
SENATE BILL 6433

State of Washington

53rd Legislature

1994 Regular Session

By Senators Pelz, Haugen, West, Bauer, Newhouse, Quigley, Loveland, Deccio, Talmadge, Williams, Winsley, Sheldon, Prentice, Rinehart, Snyder, Wojahn, Spanel, Moyer, Franklin and Prince

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1 AN ACT Relating to ballot propositions; amending RCW 42.17.020; and
2 creating a new section.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

5 (a) The power of initiative and referendum reserved to the people
6 by the state Constitution is a critical part of our state's lawmaking
7 process, as is the debate that accompanies the exercise of that power;

8 (b) The people expect public officials to be forthright and direct
9 in expressing their views on the issues of the day; and

10 (c) Existing law restricts officials' use of public resources in
11 connection with their support of or opposition to ballot propositions
12 upon the moment a single citizen files a proposition and despite the
13 fact that public support necessary to submit the matter to the people
14 has not yet been demonstrated through the petition process.

15 (2) It is the intent of this act that public resources not be used
16 to support or oppose any ballot proposition that will be submitted to
17 the voters of the state, except as authorized by law, and to permit
18 officials' participation in the public debate of such matters until it

1 is determined that a proposition has received sufficient signatures and
2 been certified by the appropriate elections officer.

3 **Sec. 2.** RCW 42.17.020 and 1992 c 139 s 1 are each amended to read
4 as follows:

5 (1) "Agency" includes all state agencies and all local agencies.
6 "State agency" includes every state office, department, division,
7 bureau, board, commission, or other state agency. "Local agency"
8 includes every county, city, town, municipal corporation, quasi-
9 municipal corporation, or special purpose district, or any office,
10 department, division, bureau, board, commission, or agency thereof, or
11 other local public agency.

12 (2) "Ballot proposition" means any "measure" as defined by RCW
13 29.01.110, or any initiative, recall, or referendum proposition
14 (~~((proposed to be))~~) submitted to the voters of the state or any
15 municipal corporation, political subdivision, or other voting
16 constituency from and after the time when the proposition has (~~((been~~
17 ~~initially filed with))~~) received sufficient signatures and been
18 certified by the appropriate election officer of that constituency
19 (~~((prior to its circulation for signatures))~~).

20 (3) "Depository" means a bank designated by a candidate or
21 political committee pursuant to RCW 42.17.050.

22 (4) "Treasurer" and "deputy treasurer" mean the individuals
23 appointed by a candidate or political committee, pursuant to RCW
24 42.17.050, to perform the duties specified in that section.

25 (5) "Candidate" means any individual who seeks election to public
26 office. An individual shall be deemed to seek election when he first:

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

29 (b) Announces publicly or files for office.

30 (6) "Commercial advertiser" means any person who sells the service
31 of communicating messages or producing printed material for broadcast
32 or distribution to the general public or segments of the general public
33 whether through the use of newspapers, magazines, television and radio
34 stations, billboard companies, direct mail advertising companies,
35 printing companies, or otherwise.

36 (7) "Commission" means the agency established under RCW 42.17.350.

37 (8) "Compensation" unless the context requires a narrower meaning,
38 includes payment in any form for real or personal property or services

1 of any kind: PROVIDED, That for the purpose of compliance with RCW
2 42.17.241, the term "compensation" shall not include per diem
3 allowances or other payments made by a governmental entity to reimburse
4 a public official for expenses incurred while the official is engaged
5 in the official business of the governmental entity.

6 (9) "Continuing political committee" means a political committee
7 that is an organization of continuing existence not established in
8 anticipation of any particular election campaign.

9 (10) "Contribution" includes a loan, gift, deposit, subscription,
10 forgiveness of indebtedness, donation, advance, pledge, payment,
11 transfer of funds between political committees, or transfer of anything
12 of value, including personal and professional services for less than
13 full consideration, but does not include interest on moneys deposited
14 in a political committee's account, ordinary home hospitality and the
15 rendering of personal services of the sort commonly performed by
16 volunteer campaign workers, or incidental expenses personally incurred
17 by volunteer campaign workers not in excess of fifty dollars personally
18 paid for by the worker. Volunteer services, for the purposes of this
19 chapter, means services or labor for which the individual is not
20 compensated by any person. For the purposes of this chapter,
21 contributions other than money or its equivalents shall be deemed to
22 have a money value equivalent to the fair market value of the
23 contribution. Sums paid for tickets to fund-raising events such as
24 dinners and parties are contributions; however, the amount of any such
25 contribution may be reduced for the purpose of complying with the
26 reporting requirements of this chapter, by the actual cost of
27 consumables furnished in connection with the purchase of the tickets,
28 and only the excess over the actual cost of the consumables shall be
29 deemed a contribution.

30 (11) "Elected official" means any person elected at a general or
31 special election to any public office, and any person appointed to fill
32 a vacancy in any such office.

33 (12) "Election" includes any primary, general, or special election
34 for public office and any election in which a ballot proposition is
35 submitted to the voters: PROVIDED, That an election in which the
36 qualifications for voting include other than those requirements set
37 forth in Article VI, section 1 (Amendment 63) of the Constitution of
38 the state of Washington shall not be considered an election for
39 purposes of this chapter.

1 (13) "Election campaign" means any campaign in support of or in
2 opposition to a candidate for election to public office and any
3 campaign in support of, or in opposition to, a ballot proposition.

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

18 (15) "Final report" means the report described as a final report in
19 RCW 42.17.080(2).

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

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

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

38 (c) A contribution that is required to be reported under RCW
39 42.17.090 (~~or 42.17.243~~);

1 (d) Informational material that is transferred for the purpose of
2 informing the recipient about matters pertaining to official business
3 of the governmental entity of which the recipient is an official or
4 officer, and that is not intended to confer on that recipient any
5 commercial, proprietary, financial, economic, or monetary advantage, or
6 the avoidance of any commercial, proprietary, financial, economic, or
7 monetary disadvantage;

8 (e) A gift that is not used and that, within thirty days after
9 receipt, is returned to the donor or delivered to a charitable
10 organization. However, this exclusion from the definition does not
11 apply if the recipient of the gift delivers the gift to a charitable
12 organization and claims the delivery as a charitable contribution for
13 tax purposes;

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

19 (g) A gift given prior to September 29, 1991.

20 (17) "Immediate family" includes the spouse, dependent children,
21 and other dependent relatives, if living in the household.

22 (18) "Legislation" means bills, resolutions, motions, amendments,
23 nominations, and other matters pending or proposed in either house of
24 the state legislature, and includes any other matter that may be the
25 subject of action by either house or any committee of the legislature
26 and all bills and resolutions that, having passed both houses, are
27 pending approval by the governor.

28 (19) "Lobby" and "lobbying" each mean attempting to influence the
29 passage or defeat of any legislation by the legislature of the state of
30 Washington, or the adoption or rejection of any rule, standard, rate,
31 or other legislative enactment of any state agency under the state
32 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
33 "lobbying" includes an association's or other organization's act of
34 communicating with the members of that association or organization.

35 (20) "Lobbyist" includes any person who lobbies either in his own
36 or another's behalf.

37 (21) "Lobbyist's employer" means the person or persons by whom a
38 lobbyist is employed and all persons by whom he is compensated for
39 acting as a lobbyist.

1 (22) "Person" includes an individual, partnership, joint venture,
2 public or private corporation, association, federal, state, or local
3 governmental entity or agency however constituted, candidate,
4 committee, political committee, political party, executive committee
5 thereof, or any other organization or group of persons, however
6 organized.

7 (23) "Person in interest" means the person who is the subject of a
8 record or any representative designated by that person, except that if
9 that person is under a legal disability, the term "person in interest"
10 means and includes the parent or duly appointed legal representative.

11 (24) "Political advertising" includes any advertising displays,
12 newspaper ads, billboards, signs, brochures, articles, tabloids,
13 flyers, letters, radio or television presentations, or other means of
14 mass communication, used for the purpose of appealing, directly or
15 indirectly, for votes or for financial or other support in any election
16 campaign.

17 (25) "Political committee" means any person (except a candidate or
18 an individual dealing with his own funds or property) having the
19 expectation of receiving contributions or making expenditures in
20 support of, or opposition to, any candidate or any ballot proposition.

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

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

29 (28) "Surplus funds" mean, in the case of a political committee or
30 candidate, the balance of contributions that remain in the possession
31 or control of that committee or candidate subsequent to the election
32 for which the contributions were received, and that are in excess of
33 the amount necessary to pay remaining debts incurred by the committee
34 or candidate prior to that election. In the case of a continuing
35 political committee, "surplus funds" mean those contributions remaining
36 in the possession or control of the committee that are in excess of the
37 amount necessary to pay all remaining debts when it makes its final
38 report under RCW 42.17.065.

1 (29) "Writing" means handwriting, typewriting, printing,
2 photostating, photographing, and every other means of recording any
3 form of communication or representation, including, but not limited to,
4 letters, words, pictures, sounds, or symbols, or combination thereof,
5 and all papers, maps, magnetic or paper tapes, photographic films and
6 prints, motion picture, film and video recordings, magnetic or punched
7 cards, discs, drums, diskettes, sound recordings, and other documents
8 including existing data compilations from which information may be
9 obtained or translated.

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

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