financial interest, the value of which exceeded
3 five hundred dollars during the reporting period; the name, address,
4 and nature of the entity; and the nature and highest value of each such
5 direct financial interest during the reporting period; and

6 (c) The name and address of each creditor to whom the value of five
7 hundred dollars or more was owed; the original amount of each debt to
8 each such creditor; the amount of each debt owed to each creditor as of
9 the date of filing; the terms of repayment of each such debt; and the
10 security given, if any, for each such debt: PROVIDED, That debts
11 arising out of a "retail installment transaction" as defined in chapter
12 63.14 RCW (Retail Installment Sales Act) need not be reported; and

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

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

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

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

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

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

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

37 (j) A list, including legal or other sufficient descriptions as
38 prescribed by the commission, of all real property in the state of
39 Washington, the assessed valuation of which exceeds two thousand five

1 hundred dollars in which a direct financial interest was held:
2 PROVIDED, That if a description of the property has been included in a
3 report previously filed, the property may be listed, for purposes of
4 this provision, by reference to the previously filed report; and

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

12 (l)(i) A list of each item specified in section 101(8) (d) and (f),
13 chapter . . . (Senate Bill No. 6111), Laws of 1994 received from a
14 nongovernmental entity during the preceding calendar year with a value
15 in excess of fifty dollars. Each item shall be identified by date and
16 donor; and

17 (ii) A list of each occasion in which food and beverage in excess
18 of fifty dollars was accepted under section 115(5), chapter . . .
19 (Senate Bill No. 6111), Laws of 1994; and

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

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

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

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

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

1 rules of procedure in the manner provided in chapter 34.05 RCW. Any
2 member of the commission may be removed by the governor, but only upon
3 grounds of neglect of duty or misconduct in office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Expenditures from the fund may be used only to develop and support a
2 campaign education program. Only the executive director of the
3 commission or the director's designee may authorize expenditures from
4 the fund. The fund is subject to allotment procedures under chapter
5 43.88 RCW, but no appropriation is required for expenditures.

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

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

11 **TECHNICAL CORRECTIONS**

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

14 TECHNICAL CORRECTIONS. For purposes of this chapter:

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

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

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

33 TECHNICAL CORRECTIONS. (1) A loan is considered to be a
34 contribution from the (~~(maker)~~) lender and (~~(the)~~) any guarantor of the
35 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 for a state office or the candidate's
4 political committee must be by written agreement.

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

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 for a state office, political party, or political committee
26 from an employee 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 for a state office, political committee, political party,
5 or other person (~~(or entity)~~) money or other property as a condition or
6 consideration for an endorsement, article, or other communication in
7 the news media promoting or opposing a candidate for a state office,
8 political committee, or political 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 for a state office, political committee, or political
14 party.

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

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

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

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

3 TECHNICAL CORRECTIONS--INTERNAL POLITICAL COMMUNICATIONS--
4 INDEPENDENT EXPENDITURE. (1) For the purposes of this section and RCW
5 42.17.550 the term "independent ((campaign)) expenditure" means any
6 expenditure that is made in support of or in opposition to any
7 candidate or ballot proposition and is not otherwise required to be
8 reported pursuant to RCW 42.17.060, 42.17.080, or 42.17.090.
9 "Independent expenditure" does not include: An internal political
10 communication primarily limited to the contributors to a political
11 party organization or political action committee, or the officers,
12 management staff, and stockholders of a corporation or similar
13 enterprise, or the members of a labor organization or other membership
14 organization; or the rendering of personal services of the sort
15 commonly performed by volunteer campaign workers, or incidental
16 expenses personally incurred by volunteer campaign workers not in
17 excess of fifty dollars personally paid for by the worker. "Volunteer
18 services," for the purposes of this section, means services or labor
19 for which the individual is not compensated by any person and that are
20 performed outside the individual's normal working hours.

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

36 (3) At the following intervals each person who is required to file
37 an initial report pursuant to subsection (2) of this section shall file
38 with the commission and the county elections officer of the county of
39 residence for the candidate supported or opposed by the independent

1 ((campaign)) expenditure (or in the case of an expenditure made in
2 support of or in opposition to a ballot proposition, the county of
3 residence for the person making the expenditure) a further report of
4 the independent ((campaign)) expenditures made since the date of the
5 last report:

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

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

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

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

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

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

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

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

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

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

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

3 **TECHNICAL CORRECTIONS.** Contributions received and reported in
4 accordance with RCW 42.17.060 through 42.17.090 may only be transferred
5 to the personal account of a candidate, or of a treasurer or other
6 individual or expended for such individual's personal use under the
7 following circumstances:

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

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

25 (3) Repayment of loans made by the individual to political
26 committees, which repayment shall be reported pursuant to RCW
27 42.17.090. However, contributions may not be used to reimburse a
28 candidate for loans totaling more than three thousand dollars made by
29 the candidate to the candidate's own ((~~authorized~~)) political committee
30 or campaign.

31 **CONTRIBUTIONS AND EXPENDITURES**

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

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

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

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

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

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

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

28 (f) The name and address of each person to whom an expenditure was
29 made in the aggregate amount of more than fifty dollars during the
30 period covered by this report, and the amount, date, and purpose of
31 each such expenditure. A candidate for state executive or state
32 legislative office or the political committee of such a candidate shall
33 report this information for an expenditure under one of the following
34 categories, whichever is appropriate: (i) Expenditures for the
35 election of the candidate; (ii) expenditures for nonreimbursed public
36 office-related expenses; (iii) expenditures required to be reported
37 under (e) of this subsection; or (iv) expenditures of surplus funds and
38 other expenditures. The report of such a candidate or committee shall
39 contain a separate total of expenditures for each category and a total

1 sum of all expenditures. Other candidates and political committees
2 need not report information regarding expenditures under the categories
3 listed in (i) through (iv) of this subsection or under similar such
4 categories unless required to do so by the commission by rule. The
5 report of such an other candidate or committee shall also contain the
6 total sum of all expenditures;

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

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

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

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

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

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

1 contributions in the aggregate of more than twenty-five dollars to the
2 nonreporting committee during the current calendar year, together with
3 the money value and date of such contributions; (vii) the name and
4 address of each person in the state of Washington to whom an
5 expenditure was made by the nonreporting committee on behalf of a
6 candidate or political committee in the aggregate amount of more than
7 fifty dollars, the amount, date, and purpose of such expenditure, and
8 the total sum of such expenditures; (viii) such other information as
9 the commission may prescribe by rule, in keeping with the policies and
10 purposes of this chapter. A nonreporting committee incurring an
11 obligation to file additional reports in a calendar year may satisfy
12 the obligation by filing with the commission a letter providing
13 updating or amending information.

14 (2) The treasurer and the candidate shall certify the correctness
15 of each report.

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

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

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

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

32 Any political committee making a contribution or an aggregate of
33 contributions to a single entity which exceeds five hundred dollars
34 shall also prepare and deliver to the commission the special report if
35 the contribution or aggregate of contributions is made during a special
36 reporting period.

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

1 (a) Each of the following intervals is a special reporting period:
2 (i) The interval beginning after the period covered by the last report
3 required by RCW 42.17.080 and 42.17.090 to be filed before a primary
4 and concluding on the end of the day before that primary; and (ii) the
5 interval composed of the twenty-one days preceding a general election;
6 and

7 (b) An aggregate of contributions includes only those contributions
8 received from a single entity during any one special reporting period
9 or made by the contributing political committee to a single entity
10 during any one special reporting period.

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

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

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

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

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

8 (b) The date or dates of receipt;

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

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

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

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

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

16 (8) It is a violation of this chapter for any person to make, or
17 for any candidate or political committee to accept from any one person,
18 contributions reportable under RCW 42.17.090 in the aggregate exceeding
19 fifty thousand dollars for any campaign for state-wide office or
20 exceeding five thousand dollars for any other campaign subject to the
21 provisions of this chapter within twenty-one days of a general
22 election. This subsection does not apply to contributions made by, or
23 accepted from, a ((~~major Washington state~~)) bona fide political party
24 as defined in ((~~RCW 29.01.090~~)) this chapter, excluding the county
25 central committee or legislative district committee.

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

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

32 POLITICAL PARTY AND LEGISLATIVE CAUCUS LIMITS--INDEPENDENT
33 EXPENDITURES. (1) No person, other than a bona fide political party or
34 a political committee established by a caucus of the state legislature,
35 may make contributions to a candidate for a state legislative office
36 that in the aggregate exceed five hundred dollars or to a candidate for
37 a state office other than a state legislative office that in the
38 aggregate exceed one thousand dollars for each election in which the

1 candidate is on the ballot or appears as a write-in candidate.
2 Contributions made with respect to a primary may not be made after the
3 date of the primary. Contributions made with respect to a general
4 election may not be made after the final day of the applicable election
5 cycle.

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

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

25 (b) No candidate for a state office may accept contributions from
26 a county central committee or a legislative district committee during
27 an election cycle that when combined with contributions from other
28 county central committees or legislative district committees would in
29 the aggregate exceed (~~((twenty-five))~~) five cents times the number of
30 registered voters in the jurisdiction from which the candidate for a
31 state office is elected.

32 (c) No political committee established by a caucus of the state
33 legislature may make contributions to a candidate for a state office
34 during an election cycle that in the aggregate exceed one thousand
35 dollars for a candidate for a state legislative office and two thousand
36 dollars for a candidate for a state office other than a state
37 legislative office.

38 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
39 political party (~~((or caucus of the state legislature))~~) may make

1 contributions to a state official against whom recall charges have been
2 filed, or to a political committee having the expectation of making
3 expenditures in support of the state official, during a recall campaign
4 that in the aggregate exceed (i) (~~(fifty)~~) ten cents multiplied by the
5 number of eligible registered voters in the jurisdiction entitled to
6 recall the state official if the contributor is (~~(a caucus of the state~~
7 ~~legislature of [or])~~) the governing body of a state organization, or
8 (ii) (~~(twenty-five)~~) five cents multiplied by the number of registered
9 voters in the jurisdiction from which the (~~(candidate)~~) official is
10 elected if the contributor is a county central committee or a
11 legislative district committee.

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

18 (c) No state official against whom recall charges have been filed,
19 no (~~(authorized)~~) political committee of the official, and no political
20 committee having the expectation of making expenditures in support of
21 the recall of a state official may accept contributions from a county
22 central committee or a legislative district committee during an
23 election cycle that when combined with contributions from other county
24 central committees or legislative district committees would in the
25 aggregate exceed (~~(twenty-five)~~) five cents multiplied by the number of
26 registered voters in the jurisdiction from which the (~~(candidate)~~)
27 official is elected.

28 (5) Notwithstanding subsections (1) through (4) of this section, no
29 person other than an individual, bona fide political party, or
30 political committee established by a caucus of the state legislature
31 may make contributions reportable under this chapter to a political
32 committee established by a caucus of the state legislature that in the
33 aggregate exceed five hundred dollars in a calendar year or to a bona
34 fide political party that in the aggregate exceed two thousand five
35 hundred dollars in a calendar year. This subsection does not apply to
36 loans made in the ordinary course of business.

37 (6) For the purposes of RCW 42.17.640 through 42.17.790, a
38 contribution to the authorized political committee of a candidate for
39 a state office, or of a state official against whom recall charges have

1 been filed, is considered to be a contribution to the candidate or
2 state official.

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

8 (8) The contributions allowed by subsection (2) of this section are
9 in addition to those allowed by subsection (1) of this section, and the
10 contributions allowed by subsection (4) of this section are in addition
11 to those allowed by subsection (3) of this section.

12 (9) RCW 42.17.640 through 42.17.790 apply to a special election
13 conducted to fill a vacancy in a state office. However, the
14 contributions made to a candidate or received by a candidate for a
15 primary or special election conducted to fill such a vacancy shall not
16 be counted toward any of the limitations that apply to the candidate or
17 to contributions made to the candidate for any other primary or
18 election.

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

30 (11) Notwithstanding the other subsections of this section, no
31 county central committee or legislative district committee may make
32 contributions reportable under this chapter to a candidate for a state
33 office, state official against whom recall charges have been filed, or
34 political committee having the expectation of making expenditures in
35 support of the recall of a state official if the county central
36 committee or legislative district committee is outside of the
37 jurisdiction entitled to elect the candidate for a state office or
38 recall the state official.

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

3 (13) A person who makes an independent expenditure for or against
4 a candidate for state office may not make a contribution within the
5 same election cycle to a candidate for the same state office. No
6 person who makes an independent expenditure with regard to the recall
7 of a state official may make a contribution within the recall campaign
8 to the state official against whom recall charges have been filed or to
9 a political committee having the expectation of making expenditures in
10 support of the recall of the state official.

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

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

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

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

21 NEW SECTION. **Sec. 25.** STUDY. The legislature finds that campaign
22 spending limits, public financing, and variable contribution limits
23 could be used to advance fair campaign practices, however the
24 imposition of spending limits raises certain constitutional questions.
25 Similar constitutional questions apply to the imposition of
26 contribution limits on ballot measure campaigns. The senate committee
27 on law and justice and the house of representatives committee on state
28 government shall jointly study the issue of campaign spending limits
29 and report to the legislature by December 1, 1995, on the desirability
30 of campaign spending limits, public financing of campaigns, variable
31 contribution limits, legal and political barriers to instituting public
32 financing of campaigns, and whether any local agencies chose to enact
33 public campaign financing. The committees shall also examine current
34 functions of the initiative process, the financing of state ballot
35 measures, and related matters to assure that the initiative process is

1 used responsibly by and for the interests of the citizens of the state
2 of Washington.

3

FAIR CAMPAIGN

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

6 ADVERTISING. (1) All written political advertising, whether
7 relating to candidates or ballot propositions, shall include the
8 sponsor's name and address. All radio and television political
9 advertising, whether relating to candidates or ballot propositions,
10 shall include the sponsor's name. The use of an assumed name shall be
11 unlawful. The party with which a candidate files shall be clearly
12 identified in political advertising for partisan office.

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

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

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

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

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

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

35 (4) Political yard signs are exempt from the requirement of
36 subsections (1) and (2) of this section that the name and address of
37 the sponsor of political advertising be listed on the advertising. In

1 addition, the public disclosure commission shall, by rule, exempt from
2 the identification requirements of subsections (1) and (2) of this
3 section forms of political advertising such as campaign buttons,
4 balloons, pens, pencils, sky-writing, inscriptions, and other forms of
5 advertising where identification is impractical.

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

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

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

13 TELEPHONE POLLS. A person conducting a telephone poll for the
14 purposes of a candidate's campaign shall identify the sponsor of the
15 poll.

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

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

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

29 **PUBLIC OFFICE FUNDS**

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

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

34 ((+1)) (a) Create temporary advisory committees as necessary to
35 deal with specific international issues. Advisory committee

1 representation may include external organizations such as the Seattle
2 consular corps, world affairs councils, public ports, world trade
3 organizations, private nonprofit organizations dealing with
4 international education or international environmental issues,
5 organizations concerned with international understanding, businesses
6 with experience in international relations, or other organizations
7 deemed appropriate by the director.

8 ((+2+)) (b) Accept or request grants or gifts from citizens and
9 other private sources to be used to defray the costs of appropriate
10 hosting of foreign dignitaries, including appropriate gift-giving and
11 reciprocal gift-giving, the purchase of meals for foreign dignitaries
12 visiting the state, who are received by the state of Washington or a
13 state official acting in an official capacity, payment of expenses of
14 a reception in honor of such visitors, or other activities of the
15 office. The office shall open and maintain a bank account into which
16 it shall deposit all money received under this subsection (1)(b). Such
17 money and the interest accruing thereon shall not constitute public
18 funds, shall be kept segregated and apart from funds of the state, and
19 shall not be subject to appropriation or allotment by the state or
20 subject to chapter 43.88 RCW.

21 (2) The office shall:

22 (a) Establish written guidelines for determining the procedure and
23 criteria for state officials to request the expenditure of funds from
24 the account created by this section. Such expenditures shall not be
25 considered income or gifts to the requesting state official or
26 officials.

27 (b) Report all contributions and expenses to the public disclosure
28 commission quarterly.

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

31 CONTRIBUTIONS TO PUBLIC OFFICE FUNDS--TECHNICAL CORRECTIONS.
32 During the period beginning on the thirtieth day before the date a
33 regular legislative session convenes and continuing thirty days past
34 the date of final adjournment, and during the period beginning on the
35 date a special legislative session convenes and continuing through the
36 date that session adjourns, no state official or a person employed by
37 or acting on behalf of a state official or state legislator may solicit
38 or accept contributions to a ((public office fund, to a)) candidate for

1 a state office or ((authorized)) candidate's political committee, or to
2 retire a campaign debt.

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

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

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

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

16 (4) The person against whom an order is directed under this section
17 shall be designated as the respondent. The order may require the
18 respondent to cease and desist from the activity that constitutes a
19 violation and in addition, or alternatively, may impose one or more of
20 the remedies provided in RCW 42.17.390(~~((1) (b), (c), (d), or (e))~~)
21 (2), (3), (4), or (5): PROVIDED, That no individual penalty assessed
22 by the commission may exceed one thousand dollars, and in any case
23 where multiple violations are involved in a single complaint or
24 hearing, the maximum aggregate penalty may not exceed two thousand five
25 hundred dollars.

26 (5) An order issued by the commission under this section shall be
27 subject to judicial review under the Administrative Procedure Act,
28 chapter 34.05 RCW. If the commission's order is not satisfied and no
29 petition for review is filed within thirty days as provided in RCW
30 34.05.542, the commission may petition a court of competent
31 jurisdiction of any county in which a petition for review could be
32 filed under that section, for an order of enforcement. Proceedings in
33 connection with the commission's petition shall be in accordance with
34 RCW 42.17.397.

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

1 PUBLIC OFFICE EXPENSES--TECHNICAL CORRECTIONS. The surplus funds
2 of a candidate, or of a political committee supporting or opposing a
3 candidate, may only be disposed of in any one or more of the following
4 ways:

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

7 (2) Transfer the surplus to the candidate's personal account as
8 reimbursement for lost earnings incurred as a result of that
9 candidate's election campaign. Such lost earnings shall be verifiable
10 as unpaid salary or, when the candidate is not salaried, as an amount
11 not to exceed income received by the candidate for services rendered
12 during an appropriate, corresponding time period. All lost earnings
13 incurred shall be documented and a record thereof shall be maintained
14 by the candidate or the candidate's political committee. The committee
15 shall include a copy of such record when its expenditure for such
16 reimbursement is reported pursuant to RCW 42.17.090;

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

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

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

23 (6) Hold the surplus in the campaign depository or depositories
24 designated in accordance with RCW 42.17.050 for possible use in a
25 future election campaign for the same office last sought by the
26 candidate or for nonreimbursed public office related expenses and
27 report any such disposition in accordance with RCW 42.17.090:
28 PROVIDED, That if the candidate subsequently announces or publicly
29 files for office, information as appropriate is reported to the
30 commission in accordance with RCW 42.17.040 through 42.17.090. If a
31 subsequent office is not sought the surplus held shall be disposed of
32 in accordance with the requirements of this section.

33 (7) No candidate or ((authorized)) candidate's political committee
34 may transfer funds to any other candidate or other political committee
35 except as authorized in this section.

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

1 PUBLIC OFFICE FUND. No state official may receive contributions or
2 gifts, nor directly or indirectly maintain a public office fund, or
3 other similar fund by any other name, for the purpose of making
4 expenditures for nonreimbursed public office related expenses except as
5 provided by RCW 42.17.095, 43.290.020, 43.147.010, or section 115,
6 chapter . . . (Senate Bill No. 6111), Laws of 1994. This section may
7 not be construed to restrict expenditures of public moneys for
8 reimbursable expenses such as, but not limited to, the expenditures
9 authorized by RCW 44.04.060 and 44.04.070.

10

LOBBYIST REPORTING CHANGES

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

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

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

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

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

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

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

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

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

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

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

36 If the employer is an entity that as a representative entity
37 lobbies for individuals, businesses, groups, associations, or

1 organizations, the name and address of each member of the entity or
2 person represented by the entity whose fees, dues, payments, or other
3 consideration paid to the entity during either of the previous two
4 years have exceeded five hundred dollars or who is obligated to or has
5 agreed to pay fees, dues, payments, or other consideration exceeding
6 five hundred dollars to the entity during the current year.

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

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

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

- 19 (1) A termination of employment as a lobbyist;
- 20 (2) A change in the terms of compensation provided in a prior
21 filing with the commission;
- 22 (3) A change in the name or address of the lobbyist or a lobbyist
23 employer;
- 24 (4) A change in status from contract-lobbyist to employee-lobbyist
25 or vice-versa;
- 26 (5) A change in status with regard to a proprietor, officer,
27 partner, or employee of a contract lobbyist.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (2) Employer reports shall include the following:

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

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

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

7 (d) The name of each legislator, state elected official, state
8 officer or employee, successful candidate for state office, and any
9 member of the immediate family of those persons to whom the employer
10 has paid any compensation in the amount of five hundred dollars or more
11 during the reporting period for personal employment or professional
12 services, including professional services rendered by a corporation,
13 partnership, joint venture, association, union, or other entity in
14 which the person holds any office, directorship, or any general
15 partnership interest, or an ownership interest of ten percent or more,
16 the value of the compensation in accordance with the reporting
17 provisions set out in RCW 42.17.241(2), and the consideration given or
18 performed in exchange for the compensation;

19 (e) The name of each legislator, state elected official, state
20 officer or employee, successful candidate for state office, and any
21 member of the immediate family of those persons to whom the lobbyist
22 employer has made expenditures, directly or indirectly, through a
23 lobbyist or otherwise the amount of the expenditures and the purpose
24 for the expenditures. For purposes of this subsection, "expenditure"
25 shall not include any expenditure made by the employer in the ordinary
26 course of business if the expenditure is not made for the purpose of
27 influencing, honoring, or benefiting the recipient of the expenditure
28 or the member of his or her family as an official or candidate for a
29 state office;

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

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

4 (ii) The provisions of (f)(i) of this subsection (2) do not apply
5 to a contribution that is made through a registered lobbyist and
6 reportable under RCW 42.17.170;

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

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

26 (i) Total amounts of compensation for lobbying during the reporting
27 period paid or owed to lobbyists employed, hired, contracted, retained,
28 or assigned by the employer;

29 (j) Total amount for any "special lobbying activities" as
30 designated by section 40 of this act;

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

35 (l) Total amount for entertainment in connection with lobbying
36 during the reporting period paid or owed to lobbyists employed, hired,
37 contracted, retained, or assigned by the employer;

38 (m) Total amount of expenditures by the employer or value of gifts
39 during the reporting period to state legislators, state legislative

1 staff, state elected officials, state officers and employees, or
2 members of their immediate families;

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

9 (o) Such other information as the commission prescribes by rule in
10 keeping with the policies and purposes of this chapter.

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

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

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

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

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

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

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

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

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

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

- 1 (ii) Advertising and printing;
2 (iii) Transportation;
3 (iv) Food, beverages, and catering;
4 (v) Lodging;
5 (vi) Rent of buildings or equipment; and
6 (vii) Other expenditures; and
7 (f) Such other relevant information as the commission may require.

8 NEW SECTION. Sec. 41. Sections 34 through 40 of this act are each
9 added to chapter 42.17 RCW.

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

12 REGISTRATION AND REPORTING. The following persons and activities
13 shall be exempt from registration and reporting under RCW 42.17.150,
14 42.17.170, and 42.17.200 and sections 34 and 38 of this act:

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

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

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

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

35 (~~(4)~~) (5) Persons who restrict their lobbying activities to no
36 more than four days or parts thereof during any three-month period and
37 whose total expenditures during such three-month period for or on

1 behalf of any one or more members of the legislature or state elected
2 officials or public officers or employees of the state of Washington in
3 connection with such lobbying do not exceed twenty-five (~~{dollars}~~)
4 dollars: PROVIDED, That the commission shall promulgate regulations to
5 require disclosure by persons exempt under this subsection or their
6 employers or entities which sponsor or coordinate the lobbying
7 activities of such persons if it determines that such regulations are
8 necessary to prevent frustration of the purposes of this chapter. Any
9 person exempt under this subsection (~~(+4)~~) (5) may at his or her
10 option register and report under this chapter;

11 ~~((+5))~~ (6) The governor;

12 ~~((+6))~~ (7) The lieutenant governor;

13 ~~((+7))~~ (8) Except as provided by RCW 42.17.190(1), members of the
14 legislature;

15 ~~((+8))~~ (9) Except as provided by RCW 42.17.190(1), persons
16 employed by the legislature for the purpose of aiding in the
17 preparation or enactment of legislation or the performance of
18 legislative duties;

19 ~~((+9))~~ (10) Elected officials, and officers and employees of any
20 agency reporting under RCW 42.17.190(4) as now or hereafter amended.

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

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

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

31 (a) The totals of all expenditures for lobbying activities made or
32 incurred by such lobbyist or on behalf of such lobbyist by the
33 lobbyist's employer during the period covered by the report. Such
34 totals for lobbying activities shall be segregated according to
35 financial category, including compensation; food and refreshments;
36 living accommodations; advertising; travel; contributions; and other
37 expenses or services. Each individual expenditure of more than twenty-
38 five dollars for entertainment shall be identified by date, place,

1 amount, and the names of all persons in the group partaking in or of
2 such entertainment including any portion thereof attributable to the
3 lobbyist's participation therein, ~~((without))~~ and shall include amounts
4 actually expended on each person where calculable, or allocating any
5 portion of ((such)) the expenditure to individual participants.
6 ~~((However, if the expenditure for a single hosted reception is more~~
7 ~~than one hundred dollars per person partaking therein, the report shall~~
8 ~~specify the per person amount, which shall be determined by dividing~~
9 ~~the total amount of the expenditure by the total number of persons~~
10 ~~partaking in the reception.))~~

11 Notwithstanding the foregoing, lobbyists are not required to report
12 the following:

13 (i) Unreimbursed personal living and travel expenses not incurred
14 directly for lobbying;

15 (ii) Any expenses incurred for his or her own living
16 accommodations;

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

19 (iv) Any expenses incurred for telephone, and any office expenses,
20 including rent and salaries and wages paid for staff and secretarial
21 assistance.

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

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

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

6 (e) Such other information relevant to lobbying activities as the
7 commission shall by rule prescribe. Information supporting such
8 activities as are required to be reported is subject to audit by the
9 commission.

10 (f) ~~((A listing of each gift, as defined in RCW 42.17.020, made to
11 a state elected official or executive state officer or to a member of
12 the immediate family of such an official or officer. Such a gift shall
13 be separately identified by the date it was given, the approximate
14 value of the gift, and the name of the recipient. However, for a
15 hosted reception where the average per person amount is reported under
16 (a) of this subsection, the approximate value for the gift of partaking
17 in the event is such average per person amount. The commission shall
18 adopt forms to be used for reporting the giving of gifts under this
19 subsection (2)(f). The forms shall be designed to permit a lobbyist to
20 report on a separate form for each recipient the reportable gifts given
21 to that recipient during the reporting period or, alternatively, to
22 report on one form all reportable gifts given by the lobbyist during
23 the reporting period))~~ A listing of each payment for an item specified
24 in section 101(8) (d) or (f) or 115(5), chapter . . . (Senate Bill No.
25 6111), Laws of 1994 in excess of fifty dollars made to a state elected
26 official, state officer, or state employee. Each item shall be
27 identified by recipient, date, and approximate value of the item.

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

1 (3) If a state elected official or a member of such an official's
2 immediate family is identified by a lobbyist in such a report as having
3 received from the lobbyist (~~(a gift, as defined in RCW 42.17.020)~~) an
4 item specified in section 101(8) (d) or (f) or 115(5), chapter . . .
5 (Senate Bill No. 6111), Laws of 1994, the lobbyist shall transmit to
6 the official a copy of the completed form used to identify the (~~(gift)~~)
7 item in the report at the same time the report is filed with the
8 commission.

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

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

14 MAILING. During the twelve-month period preceding the expiration
15 of a state legislator's term in office, no incumbent to that office may
16 mail to a constituent at public expense a letter, newsletter, brochure,
17 or other piece of literature that is not in direct response to that
18 constituent's request for a response or for information. However, one
19 mailing mailed within thirty days after the start of a regular
20 legislative session and one mailing mailed within sixty days after the
21 end of a regular legislative session of identical newsletters to
22 constituents are permitted. A violation of this section constitutes
23 use of the facilities of a public office for the purpose of assisting
24 a campaign under (~~(RCW 42.17.130)~~) section 118, chapter . . . (Senate
25 Bill No. 6111), Laws of 1994.

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

29 **VOTERS' AND CANDIDATES' PAMPHLET**

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

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

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

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

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

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

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

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

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

15 (7) The training of state and local party observers required by RCW
16 29.60.040;

17 (8) The conduct of postelection reviews as established in RCW
18 29.60.070; and

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

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

22 CANDIDATES' PAMPHLET. As soon as possible before each state
23 general election at which federal or state officials are to be elected,
24 the secretary of state shall publish and mail to each individual place
25 of residence of the state a candidates' pamphlet containing photographs
26 and campaign statements of eligible nominees who desire to participate
27 therein, together with a campaign mailing address and telephone number
28 submitted by the nominee at the nominee's option, and in even-numbered
29 years containing a description of the office of precinct committee
30 officer and its duties, in order that voters will understand that the
31 office is a state office and will be found on the ballot of the
32 forthcoming general election. A candidates' pamphlet shall be prepared
33 by the secretary of state prior to each state primary. Within the
34 funds available for this purpose, the secretary of state shall
35 distribute the primary pamphlet as widely as resources allow. The
36 secretary of state shall consider electronic publication, placement in
37 public libraries, and other cost-effective methods of distribution to
38 the extent that funds do not permit mailing to each residence in the

1 state. In odd-numbered years no candidates' pamphlet may be published
2 unless an election is to be held to fill a vacancy in one or more of
3 the following state-wide elective offices: United States senator,
4 governor, lieutenant governor, secretary of state, state treasurer,
5 state auditor, attorney general, superintendent of public instruction,
6 commissioner of public lands, insurance commissioner, or justice of the
7 supreme court.

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

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

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

35 IDENTIFICATION OF ADVOCATES. The voters' pamphlet shall contain as
36 to each state measure to be voted upon, the following in the order set
37 forth in this section:

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

4 (a) The legal identification of the measure by serial designation
5 and number;

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

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

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

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

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

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

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

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

31 (5) At the conclusion of the pamphlet the full text of each of the
32 measures shall appear. The text of the proposed constitutional
33 amendments shall be set forth in the form provided for in RCW
34 29.81.080.

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

37 PRINTING. The nominees' statements, photographs, and the addresses
38 and telephone numbers submitted by them as set forth in RCW 29.80.010

1 and 29.80.020 shall be published by the secretary of state as a
2 candidates' pamphlet, the printing of which shall be completed as soon
3 as possible before the state primary or general election concerned.
4 The overall dimensions of the pamphlet shall be determined by the
5 secretary of state as those which in the secretary's judgment best
6 serve the voters, and whenever possible the candidates' pamphlet shall
7 be combined with the voters' pamphlet as a single publication.

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

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

28 **Sec. 51.** RCW 29.81A.010 and 1984 c 106 s 3 are each amended to
29 read as follows:

30 At least ninety days before any primary or general election, or at
31 least forty days before any special election held under RCW 29.13.010
32 or 29.13.020, the legislative authority of any county or first-class or
33 code city may adopt an ordinance authorizing the publication, in
34 printed or electronic format or both, and distribution of a local
35 voters' pamphlet. The pamphlet shall provide information on all
36 measures within that jurisdiction and may, if specified in the
37 ordinance, include information on candidates within that jurisdiction.

1 If both a county and a first-class or code city within that county
2 authorize a local voters' pamphlet for the same election, the pamphlet
3 shall be produced jointly by the county and the first-class or code
4 city. If no agreement can be reached between the county and first-
5 class or code city, the county and first-class or code city may each
6 produce a pamphlet. Any ordinance adopted authorizing a local voters'
7 pamphlet may be for a specific primary, special election, or general
8 election or for any future primaries or elections. The format of any
9 local voters' pamphlet shall, whenever applicable, comply with the
10 provisions of chapters 29.80 and 29.81 RCW regarding the publication of
11 the state candidates' and voters' pamphlets.

12 **Sec. 52.** RCW 42.17.150 and 1987 c 201 s 1 are each amended to read
13 as follows:

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

18 (a) His name, permanent business address, and any temporary
19 residential and business addresses in Thurston county during the
20 legislative session;

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

23 (c) The duration of his employment;

24 (d) His compensation for lobbying; how much he is to be paid for
25 expenses, and what expenses are to be reimbursed;

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

30 (f) The general subject or subjects of his legislative interest;

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

33 (h) The name and address of the person who will have custody of the
34 accounts, bills, receipts, books, papers, and documents required to be
35 kept under this chapter;

36 (i) If the lobbyist's employer is an entity (including, but not
37 limited to, business and trade associations) whose members include, or
38 which as a representative entity undertakes lobbying activities for,

1 businesses, groups, associations, or organizations, the name and
2 address of each member of such entity or person represented by such
3 entity whose fees, dues, payments, or other consideration paid to such
4 entity during either of the prior two years have exceeded five hundred
5 dollars or who is obligated to or has agreed to pay fees, dues,
6 payments, or other consideration exceeding five hundred dollars to such
7 entity during the current year.

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

17 (3) Whenever a change, modification, or termination of the
18 lobbyist's employment occurs, the lobbyist shall, within one week of
19 such change, modification or termination, furnish full information
20 regarding the same by filing with the commission an amended
21 registration statement.

22 (4) Each lobbyist who has registered shall file a new registration
23 statement, revised as appropriate, on the second Monday in January of
24 each odd-numbered year, and failure to do so shall terminate his
25 registration.

26 **Sec. 53.** RCW 42.17.180 and 1993 c 2 s 27 (Initiative Measure No.
27 134) are each amended to read as follows:

28 (1) (~~Every employer of a lobbyist registered under this chapter~~
29 ~~during the preceding calendar year and~~) Every person other than an
30 individual that made contributions aggregating to more than ten
31 thousand dollars or independent expenditures aggregating to more than
32 five hundred dollars during the preceding calendar year shall file with
33 the commission on or before the last day of February of each year a
34 statement disclosing for the preceding calendar year the following
35 information:

36 (a) The name of each state elected official and the name of each
37 candidate for state office who was elected to the office and any member
38 of the immediate family of those persons to whom the person reporting

1 has paid any compensation in the amount of five hundred dollars or more
2 during the preceding calendar year for personal employment or
3 professional services, including professional services rendered by a
4 corporation, partnership, joint venture, association, union, or other
5 entity in which the person holds any office, directorship, or any
6 general partnership interest, or an ownership interest of ten percent
7 or more, the value of the compensation in accordance with the reporting
8 provisions set out in RCW 42.17.241(2), and the consideration given or
9 performed in exchange for the compensation.

10 (b) The name of each state elected official, successful candidate
11 for state office, or members of his immediate family to whom the person
12 reporting made expenditures, directly or indirectly, either through a
13 lobbyist or otherwise, the amount of the expenditures and the purpose
14 for the expenditures. For the purposes of this subsection, the term
15 expenditure shall not include any expenditure made by the employer in
16 the ordinary course of business if the expenditure is not made for the
17 purpose of influencing, honoring, or benefiting the elected official,
18 successful candidate, or member of his immediate family, as an elected
19 official or candidate.

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

23 (d) All contributions made to a political committee supporting or
24 opposing a candidate for state office, or to a political committee
25 supporting or opposing a state-wide ballot proposition. Such
26 contributions shall be identified by the name and the address of the
27 recipient and the aggregate amount contributed to each such recipient.

28 (e) The name and address of each registered lobbyist employed by
29 the person reporting and the total expenditures made by such person for
30 each such lobbyist for lobbying purposes.

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

34 (g) The identifying proposition number and a brief description of
35 any state-wide ballot proposition supported or opposed by expenditures
36 not reported under (d) of this subsection and the amount of each such
37 expenditure.

38 (h) Such other information as the commission prescribes by rule.

1 (2)(a) Except as provided in (b) of this subsection, an employer of
2 a lobbyist registered under this chapter shall file a special report
3 with the commission if the employer makes a contribution or
4 contributions aggregating more than one hundred dollars in a calendar
5 month to any one of the following: A candidate, elected official,
6 officer or employee of an agency, or political committee. The report
7 shall identify the date and amount of each such contribution and the
8 name of the candidate, elected official, agency officer or employee, or
9 political committee receiving the contribution or to be benefited by
10 the contribution. The report shall be filed on a form prescribed by
11 the commission and shall be filed within fifteen days after the last
12 day of the calendar month during which the contribution was made.

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

16 **MISCELLANEOUS**

17 NEW SECTION. **Sec. 54.** REPEALER. The following acts or parts of
18 acts are each repealed:

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

22 NEW SECTION. **Sec. 55.** CAPTIONS AND HEADINGS. Captions and
23 headings as used in this act constitute no part of the law.

24 NEW SECTION. **Sec. 56.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 57.** This act shall take effect December 1,
29 1994.

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