
SENATE BILL 5194

State of Washington

68th Legislature

2023 Regular Session

By Senators Mullet, Nguyen, and Shewmake

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1 AN ACT Relating to rendering the Washington state insurance
2 commissioner an appointed position; amending RCW 48.02.010,
3 48.02.020, 48.02.110, 43.17.020, 29A.32.031, 29A.36.121, 42.17A.005,
4 43.01.010, 43.01.020, 43.03.010, 43.03.011, 42.17A.705, and
5 43.17.320; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that experience,
8 efficiency, and accountability are important when selecting certain
9 state regulators. Appointment of certain state regulators can lead to
10 more qualified candidates who are more adept in technical
11 policymaking due to several factors, including the selection of the
12 most skilled candidate and not necessarily the best, or best-
13 financed, politician; vetting of candidates through confirmation
14 processes; and broader accountability.

15 (2) The legislature further finds that duties and
16 responsibilities of Washington state's insurance commissioner are
17 similar to other high-level executive branch officials who are
18 currently appointed by the governor. A majority of states appoint
19 rather than elect their insurance commissioners.

1 (3) Therefore, the legislature intends by this act to establish a
2 process for the insurance commissioner of this state to be appointed
3 by the governor.

4 **Sec. 2.** RCW 48.02.010 and 2009 c 549 s 7001 are each amended to
5 read as follows:

6 (1) There shall be an insurance commissioner of this state who
7 shall be (~~elected at the time and in the manner that other state~~
8 ~~officers are elected~~) appointed by the governor, with the consent of
9 the senate. The insurance commissioner shall hold office at the
10 pleasure of the governor.

11 (2) The commissioner in office at the (~~effective date of this~~
12 ~~code~~) effective date of this section shall continue in office for
13 the remainder of the term for which he or she was elected and until
14 his or her successor is duly (~~elected and qualified~~) appointed.

15 (3) "Commissioner," where used in this code, means the insurance
16 commissioner of this state.

17 **Sec. 3.** RCW 48.02.020 and 2009 c 549 s 7002 are each amended to
18 read as follows:

19 The term of office of the commissioner shall (~~be four years,~~
20 ~~commencing on the Wednesday after the second Monday in January after~~
21 ~~his or her election~~) commence no later than the Wednesday after the
22 second Monday of January following the election of the newly elected
23 governor. The length of the term of office shall be four years or
24 until a successor is appointed.

25 **Sec. 4.** RCW 48.02.110 and 2009 c 549 s 7008 are each amended to
26 read as follows:

27 The commissioner shall have an office at the state capital, and
28 may maintain such offices elsewhere in this state as (~~he or she may~~
29 ~~deem~~) deemed necessary.

30 **Sec. 5.** RCW 43.17.020 and 2017 3rd sp.s. c 6 s 110 are each
31 amended to read as follows:

32 There shall be a chief executive officer of each department to be
33 known as: (1) The secretary of social and health services, (2) the
34 director of ecology, (3) the director of labor and industries, (4)
35 the director of agriculture, (5) the director of fish and wildlife,
36 (6) the secretary of transportation, (7) the director of licensing,

1 (8) the director of enterprise services, (9) the director of
2 commerce, (10) the director of veterans affairs, (11) the director of
3 revenue, (12) the director of retirement systems, (13) the secretary
4 of corrections, (14) the secretary of health, (15) the director of
5 financial institutions, (16) the director of the department of
6 archaeology and historic preservation, (17) the secretary of
7 children, youth, and families, ~~((and))~~ (18) the executive director of
8 the Puget Sound partnership, and (19) the insurance commissioner.

9 Such officers, except the director of fish and wildlife, shall be
10 appointed by the governor, with the consent of the senate, and hold
11 office at the pleasure of the governor. The director of fish and
12 wildlife shall be appointed by the fish and wildlife commission as
13 prescribed by RCW 77.04.055.

14 **Sec. 6.** RCW 29A.32.031 and 2020 c 208 s 11 are each amended to
15 read as follows:

16 The voters' pamphlet published or distributed under RCW
17 29A.32.010 must contain:

18 (1) Information about each measure for an advisory vote of the
19 people and each ballot measure initiated by or referred to the voters
20 for their approval or rejection as required by RCW 29A.32.070;

21 (2) In even-numbered years, statements, if submitted, from
22 candidates for the office of president and vice president of the
23 United States, United States senator, United States representative,
24 governor, lieutenant governor, secretary of state, state treasurer,
25 state auditor, attorney general, commissioner of public lands,
26 superintendent of public instruction, ~~((insurance commissioner,))~~
27 state senator, state representative, justice of the supreme court,
28 judge of the court of appeals, or judge of the superior court.
29 Candidates may also submit campaign contact information and a
30 photograph not more than five years old in a format that the
31 secretary of state determines to be suitable for reproduction in the
32 voters' pamphlet;

33 (3) In odd-numbered years, if any office voted upon statewide
34 appears on the ballot due to a vacancy, then statements and
35 photographs for candidates for any vacant office listed in subsection
36 (2) of this section must appear;

37 (4) Contact information for the public disclosure commission
38 established under RCW 42.17A.100, including the following statement:
39 "For a list of the people and organizations that donated to state and

1 local candidates and ballot measure campaigns, visit www.pdc.wa.gov."
2 The statement must be placed in a prominent position, such as on the
3 cover or on the first two pages of the voters' pamphlet. The
4 secretary of state may substitute such language as is necessary for
5 accuracy and clarity and consistent with the intent of this section;

- 6 (5) Contact information for major political parties;
7 (6) A brief statement explaining the deletion and addition of
8 language for proposed measures under RCW 29A.32.080;
9 (7) A list of all student engagement hubs as designated under RCW
10 29A.40.180; and
11 (8) Any additional information pertaining to elections as may be
12 required by law or in the judgment of the secretary of state is
13 deemed informative to the voters.

14 **Sec. 7.** RCW 29A.36.121 and 2013 c 11 s 42 are each amended to
15 read as follows:

16 (1) The positions or offices on a primary consolidated ballot
17 shall be arranged in substantially the following order: United States
18 senator; United States representative; governor; lieutenant governor;
19 secretary of state; state treasurer; state auditor; attorney general;
20 commissioner of public lands; superintendent of public instruction;
21 (~~insurance commissioner;~~) state senator; state representative;
22 county officers; justices of the supreme court; judges of the court
23 of appeals; judges of the superior court; and judges of the district
24 court. For all other jurisdictions on the primary ballot, the offices
25 in each jurisdiction shall be grouped together and be in the order of
26 the position numbers assigned to those offices, if any.

27 (2) The order of the positions or offices on a general election
28 ballot shall be substantially the same as on a primary ballot except
29 that state ballot issues must be placed before all offices. The
30 offices of president and vice president of the United States shall
31 precede all other offices on a presidential election ballot. The
32 positions on a ballot to be assigned to ballot measures regarding
33 local units of government shall be established by the secretary of
34 state by rule.

35 **Sec. 8.** RCW 42.17A.005 and 2022 c 71 s 14 are each amended to
36 read as follows:

37 The definitions in this section apply throughout this chapter
38 unless the context clearly requires otherwise.

1 (1) "Actual malice" means to act with knowledge of falsity or
2 with reckless disregard as to truth or falsity.

3 (2) "Agency" includes all state agencies and all local agencies.
4 "State agency" includes every state office, department, division,
5 bureau, board, commission, or other state agency. "Local agency"
6 includes every county, city, town, municipal corporation, quasi-
7 municipal corporation, or special purpose district, or any office,
8 department, division, bureau, board, commission, or agency thereof,
9 or other local public agency. "Agency" does not include a
10 comprehensive cancer center participating in a collaborative
11 arrangement as defined in RCW 28B.10.930 that is operated in
12 conformance with RCW 28B.10.930.

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

17 (4) "Ballot proposition" means any "measure" as defined by RCW
18 29A.04.091, or any initiative, recall, or referendum proposition
19 proposed to be submitted to the voters of the state or any municipal
20 corporation, political subdivision, or other voting constituency from
21 and after the time when the proposition has been initially filed with
22 the appropriate election officer of that constituency before its
23 circulation for signatures.

24 (5) "Benefit" means a commercial, proprietary, financial,
25 economic, or monetary advantage, or the avoidance of a commercial,
26 proprietary, financial, economic, or monetary disadvantage.

27 (6) "Bona fide political party" means:

28 (a) An organization that has been recognized as a minor political
29 party by the secretary of state;

30 (b) The governing body of the state organization of a major
31 political party, as defined in RCW 29A.04.086, that is the body
32 authorized by the charter or bylaws of the party to exercise
33 authority on behalf of the state party; or

34 (c) The county central committee or legislative district
35 committee of a major political party. There may be only one
36 legislative district committee for each party in each legislative
37 district.

38 (7) "Books of account" means:

39 (a) In the case of a campaign or political committee, a ledger or
40 similar listing of contributions, expenditures, and debts, such as a

1 campaign or committee is required to file regularly with the
2 commission, current as of the most recent business day; or

3 (b) In the case of a commercial advertiser, details of political
4 advertising or electioneering communications provided by the
5 advertiser, including the names and addresses of persons from whom it
6 accepted political advertising or electioneering communications, the
7 exact nature and extent of the services rendered and the total cost
8 and the manner of payment for the services.

9 (8) "Candidate" means any individual who seeks nomination for
10 election or election to public office. An individual seeks nomination
11 or election when the individual first:

12 (a) Receives contributions or makes expenditures or reserves
13 space or facilities with intent to promote the individual's candidacy
14 for office;

15 (b) Announces publicly or files for office;

16 (c) Purchases commercial advertising space or broadcast time to
17 promote the individual's candidacy; or

18 (d) Gives consent to another person to take on behalf of the
19 individual any of the actions in (a) or (c) of this subsection.

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

23 (10) "Commercial advertiser" means any person that sells the
24 service of communicating messages or producing material for broadcast
25 or distribution to the general public or segments of the general
26 public whether through brochures, fliers, newspapers, magazines,
27 television, radio, billboards, direct mail advertising, printing,
28 paid internet or digital communications, or any other means of mass
29 communications used for the purpose of appealing, directly or
30 indirectly, for votes or for financial or other support in any
31 election campaign.

32 (11) "Commission" means the agency established under RCW
33 42.17A.100.

34 (12) "Committee" unless the context indicates otherwise, includes
35 a political committee such as a candidate, ballot proposition,
36 recall, political, or continuing political committee.

37 (13) "Compensation" unless the context requires a narrower
38 meaning, includes payment in any form for real or personal property
39 or services of any kind. For the purpose of compliance with RCW
40 42.17A.710, "compensation" does not include per diem allowances or

1 other payments made by a governmental entity to reimburse a public
2 official for expenses incurred while the official is engaged in the
3 official business of the governmental entity.

4 (14) "Continuing political committee" means a political committee
5 that is an organization of continuing existence not limited to
6 participation in any particular election campaign or election cycle.

7 (15)(a) "Contribution" includes:

8 (i) A loan, gift, deposit, subscription, forgiveness of
9 indebtedness, donation, advance, pledge, payment, transfer of funds,
10 or anything of value, including personal and professional services
11 for less than full consideration;

12 (ii) An expenditure made by a person in cooperation,
13 consultation, or concert with, or at the request or suggestion of, a
14 candidate, a political or incidental committee, the person or persons
15 named on the candidate's or committee's registration form who direct
16 expenditures on behalf of the candidate or committee, or their
17 agents;

18 (iii) The financing by a person of the dissemination,
19 distribution, or republication, in whole or in part, of broadcast,
20 written, graphic, digital, or other form of political advertising or
21 electioneering communication prepared by a candidate, a political or
22 incidental committee, or its authorized agent;

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

26 (b) "Contribution" does not include:

27 (i) Accrued interest on money deposited in a political or
28 incidental committee's account;

29 (ii) Ordinary home hospitality;

30 (iii) A contribution received by a candidate or political or
31 incidental committee that is returned to the contributor within ten
32 business days of the date on which it is received by the candidate or
33 political or incidental committee;

34 (iv) A news item, feature, commentary, or editorial in a
35 regularly scheduled news medium that is of interest to the public,
36 that is in a news medium controlled by a person whose business is
37 that news medium, and that is not controlled by a candidate or a
38 political or incidental committee;

39 (v) An internal political communication primarily limited to the
40 members of or contributors to a political party organization or

1 political or incidental committee, or to the officers, management
2 staff, or stockholders of a corporation or similar enterprise, or to
3 the members of a labor organization or other membership organization;

4 (vi) The rendering of personal services of the sort commonly
5 performed by volunteer campaign workers, or incidental expenses
6 personally incurred by volunteer campaign workers not in excess of
7 fifty dollars personally paid for by the worker. "Volunteer
8 services," for the purposes of this subsection, means services or
9 labor for which the individual is not compensated by any person;

10 (vii) Messages in the form of reader boards, banners, or yard or
11 window signs displayed on a person's own property or property
12 occupied by a person. However, a facility used for such political
13 advertising for which a rental charge is normally made must be
14 reported as an in-kind contribution and counts toward any applicable
15 contribution limit of the person providing the facility;

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

17 (A) A political party or caucus political committee if the person
18 paying for the services is the regular employer of the person
19 rendering such services; or

20 (B) A candidate or an authorized committee if the person paying
21 for the services is the regular employer of the individual rendering
22 the services and if the services are solely for the purpose of
23 ensuring compliance with state election or public disclosure laws; or

24 (ix) The performance of ministerial functions by a person on
25 behalf of two or more candidates or political or incidental
26 committees either as volunteer services defined in (b)(vi) of this
27 subsection or for payment by the candidate or political or incidental
28 committee for whom the services are performed as long as:

29 (A) The person performs solely ministerial functions;

30 (B) A person who is paid by two or more candidates or political
31 or incidental committees is identified by the candidates and
32 political committees on whose behalf services are performed as part
33 of their respective statements of organization under RCW 42.17A.205;
34 and

35 (C) The person does not disclose, except as required by law, any
36 information regarding a candidate's or committee's plans, projects,
37 activities, or needs, or regarding a candidate's or committee's
38 contributions or expenditures that is not already publicly available
39 from campaign reports filed with the commission, or otherwise engage

1 in activity that constitutes a contribution under (a)(ii) of this
2 subsection.

3 A person who performs ministerial functions under this subsection
4 (15)(b)(ix) is not considered an agent of the candidate or committee
5 as long as the person has no authority to authorize expenditures or
6 make decisions on behalf of the candidate or committee.

7 (c) Contributions other than money or its equivalent are deemed
8 to have a monetary value equivalent to the fair market value of the
9 contribution. Services or property or rights furnished at less than
10 their fair market value for the purpose of assisting any candidate or
11 political committee are deemed a contribution. Such a contribution
12 must be reported as an in-kind contribution at its fair market value
13 and counts towards any applicable contribution limit of the provider.

14 (16) "Depository" means a bank, mutual savings bank, savings and
15 loan association, or credit union doing business in this state.

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

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

26 (19) "Election campaign" means any campaign in support of or in
27 opposition to a candidate for election to public office and any
28 campaign in support of, or in opposition to, a ballot proposition.

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

36 (21)(a) "Electioneering communication" means any broadcast,
37 cable, or satellite television, radio transmission, digital
38 communication, United States postal service mailing, billboard,
39 newspaper, or periodical that:

1 (i) Clearly identifies a candidate for a state, local, or
2 judicial office either by specifically naming the candidate, or
3 identifying the candidate without using the candidate's name;

4 (ii) Is broadcast, transmitted electronically or by other means,
5 mailed, erected, distributed, or otherwise published within sixty
6 days before any election for that office in the jurisdiction in which
7 the candidate is seeking election; and

8 (iii) Either alone, or in combination with one or more
9 communications identifying the candidate by the same sponsor during
10 the sixty days before an election, has a fair market value or cost of
11 one thousand dollars or more.

12 (b) "Electioneering communication" does not include:

13 (i) Usual and customary advertising of a business owned by a
14 candidate, even if the candidate is mentioned in the advertising when
15 the candidate has been regularly mentioned in that advertising
16 appearing at least twelve months preceding the candidate becoming a
17 candidate;

18 (ii) Advertising for candidate debates or forums when the
19 advertising is paid for by or on behalf of the debate or forum
20 sponsor, so long as two or more candidates for the same position have
21 been invited to participate in the debate or forum;

22 (iii) A news item, feature, commentary, or editorial in a
23 regularly scheduled news medium that is:

24 (A) Of interest to the public;

25 (B) In a news medium controlled by a person whose business is
26 that news medium; and

27 (C) Not a medium controlled by a candidate or a political or
28 incidental committee;

29 (iv) Slate cards and sample ballots;

30 (v) Advertising for books, films, dissertations, or similar works
31 (A) written by a candidate when the candidate entered into a contract
32 for such publications or media at least twelve months before becoming
33 a candidate, or (B) written about a candidate;

34 (vi) Public service announcements;

35 (vii) An internal political communication primarily limited to
36 the members of or contributors to a political party organization or
37 political or incidental committee, or to the officers, management
38 staff, or stockholders of a corporation or similar enterprise, or to
39 the members of a labor organization or other membership organization;

1 (viii) An expenditure by or contribution to the authorized
2 committee of a candidate for state, local, or judicial office; or

3 (ix) Any other communication exempted by the commission through
4 rule consistent with the intent of this chapter.

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

20 (23) "Final report" means the report described as a final report
21 in RCW 42.17A.235(11) (a).

22 (24) "Foreign national" means:

23 (a) An individual who is not a citizen of the United States and
24 is not lawfully admitted for permanent residence;

25 (b) A government, or subdivision, of a foreign country;

26 (c) A foreign political party; and

27 (d) Any entity, such as a partnership, association, corporation,
28 organization, or other combination of persons, that is organized
29 under the laws of or has its principal place of business in a foreign
30 country.

31 (25) "General election" for the purposes of RCW 42.17A.405 means
32 the election that results in the election of a person to a state or
33 local office. It does not include a primary.

34 (26) "Gift" has the definition in RCW 42.52.010.

35 (27) "Immediate family" includes the spouse or domestic partner,
36 dependent children, and other dependent relatives, if living in the
37 household. For the purposes of the definition of "intermediary" in
38 this section, "immediate family" means an individual's spouse or
39 domestic partner, and child, stepchild, grandchild, parent,
40 stepparent, grandparent, brother, half brother, sister, or half

1 sister of the individual and the spouse or the domestic partner of
2 any such person and a child, stepchild, grandchild, parent,
3 stepparent, grandparent, brother, half brother, sister, or half
4 sister of the individual's spouse or domestic partner and the spouse
5 or the domestic partner of any such person.

6 (28) "Incidental committee" means any nonprofit organization not
7 otherwise defined as a political committee but that may incidentally
8 make a contribution or an expenditure in excess of the reporting
9 thresholds in RCW 42.17A.235, directly or through a political
10 committee. Any nonprofit organization is not an incidental committee
11 if it is only remitting payments through the nonprofit organization
12 in an aggregated form and the nonprofit organization is not required
13 to report those payments in accordance with this chapter.

14 (29) "Incumbent" means a person who is in present possession of
15 an elected office.

16 (30)(a) "Independent expenditure" means an expenditure that has
17 each of the following elements:

18 (i) It is made in support of or in opposition to a candidate for
19 office by a person who is not:

20 (A) A candidate for that office;

21 (B) An authorized committee of that candidate for that office;

22 and

23 (C) A person who has received the candidate's encouragement or
24 approval to make the expenditure, if the expenditure pays in whole or
25 in part for political advertising supporting that candidate or
26 promoting the defeat of any other candidate or candidates for that
27 office;

28 (ii) It is made in support of or in opposition to a candidate for
29 office by a person with whom the candidate has not collaborated for
30 the purpose of making the expenditure, if the expenditure pays in
31 whole or in part for political advertising supporting that candidate
32 or promoting the defeat of any other candidate or candidates for that
33 office;

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

38 (iv) The expenditure, alone or in conjunction with another
39 expenditure or other expenditures of the same person in support of or
40 opposition to that candidate, has a value of one thousand dollars or

1 more. A series of expenditures, each of which is under one thousand
2 dollars, constitutes one independent expenditure if their cumulative
3 value is one thousand dollars or more.

4 (b) "Independent expenditure" does not include: Ordinary home
5 hospitality; communications with journalists or editorial staff
6 designed to elicit a news item, feature, commentary, or editorial in
7 a regularly scheduled news medium that is of primary interest to the
8 general public, controlled by a person whose business is that news
9 medium, and not controlled by a candidate or a political committee;
10 participation in the creation of a publicly funded voters' pamphlet
11 statement in written or video form; an internal political
12 communication primarily limited to contributors to a political party
13 organization or political action committee, the officers, management
14 staff, and stockholders of a corporation or similar enterprise, or
15 the members of a labor organization or other membership organization;
16 or the rendering of personal services of the sort commonly performed
17 by volunteer campaign workers or incidental expenses personally
18 incurred by volunteer campaign workers not in excess of two hundred
19 fifty dollars personally paid for by the worker.

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

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

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

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

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

37 (33) "Legislative office" means the office of a member of the
38 state house of representatives or the office of a member of the state
39 senate.

1 (34) "Lobby" and "lobbying" each mean attempting to influence the
2 passage or defeat of any legislation by the legislature of the state
3 of Washington, or the adoption or rejection of any rule, standard,
4 rate, or other legislative enactment of any state agency under the
5 state administrative procedure act, chapter 34.05 RCW. Neither
6 "lobby" nor "lobbying" includes an association's or other
7 organization's act of communicating with the members of that
8 association or organization.

9 (35) "Lobbyist" includes any person who lobbies either on the
10 person's own or another's behalf.

11 (36) "Lobbyist's employer" means the person or persons by whom a
12 lobbyist is employed and all persons by whom the lobbyist is
13 compensated for acting as a lobbyist.

14 (37) "Ministerial functions" means an act or duty carried out as
15 part of the duties of an administrative office without exercise of
16 personal judgment or discretion.

17 (38) "Participate" means that, with respect to a particular
18 election, an entity:

19 (a) Makes either a monetary or in-kind contribution to a
20 candidate;

21 (b) Makes an independent expenditure or electioneering
22 communication in support of or opposition to a candidate;

23 (c) Endorses a candidate before contributions are made by a
24 subsidiary corporation or local unit with respect to that candidate
25 or that candidate's opponent;

26 (d) Makes a recommendation regarding whether a candidate should
27 be supported or opposed before a contribution is made by a subsidiary
28 corporation or local unit with respect to that candidate or that
29 candidate's opponent; or

30 (e) Directly or indirectly collaborates or consults with a
31 subsidiary corporation or local unit on matters relating to the
32 support of or opposition to a candidate, including, but not limited
33 to, the amount of a contribution, when a contribution should be
34 given, and what assistance, services or independent expenditures, or
35 electioneering communications, if any, will be made or should be made
36 in support of or opposition to a candidate.

37 (39) "Person" includes an individual, partnership, joint venture,
38 public or private corporation, association, federal, state, or local
39 governmental entity or agency however constituted, candidate,
40 committee, political committee, political party, executive committee

1 thereof, or any other organization or group of persons, however
2 organized.

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

9 (41) "Political committee" means any person (except a candidate
10 or an individual dealing with the candidate's or individual's own
11 funds or property) having the expectation of receiving contributions
12 or making expenditures in support of, or opposition to, any candidate
13 or any ballot proposition.

14 (42) "Primary" for the purposes of RCW 42.17A.405 means the
15 procedure for nominating a candidate to state or local office under
16 chapter 29A.52 RCW or any other primary for an election that uses, in
17 large measure, the procedures established in chapter 29A.52 RCW.

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

21 (44) "Public record" has the definition in RCW 42.56.010.

22 (45) "Recall campaign" means the period of time beginning on the
23 date of the filing of recall charges under RCW 29A.56.120 and ending
24 thirty days after the recall election.

25 (46) "Remediable violation" means any violation of this chapter
26 that:

27 (a) Involved expenditures or contributions totaling no more than
28 the contribution limits set out under RCW 42.17A.405(2) per election,
29 or one thousand dollars if there is no statutory limit;

30 (b) Occurred:

31 (i) More than thirty days before an election, where the
32 commission entered into an agreement to resolve the matter; or

33 (ii) At any time where the violation did not constitute a
34 material violation because it was inadvertent and minor or otherwise
35 has been cured and, after consideration of all the circumstances,
36 further proceedings would not serve the purposes of this chapter;

37 (c) Does not materially harm the public interest, beyond the harm
38 to the policy of this chapter inherent in any violation; and

39 (d) Involved:

40 (i) A person who:

1 (A) Took corrective action within five business days after the
2 commission first notified the person of noncompliance, or where the
3 commission did not provide notice and filed a required report within
4 twenty-one days after the report was due to be filed; and

5 (B) Substantially met the filing deadline for all other required
6 reports within the immediately preceding twelve-month period; or

7 (ii) A candidate who:

8 (A) Lost the election in question; and

9 (B) Did not receive contributions over one hundred times the
10 contribution limit in aggregate per election during the campaign in
11 question.

12 (47) (a) "Sponsor" for purposes of an electioneering
13 communications, independent expenditures, or political advertising
14 means the person paying for the electioneering communication,
15 independent expenditure, or political advertising. If a person acts
16 as an agent for another or is reimbursed by another for the payment,
17 the original source of the payment is the sponsor.

18 (b) "Sponsor," for purposes of a political or incidental
19 committee, means any person, except an authorized committee, to whom
20 any of the following applies:

21 (i) The committee receives eighty percent or more of its
22 contributions either from the person or from the person's members,
23 officers, employees, or shareholders;

24 (ii) The person collects contributions for the committee by use
25 of payroll deductions or dues from its members, officers, or
26 employees.

27 (48) "Sponsored committee" means a committee, other than an
28 authorized committee, that has one or more sponsors.

29 (49) "State office" means state legislative office or the office
30 of governor, lieutenant governor, secretary of state, attorney
31 general, commissioner of public lands, (~~insurance commissioner,~~)
32 superintendent of public instruction, state auditor, or state
33 treasurer.

34 (50) "State official" means a person who holds a state office.

35 (51) "Surplus funds" mean, in the case of a political committee
36 or candidate, the balance of contributions that remain in the
37 possession or control of that committee or candidate subsequent to
38 the election for which the contributions were received, and that are
39 in excess of the amount necessary to pay remaining debts or expenses
40 incurred by the committee or candidate with respect to that election.

1 In the case of a continuing political committee, "surplus funds" mean
2 those contributions remaining in the possession or control of the
3 committee that are in excess of the amount necessary to pay all
4 remaining debts or expenses when it makes its final report under RCW
5 42.17A.255.

6 (52) "Technical correction" means the correction of a minor or
7 ministerial error in a required report that does not materially harm
8 the public interest and needs to be corrected for the report to be in
9 full compliance with the requirements of this chapter.

10 (53) "Treasurer" and "deputy treasurer" mean the individuals
11 appointed by a candidate or political or incidental committee,
12 pursuant to RCW 42.17A.210, to perform the duties specified in that
13 section.

14 (54) "Violation" means a violation of this chapter that is not a
15 remediable violation, minor violation, or an error classified by the
16 commission as appropriate to address by a technical correction.

17 **Sec. 9.** RCW 43.01.010 and 1965 c 8 s 43.01.010 are each amended
18 to read as follows:

19 The governor, lieutenant governor, secretary of state, treasurer,
20 auditor, attorney general, superintendent of public instruction, and
21 commissioner of public lands(~~(, and insurance commissioner)~~), shall
22 hold office for the term of four years, and until their successors
23 are elected and qualified; and the term shall commence on the
24 Wednesday after the second Monday of January following their
25 election.

26 **Sec. 10.** RCW 43.01.020 and 1965 c 8 s 43.01.020 are each amended
27 to read as follows:

28 The governor, lieutenant governor, secretary of state, treasurer,
29 auditor, attorney general, superintendent of public instruction, and
30 commissioner of public lands(~~(, and insurance commissioner)~~), shall,
31 before entering upon the duties of their respective offices, take and
32 subscribe an oath or affirmation in substance as follows: I do
33 solemnly swear (or affirm) that I will support the Constitution of
34 the United States and the Constitution and laws of the state of
35 Washington, and that I will faithfully discharge the duties of the
36 office of (name of office) to the best of my ability.

37 The oath or affirmation shall be administered by one of the
38 justices of the supreme court at the capitol. A certificate shall be

1 affixed thereto by the person administering the oath, and the oath or
2 affirmation so certified shall be filed in the office of the
3 secretary of state before the officer shall be qualified to discharge
4 any official duties: PROVIDED, That the oath of the secretary of
5 state shall be filed in the office of the state auditor.

6 **Sec. 11.** RCW 43.03.010 and 1989 c 10 s 8 are each amended to
7 read as follows:

8 The annual salaries of the following named state elected
9 officials shall be prescribed by the Washington citizens' commission
10 on salaries for elected officials: Governor; lieutenant governor:
11 PROVIDED, That in arriving at the annual salary of the lieutenant
12 governor the commission shall prescribe a fixed amount plus a sum
13 equal to 1/260th of the difference between the annual salary of the
14 lieutenant governor and the annual salary of the governor for each
15 day that the lieutenant governor is called upon to perform the duties
16 of the governor by reason of the absence from the state, removal,
17 resignation, death, or disability of the governor; secretary of
18 state; state treasurer; state auditor; attorney general;
19 superintendent of public instruction; and commissioner of public
20 lands(~~and state insurance commissioner~~). Members of the
21 legislature shall receive for their service per annum the amount
22 prescribed by the Washington citizens' commission on salaries for
23 elected officials; and in addition, reimbursement for mileage for
24 travel to and from legislative sessions as provided in RCW 43.03.060.

25 **Sec. 12.** RCW 43.03.011 and 2021 c 1 s 1 are each amended to read
26 as follows:

27 Pursuant to Article XXVIII, section 1 of the state Constitution
28 and RCW 43.03.010 and 43.03.310, the annual salaries of the state
29 elected officials of the executive branch shall be as follows:

- 30 (1) Effective July 1, 2020:
- 31 (a) Governor. \$187,353
 - 32 (b) Lieutenant governor. \$117,300
 - 33 (c) Secretary of state. \$134,640
 - 34 (d) Treasurer. \$153,615
 - 35 (e) Auditor. \$132,212
 - 36 (f) Attorney general. \$172,259
 - 37 (g) Superintendent of public instruction. \$153,000
 - 38 (h) Commissioner of public lands. \$153,000

1	((i) Insurance commissioner. \$137,700))	
2	(2) Effective July 1, 2021:	
3	(a) Governor.	\$187,353
4	(b) Lieutenant governor.	\$117,300
5	(c) Secretary of state.	\$134,640
6	(d) Treasurer.	\$153,615
7	(e) Auditor.	\$132,212
8	(f) Attorney general.	\$172,259
9	(g) Superintendent of public instruction.	\$153,000
10	(h) Commissioner of public lands.	\$153,000
11	((i) Insurance commissioner. \$137,700))	
12	(3) Effective July 1, 2022:	
13	(a) Governor.	\$190,632
14	(b) Lieutenant governor.	\$119,353
15	(c) Secretary of state.	\$136,996
16	(d) Treasurer.	\$156,303
17	(e) Auditor.	\$134,526
18	(f) Attorney general.	\$175,274
19	(g) Superintendent of public instruction.	\$155,678
20	(h) Commissioner of public lands.	\$155,678
21	((i) Insurance commissioner. \$140,110))	
22	(4) The lieutenant governor shall receive the fixed amount of his	
23	or her salary plus 1/260th of the difference between his or her	
24	salary and that of the governor for each day that the lieutenant	
25	governor is called upon to perform the duties of the governor by	
26	reason of the absence from the state, removal, resignation, death, or	
27	disability of the governor.	

28 **Sec. 13.** RCW 42.17A.705 and 2017 3rd sp.s. c 6 s 111 are each
29 amended to read as follows:

30 For the purposes of RCW 42.17A.700, "executive state officer"
31 includes:

- 32 (1) The chief administrative law judge, the director of
33 agriculture, the director of the department of services for the
34 blind, the secretary of children, youth, and families, the director
35 of the state system of community and technical colleges, the director
36 of commerce, the director of the consolidated technology services
37 agency, the secretary of corrections, the director of ecology, the
38 commissioner of employment security, the chair of the energy facility
39 site evaluation council, the director of enterprise services, the

1 secretary of the state finance committee, the director of financial
2 management, the director of fish and wildlife, the executive
3 secretary of the forest practices appeals board, the director of the
4 gambling commission, the secretary of health, the administrator of
5 the Washington state health care authority, the executive secretary
6 of the health care facilities authority, the executive secretary of
7 the higher education facilities authority, the executive secretary of
8 the horse racing commission, the executive secretary of the human
9 rights commission, the executive secretary of the indeterminate
10 sentence review board, the executive director of the state investment
11 board, the director of labor and industries, the director of
12 licensing, the director of the lottery commission, the director of
13 the office of minority and women's business enterprises, the director
14 of parks and recreation, the executive director of the public
15 disclosure commission, the executive director of the Puget Sound
16 partnership, the director of the recreation and conservation office,
17 the director of retirement systems, the director of revenue, the
18 secretary of social and health services, the chief of the Washington
19 state patrol, the executive secretary of the board of tax appeals,
20 the secretary of transportation, the secretary of the utilities and
21 transportation commission, the director of veterans affairs, the
22 insurance commissioner, the president of each of the regional and
23 state universities and the president of The Evergreen State College,
24 and each district and each campus president of each state community
25 college;

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

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

28 (4) Central Washington University board of trustees, the boards
29 of trustees of each community college and each technical college,
30 each member of the state board for community and technical colleges,
31 state convention and trade center board of directors, Eastern
32 Washington University board of trustees, Washington economic
33 development finance authority, Washington energy northwest executive
34 board, The Evergreen State College board of trustees, executive
35 ethics board, fish and wildlife commission, forest practices appeals
36 board, forest practices board, gambling commission, Washington health
37 care facilities authority, student achievement council, higher
38 education facilities authority, horse racing commission, state
39 housing finance commission, human rights commission, indeterminate
40 sentence review board, board of industrial insurance appeals, state

1 investment board, commission on judicial conduct, legislative ethics
2 board, life sciences discovery fund authority board of trustees,
3 state liquor and cannabis board, lottery commission, Pacific
4 Northwest electric power and conservation planning council, parks and
5 recreation commission, Washington personnel resources board, board of
6 pilotage commissioners, pollution control hearings board, public
7 disclosure commission, public employees' benefits board, recreation
8 and conservation funding board, salmon recovery funding board,
9 shorelines hearings board, board of tax appeals, transportation
10 commission, University of Washington board of regents, utilities and
11 transportation commission, Washington State University board of
12 regents, and Western Washington University board of trustees.

13 **Sec. 14.** RCW 43.17.320 and 2011 c 60 s 35 are each amended to
14 read as follows:

15 For purposes of RCW 43.17.320 through 43.17.340, "state agency"
16 means:

17 (1) Any agency for which the executive officer is listed in RCW
18 42.17A.705(1); and

19 (2) The office of the secretary of state; the office of the state
20 treasurer; the office of the state auditor; the department of natural
21 resources; (~~the office of the insurance commissioner;~~) and the
22 office of the superintendent of public instruction.

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