

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5684

Chapter 397, Laws of 1995

(partial veto)

54th Legislature
1995 Regular Session

PUBLIC DISCLOSURE LAW--REVISIONS

EFFECTIVE DATE: 7/23/95 - Except Sections 1 through 32, 34, and 37 which become effective 7/1/95; and Section 33 which becomes effective 9/1/95

Passed by the Senate April 23, 1995
YEAS 47 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 21, 1995
YEAS 96 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 16, 1995, with the exception of section 3 and 21, which are vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5684** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 16, 1995 - 3:17 p.m.

**Secretary of State
State of Washington**

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

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

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

14 ~~((+3))~~ (4) "Benefit" means a commercial, proprietary, financial,
15 economic, or monetary advantage, or the avoidance of a commercial,
16 proprietary, financial, economic, or monetary disadvantage.

17 (5) "Bona fide political party" means:

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

20 (b) The governing body of the state organization of a major
21 political party, as defined in RCW 29.01.090, that is the body
22 authorized by the charter or bylaws of the party to exercise authority
23 on behalf of the state party; or

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

27 (6) "Depository" means a bank designated by a candidate or
28 political committee pursuant to RCW 42.17.050.

29 ~~((+4))~~ (7) "Treasurer" and "deputy treasurer" mean the individuals
30 appointed by a candidate or political committee, pursuant to RCW
31 42.17.050, to perform the duties specified in that section.

32 ~~((+5))~~ (8) "Candidate" means any individual who seeks nomination
33 for election or election to public office. An individual (~~shall be~~
34 deemed to seek)) seeks nomination or election when he or she first:

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

38 (b) Announces publicly or files for office;

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

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

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

8 ~~((+6))~~ (10) "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))~~ (11) "Commission" means the agency established under RCW
15 42.17.350.

16 ~~((+8))~~ (12) "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))~~ (13) "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))~~ (14)(a) "Contribution" includes:

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

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

9 (ii) An expenditure made by a person in cooperation, consultation,
10 or concert with, or at the request or suggestion of, a candidate, a
11 political committee, or their agents;

12 (iii) The financing by a person of the dissemination, distribution,
13 or republication, in whole or in part, of broadcast, written, graphic,
14 or other form of political advertising prepared by a candidate, a
15 political committee, or its authorized agent;

16 (iv) Sums paid for tickets to fund-raising events such as dinners
17 and parties, except for the actual cost of the consumables furnished at
18 the event.

19 (b) "Contribution" does not include:

20 (i) Standard interest on money deposited in a political committee's
21 account;

22 (ii) Ordinary home hospitality;

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

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

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

36 (vi) The rendering of personal services of the sort commonly
37 performed by volunteer campaign workers, or incidental expenses
38 personally incurred by volunteer campaign workers not in excess of
39 fifty dollars personally paid for by the worker. "Volunteer services,"

1 for the purposes of this section, means services or labor for which the
2 individual is not compensated by any person;

3 (vii) Messages in the form of reader boards, banners, or yard or
4 window signs displayed on a person's own property or property occupied
5 by a person. However, a facility used for such political advertising
6 for which a rental charge is normally made must be reported as an in-
7 kind contribution and counts towards any applicable contribution limit
8 of the person providing the facility;

9 (viii) Legal or accounting services rendered to or on behalf of:

10 (A) A political party or caucus political committee if the person
11 paying for the services is the regular employer of the person rendering
12 such services; or

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

17 (c) Contributions other than money or its equivalent are deemed to
18 have a monetary value equivalent to the fair market value of the
19 contribution. Services or property or rights furnished at less than
20 their fair market value for the purpose of assisting any candidate or
21 political committee are deemed a contribution. Such a contribution
22 must be reported as an in-kind contribution at its fair market value
23 and counts towards any applicable contribution limit of the provider.

24 ~~((11))~~ (15) "Elected official" means any person elected at a
25 general or special election to any public office, and any person
26 appointed to fill a vacancy in any such office.

27 ~~((12))~~ (16) "Election" includes any primary, general, or special
28 election for public office and any election in which a ballot
29 proposition is submitted to the voters: PROVIDED, That an election in
30 which the qualifications for voting include other than those
31 requirements set forth in Article VI, section 1 (Amendment 63) of the
32 Constitution of the state of Washington shall not be considered an
33 election for purposes of this chapter.

34 ~~((13))~~ (17) "Election campaign" means any campaign in support of
35 or in opposition to a candidate for election to public office and any
36 campaign in support of, or in opposition to, a ballot proposition.

37 ~~((14))~~ (18) "Election cycle" means the period beginning on the
38 first day of December after the date of the last previous general
39 election for the office that the candidate seeks and ending on November

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

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

19 ~~((15))~~ (20) "Final report" means the report described as a final
20 report in RCW 42.17.080(2).

21 ~~((16))~~ (21) "General election" means the election that results in
22 the election of a person to a state office. It does not include a
23 primary.

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

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

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

3 ~~(c) A contribution that is required to be reported under RCW~~
4 ~~42.17.090 or 42.17.243;~~

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

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

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

23 ~~(g) A gift given prior to September 29, 1991)) is as defined in RCW~~
24 ~~42.52.010.~~

25 ~~((17))~~ (23) "Immediate family" includes the spouse, dependent
26 children, and other dependent relatives, if living in the household.
27 For the purposes of RCW 42.17.640 through 42.17.790, "immediate family"
28 means an individual's spouse, and child, stepchild, grandchild, parent,
29 stepparent, grandparent, brother, half brother, sister, or half sister
30 of the individual and the spouse of any such person and a child,
31 stepchild, grandchild, parent, stepparent, grandparent, brother, half
32 brother, sister, or half sister of the individual's spouse and the
33 spouse of any such person.

34 (24) "Independent expenditure" means an expenditure that has each
35 of the following elements:

36 (a) It is made in support of or in opposition to a candidate for
37 office by a person who is not (i) a candidate for that office, (ii) an
38 authorized committee of that candidate for that office, (iii) a person
39 who has received the candidate's encouragement or approval to make the

1 expenditure, if the expenditure pays in whole or in part for political
2 advertising supporting that candidate or promoting the defeat of any
3 other candidate or candidates for that office, or (iv) a person with
4 whom the candidate has collaborated for the purpose of making the
5 expenditure, if the expenditure pays in whole or in part for political
6 advertising supporting that candidate or promoting the defeat of any
7 other candidate or candidates for that office;

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

12 (c) The expenditure, alone or in conjunction with another
13 expenditure or other expenditures of the same person in support of or
14 opposition to that candidate, has a value of five hundred dollars or
15 more. A series of expenditures, each of which is under five hundred
16 dollars, constitutes one independent expenditure if their cumulative
17 value is five hundred dollars or more.

18 (25)(a) "Intermediary" means an individual who transmits a
19 contribution to a candidate or committee from another person unless the
20 contribution is from the individual's employer, immediate family as
21 defined for purposes of RCW 42.17.640 through 42.17.790, or an
22 association to which the individual belongs.

23 (b) A treasurer or a candidate is not an intermediary for purposes
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 ((+18+)) (26) "Legislation" means bills, resolutions, motions,
31 amendments, nominations, and other matters pending or proposed in
32 either house of the state legislature, and includes any other matter
33 that may be the subject of action by either house or any committee of
34 the legislature and all bills and resolutions that, having passed both
35 houses, are pending approval by the governor.

36 ((+19+)) (27) "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+))~~ (28) "Lobbyist" includes any person who lobbies either in
6 his or her own or another's behalf.

7 ~~((+21+))~~ (29) "Lobbyist's employer" means the person or persons by
8 whom a lobbyist is employed and all persons by whom he or she is
9 compensated for acting as a lobbyist.

10 ~~((+22+))~~ (30) "Person" includes an individual, partnership, joint
11 venture, public or private corporation, association, federal, state, or
12 local governmental entity or agency however constituted, candidate,
13 committee, political committee, political party, executive committee
14 thereof, or any other organization or group of persons, however
15 organized.

16 ~~((+23+))~~ (31) "Person in interest" means the person who is the
17 subject of a record or any representative designated by that person,
18 except that if that person is under a legal disability, the term
19 "person in interest" means and includes the parent or duly appointed
20 legal representative.

21 ~~((+24+))~~ (32) "Political advertising" includes any advertising
22 displays, newspaper ads, billboards, signs, brochures, articles,
23 tabloids, flyers, letters, radio or television presentations, or other
24 means of mass communication, used for the purpose of appealing,
25 directly or indirectly, for votes or for financial or other support in
26 any election campaign.

27 ~~((+25+))~~ (33) "Political committee" means any person (except a
28 candidate or an individual dealing with his or her own funds or
29 property) having the expectation of receiving contributions or making
30 expenditures in support of, or opposition to, any candidate or any
31 ballot proposition.

32 ~~((+26+))~~ (34) "Primary" means the procedure for nominating a
33 candidate to state office under chapter 29.18 or 29.21 RCW or any other
34 primary for an election that uses, in large measure, the procedures
35 established in chapter 29.18 or 29.21 RCW.

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

1 (~~(27)~~) (36) "Public record" includes any writing containing
2 information relating to the conduct of government or the performance of
3 any governmental or proprietary function prepared, owned, used, or
4 retained by any state or local agency regardless of physical form or
5 characteristics. For the office of the secretary of the senate and the
6 office of the chief clerk of the house of representatives, public
7 records means legislative records as defined in RCW 40.14.100 and also
8 means the following: All budget and financial records; personnel
9 leave, travel, and payroll records; records of legislative sessions;
10 reports submitted to the legislature; and any other record designated
11 a public record by any official action of the senate or the house of
12 representatives.

13 (~~(28)~~) (37) "Recall campaign" means the period of time beginning
14 on the date of the filing of recall charges under RCW 29.82.015 and
15 ending thirty days after the recall election.

16 (38) "State legislative office" means the office of a member of the
17 state house of representatives or the office of a member of the state
18 senate.

19 (39) "State office" means state legislative office or the office of
20 governor, lieutenant governor, secretary of state, attorney general,
21 commissioner of public lands, insurance commissioner, superintendent of
22 public instruction, state auditor, or state treasurer.

23 (40) "State official" means a person who holds a state office.

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

34 (~~(29)~~) (42) "Writing" means handwriting, typewriting, printing,
35 photostating, photographing, and every other means of recording any
36 form of communication or representation, including, but not limited to,
37 letters, words, pictures, sounds, or symbols, or combination thereof,
38 and all papers, maps, magnetic or paper tapes, photographic films and
39 prints, motion picture, film and video recordings, magnetic or punched

1 cards, discs, drums, diskettes, sound recordings, and other documents
2 including existing data compilations from which information may be
3 obtained or translated.

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

6 **Sec. 2.** RCW 42.17.080 and 1989 c 280 s 8 are each amended to read
7 as follows:

8 (1) On the day the treasurer is designated, each candidate or
9 political committee shall file with the commission and the county
10 auditor or elections officer of the county in which the candidate
11 resides, or in the case of a political committee, the county in which
12 the treasurer resides, in addition to any statement of organization
13 required under RCW 42.17.040 or 42.17.050, a report of all
14 contributions received and expenditures made prior to that date, if
15 any.

16 (2) At the following intervals each treasurer shall file with the
17 commission and the county auditor or elections officer of the county in
18 which the candidate resides, or in the case of a political committee,
19 the county in which the committee maintains its office or headquarters,
20 and if there is no office or headquarters then in the county in which
21 the treasurer resides, a report containing the information required by
22 RCW 42.17.090:

23 (a) On the twenty-first day and the seventh day immediately
24 preceding the date on which the election is held; and

25 (b) On the tenth day of the first month after the election:
26 PROVIDED, That this report shall not be required following a primary
27 election from:

28 (i) A candidate whose name will appear on the subsequent general
29 election ballot; or

30 (ii) Any continuing political committee; and

31 (c) On the tenth day of each month in which no other reports are
32 required to be filed under this section: PROVIDED, That such report
33 shall only be filed if the committee has received a contribution or
34 made an expenditure in the preceding calendar month and either the
35 total contributions received or total expenditures made since the last
36 such report exceed two hundred dollars.

37 When there is no outstanding debt or obligation, and the campaign
38 fund is closed, and the campaign is concluded in all respects, and in

1 the case of a political committee, the committee has ceased to function
2 and has dissolved, the treasurer shall file a final report. Upon
3 submitting a final report, the duties of the treasurer shall cease and
4 there shall be no obligation to make any further reports.

5 The report filed twenty-one days before the election shall report
6 all contributions received and expenditures made as of the end of the
7 fifth business day before the date of the report. The report filed
8 seven days before the election shall report all contributions received
9 and expenditures made as of the end of the one business day before the
10 date of the report. Reports filed on the tenth day of the month shall
11 report all contributions received and expenditures made from the
12 closing date of the last report filed through the last day of the month
13 preceding the date of the current report.

14 (3) For the period beginning the first day of the fourth month
15 preceding the date on which the special or general election is held and
16 ending on the date of that election, each Friday the treasurer shall
17 file with the commission and the appropriate county elections officer
18 a report of each ~~((contribution received))~~ bank deposit made during
19 ~~((that period at the time that contribution is deposited pursuant to~~
20 ~~RCW 42.17.060(1)))~~ the previous seven calendar days. The report shall
21 contain the name of each person contributing the funds so deposited and
22 the amount contributed by each person. However, contributions of no
23 more than twenty-five dollars in the aggregate from any one person may
24 be deposited without identifying the contributor. A copy of the report
25 shall be retained by the treasurer for his or her records. In the
26 event of deposits made by a deputy treasurer, the copy shall be
27 forwarded to the treasurer ~~((to be retained by him))~~ for his or her
28 records. Each report shall be certified as correct by the treasurer or
29 deputy treasurer making the deposit.

30 (4) The treasurer or candidate shall maintain books of account
31 accurately reflecting all contributions and expenditures on a current
32 basis within five business days of receipt or expenditure. During the
33 eight days immediately preceding the date of the election the books of
34 account shall be kept current within one business day and shall be open
35 for public inspection for at least two consecutive hours Monday through
36 Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as
37 specified in the committee's statement of organization filed pursuant
38 to RCW 42.17.040, at the principal headquarters or, if there is no
39 headquarters, at the address of the treasurer or such other place as

1 may be authorized by the commission. The treasurer or candidate shall
2 preserve books of account, bills, receipts, and all other financial
3 records of the campaign or political committee for not less than five
4 calendar years following the year during which the transaction
5 occurred.

6 (5) All reports filed pursuant to subsections (1) or (2) of this
7 section shall be certified as correct by the candidate and the
8 treasurer.

9 (6) Copies of all reports filed pursuant to this section shall be
10 readily available for public inspection for at least two consecutive
11 hours Monday through Friday, excluding legal holidays, between 8:00
12 a.m. and 8:00 p.m., as specified in the committee's statement of
13 organization filed pursuant to RCW 42.17.040, at the principal
14 headquarters or, if there is no headquarters, at the address of the
15 treasurer or such other place as may be authorized by the commission.

16 (7) The commission shall adopt administrative rules establishing
17 requirements for filer participation in any system designed and
18 implemented by the commission for the electronic filing of reports.

19 **Sec. 3. RCW 42.17.090 and 1993 c 256 s 6 are each amended to read*
20 *as follows:*

21 *(1) Each report required under RCW 42.17.080 (1) and (2) shall*
22 *disclose the following:*

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

24 *(b) Only the name and address of each person who has made one or*
25 *more contributions during the period, together with the money value and*
26 *date of such contributions and the aggregate value of all contributions*
27 *received from each such person during the campaign or in the case of a*
28 *continuing political committee, the current calendar year: PROVIDED,*
29 *That pledges in the aggregate of less than one hundred dollars from any*
30 *one person need not be reported: PROVIDED FURTHER, That the income*
31 *which results from a fund-raising activity conducted in accordance with*
32 *RCW 42.17.067 may be reported as one lump sum, with the exception of*
33 *that portion of such income which was received from persons whose names*
34 *and addresses are required to be included in the report required by RCW*
35 *42.17.067: PROVIDED FURTHER, That contributions of no more than*
36 *twenty-five dollars in the aggregate from any one person during the*
37 *election campaign may be reported as one lump sum so long as the*
38 *campaign treasurer maintains a separate and private list of the name,*

1 address, and amount of each such contributor: PROVIDED FURTHER, That
2 the money value of contributions of postage shall be the face value of
3 such postage;

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

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

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

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

31 ~~((g))~~ (f) The name and address of each person to whom any
32 expenditure was made directly or indirectly to compensate the person
33 for soliciting or procuring signatures on an initiative or referendum
34 petition, the amount of such compensation to each such person, and the
35 total of the expenditures made for this purpose. Such expenditures
36 shall be reported under this subsection (1)~~((g))~~ (f) whether the
37 expenditures are or are not also required to be reported under ~~((f))~~
38 (e) of this subsection;

1 ~~((h))~~ (g) The name and address of any person and the amount owed
2 for any debt, obligation, note, unpaid loan, or other liability in the
3 amount of more than two hundred fifty dollars or in the amount of more
4 than fifty dollars that has been outstanding for over thirty days;

5 ~~((i))~~ (h) The surplus or deficit of contributions over
6 expenditures;

7 ~~((j))~~ (i) The disposition made in accordance with RCW 42.17.095
8 of any surplus funds;

9 ~~((k))~~ (j) Such other information as shall be required by the
10 commission by rule in conformance with the policies and purposes of
11 this chapter; and

12 ~~((l))~~ (k) Funds received from a political committee not otherwise
13 required to report under this chapter (a "nonreporting committee").
14 Such funds shall be forfeited to the state of Washington unless the
15 nonreporting committee has filed or within ten days following such
16 receipt files with the commission a statement disclosing: (i) Its name
17 and address; (ii) the purposes of the nonreporting committee; (iii) the
18 names, addresses, and titles of its officers or if it has no officers,
19 the names, addresses, and titles of its responsible leaders; (iv) the
20 name, office sought, and party affiliation of each candidate in the
21 state of Washington whom the nonreporting committee is supporting, and,
22 if such committee is supporting the entire ticket of any party, the
23 name of the party; (v) the ballot proposition supported or opposed in
24 the state of Washington, if any, and whether such committee is in favor
25 of or opposed to such proposition; (vi) the name and address of each
26 person residing in the state of Washington or corporation which has a
27 place of business in the state of Washington who has made one or more
28 contributions in the aggregate of more than twenty-five dollars to the
29 nonreporting committee during the current calendar year, together with
30 the money value and date of such contributions; (vii) the name and
31 address of each person in the state of Washington to whom an
32 expenditure was made by the nonreporting committee on behalf of a
33 candidate or political committee in the aggregate amount of more than
34 fifty dollars, the amount, date, and purpose of such expenditure, and
35 the total sum of such expenditures; (viii) such other information as
36 the commission may prescribe by rule, in keeping with the policies and
37 purposes of this chapter. A nonreporting committee incurring an
38 obligation to file additional reports in a calendar year may satisfy

1 *the obligation by filing with the commission a letter providing*
2 *updating or amending information.*

3 *(2) The treasurer and the candidate shall certify the correctness*
4 *of each report.*

5 **Sec. 3 was vetoed. See message at end of chapter.*

6 **Sec. 4.** RCW 42.17.105 and 1991 c 157 s 1 are each amended to read
7 as follows:

8 (1) Campaign treasurers shall prepare and deliver to the commission
9 a special report regarding any contribution or aggregate of
10 contributions which: Exceeds five hundred dollars; is from a single
11 person or entity; and is received during a special reporting period.

12 Any political committee making a contribution or an aggregate of
13 contributions to a single entity which exceeds five hundred dollars
14 shall also prepare and deliver to the commission the special report if
15 the contribution or aggregate of contributions is made during a special
16 reporting period.

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

18 (a) Each of the following intervals is a special reporting period:
19 (i) The interval beginning after the period covered by the last report
20 required by RCW 42.17.080 and 42.17.090 to be filed before a primary
21 and concluding on the end of the day before that primary; and (ii) the
22 interval composed of the twenty-one days preceding a general election;
23 and

24 (b) An aggregate of contributions includes only those contributions
25 received from a single entity during any one special reporting period
26 or made by the contributing political committee to a single entity
27 during any one special reporting period.

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

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

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

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

- 28 (a) The amount of the contribution or contributions;
- 29 (b) The date or dates of receipt;
- 30 (c) The name and address of the donor;
- 31 (d) The name and address of the recipient; and
- 32 (e) Any other information the commission may by rule require.

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

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

37 (8) It is a violation of this chapter for any person to make, or
38 for any candidate or political committee to accept from any one person,
39 contributions reportable under RCW 42.17.090 in the aggregate exceeding

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

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

12 **Sec. 5.** RCW 42.17.132 and 1993 c 2 s 25 are each amended to read
13 as follows:

14 ~~((During the twelve month period preceding the expiration of a
15 state legislator's term in office, no incumbent to that office may mail
16 to a constituent at public expense a letter, newsletter, brochure, or
17 other piece of literature that is not in direct response to that
18 constituent's request for a response or for information. However,))~~

19 During the twelve-month period preceding the last day for
20 certification of the election results for a state legislator's election
21 to office, the legislator may not mail to a constituent at public
22 expense a letter, newsletter, brochure, or other piece of literature
23 except as provided in this section.

24 The legislator may mail one mailing ((mailed within)) no later than
25 thirty days after the start of a regular legislative session and one
26 mailing ((mailed within)) no later than sixty days after the end of a
27 regular legislative session of identical newsletters to constituents
28 ((are permitted)).

29 The legislator may mail an individual letter to an individual
30 constituent who (1) has contacted the legislator regarding the subject
31 matter of the letter during the legislator's current term of office; or
32 (2) holds a governmental office with jurisdiction over the subject
33 matter of the letter.

34 A violation of this section constitutes use of the facilities of a
35 public office for the purpose of assisting a campaign under RCW
36 ~~((42.17.130))~~ 42.52.180.

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

4 **Sec. 6.** RCW 42.17.155 and 1985 c 367 s 8 are each amended to read
5 as follows:

6 Each lobbyist shall at the time he or she registers submit to the
7 commission a recent photograph of himself or herself of a size and
8 format as determined by rule of the commission, together with the name
9 of the lobbyist's employer, the length of his or her employment as a
10 lobbyist before the legislature, a brief biographical description, and
11 any other information he or she may wish to submit not to exceed fifty
12 words in length. Such photograph and information shall be published at
13 least ((annually)) biennially in a booklet form by the commission for
14 distribution to legislators and the public.

15 **Sec. 7.** RCW 42.17.190 and 1986 c 239 s 1 are each amended to read
16 as follows:

17 ((1) ((Every legislator and every committee of the legislature shall
18 file with the commission quarterly reports listing the names,
19 addresses, and salaries of all persons employed by the person or
20 committee making the filing for the purpose of aiding in the
21 preparation or enactment of legislation or the performance of
22 legislative duties of such legislator or committee during the preceding
23 quarter. The reports shall be made in the form and the manner
24 prescribed by the commission and shall be filed between the first and
25 tenth days of each calendar quarter: PROVIDED, That the information
26 required by this subsection may be supplied, insofar as it is
27 available, by the chief clerk of the house of representatives or by the
28 secretary of the senate on a form prepared by the commission.)) The
29 house of representatives and the senate shall report annually: The
30 total budget; the portion of the total attributed to staff; and the
31 number of full-time and part-time staff positions by assignment, with
32 dollar figures as well as number of positions.

33 (2) Unless authorized by subsection (3) of this section or
34 otherwise expressly authorized by law, no public funds may be used
35 directly or indirectly for lobbying: PROVIDED, This does not prevent
36 officers or employees of an agency from communicating with a member of
37 the legislature on the request of that member; or communicating to the

1 legislature, through the proper official channels, requests for
2 legislative action or appropriations which are deemed necessary for the
3 efficient conduct of the public business or actually made in the proper
4 performance of their official duties: PROVIDED FURTHER, That this
5 subsection does not apply to the legislative branch.

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

22 (4) No elective official or any employee of his or her office or
23 any person appointed to or employed by any public office or agency may
24 use or authorize the use of any of the facilities of a public office or
25 agency, directly or indirectly, in any effort to support or oppose an
26 initiative to the legislature. "Facilities of a public office or
27 agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The
28 provisions of this subsection shall not apply to the following
29 activities:

30 (a) Action taken at an open public meeting by members of an elected
31 legislative body to express a collective decision, or to actually vote
32 upon a motion, proposal, resolution, order, or ordinance, or to support
33 or oppose an initiative to the legislature so long as (i) any required
34 notice of the meeting includes the title and number of the initiative
35 to the legislature, and (ii) members of the legislative body or members
36 of the public are afforded an approximately equal opportunity for the
37 expression of an opposing view;

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

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

6 (d) Activities conducted regarding an initiative to the legislature
7 that would be permitted under RCW 42.17.130 and 42.52.180 if conducted
8 regarding other ballot measures.

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

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

15 (b) The name, title, and job description and salary of each elected
16 official, officer, or employee who lobbied, a general description of
17 the nature of the lobbying, and the proportionate amount of time spent
18 on the lobbying;

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

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

25 (i) Requests for appropriations by a state agency to the office of
26 financial management pursuant to chapter 43.88 RCW nor requests by the
27 office of financial management to the legislature for appropriations
28 other than its own agency budget requests;

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

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

35 (iv) Requests, recommendations, or other communication between or
36 within state agencies or between or within local agencies;

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

38 (A) Telephone conversations or preparation of written
39 correspondence;

1 (B) In-person lobbying on behalf of an agency of no more than four
2 days or parts thereof during any three-month period by officers or
3 employees of that agency and in-person lobbying by any elected official
4 of such agency on behalf of such agency or in connection with the
5 powers, duties, or compensation of such official: PROVIDED, That the
6 total expenditures of nonpublic funds made in connection with such
7 lobbying for or on behalf of any one or more members of the legislature
8 or state elected officials or public officers or employees of the state
9 of Washington do not exceed fifteen dollars for any three-month period:
10 PROVIDED FURTHER, That the exemption under this subsection is in
11 addition to the exemption provided in (A) of this subsection;

12 (C) Preparation or adoption of policy positions.

13 The statements shall be in the form and the manner prescribed by
14 the commission and shall be filed within one month after the end of the
15 quarter covered by the report.

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

25 (7) The provisions of this section do not relieve any elected
26 official or officer or employee of an agency from complying with other
27 provisions of this chapter, if such elected official, officer, or
28 employee is not otherwise exempted.

29 (8) The purpose of this section is to require each state agency and
30 certain local agencies to report the identities of those persons who
31 lobby on behalf of the agency for compensation, together with certain
32 separately identifiable and measurable expenditures of an agency's
33 funds for that purpose. This section shall be reasonably construed to
34 accomplish that purpose and not to require any agency to report any of
35 its general overhead cost or any other costs which relate only
36 indirectly or incidentally to lobbying or which are equally
37 attributable to or inseparable from nonlobbying activities of the
38 agency.

1 The public disclosure commission may adopt rules clarifying and
2 implementing this legislative interpretation and policy.

3 **Sec. 8.** RCW 42.17.240 and 1993 c 2 s 31 are each amended to read
4 as follows:

5 (1) Every elected official and every executive state officer shall
6 after January 1st and before April 15th of each year file with the
7 commission a statement of financial affairs for the preceding calendar
8 year. However, any local elected official whose term of office expires
9 immediately after December 31st shall file the statement required to be
10 filed by this section for the year that ended on that December 31st.
11 (~~(In addition to and in conjunction with the statement of financial~~
12 ~~affairs, every official and officer shall file a statement describing~~
13 ~~any gifts received during the preceding calendar year.))~~)

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

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

21 (4) A statement of a candidate or appointee filed during the period
22 from January 1st to April 15th shall cover the period from January 1st
23 of the preceding calendar year to the time of candidacy or appointment
24 if the filing of the statement would relieve the individual of a prior
25 obligation to file a statement covering the entire preceding calendar
26 year.

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

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

31 (7) Every elected official and every executive state officer shall
32 file with their statement of financial affairs a statement certifying
33 that they have read and are familiar with RCW 42.17.130 or 42.52.180,
34 whichever is applicable.

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

37 ~~((+8+))~~ (9) This section does not apply to incumbents or candidates
38 for a federal office or the office of precinct committee officer.

1 **Sec. 9.** RCW 42.17.241 and 1984 c 34 s 3 are each amended to read
2 as follows:

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

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

7 (b) Each bank or savings account or insurance policy in which any
8 such person or persons owned a direct financial interest that exceeded
9 five thousand dollars at any time during the reporting period; each
10 other item of intangible personal property in which any such person or
11 persons owned a direct financial interest, the value of which exceeded
12 five hundred dollars during the reporting period; the name, address,
13 and nature of the entity; and the nature and highest value of each such
14 direct financial interest during the reporting period; and

15 (c) The name and address of each creditor to whom the value of five
16 hundred dollars or more was owed; the original amount of each debt to
17 each such creditor; the amount of each debt owed to each creditor as of
18 the date of filing; the terms of repayment of each such debt; and the
19 security given, if any, for each such debt: PROVIDED, That debts
20 arising out of a "retail installment transaction" as defined in chapter
21 63.14 RCW (Retail Installment Sales Act) need not be reported; and

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

24 (e) All persons for whom any legislation, rule, rate, or standard
25 has been prepared, promoted, or opposed for current or deferred
26 compensation: PROVIDED, That for the purposes of this subsection,
27 "compensation" does not include payments made to the person reporting
28 by the governmental entity for which such person serves as an elected
29 official or state executive officer or professional staff member for
30 his service in office; the description of such actual or proposed
31 legislation, rules, rates, or standards; and the amount of current or
32 deferred compensation paid or promised to be paid; and

33 (f) The name and address of each governmental entity, corporation,
34 partnership, joint venture, sole proprietorship, association, union, or
35 other business or commercial entity from whom compensation has been
36 received in any form of a total value of five hundred dollars or more;
37 the value of the compensation; and the consideration given or performed
38 in exchange for the compensation; and

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

33 (h) A list, including legal or other sufficient descriptions as
34 prescribed by the commission, of all real property in the state of
35 Washington, the assessed valuation of which exceeds two thousand five
36 hundred dollars in which any direct financial interest was acquired
37 during the preceding calendar year, and a statement of the amount and
38 nature of the financial interest and of the consideration given in
39 exchange for that interest; and

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

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

15 (k) A list, including legal or other sufficient descriptions as
16 prescribed by the commission, of all real property in the state of
17 Washington, the assessed valuation of which exceeds five thousand
18 dollars, in which a corporation, partnership, firm, enterprise, or
19 other entity had a direct financial interest, in which corporation,
20 partnership, firm, or enterprise a ten percent or greater ownership
21 interest was held; and

22 (l) A list of each occasion, specifying date, donor, and amount,
23 at which food and beverage in excess of fifty dollars was accepted
24 under RCW 42.52.150(5);

25 (m) A list of each occasion, specifying date, donor, and amount, at
26 which items specified in RCW 42.52.010(9) (d) and (f) were accepted;

27 (n) Such other information as the commission may deem necessary in
28 order to properly carry out the purposes and policies of this chapter,
29 as the commission shall prescribe by rule.

30 (2) Where an amount is required to be reported under subsection
31 (1)(~~(, paragraphs)~~) (a) through (~~(k)~~) (m) of this section, it shall
32 be sufficient to comply with the requirement to report whether the
33 amount is less than one thousand dollars, at least one thousand dollars
34 but less than five thousand dollars, at least five thousand dollars but
35 less than ten thousand dollars, at least ten thousand dollars but less
36 than twenty-five thousand dollars, or twenty-five thousand dollars or
37 more. An amount of stock may be reported by number of shares instead
38 of by market value. No provision of this subsection may be interpreted

1 to prevent any person from filing more information or more detailed
2 information than required.

3 (3) Items of value given to an official's or employee's spouse or
4 family member are attributable to the official or employee, except the
5 item is not attributable if an independent business, family, or social
6 relationship exists between the donor and the spouse or family member.

7 **Sec. 10.** RCW 42.17.2401 and 1993 sp.s. c 2 s 18, 1993 c 492 s 488,
8 and 1993 c 281 s 43 are each reenacted and amended to read as follows:

9 For the purposes of RCW 42.17.240, the term "executive state
10 officer" includes:

11 (1) The chief administrative law judge, the director of
12 agriculture, the administrator of the office of marine safety, the
13 administrator of the Washington basic health plan, the director of the
14 department of services for the blind, the director of the state system
15 of community and technical colleges, the director of community, trade,
16 and economic development, the secretary of corrections, the director of
17 ecology, the commissioner of employment security, the chairman of the
18 energy facility site evaluation council, the director of the energy
19 office, the secretary of the state finance committee, the director of
20 financial management, the director of fish and wildlife, the executive
21 secretary of the forest practices appeals board, the director of the
22 gambling commission, the director of general administration, the
23 secretary of health, the administrator of the Washington state health
24 care authority, the executive secretary of the health care facilities
25 authority, the executive secretary of the higher education facilities
26 authority, the executive secretary of the horse racing commission, the
27 executive secretary of the human rights commission, the executive
28 secretary of the indeterminate sentence review board, the director of
29 the department of information services, the director of the interagency
30 committee for outdoor recreation, the executive director of the state
31 investment board, the director of labor and industries, the director of
32 licensing, the director of the lottery commission, the director of the
33 office of minority and women's business enterprises, the director of
34 parks and recreation, the director of personnel, the executive director
35 of the public disclosure commission, the director of retirement
36 systems, the director of revenue, the secretary of social and health
37 services, the chief of the Washington state patrol, the executive
38 secretary of the board of tax appeals, (~~the director of trade and~~

1 ~~economic development,~~) the secretary of transportation, the secretary
2 of the utilities and transportation commission, the director of
3 veterans affairs, the president of each of the regional and state
4 universities and the president of The Evergreen State College, each
5 district and each campus president of each state community college;

6 (2) Each professional staff member of the office of the governor;

7 (3) Each professional staff member of the legislature; and

8 (4) Central Washington University board of trustees, board of
9 trustees of each community college, each member of the state board for
10 community and technical colleges, state convention and trade center
11 board of directors, committee for deferred compensation, Eastern
12 Washington University board of trustees, Washington economic
13 development finance authority, The Evergreen State College board of
14 trustees, executive ethics board, forest practices appeals board,
15 forest practices board, gambling commission, Washington health care
16 facilities authority, each member of the Washington health services
17 commission, higher education coordinating board, higher education
18 facilities authority, horse racing commission, state housing finance
19 commission, human rights commission, indeterminate sentence review
20 board, board of industrial insurance appeals, information services
21 board, interagency committee for outdoor recreation, state investment
22 board, commission on judicial conduct, legislative ethics board, liquor
23 control board, lottery commission, marine oversight board, (~~oil and
24 gas conservation committee,~~) Pacific Northwest electric power and
25 conservation planning council, parks and recreation commission,
26 personnel appeals board, board of pilotage commissioners, pollution
27 control hearings board, public disclosure commission, public pension
28 commission, shorelines hearing board, public employees' benefits board,
29 board of tax appeals, transportation commission, University of
30 Washington board of regents, utilities and transportation commission,
31 Washington state maritime commission, Washington personnel resources
32 board, Washington public power supply system executive board,
33 Washington State University board of regents, Western Washington
34 University board of trustees, and fish and wildlife commission.

35 **Sec. 11.** RCW 42.17.260 and 1992 c 139 s 3 are each amended to read
36 as follows:

37 (1) Each agency, in accordance with published rules, shall make
38 available for public inspection and copying all public records, unless

1 the record falls within the specific exemptions of subsection (6) of
2 this section, RCW 42.17.310, 42.17.315, or other statute which exempts
3 or prohibits disclosure of specific information or records. To the
4 extent required to prevent an unreasonable invasion of personal privacy
5 interests protected by RCW 42.17.310 and 42.17.315, an agency shall
6 delete identifying details in a manner consistent with RCW 42.17.310
7 and 42.17.315 when it makes available or publishes any public record;
8 however, in each case, the justification for the deletion shall be
9 explained fully in writing.

10 (2) For informational purposes, each agency shall publish and
11 maintain a current list containing every law, other than those listed
12 in this chapter, that the agency believes exempts or prohibits
13 disclosure of specific information or records of the agency. An
14 agency's failure to list an exemption shall not affect the efficacy of
15 any exemption.

16 (3) Each local agency shall maintain and make available for public
17 inspection and copying a current index providing identifying
18 information as to the following records issued, adopted, or promulgated
19 after January 1, 1973:

20 (a) Final opinions, including concurring and dissenting opinions,
21 as well as orders, made in the adjudication of cases;

22 (b) Those statements of policy and interpretations of policy,
23 statute, and the Constitution which have been adopted by the agency;

24 (c) Administrative staff manuals and instructions to staff that
25 affect a member of the public;

26 (d) Planning policies and goals, and interim and final planning
27 decisions;

28 (e) Factual staff reports and studies, factual consultant's reports
29 and studies, scientific reports and studies, and any other factual
30 information derived from tests, studies, reports, or surveys, whether
31 conducted by public employees or others; and

32 (f) Correspondence, and materials referred to therein, by and with
33 the agency relating to any regulatory, supervisory, or enforcement
34 responsibilities of the agency, whereby the agency determines, or
35 opines upon, or is asked to determine or opine upon, the rights of the
36 state, the public, a subdivision of state government, or of any private
37 party.

38 (4) A local agency need not maintain such an index, if to do so
39 would be unduly burdensome, but it shall in that event:

1 (a) Issue and publish a formal order specifying the reasons why and
2 the extent to which compliance would unduly burden or interfere with
3 agency operations; and

4 (b) Make available for public inspection and copying all indexes
5 maintained for agency use.

6 (5) Each state agency shall, by rule, establish and implement a
7 system of indexing for the identification and location of the following
8 records:

9 (a) All records issued before July 1, 1990, for which the agency
10 has maintained an index;

11 (b) Final orders entered after June 30, 1990, that are issued in
12 adjudicative proceedings as defined in RCW 34.05.010(1) and that
13 contain an analysis or decision of substantial importance to the agency
14 in carrying out its duties;

15 (c) Declaratory orders entered after June 30, 1990, that are issued
16 pursuant to RCW 34.05.240 and that contain an analysis or decision of
17 substantial importance to the agency in carrying out its duties;

18 (d) Interpretive statements as defined in RCW 34.05.010(8) that
19 were entered after June 30, 1990; and

20 (e) Policy statements as defined in RCW 34.05.010(14) that were
21 entered after June 30, 1990.

22 Rules establishing systems of indexing shall include, but not be
23 limited to, requirements for the form and content of the index, its
24 location and availability to the public, and the schedule for revising
25 or updating the index. State agencies that have maintained indexes for
26 records issued before July 1, 1990, shall continue to make such indexes
27 available for public inspection and copying. Information in such
28 indexes may be incorporated into indexes prepared pursuant to this
29 subsection. State agencies may satisfy the requirements of this
30 subsection by making available to the public indexes prepared by other
31 parties but actually used by the agency in its operations. State
32 agencies shall make indexes available for public inspection and
33 copying. State agencies may charge a fee to cover the actual costs of
34 providing individual mailed copies of indexes.

35 (6) A public record may be relied on, used, or cited as precedent
36 by an agency against a party other than an agency and it may be invoked
37 by the agency for any other purpose only if«

38 (a) It has been indexed in an index available to the public; or

1 (b) Parties affected have timely notice (actual or constructive) of
2 the terms thereof.

3 (7) This chapter shall not be construed as giving authority to any
4 agency, the office of the secretary of the senate, or the office of the
5 chief clerk of the house of representatives to give, sell or provide
6 access to lists of individuals requested for commercial purposes, and
7 agencies, the office of the secretary of the senate, and the office of
8 the chief clerk of the house of representatives shall not do so unless
9 specifically authorized or directed by law: PROVIDED, HOWEVER, That
10 lists of applicants for professional licenses and of professional
11 licensees shall be made available to those professional associations or
12 educational organizations recognized by their professional licensing or
13 examination board, upon payment of a reasonable charge therefor:
14 PROVIDED FURTHER, That such recognition may be refused only for a good
15 cause pursuant to a hearing under the provisions of chapter 34.05 RCW,
16 the Administrative Procedure Act.

17 **Sec. 12.** RCW 42.17.280 and 1973 c 1 s 28 are each amended to read
18 as follows:

19 Public records shall be available for inspection and copying during
20 the customary office hours of the agency, the office of the secretary
21 of the senate, and the office of the chief clerk of the house of
22 representatives: PROVIDED, That if the ((agency)) entity does not have
23 customary office hours of at least thirty hours per week, the public
24 records shall be available from nine o'clock a.m. to noon and from one
25 o'clock p.m. to four o'clock p.m. Monday through Friday, excluding
26 legal holidays, unless the person making the request and the agency,
27 the office of the secretary of the senate, or the office of the chief
28 clerk of the house of representatives or its representative agree on a
29 different time.

30 **Sec. 13.** RCW 42.17.290 and 1992 c 139 s 4 are each amended to read
31 as follows:

32 Agencies shall adopt and enforce reasonable rules and regulations,
33 and the office of the secretary of the senate and the office of the
34 chief clerk of the house of representatives shall adopt reasonable
35 procedures allowing for the time, resource, and personnel constraints
36 associated with legislative sessions, consonant with the intent of this
37 chapter to provide full public access to public records, to protect

1 public records from damage or disorganization, and to prevent excessive
2 interference with other essential functions of the agency, the office
3 of the secretary of the senate, or the office of the chief clerk of the
4 house of representatives. Such rules and regulations shall provide for
5 the fullest assistance to inquirers and the most timely possible action
6 on requests for information. Nothing in this section shall relieve
7 agencies, the office of the secretary of the senate, and the office of
8 the chief clerk of the house of representatives from honoring requests
9 received by mail for copies of identifiable public records.

10 If a public record request is made at a time when such record
11 exists but is scheduled for destruction in the near future, the agency,
12 the office of the secretary of the senate, or the office of the chief
13 clerk of the house of representatives shall retain possession of the
14 record, and may not destroy or erase the record until the request is
15 resolved.

16 **Sec. 14.** RCW 42.17.300 and 1973 c 1 s 30 are each amended to read
17 as follows:

18 No fee shall be charged for the inspection of public records.
19 (~~Agencies may impose~~) A reasonable charge may be imposed for
20 providing copies of public records and for the use by any person of
21 agency equipment or equipment of the office of the secretary of the
22 senate or the office of the chief clerk of the house of representatives
23 to copy public records, which charges shall not exceed the amount
24 necessary to reimburse the agency, the office of the secretary of the
25 senate, or the office of the chief clerk of the house of
26 representatives for its actual costs incident to such copying.

27 **Sec. 15.** RCW 42.17.320 and 1992 c 139 s 6 are each amended to read
28 as follows:

29 Responses to requests for public records shall be made promptly by
30 agencies, the office of the secretary of the senate, and the office of
31 the chief clerk of the house of representatives. Within five business
32 days of receiving a public record request, an agency, the office of the
33 secretary of the senate, or the office of the chief clerk of the house
34 of representatives must respond by either (1) providing the record; (2)
35 acknowledging that the agency, the office of the secretary of the
36 senate, or the office of the chief clerk of the house of
37 representatives has received the request and providing a reasonable

1 estimate of the time the agency, the office of the secretary of the
2 senate, or the office of the chief clerk of the house of
3 representatives will require to respond to the request; or (3) denying
4 the public record request. Additional time required to respond to a
5 request may be based upon the need to clarify the intent of the
6 request, to locate and assemble the information requested, to notify
7 third persons or agencies affected by the request, or to determine
8 whether any of the information requested is exempt and that a denial
9 should be made as to all or part of the request. In acknowledging
10 receipt of a public record request that is unclear, an agency, the
11 office of the secretary of the senate, or the office of the chief clerk
12 of the house of representatives may ask the requestor to clarify what
13 information the requestor is seeking. If the requestor fails to
14 clarify the request, the agency, the office of the secretary of the
15 senate, or the office of the chief clerk of the house of
16 representatives need not respond to it. Denials of requests must be
17 accompanied by a written statement of the specific reasons therefor.
18 Agencies, the office of the secretary of the senate, and the office of
19 the chief clerk of the house of representatives shall establish
20 mechanisms for the most prompt possible review of decisions denying
21 inspection, and such review shall be deemed completed at the end of the
22 second business day following the denial of inspection and shall
23 constitute final agency action or final action by the office of the
24 secretary of the senate or the office of the chief clerk of the house
25 of representatives for the purposes of judicial review.

26 NEW SECTION. **Sec. 16.** A new section is added to chapter 42.17
27 RCW, to be codified after RCW 42.17.340, to read as follows:

28 The procedures in RCW 42.17.340 govern denials of an opportunity to
29 inspect or copy a public record by the office of the secretary of the
30 senate or the office of the chief clerk of the house of
31 representatives.

32 **Sec. 17.** RCW 42.17.370 and 1994 c 40 s 3 are each amended to read
33 as follows:

34 The commission is empowered to:

35 (1) Adopt, promulgate, amend, and rescind suitable administrative
36 rules to carry out the policies and purposes of this chapter, which
37 rules shall be adopted under chapter 34.05 RCW. Any rule relating to

1 campaign finance, political advertising, or related forms that would
2 otherwise take effect after June 30th of a general election year shall
3 take effect no earlier than the day following the general election in
4 that year;

5 (2) Appoint and set, within the limits established by the committee
6 on agency officials' salaries under RCW 43.03.028, the compensation of
7 an executive director who shall perform such duties and have such
8 powers as the commission may prescribe and delegate to implement and
9 enforce this chapter efficiently and effectively. The commission shall
10 not delegate its authority to adopt, amend, or rescind rules nor shall
11 it delegate authority to determine whether an actual violation of this
12 chapter has occurred or to assess penalties for such violations;

13 (3) Prepare and publish such reports and technical studies as in
14 its judgment will tend to promote the purposes of this chapter,
15 including reports and statistics concerning campaign financing,
16 lobbying, financial interests of elected officials, and enforcement of
17 this chapter;

18 (4) Make from time to time, on its own motion, audits and field
19 investigations;

20 (5) Make public the time and date of any formal hearing set to
21 determine whether a violation has occurred, the question or questions
22 to be considered, and the results thereof;

23 (6) Administer oaths and affirmations, issue subpoenas, and compel
24 attendance, take evidence and require the production of any books,
25 papers, correspondence, memorandums, or other records relevant or
26 material for the purpose of any investigation authorized under this
27 chapter, or any other proceeding under this chapter;

28 (7) Adopt and promulgate a code of fair campaign practices;

29 (8) Relieve, by rule, candidates or political committees of
30 obligations to comply with the provisions of this chapter relating to
31 election campaigns, if they have not received contributions nor made
32 expenditures in connection with any election campaign of more than one
33 thousand dollars;

34 (9) Adopt rules prescribing reasonable requirements for keeping
35 accounts of and reporting on a quarterly basis costs incurred by state
36 agencies, counties, cities, and other municipalities and political
37 subdivisions in preparing, publishing, and distributing legislative
38 information. The term "legislative information," for the purposes of
39 this subsection, means books, pamphlets, reports, and other materials

1 prepared, published, or distributed at substantial cost, a substantial
2 purpose of which is to influence the passage or defeat of any
3 legislation. The state auditor in his or her regular examination of
4 each agency under chapter 43.09 RCW shall review the rules, accounts,
5 and reports and make appropriate findings, comments, and
6 recommendations in his or her examination reports concerning those
7 agencies;

8 (10) After hearing, by order approved and ratified by a majority of
9 the membership of the commission, suspend or modify any of the
10 reporting requirements of this chapter in a particular case if it finds
11 that literal application of this chapter works a manifestly
12 unreasonable hardship and if it also finds that the suspension or
13 modification will not frustrate the purposes of the chapter. The
14 commission shall find that a manifestly unreasonable hardship exists if
15 reporting the name of an entity required to be reported under RCW
16 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive
17 position of any entity in which the person filing the report or any
18 member of his or her immediate family holds any office, directorship,
19 general partnership interest, or an ownership interest of ten percent
20 or more. Any suspension or modification shall be only to the extent
21 necessary to substantially relieve the hardship. The commission shall
22 act to suspend or modify any reporting requirements only if it
23 determines that facts exist that are clear and convincing proof of the
24 findings required under this section. Requests for renewals of
25 reporting modifications may be heard in a brief adjudicative proceeding
26 as set forth in RCW 34.05.482 through 34.05.494 and in accordance with
27 the standards established in this section. No initial request may be
28 heard in a brief adjudicative proceeding and no request for renewal may
29 be heard in a brief adjudicative proceeding if the initial request was
30 granted more than three years previously or if the applicant is holding
31 an office or position of employment different from the office or
32 position held when the initial request was granted. The commission
33 shall adopt administrative rules governing the proceedings. Any
34 citizen has standing to bring an action in Thurston county superior
35 court to contest the propriety of any order entered under this section
36 within one year from the date of the entry of the order; and

37 (11) Revise, at least once every five years but no more often than
38 every two years, the monetary reporting thresholds and reporting code
39 values of this chapter. The revisions shall be only for the purpose of

1 recognizing economic changes as reflected by an inflationary index
2 recommended by the office of financial management. The revisions shall
3 be guided by the change in the index for the period commencing with the
4 month of December preceding the last revision and concluding with the
5 month of December preceding the month the revision is adopted. As to
6 each of the three general categories of this chapter (reports of
7 campaign finance, reports of lobbyist activity, and reports of the
8 financial affairs of elected and appointed officials), the revisions
9 shall equally affect all thresholds within each category. Revisions
10 shall be adopted as rules under chapter 34.05 RCW. The first revision
11 authorized by this subsection shall reflect economic changes from the
12 time of the last legislative enactment affecting the respective code or
13 threshold through December 1985;

14 (12) Develop and provide to filers a system for certification of
15 reports required under this chapter which are transmitted by facsimile
16 or electronically to the commission. Implementation of the program is
17 contingent on the availability of funds.

18 **Sec. 18.** RCW 42.17.420 and 1983 c 176 s 2 are each amended to read
19 as follows:

20 (1) Except as provided in subsection (2) of this section, when any
21 application, report, statement, notice, or payment required to be made
22 under the provisions of this chapter has been deposited postpaid in the
23 United States mail properly addressed, it shall be deemed to have been
24 received on the date of mailing. It shall be presumed that the date
25 shown by the post office cancellation mark on the envelope is the date
26 of mailing. The provisions of this section do not apply to reports
27 required to be delivered under RCW 42.17.105 and 42.17.175.

28 (2) When a report is filed electronically with the commission, it
29 is deemed to have been received on the file transfer date. Electronic
30 filing may be used for purposes of filing the special reports required
31 to be delivered under RCW 42.17.105 and 42.17.175.

32 **Sec. 19.** RCW 42.17.510 and 1993 c 2 s 22 are each amended to read
33 as follows:

34 (1) All written political advertising, whether relating to
35 candidates or ballot propositions, shall include the sponsor's name and
36 address. All radio and television political advertising, whether
37 relating to candidates or ballot propositions, shall include the

1 sponsor's name. The use of an assumed name shall be unlawful. The
2 party with which a candidate files shall be clearly identified in
3 political advertising for partisan office.

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

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

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

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

24 (c) Be ~~((in a printed or drawn box))~~ set apart from any other
25 printed matter; and

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

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

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

37 **Sec. 20.** RCW 42.17.640 and 1993 c 2 s 4 are each amended to read
38 as follows:

1 (1) No person, other than a bona fide political party or a caucus
2 (~~of the state legislature~~) political committee, may make
3 contributions to a candidate for a state legislative office that in the
4 aggregate exceed five hundred dollars or to a candidate for a state
5 office other than a state legislative office that in the aggregate
6 exceed one thousand dollars for each election in which the candidate is
7 on the ballot or appears as a write-in candidate. Contributions made
8 with respect to a primary may not be made after the date of the
9 primary. Contributions made with respect to a general election may not
10 be made after the final day of the applicable election cycle.

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

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

30 (b) No candidate may accept contributions from a county central
31 committee or a legislative district committee during an election cycle
32 that when combined with contributions from other county central
33 committees or legislative district committees would in the aggregate
34 exceed twenty-five cents times the number of registered voters in the
35 jurisdiction from which the candidate is elected.

36 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
37 political party or caucus (~~of the state legislature~~) political
38 committee may make contributions to a state official against whom
39 recall charges have been filed, or to a political committee having the

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

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

19 (5) For purposes of determining contribution limits under
20 subsections (3) and (4) of this section, the number of eligible
21 registered voters in a jurisdiction is the number at the time of the
22 most recent general election in the jurisdiction.

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

32 (~~((+6))~~) (7) For the purposes of RCW 42.17.640 through 42.17.790, a
33 contribution to the authorized political committee of a candidate, or
34 of a state official against whom recall charges have been filed, is
35 considered to be a contribution to the candidate or state official.

36 (~~((+7))~~) (8) A contribution received within the twelve-month period
37 after a recall election concerning a state office is considered to be
38 a contribution during that recall campaign if the contribution is used

1 to pay a debt or obligation incurred to influence the outcome of that
2 recall campaign.

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

8 ~~((9))~~ (10) RCW 42.17.640 through 42.17.790 apply to a special
9 election conducted to fill a vacancy in a state office. However, the
10 contributions made to a candidate or received by a candidate for a
11 primary or special election conducted to fill such a vacancy shall not
12 be counted toward any of the limitations that apply to the candidate or
13 to contributions made to the candidate for any other primary or
14 election.

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

26 ~~((11))~~ (12) Notwithstanding the other subsections of this
27 section, no county central committee or legislative district committee
28 may make contributions reportable under this chapter to a candidate,
29 state official against whom recall charges have been filed, or
30 political committee having the expectation of making expenditures in
31 support of the recall of a state official if the county central
32 committee or legislative district committee is outside of the
33 jurisdiction entitled to elect the candidate or recall the state
34 official.

35 ~~((12))~~ (13) No person may accept contributions that exceed the
36 contribution limitations provided in this section.

37 (14) The following contributions are exempt from the contribution
38 limits of this section:

1 (a) An expenditure or contribution earmarked for voter
2 registration, for absentee ballot information, for precinct caucuses,
3 for get-out-the-vote campaigns, for precinct judges or inspectors, for
4 sample ballots, or for ballot counting, all without promotion of or
5 political advertising for individual candidates; or

6 (b) An expenditure by a political committee for its own internal
7 organization or fund raising without direct association with individual
8 candidates.

9 *Sec. 21. RCW 42.17.680 and 1993 c 2 s 8 are each amended to read
10 as follows:

11 (1) No employer or labor organization may increase the salary of an
12 officer or employee, or give an emolument to an officer, employee, or
13 other person or entity, with the intention that the increase in salary,
14 or the emolument, or a part of it, be contributed or spent to support
15 or oppose a candidate, state official against whom recall charges have
16 been filed, political party, or political committee.

17 (2) No employer or labor organization may discriminate against an
18 officer or employee in the terms or conditions of employment for
19 ~~((a))~~ the failure to contribute to ~~((b))~~ or the failure in any way
20 to support or oppose ~~((c) in any way supporting or opposing))~~ a
21 candidate, ballot proposition, political party, or political committee.

22 (3) No employer or other person or entity responsible for the
23 disbursement of funds in payment of wages or salaries may withhold or
24 divert a portion of an employee's wages or salaries for contributions
25 to political committees or for use as political contributions except
26 upon the written request of the employee. The request must be made on
27 a form prescribed by the commission informing the employee of the
28 prohibition against employer and labor organization discrimination
29 described in subsection (2) of this section. The request is valid for
30 no more than twelve months from the date it is made by the employee.

31 (4) Each person or entity who withholds contributions under
32 subsection (3) of this section shall maintain open for public
33 inspection for a period of no less than three years, during normal
34 business hours, documents and books of accounts that shall include a
35 copy of each employee's request, the amounts and dates funds were
36 actually withheld, and the amounts and dates funds were transferred to

1 a political committee. Copies of such information shall be delivered
2 to the commission upon request.

3 *Sec. 21 was vetoed. See message at end of chapter.

4 **Sec. 22.** RCW 42.17.720 and 1993 c 2 s 12 are each amended to read
5 as follows:

6 (1) A loan is considered to be a contribution from the ((maker))
7 lender and ((the)) any guarantor of the loan and is subject to the
8 contribution limitations of this chapter. The full amount of the loan
9 shall be attributed to the lender and to each guarantor.

10 (2) A loan to a candidate for public office or the candidate's
11 political committee must be by written agreement.

12 (3) The proceeds of a loan made to a candidate for public office:

13 (a) By a commercial lending institution;

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

15 (c) On the same terms ordinarily available to members of the
16 public((+and

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

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

19 **Sec. 23.** RCW 42.17.740 and 1993 c 2 s 14 are each amended to read
20 as follows:

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

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

28 **Sec. 24.** RCW 42.17.750 and 1993 c 2 s 15 are each amended to read
29 as follows:

30 (1) No state or local official or state or local official's agent
31 may knowingly solicit, directly or indirectly, a contribution to a
32 candidate for public office, political party, or political committee
33 from an employee in the state or local official's agency.

34 (2) No state or local official or ((state)) public employee may
35 provide an advantage or disadvantage to an employee or applicant for

1 employment in the classified civil service concerning the applicant's
2 or employee's:

3 (a) Employment;

4 (b) Conditions of employment; or

5 (c) Application for employment,

6 based on the employee's or applicant's contribution or promise to
7 contribute or failure to make a contribution or contribute to a
8 political party or political committee.

9 **Sec. 25.** RCW 42.17.770 and 1993 c 2 s 17 are each amended to read
10 as follows:

11 A person (~~(or entity)~~) may not solicit from a candidate for public
12 office, political committee, political party, or other person (~~(or~~
13 ~~entity)~~) money or other property as a condition or consideration for an
14 endorsement, article, or other communication in the news media
15 promoting or opposing a candidate for public office, political
16 committee, or political party.

17 **Sec. 26.** RCW 42.17.780 and 1993 c 2 s 18 are each amended to read
18 as follows:

19 A person (~~(or entity)~~) may not, directly or indirectly, reimburse
20 another person (~~(or entity)~~) for a contribution to a candidate for
21 public office, political committee, or political party.

22 **Sec. 27.** RCW 42.17.790 and 1993 c 2 s 19 are each amended to read
23 as follows:

24 (1) Except as provided in subsection (2) of this section, a
25 candidate for public office or the candidate's political committee may
26 not use or permit the use of contributions, whether or not surplus,
27 solicited for or received by the candidate for public office or the
28 candidate's political committee to further the candidacy of the
29 individual for an office other than the office designated on the
30 statement of organization. A contribution solicited for or received on
31 behalf of the candidate for public office is considered solicited or
32 received for the candidacy for which the individual is then a candidate
33 if the contribution is solicited or received before the general
34 elections for which the candidate for public office is a nominee or is
35 unopposed.

1 (2) With the written approval of the contributor, a candidate for
2 public office or the candidate's political committee may use or permit
3 the use of contributions, whether or not surplus, solicited for or
4 received by the candidate for public office or the candidate's
5 political committee from that contributor to further the candidacy of
6 the individual for an office other than the office designated on the
7 statement of organization. If the contributor does not approve the use
8 of his or her contribution to further the candidacy of the individual
9 for an office other than the office designated on the statement of
10 organization at the time of the contribution, the contribution must be
11 considered surplus funds and disposed of in accordance with RCW
12 42.17.095.

13 **Sec. 28.** RCW 42.17.100 and 1989 c 280 s 10 are each amended to
14 read as follows:

15 INTERNAL POLITICAL COMMUNICATIONS--INDEPENDENT EXPENDITURE. (1)
16 For the purposes of this section and RCW 42.17.550 the term
17 "independent ((campaign)) expenditure" means any expenditure that is
18 made in support of or in opposition to any candidate or ballot
19 proposition and is not otherwise required to be reported pursuant to
20 RCW 42.17.060, 42.17.080, or 42.17.090. "Independent expenditure" does
21 not include: An internal political communication primarily limited to
22 the contributors to a political party organization or political action
23 committee, or the officers, management staff, and stockholders of a
24 corporation or similar enterprise, or the members of a labor
25 organization or other membership organization; or the rendering of
26 personal services of the sort commonly performed by volunteer campaign
27 workers, or incidental expenses personally incurred by volunteer
28 campaign workers not in excess of fifty dollars personally paid for by
29 the worker. "Volunteer services," for the purposes of this section,
30 means services or labor for which the individual is not compensated by
31 any person.

32 (2) Within five days after the date of making an independent
33 ((campaign)) expenditure that by itself or when added to all other such
34 independent ((campaign)) expenditures made during the same election
35 campaign by the same person equals one hundred dollars or more, or
36 within five days after the date of making an independent ((campaign))
37 expenditure for which no reasonable estimate of monetary value is
38 practicable, whichever occurs first, the person who made the

1 independent ((campaign)) expenditure shall file with the commission and
2 the county elections officer of the county of residence for the
3 candidate supported or opposed by the independent ((campaign))
4 expenditure (or in the case of an expenditure made in support of or in
5 opposition to a local ballot proposition, the county of residence for
6 the person making the expenditure) an initial report of all independent
7 ((campaign)) expenditures made during the campaign prior to and
8 including such date.

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

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

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

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

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

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

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

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

1 (b) The name and address of each person to whom an independent
2 ((campaign)) expenditure was made in the aggregate amount of more than
3 fifty dollars, and the amount, date, and purpose of each such
4 expenditure. If no reasonable estimate of the monetary value of a
5 particular independent ((campaign)) expenditure is practicable, it is
6 sufficient to report instead a precise description of services,
7 property, or rights furnished through the expenditure and where
8 appropriate to attach a copy of the item produced or distributed by the
9 expenditure;

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

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

14 **Sec. 29.** RCW 42.17.125 and 1993 c 2 s 21 are each amended to read
15 as follows:

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

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

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

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

7 **Sec. 30.** RCW 42.52.180 and 1994 c 154 s 118 are each amended to
8 read as follows:

9 (1) No state officer or state employee may use or authorize the use
10 of facilities of an agency, directly or indirectly, for the purpose of
11 assisting a campaign for election of a person to an office or for the
12 promotion of or opposition to a ballot proposition. Knowing
13 acquiescence by a person with authority to direct, control, or
14 influence the actions of the state officer or state employee using
15 public resources in violation of this section constitutes a violation
16 of this section. Facilities of an agency include, but are not limited
17 to, use of stationery, postage, machines, and equipment, use of state
18 employees of the agency during working hours, vehicles, office space,
19 publications of the agency, and clientele lists of persons served by
20 the agency.

21 (2) This section shall not apply to the following activities:

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

30 (b) A statement by an elected official in support of or in
31 opposition to any ballot proposition at an open press conference or in
32 response to a specific inquiry. For the purposes of this subsection,
33 it is not a violation of this section for an elected official to
34 respond to an inquiry regarding a ballot proposition, to make
35 incidental remarks concerning a ballot proposition in an official
36 communication, or otherwise comment on a ballot proposition without an
37 actual, measurable expenditure of public funds. The (~~public~~

1 ~~disclosure commission shall, after consultation with the~~) ethics
2 boards((~~7~~)) shall adopt by rule a definition of measurable expenditure;

3 (c) Activities that are part of the normal and regular conduct of
4 the office or agency; and

5 (d) De minimis use of public facilities by state-wide elected
6 officials and legislators incidental to the preparation or delivery of
7 permissible communications, including written and verbal communications
8 initiated by them of their views on ballot propositions that
9 foreseeably may affect a matter that falls within their constitutional
10 or statutory responsibilities.

11 (3) As to state officers and employees, this section operates to
12 the exclusion of RCW 42.17.130.

13 **Sec. 31.** RCW 42.17.095 and 1993 c 2 s 20 are each amended to read
14 as follows:

15 The surplus funds of a candidate, or of a political committee
16 supporting or opposing a candidate, may only be disposed of in any one
17 or more of the following ways:

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

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

30 (3) Transfer the surplus without limit to a political party or to
31 a caucus (~~(of the state legislature)~~) political committee;

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

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

36 (6) Hold the surplus in the campaign depository or depositories
37 designated in accordance with RCW 42.17.050 for possible use in a
38 future election campaign for the same office last sought by the

1 candidate and report any such disposition in accordance with RCW
2 42.17.090: PROVIDED, That if the candidate subsequently announces or
3 publicly files for office, information as appropriate is reported to
4 the commission in accordance with RCW 42.17.040 through 42.17.090. If
5 a subsequent office is not sought the surplus held shall be disposed of
6 in accordance with the requirements of this section.

7 (7) Hold the surplus campaign funds in a separate account for
8 nonreimbursed public office-related expenses or as provided in this
9 section, and report any such disposition in accordance with RCW
10 42.17.090. The separate account required under this subsection shall
11 not be used for deposits of campaign funds that are not surplus.

12 (8) No candidate or authorized committee may transfer funds to any
13 other candidate or other political committee.

14 The disposal of surplus funds under this section shall not be
15 considered a contribution for purposes of this chapter.

16 **Sec. 32.** RCW 42.17.160 and 1982 c 147 s 12 are each amended to
17 read as follows:

18 The following persons and activities shall be exempt from
19 registration and reporting under RCW 42.17.150, 42.17.170, and
20 42.17.200:

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

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

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

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

1 subsection ((+3+)) (4) may at his or her option register and report
2 under this chapter;

3 ((+4+)) (5) Persons who restrict their lobbying activities to no
4 more than four days or parts thereof during any three-month period and
5 whose total expenditures during such three-month period for or on
6 behalf of any one or more members of the legislature or state elected
7 officials or public officers or employees of the state of Washington in
8 connection with such lobbying do not exceed twenty-five (~~{dollars}~~)
9 dollars: PROVIDED, That the commission shall promulgate regulations to
10 require disclosure by persons exempt under this subsection or their
11 employers or entities which sponsor or coordinate the lobbying
12 activities of such persons if it determines that such regulations are
13 necessary to prevent frustration of the purposes of this chapter. Any
14 person exempt under this subsection ((+4+)) (5) may at his or her
15 option register and report under this chapter;

16 ((+5+)) (6) The governor;

17 ((+6+)) (7) The lieutenant governor;

18 ((+7+)) (8) Except as provided by RCW 42.17.190(1), members of the
19 legislature;

20 ((+8+)) (9) Except as provided by RCW 42.17.190(1), persons
21 employed by the legislature for the purpose of aiding in the
22 preparation or enactment of legislation or the performance of
23 legislative duties;

24 ((+9+)) (10) Elected officials, and officers and employees of any
25 agency reporting under RCW 42.17.190(4) as now or hereafter amended.

26 **Sec. 33.** RCW 42.17.170 and 1991 sp.s. c 18 s 2 are each amended to
27 read as follows:

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

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

35 (a) The totals of all expenditures for lobbying activities made or
36 incurred by such lobbyist or on behalf of such lobbyist by the
37 lobbyist's employer during the period covered by the report. Such
38 totals for lobbying activities shall be segregated according to

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

15 Notwithstanding the foregoing, lobbyists are not required to report
16 the following:

17 (i) Unreimbursed personal living and travel expenses not incurred
18 directly for lobbying;

19 (ii) Any expenses incurred for his or her own living
20 accommodations;

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

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

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

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

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

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

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

14 (f) (~~(A listing of each gift, as defined in RCW 42.17.020, made to~~
15 ~~a state elected official or executive state officer or to a member of~~
16 ~~the immediate family of such an official or officer. Such a gift shall~~
17 ~~be separately identified by the date it was given, the approximate~~
18 ~~value of the gift, and the name of the recipient. However, for a~~
19 ~~hosted reception where the average per person amount is reported under~~
20 ~~(a) of this subsection, the approximate value for the gift of partaking~~
21 ~~in the event is such average per person amount. The commission shall~~
22 ~~adopt forms to be used for reporting the giving of gifts under this~~
23 ~~subsection (2)(f). The forms shall be designed to permit a lobbyist to~~
24 ~~report on a separate form for each recipient the reportable gifts given~~
25 ~~to that recipient during the reporting period or, alternatively, to~~
26 ~~report on one form all reportable gifts given by the lobbyist during~~
27 ~~the reporting period)) A listing of each payment for an item specified
28 in RCW 42.52.150(5) in excess of fifty dollars and each item specified
29 in RCW 42.52.010(9) (d) and (f) made to a state elected official, state
30 officer, or state employee. Each item shall be identified by
31 recipient, date, and approximate value of the item.~~

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

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

4 (3) If a state elected official or a member of such an official's
5 immediate family is identified by a lobbyist in such a report as having
6 received from the lobbyist (~~(a gift, as defined in RCW 42.17.020)~~) an
7 item specified in RCW 42.52.150(5) or 42.52.010(9) (d) or (f), the
8 lobbyist shall transmit to the official a copy of the completed form
9 used to identify the (~~(gift)~~) item in the report at the same time the
10 report is filed with the commission.

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

14 NEW SECTION. Sec. 34. The following acts or parts of acts are
15 each repealed:

- 16 (1) RCW 42.17.021 and 1993 c 2 s 30;
- 17 (2) RCW 42.17.630 and 1993 c 2 s 3;
- 18 (3) RCW 42.17.2415 and 1991 sp.s. c 18 s 3; and
- 19 (4) RCW 42.52.210 and 1959 c 320 s 5.

20 NEW SECTION. Sec. 35. Sections 1 through 32, 34, and 37 of this
21 act are necessary for the immediate preservation of the public peace,
22 health, or safety, or support of the state government and its existing
23 public institutions, and shall take effect July 1, 1995.

24 NEW SECTION. Sec. 36. Section 33 of this act takes effect
25 September 1, 1995.

26 NEW SECTION. Sec. 37. Captions as used in this act constitute no
27 part of the law.

28 NEW SECTION. Sec. 38. If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

Passed the Senate April 23, 1995.

Passed the House April 21, 1995.

Approved by the Governor May 16, 1995, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State May 16, 1995.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 3 and
3 21, Engrossed Substitute Senate Bill No. 5684 entitled:

4 "AN ACT Relating to public disclosure;"

5 Engrossed Substitute Senate Bill No. 5684 makes many important and
6 necessary changes to our public disclosure and campaign practices laws
7 which I strongly support. It incorporates most of the recommendations
8 of the Public Disclosure Commission's (PDC) request legislation. It
9 also enacts many of the campaign practices recommendations of the
10 Commission on Ethics and Campaign Practices that were introduced at my
11 request in Substitute Senate Bill No. 5576. The legislature is to be
12 commended for making significant improvements in this complex and
13 controversial area of law designed to protect the public's right to
14 know.

15 However, I do not believe section 3 of Engrossed Substitute Senate
16 Bill No. 5684 to be consistent with the underlying principles of
17 openness and full disclosure of political campaign financing. Section
18 3 would prevent the PDC from requiring the reporting of additional
19 information about contributors, other than their names, addresses, and
20 the amount and date of their contribution. The apparent purpose of
21 this provision is to protect the privacy of contributors.

22 The PDC currently has clear and specific statutory authority to
23 require additional contributor information in conformance with the
24 policies and purposes of this law. Consistent with this authority, the
25 PDC, by rule, has required the reporting of the occupation and the name
26 and address of the employer for larger contributors -- those who
27 contribute \$100 or more. This additional reporting requirement is
28 designed to disclose possible patterns of coordinated contributions to
29 candidates and to ballot measures by large organizations or businesses
30 who may attempt to circumvent contribution limits.

31 Employer and occupational information is critical to identifying
32 and disclosing these patterns and to detecting violations of the "anti-
33 laundering" laws of our state. Section 3 would close a major avenue
34 for disclosure of vital information about who influences elections. I
35 believe that the public's right to information about elections and who
36 influences those elections outweighs the purported need to protect the
37 privacy of individual contributors.

38 Section 21 of Engrossed Substitute Senate Bill No. 5684 modifies
39 RCW 42.17.680 which is designed to protect the rights of employees from
40 political pressure on the job. Current law specifically prohibits
41 employers or labor organizations from discriminating against workers
42 for failure to contribute to or support or oppose a candidate, ballot
43 proposition, political party, or political committee. This protects
44 employees from being forced to promote an employer's political agenda.
45 Additional current language, that would be removed by section 21,
46 prohibits discrimination for "in any way supporting or opposing" a
47 candidate, ballot proposition, political party, or political committee.
48 This language provides protections for workers to act on their own
49 political beliefs.

50 This specific provision is the subject of ongoing litigation
51 regarding whether or not employers may be prevented from mandating the

1 political neutrality of their employees in cases where the nature of
2 their jobs require it. Moreover, section 21 did not receive full and
3 open debate in the legislature before the bill was passed. I am,
4 therefore, reluctant to approve any changes in this very sensitive and
5 controversial law until its implications have been more thoroughly and
6 more openly explored in legislative and judicial forums.

7 For these reasons, I am vetoing sections 3 and 21 of Engrossed
8 Substitute Senate Bill No. 5684.

9 With the exception of sections 3 and 21, Engrossed Substitute
10 Senate Bill No. 5684 is approved."