
HOUSE BILL 1029

State of Washington

61st Legislature

2009 Regular Session

By Representatives Armstrong, Hunt, Appleton, Chandler, Miloscia, Kelley, and Upthegrove; by request of Public Disclosure Commission

Prefiled 12/08/08. Read first time 01/12/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to reorganizing and making technical clarifications
2 to campaign contribution and disclosure laws; amending RCW 42.17.020,
3 42.17.367, 42.17.369, 42.17.461, 42.17.463, 42.17.350, 42.17.360,
4 42.17.370, 42.17.690, 42.17.380, 42.17.405, 42.17.420, 42.17.450,
5 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067,
6 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103,
7 42.17.105, 42.17.550, 42.17.135, 42.17.561, 42.17.565, 42.17.570,
8 42.17.575, 42.17.510, 42.17.520, 42.17.540, 42.17.110, 42.17.610,
9 42.17.640, 42.17.645, 42.17.070, 42.17.095, 42.17.125, 42.17.660,
10 42.17.720, 42.17.740, 42.17.790, 42.17.680, 42.17.130, 42.17.245,
11 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175,
12 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230,
13 42.17.240, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397,
14 42.17.400, and 42.56.010; reenacting and amending RCW 42.17.2401;
15 adding a new chapter to Title 42 RCW; creating new sections;
16 recodifying RCW 42.17.010, 42.17.020, 42.17.035, 42.17.440, 42.17.367,
17 42.17.369, 42.17.460, 42.17.461, 42.17.463, 42.17.350, 42.17.360,
18 42.17.370, 42.17.690, 42.17.380, 42.17.405, 42.17.420, 42.17.430,
19 42.17.450, 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065,
20 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100,
21 42.17.103, 42.17.105, 42.17.550, 42.17.135, 42.17.561, 42.17.565,

1 42.17.570, 42.17.575, 42.17.510, 42.17.520, 42.17.530, 42.17.540,
2 42.17.110, 42.17.610, 42.17.640, 42.17.645, 42.17.700, 42.17.070,
3 42.17.095, 42.17.120, 42.17.125, 42.17.650, 42.17.660, 42.17.670,
4 42.17.720, 42.17.730, 42.17.740, 42.17.770, 42.17.780, 42.17.790,
5 42.17.680, 42.17.760, 42.17.128, 42.17.130, 42.17.710, 42.17.750,
6 42.17.245, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172,
7 42.17.175, 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220,
8 42.17.230, 42.17.240, 42.17.2401, 42.17.241, 42.17.242, 42.17.390,
9 42.17.395, 42.17.397, 42.17.400, 42.17.410, 42.17.900, 42.17.910,
10 42.17.911, 42.17.912, 42.17.920, 42.17.930, 42.17.940, 42.17.945,
11 42.17.950, 42.17.955, 42.17.960, 42.17.961, 42.17.962, 42.17.963,
12 42.17.964, 42.17.965, and 42.17.966; repealing RCW 42.17.131,
13 42.17.362, 42.17.365, 42.17.375, 42.17.465, 42.17.467, 42.17.469,
14 42.17.471, 42.17.562, 42.17.620, and 42.17.647; and providing an
15 effective date.

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

17 NEW SECTION. **Sec. 1.** It is the intent of the legislature that
18 chapter 42.17 RCW be reorganized and clarified. It is not the intent
19 of this act to make any substantive changes to chapter 42.17 RCW.

20 **PART 1**
21 **GENERAL PROVISIONS**

22 **Sec. 101.** RCW 42.17.020 and 2008 c 6 s 201 are each amended to
23 read as follows:

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

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

28 (2) "Agency" includes all state agencies and all local agencies.
29 "State agency" includes every state office, department, division,
30 bureau, board, commission, or other state agency. "Local agency"
31 includes every county, city, town, municipal corporation, quasi-
32 municipal corporation, or special purpose district, or any office,
33 department, division, bureau, board, commission, or agency thereof, or
34 other local public agency.

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

5 (4) "Ballot proposition" means any "measure" as defined by RCW
6 29A.04.091, or any initiative, recall, or referendum proposition
7 proposed to be submitted to the voters of the state or any municipal
8 corporation, political subdivision, or other voting constituency from
9 and after the time when the proposition has been initially filed with
10 the appropriate election officer of that constituency (~~(prior to)~~)
11 before its circulation for signatures.

12 (5) "Benefit" means a commercial, proprietary, financial, economic,
13 or monetary advantage, or the avoidance of a commercial, proprietary,
14 financial, economic, or monetary disadvantage.

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

16 (a) An organization that has filed a valid certificate of
17 nomination with the secretary of state under chapter 29A.20 RCW;

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

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

25 (7) "Depository" means a bank (~~(designated by a candidate or~~
26 ~~political committee pursuant to RCW 42.17.050)~~), mutual savings bank,
27 savings and loan association, or credit union doing business in this
28 state.

29 (8) "Treasurer" and "deputy treasurer" mean the individuals
30 appointed by a candidate or political committee, pursuant to RCW
31 42.17.050 (as recodified by this act), to perform the duties specified
32 in that section.

33 (9) "Candidate" means any individual who seeks nomination for
34 election or election to public office. An individual seeks nomination
35 or election when he or she first:

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

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

14 (12) "Commission" means the agency established under RCW 42.17.350
15 (as recodified by this act).

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

24 (14) "Continuing political committee" means a political committee
25 that is an organization of continuing existence not established in
26 anticipation of any particular election campaign.

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

28 (i) A loan, gift, deposit, subscription, forgiveness of
29 indebtedness, donation, advance, pledge, payment, transfer of funds
30 between political committees, or anything of value, including personal
31 and professional services for less than full consideration;

32 (ii) An expenditure made by a person in cooperation, consultation,
33 or concert with, or at the request or suggestion of, a candidate, a
34 political committee, the person or persons named on the candidate's or
35 committee's registration form who direct expenditures on behalf of the
36 candidate or committee, or their agents;

37 (iii) The financing by a person of the dissemination, distribution,
38 or republication, in whole or in part, of broadcast, written, graphic,

1 or other form of political advertising or electioneering communication
2 prepared by a candidate, a political committee, or its authorized
3 agent;

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

7 (b) "Contribution" does not include:

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

10 (ii) Ordinary home hospitality;

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

14 (iv) A news item, feature, commentary, or editorial in a regularly
15 scheduled news medium that is of primary interest to the general
16 public, that is in a news medium controlled by a person whose business
17 is that news medium, and that is not controlled by a candidate or a
18 political committee;

19 (v) An internal political communication primarily limited to the
20 members of or contributors to a political party organization or
21 political committee, or to the officers, management staff, or
22 stockholders of a corporation or similar enterprise, or to the members
23 of a labor organization or other membership organization;

24 (vi) The rendering of personal services of the sort commonly
25 performed by volunteer campaign workers, or incidental expenses
26 personally incurred by volunteer campaign workers not in excess of
27 fifty dollars personally paid for by the worker. "Volunteer services,"
28 for the purposes of this (~~section~~) subsection, means services or
29 labor for which the individual is not compensated by any person;

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

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

37 (A) A political party or caucus political committee if the person

1 paying for the services is the regular employer of the person rendering
2 such services; or

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

7 (ix) The performance of ministerial functions by a person on behalf
8 of two or more candidates or political committees either as volunteer
9 services defined in (b)(vi) of this subsection or for payment by the
10 candidate or political committee for whom the services are performed as
11 long as:

12 (A) The person performs solely ministerial functions;

13 (B) A person who is paid by two or more candidates or political
14 committees is identified by the candidates and political committees on
15 whose behalf services are performed as part of their respective
16 statements of organization under RCW 42.17.040 (as recodified by this
17 act); and

18 (C) The person does not disclose, except as required by law, any
19 information regarding a candidate's or committee's plans, projects,
20 activities, or needs, or regarding a candidate's or committee's
21 contributions or expenditures that is not already publicly available
22 from campaign reports filed with the commission, or otherwise engage in
23 activity that constitutes a contribution under (a)(ii) of this
24 subsection.

25 A person who performs ministerial functions under this subsection
26 (15)(b)(ix) is not considered an agent of the candidate or committee as
27 long as he or she has no authority to authorize expenditures or make
28 decisions on behalf of the candidate or committee.

29 (c) Contributions other than money or its equivalent are deemed to
30 have a monetary value equivalent to the fair market value of the
31 contribution. Services or property or rights furnished at less than
32 their fair market value for the purpose of assisting any candidate or
33 political committee are deemed a contribution. Such a contribution
34 must be reported as an in-kind contribution at its fair market value
35 and counts towards any applicable contribution limit of the provider.

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

1 (17) "Election" includes any primary, general, or special election
2 for public office and any election in which a ballot proposition is
3 submitted to the voters(~~(+PROVIDED, That)~~). An election in which the
4 qualifications for voting include other than those requirements set
5 forth in Article VI, section 1 (Amendment 63) of the Constitution of
6 the state of Washington shall not be considered an election for
7 purposes of this chapter.

8 (18) "Election campaign" means any campaign in support of or in
9 opposition to a candidate for election to public office and any
10 campaign in support of, or in opposition to, a ballot proposition.

11 (19) "Election cycle" means the period beginning on the first day
12 of January after the date of the last previous general election for the
13 office that the candidate seeks and ending on December 31st after the
14 next election for the office. In the case of a special election to
15 fill a vacancy in an office, "election cycle" means the period
16 beginning on the day the vacancy occurs and ending on December 31st
17 after the special election.

18 (20) "Electioneering communication" means any broadcast, cable, or
19 satellite television or radio transmission, United States postal
20 service mailing, billboard, newspaper, or periodical that:

21 (a) Clearly identifies a candidate for a state, local, or judicial
22 office either by specifically naming the candidate, or identifying the
23 candidate without using the candidate's name;

24 (b) Is broadcast, transmitted, mailed, erected, distributed, or
25 otherwise published within sixty days before any election for that
26 office in the jurisdiction in which the candidate is seeking election;
27 and

28 (c) Either alone, or in combination with one or more communications
29 identifying the candidate by the same sponsor during the sixty days
30 before an election, has a fair market value of five thousand dollars or
31 more.

32 (21) "Electioneering communication" does not include:

33 (a) Usual and customary advertising of a business owned by a
34 candidate, even if the candidate is mentioned in the advertising when
35 the candidate has been regularly mentioned in that advertising
36 appearing at least twelve months preceding his or her becoming a
37 candidate;

1 (b) Advertising for candidate debates or forums when the
2 advertising is paid for by or on behalf of the debate or forum sponsor,
3 so long as two or more candidates for the same position have been
4 invited to participate in the debate or forum;

5 (c) A news item, feature, commentary, or editorial in a regularly
6 scheduled news medium that is:

7 (i) Of primary interest to the general public;

8 (ii) In a news medium controlled by a person whose business is that
9 news medium; and

10 (iii) Not a medium controlled by a candidate or a political
11 committee;

12 (d) Slate cards and sample ballots;

13 (e) Advertising for books, films, dissertations, or similar works
14 (i) written by a candidate when the candidate entered into a contract
15 for such publications or media at least twelve months before becoming
16 a candidate, or (ii) written about a candidate;

17 (f) Public service announcements;

18 (g) A mailed internal political communication primarily limited to
19 the members of or contributors to a political party organization or
20 political committee, or to the officers, management staff, or
21 stockholders of a corporation or similar enterprise, or to the members
22 of a labor organization or other membership organization;

23 (h) An expenditure by or contribution to the authorized committee
24 of a candidate for state, local, or judicial office; or

25 (i) Any other communication exempted by the commission through rule
26 consistent with the intent of this chapter.

27 (22) "Expenditure" includes a payment, contribution, subscription,
28 distribution, loan, advance, deposit, or gift of money or anything of
29 value, and includes a contract, promise, or agreement, whether or not
30 legally enforceable, to make an expenditure. ((The—term))

31 "Expenditure" also includes a promise to pay, a payment, or a transfer
32 of anything of value in exchange for goods, services, property,
33 facilities, or anything of value for the purpose of assisting,
34 benefiting, or honoring any public official or candidate, or assisting
35 in furthering or opposing any election campaign. For the purposes of
36 this chapter, agreements to make expenditures, contracts, and promises
37 to pay may be reported as estimated obligations until actual payment is
38 made. ((The—term)) "Expenditure" shall not include the partial or

1 complete repayment by a candidate or political committee of the
2 principal of a loan, the receipt of which loan has been properly
3 reported.

4 (23) "Final report" means the report described as a final report in
5 RCW 42.17.080(2) (as recodified by this act).

6 (24) "General election" for the purposes of RCW 42.17.640 (as
7 recodified by this act) means the election that results in the election
8 of a person to a state or local office. It does not include a primary.

9 (25) "Gift(~~(, "is as defined)~~)" has the definition in RCW
10 42.52.010.

11 (26) "Immediate family" includes the spouse or domestic partner,
12 dependent children, and other dependent relatives, if living in the
13 household. For the purposes of (~~RCW 42.17.640 through 42.17.790~~) the
14 definition of "intermediary" in this section, "immediate family" means
15 an individual's spouse or domestic partner, and child, stepchild,
16 grandchild, parent, stepparent, grandparent, brother, half brother,
17 sister, or half sister of the individual and the spouse or the domestic
18 partner of any such person and a child, stepchild, grandchild, parent,
19 stepparent, grandparent, brother, half brother, sister, or half sister
20 of the individual's spouse or domestic partner and the spouse or the
21 domestic partner of any such person.

22 (27) "Incumbent" means a person who is in present possession of an
23 elected office.

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

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

37 (b) The expenditure pays in whole or in part for political

1 advertising that either specifically names the candidate supported or
2 opposed, or clearly and beyond any doubt identifies the candidate
3 without using the candidate's name; and

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

10 (29)(a) "Intermediary" means an individual who transmits a
11 contribution to a candidate or committee from another person unless the
12 contribution is from the individual's employer, immediate family (~~as~~
13 ~~defined for purposes of RCW 42.17.640 through 42.17.790~~), or an
14 association to which the individual belongs.

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

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

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

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

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

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

37 (33) "Lobbyist's employer" means the person or persons by whom a

1 lobbyist is employed and all persons by whom he or she is compensated
2 for acting as a lobbyist.

3 (34) "Ministerial functions" means an act or duty carried out as
4 part of the duties of an administrative office without exercise of
5 personal judgment or discretion.

6 (35) "Participate" means that, with respect to a particular
7 election, an entity:

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

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

11 (c) Endorses a candidate (~~((prior to))~~) before contributions
12 (~~((being))~~) are made by a subsidiary corporation or local unit with
13 respect to that candidate or that candidate's opponent;

14 (d) Makes a recommendation regarding whether a candidate should be
15 supported or opposed (~~((prior to))~~) before a contribution (~~((being))~~) is
16 made by a subsidiary corporation or local unit with respect to that
17 candidate or that candidate's opponent; or

18 (e) Directly or indirectly collaborates or consults with a
19 subsidiary corporation or local unit on matters relating to the support
20 of or opposition to a candidate, including, but not limited to, the
21 amount of a contribution, when a contribution should be given, and what
22 assistance, services or independent expenditures, or electioneering
23 communications, if any, will be made or should be made in support of or
24 opposition to a candidate.

25 (36) "Person" includes an individual, partnership, joint venture,
26 public or private corporation, association, federal, state, or local
27 governmental entity or agency however constituted, candidate,
28 committee, political committee, political party, executive committee
29 thereof, or any other organization or group of persons, however
30 organized.

31 ~~((37)) ("Person in interest" means the person who is the subject of
32 a record or any representative designated by that person, except that
33 if that person is under a legal disability, the term "person in
34 interest" means and includes the parent or duly appointed legal
35 representative.~~

36 ~~((38))~~) "Political advertising" includes any advertising displays,
37 newspaper ads, billboards, signs, brochures, articles, tabloids,
38 flyers, letters, radio or television presentations, or other means of

1 mass communication, used for the purpose of appealing, directly or
2 indirectly, for votes or for financial or other support or opposition
3 in any election campaign.

4 ~~((+39))~~ (38) "Political committee" means any person (except a
5 candidate or an individual dealing with his or her own funds or
6 property) having the expectation of receiving contributions or making
7 expenditures in support of, or opposition to, any candidate or any
8 ballot proposition.

9 ~~((+40))~~ (39) "Primary" for the purposes of RCW 42.17.640 (as
10 recodified by this act) means the procedure for nominating a candidate
11 to state or local office under chapter 29A.52 RCW or any other primary
12 for an election that uses, in large measure, the procedures established
13 in chapter 29A.52 RCW.

14 ~~((+41))~~ (40) "Public office" means any federal, state, judicial,
15 county, city, town, school district, port district, special district,
16 or other state political subdivision elective office.

17 ~~((+42))~~ (41) "Public record" ~~((includes any writing containing~~
18 ~~information relating to the conduct of government or the performance of~~
19 ~~any governmental or proprietary function prepared, owned, used, or~~
20 ~~retained by any state or local agency regardless of physical form or~~
21 ~~characteristics. For the office of the secretary of the senate and the~~
22 ~~office of the chief clerk of the house of representatives, public~~
23 ~~records means legislative records as defined in RCW 40.14.100 and also~~
24 ~~means the following: All budget and financial records; personnel~~
25 ~~leave, travel, and payroll records; records of legislative sessions;~~
26 ~~reports submitted to the legislature; and any other record designated~~
27 ~~a public record by any official action of the senate or the house of~~
28 ~~representatives)) has the definition in RCW 42.56.010.~~

29 ~~((+43))~~ (42) "Recall campaign" means the period of time beginning
30 on the date of the filing of recall charges under RCW 29A.56.120 and
31 ending thirty days after the recall election.

32 ~~((+44))~~ (43) "Sponsor of an electioneering communications,
33 independent expenditures, or political advertising" means the person
34 paying for the electioneering communication, independent expenditure,
35 or political advertising. If a person acts as an agent for another or
36 is reimbursed by another for the payment, the original source of the
37 payment is the sponsor.

1 (~~By February 1, 2000,~~) The commission shall operate a web site or
2 contract for the operation of a web site that allows access to reports,
3 copies of reports, or copies of data and information submitted in
4 reports, filed with the commission under RCW 42.17.040, 42.17.065,
5 42.17.080, 42.17.100, (~~and~~) 42.17.105, 42.17.150, 42.17.170,
6 42.17.175, and 42.17.180 (as recodified by this act). (~~By January 1,~~
7 ~~2001, the web site shall allow access to reports, copies of reports, or~~
8 ~~copies of data and information submitted in reports, filed with the~~
9 ~~commission under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180.~~)
10 In addition, the commission shall attempt to make available via the web
11 site other public records submitted to or generated by the commission
12 that are required by this chapter to be available for public use or
13 inspection.

14 **Sec. 202.** RCW 42.17.369 and 2000 c 237 s 3 are each amended to
15 read as follows:

16 (1) (~~By July 1, 1999,~~) The commission shall make available to
17 candidates, public officials, and political committees that are
18 required to file reports under this chapter an electronic filing
19 alternative for submitting financial affairs reports, contribution
20 reports, and expenditure reports(~~, including but not limited to filing~~
21 ~~by diskette, modem, satellite, or the Internet~~)).

22 (2) (~~By January 1, 2002,~~) The commission shall make available to
23 lobbyists and lobbyists' employers required to file reports under RCW
24 42.17.150, 42.17.170, 42.17.175, or 42.17.180 (as recodified by this
25 act) an electronic filing alternative for submitting these reports
26 (~~including but not limited to filing by diskette, modem, satellite, or~~
27 ~~the Internet~~)).

28 (3) The commission shall make available to candidates, public
29 officials, political committees, lobbyists, and lobbyists' employers an
30 electronic copy of the appropriate reporting forms at no charge.

31 **Sec. 203.** RCW 42.17.461 and 2000 c 237 s 5 are each amended to
32 read as follows:

33 (~~(1)~~) The commission shall establish goals that all reports,
34 copies of reports, or copies of the data or information included in
35 reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100,

1 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180 (as
2 recodified by this act), that are:

3 ~~((a) Submitted using the commission's electronic filing system~~
4 ~~shall be accessible in the commission's office within two business days~~
5 ~~of the commission's receipt of the report and shall be accessible on~~
6 ~~the commission's web site within seven business days of the~~
7 ~~commission's receipt of the report; and~~

8 ~~(b) Submitted in any format or using any method other than as~~
9 ~~described in (a) of this subsection, shall be accessible in the~~
10 ~~commission's office within four business days of the actual physical~~
11 ~~receipt of the report, and not the technical date of filing as provided~~
12 ~~under RCW 42.17.420, and shall be accessible on the commission's web~~
13 ~~site within fourteen business days of the actual physical receipt of~~
14 ~~the report, and not the technical date of filing as provided under RCW~~
15 ~~42.17.420, as specified in rule adopted by the commission.~~

16 ~~(2) On January 1, 2001, or shortly thereafter, the commission shall~~
17 ~~revise these goals to reflect that all reports, copies of reports, or~~
18 ~~copies of the data or information included in reports, filed under RCW~~
19 ~~42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150,~~
20 ~~42.17.170, 42.17.175, and 42.17.180, that are:~~

21 ~~(a) Submitted using the commission's electronic filing system shall~~
22 ~~be accessible in the commission's office within two business days of~~
23 ~~the commission's receipt of the report and on the commission's web site~~
24 ~~within four business days of the commission's receipt of the report;~~
25 ~~and~~

26 ~~(b) Submitted in any format or using any method other than as~~
27 ~~described in (a) of this subsection, shall be accessible in the~~
28 ~~commission's office within four business days of the actual physical~~
29 ~~receipt of the report, and not the technical date of filing as provided~~
30 ~~under RCW 42.17.420, and on the commission's web site within seven~~
31 ~~business days of the actual physical receipt of the report, and not the~~
32 ~~technical date of filing as provided under RCW 42.17.420, as specified~~
33 ~~in rule adopted by the commission.~~

34 ~~(3) On January 1, 2002, or shortly thereafter, the commission shall~~
35 ~~revise these goals to reflect that all reports, copies of reports, or~~
36 ~~copies of the data or information included in reports, filed under RCW~~
37 ~~42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150,~~
38 ~~42.17.170, 42.17.175, and 42.17.180, that are:~~

1 ~~(a))~~ (1) Submitted using the commission's electronic filing system
2 must be accessible in the commission's office and on the commission's
3 web site within two business days of the commission's receipt of the
4 report; and

5 ~~((b))~~ (2) Submitted ~~((in any format or using any method other~~
6 ~~than as described in (a) of this subsection,))~~ on paper must be
7 accessible in the commission's office and on the commission's web site
8 within four business days of the actual physical receipt of the report,
9 and not the technical date of filing as provided under RCW 42.17.420
10 (as recodified by this act), as specified in rule adopted by the
11 commission.

12 **Sec. 204.** RCW 42.17.463 and 1999 c 401 s 3 are each amended to
13 read as follows:

14 By July 1st of each year ~~((beginning in 2000))~~, the commission
15 shall calculate the following performance measures, provide a copy of
16 the performance measures to the governor and appropriate legislative
17 committees, and make the performance measures available to the public:

18 (1) The average number of days that elapse between the commission's
19 receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and
20 42.17.100 (as recodified by this act) and the time that the report, a
21 copy of the report, or a copy of the data or information included in
22 the report, is first accessible to the general public (a) in the
23 commission's office, and (b) via the commission's web site;

24 (2) The average number of days that elapse between the commission's
25 receipt of reports filed under RCW 42.17.105 (as recodified by this
26 act) and the time that the report, a copy of the report, or a copy of
27 the data or information included in the report, is first accessible to
28 the general public (a) in the commission's office, and (b) via the
29 commission's web site;

30 (3) The average number of days that elapse between the commission's
31 receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and
32 42.17.180 (as recodified by this act) and the time that the report, a
33 copy of the report, or a copy of the data or information included in
34 the report, is first accessible to the general public (a) in the
35 commission's office, and (b) via the commission's web site;

36 (4) The percentage of candidates, categorized as statewide,
37 ~~((state))~~ legislative, or local, that have used each of the following

1 methods to file reports under RCW 42.17.080 or 42.17.105 (as recodified
2 by this act): (a) Hard copy paper format; (~~((b) electronic format via~~
3 ~~diskette; (c) electronic format via modem or satellite; (d))~~) or (b)
4 electronic format via the Internet; ((and (e) any other format or
5 method;))

6 (5) The percentage of continuing political committees that have
7 used each of the following methods to file reports under RCW 42.17.065
8 or 42.17.105 (as recodified by this act): (a) Hard copy paper format;
9 (~~((b) electronic format via diskette; (c) electronic format via modem~~
10 ~~or satellite; (d))~~) or (b) electronic format via the Internet; ((and
11 ~~(e) any other format or method;)) and~~

12 (6) The percentage of lobbyists and lobbyists' employers that have
13 used each of the following methods to file reports under RCW 42.17.150,
14 42.17.170, 42.17.175, or 42.17.180 (as recodified by this act): (a)
15 Hard copy paper format; (~~((b) electronic format via diskette; (c)~~
16 ~~electronic format via modem or satellite; (d))~~) or (b) electronic
17 format via the Internet(~~(; and (e) any other format or method)~~)).

18 **PART 3**
19 **ADMINISTRATION**

20 **Sec. 301.** RCW 42.17.350 and 1998 c 30 s 1 are each amended to read
21 as follows:

22 (1) (~~There is hereby established a "~~) The public disclosure
23 commission(" which) is established. The commission shall be composed
24 of five members (~~who shall be~~) appointed by the governor, with the
25 consent of the senate. All appointees shall be persons of the highest
26 integrity and qualifications. No more than three members shall have an
27 identification with the same political party.

28 (2) The term of each member shall be five years. No member is
29 eligible for appointment to more than one full term. Any member may be
30 removed by the governor, but only upon grounds of neglect of duty or
31 misconduct in office.

32 (3) During his or her tenure, a member of the commission is
33 prohibited from engaging in any of the following activities, either
34 within or outside the state of Washington:

35 (a) Holding or campaigning for elective office;

1 (b) Serving as an officer of any political party or political
2 committee;

3 (c) Permitting his or her name to be used in support of or in
4 opposition to a candidate or proposition;

5 (d) Soliciting or making contributions to a candidate or in support
6 of or in opposition to any candidate or proposition;

7 (e) Participating in any way in any election campaign; or

8 (f) Lobbying, employing, or assisting a lobbyist, except that a
9 member or the staff of the commission may lobby to the limited extent
10 permitted by RCW 42.17.190 (as recodified by this act) on matters
11 directly affecting this chapter.

12 (4) A vacancy on the commission shall be filled within thirty days
13 of the vacancy by the governor, with the consent of the senate, and the
14 appointee shall serve for the remaining term of his or her predecessor.
15 A vacancy shall not impair the powers of the remaining members to
16 exercise all of the powers of the commission.

17 (5) Three members of the commission shall constitute a quorum. The
18 commission shall elect its own chair and adopt its own rules of
19 procedure in the manner provided in chapter 34.05 RCW.

20 (6) Members shall be compensated in accordance with RCW 43.03.250
21 and (~~in addition~~) shall be reimbursed for travel expenses incurred
22 while engaged in the business of the commission as provided in RCW
23 43.03.050 and 43.03.060. The compensation provided pursuant to this
24 section shall not be considered salary for purposes of the provisions
25 of any retirement system created (~~pursuant to~~) under the (~~general~~)
26 laws of this state.

27 **Sec. 302.** RCW 42.17.360 and 1973 c 1 s 36 are each amended to read
28 as follows:

29 The commission shall:

30 (1) Develop and provide forms for the reports and statements
31 required to be made under this chapter;

32 (2) Prepare and publish a manual setting forth recommended uniform
33 methods of bookkeeping and reporting for use by persons required to
34 make reports and statements under this chapter;

35 (3) Compile and maintain a current list of all filed reports and
36 statements;

1 (4) Investigate whether properly completed statements and reports
2 have been filed within the times required by this chapter;

3 (5) Upon complaint or upon its own motion, investigate and report
4 apparent violations of this chapter to the appropriate law enforcement
5 authorities;

6 (6) Conduct a sufficient number of audits and field investigations
7 to provide a statistically valid finding regarding the degree of
8 compliance with the provisions of this chapter by all required filers.
9 Any documents, records, reports, computer files, papers, or materials
10 provided to the commission for use in conducting audits and
11 investigations must be returned to the candidate, campaign, or
12 political committee from which they were received within one week of
13 the commission's completion of an audit or field investigation;

14 (7) Prepare and publish an annual report to the governor as to the
15 effectiveness of this chapter and its enforcement by appropriate law
16 enforcement authorities; (~~and~~

17 ~~(7))~~ (8) Enforce this chapter according to the powers granted it
18 by law;

19 (9) Adopt rules governing the arrangement, handling, indexing, and
20 disclosing of those reports required by this chapter to be filed with
21 a county auditor or county elections official. The rules shall:

22 (a) Ensure ease of access by the public to the reports; and

23 (b) Include, but not be limited to, requirements for indexing the
24 reports by the names of candidates or political committees and by the
25 ballot proposition for or against which a political committee is
26 receiving contributions or making expenditures;

27 (10) Adopt rules to carry out the policies of chapter 348, Laws of
28 2006. The adoption of these rules is not subject to the time
29 restrictions of RCW 42.17.370(1) (as recodified by this act);

30 (11) Adopt administrative rules establishing requirements for filer
31 participation in any system designed and implemented by the commission
32 for the electronic filing of reports; and

33 (12) Maintain and make available to the public and political
34 committees of this state a toll-free telephone number.

35 **Sec. 303.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to
36 read as follows:

37 The commission (~~is empowered to~~) may:

1 (1) Adopt, (~~promulgate,~~) amend, and rescind suitable
2 administrative rules to carry out the policies and purposes of this
3 chapter, which rules shall be adopted under chapter 34.05 RCW. Any
4 rule relating to campaign finance, political advertising, or related
5 forms that would otherwise take effect after June 30th of a general
6 election year shall take effect no earlier than the day following the
7 general election in that year;

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

18 (3) Prepare and publish (~~such~~) reports and technical studies as
19 in its judgment will tend to promote the purposes of this chapter,
20 including reports and statistics concerning campaign financing,
21 lobbying, financial interests of elected officials, and enforcement of
22 this chapter;

23 (4) (~~Make from time to time, on its own motion~~) Conduct, as it
24 deems appropriate, audits and field investigations;

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

28 (6) Administer oaths and affirmations, issue subpoenas, and compel
29 attendance, take evidence, and require the production of any (~~books,~~
30 ~~papers, correspondence, memorandums, or other~~) records relevant (~~(or~~
31 ~~material for the purpose of)~~) to any investigation authorized under
32 this chapter, or any other proceeding under this chapter;

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

34 (8) (~~Relieve, by rule,~~) Adopt rules relieving candidates or
35 political committees of obligations to comply with the election
36 campaign provisions of this chapter (~~(relating to election campaigns)~~),
37 if they have not received contributions nor made expenditures in

1 connection with any election campaign of more than ~~((one))~~ five
2 thousand dollars;

3 (9) Adopt rules prescribing reasonable requirements for keeping
4 accounts of, and reporting on a quarterly basis, costs incurred by
5 state agencies, counties, cities, and other municipalities and
6 political subdivisions in preparing, publishing, and distributing
7 legislative information. ~~((The term))~~ For the purposes of this
8 subsection, "legislative information((7))" ~~((for the purposes of this~~
9 ~~subsection,))~~ means books, pamphlets, reports, and other materials
10 prepared, published, or distributed at substantial cost, a substantial
11 purpose of which is to influence the passage or defeat of any
12 legislation. The state auditor in his or her regular examination of
13 each agency under chapter 43.09 RCW shall review the rules, accounts,
14 and reports and make appropriate findings, comments, and
15 recommendations ~~((in his or her examination reports))~~ concerning those
16 agencies; and

17 (10) ~~((After hearing, by order approved and ratified by a majority~~
18 ~~of the membership of the commission, suspend or modify any of the~~
19 ~~reporting requirements of this chapter in a particular case if it finds~~
20 ~~that literal application of this chapter works a manifestly~~
21 ~~unreasonable hardship and if it also finds that the suspension or~~
22 ~~modification will not frustrate the purposes of the chapter. The~~
23 ~~commission shall find that a manifestly unreasonable hardship exists if~~
24 ~~reporting the name of an entity required to be reported under RCW~~
25 ~~42.17.241(1)(g)(ii) would be likely to adversely affect the competitive~~
26 ~~position of any entity in which the person filing the report or any~~
27 ~~member of his or her immediate family holds any office, directorship,~~
28 ~~general partnership interest, or an ownership interest of ten percent~~
29 ~~or more. Any suspension or modification shall be only to the extent~~
30 ~~necessary to substantially relieve the hardship. The commission shall~~
31 ~~act to suspend or modify any reporting requirements only if it~~
32 ~~determines that facts exist that are clear and convincing proof of the~~
33 ~~findings required under this section. Requests for renewals of~~
34 ~~reporting modifications may be heard in a brief adjudicative proceeding~~
35 ~~as set forth in RCW 34.05.482 through 34.05.494 and in accordance with~~
36 ~~the standards established in this section. No initial request may be~~
37 ~~heard in a brief adjudicative proceeding and no request for renewal may~~
38 ~~be heard in a brief adjudicative proceeding if the initial request was~~

1 granted more than three years previously or if the applicant is holding
2 an office or position of employment different from the office or
3 position held when the initial request was granted. The commission
4 shall adopt administrative rules governing the proceedings. Any
5 citizen has standing to bring an action in Thurston county superior
6 court to contest the propriety of any order entered under this section
7 within one year from the date of the entry of the order; and

8 (11) ~~Revise, at least once every five years but no more often than~~
9 ~~every two years, the monetary reporting thresholds and reporting code~~
10 ~~values of this chapter. The revisions shall be only for the purpose of~~
11 ~~recognizing economic changes as reflected by an inflationary index~~
12 ~~recommended by the office of financial management. The revisions shall~~
13 ~~be guided by the change in the index for the period commencing with the~~
14 ~~month of December preceding the last revision and concluding with the~~
15 ~~month of December preceding the month the revision is adopted. As to~~
16 ~~each of the three general categories of this chapter (reports of~~
17 ~~campaign finance, reports of lobbyist activity, and reports of the~~
18 ~~financial affairs of elected and appointed officials), the revisions~~
19 ~~shall equally affect all thresholds within each category. Revisions~~
20 ~~shall be adopted as rules under chapter 34.05 RCW. The first revision~~
21 ~~authorized by this subsection shall reflect economic changes from the~~
22 ~~time of the last legislative enactment affecting the respective code or~~
23 ~~threshold through December 1985;~~

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

28 NEW SECTION. **Sec. 304.** SUSPENSION OR MODIFICATION OF REPORTING
29 REQUIREMENTS. (1) The commission may suspend or modify any of the
30 reporting requirements of this chapter if it finds that literal
31 application of this chapter works a manifestly unreasonable hardship in
32 a particular case and the suspension or modification will not frustrate
33 the purposes of this chapter. The commission may suspend or modify
34 reporting requirements only after a hearing is held and the suspension
35 or modification receives approval from a majority of the commission.
36 The commission shall act to suspend or modify any reporting
37 requirements:

1 (a) Only if it determines that facts exist that are clear and
2 convincing proof of the findings required under this section; and

3 (b) Only to the extent necessary to substantially relieve the
4 hardship.

5 (2) A manifestly unreasonable hardship exists if reporting the name
6 of an entity required to be reported under RCW 42.17.241(1)(g)(ii) (as
7 recodified by this act) would be likely to adversely affect the
8 competitive position of any entity in which the person filing the
9 report, or any member of his or her immediate family, holds any office,
10 directorship, general partnership interest, or an ownership interest of
11 ten percent or more.

12 (3) Requests for renewals of reporting modifications may be heard
13 in a brief adjudicative proceeding as set forth in RCW 34.05.482
14 through 34.05.494 and in accordance with the standards established in
15 this section. No initial request may be heard in a brief adjudicative
16 proceeding. No request for renewal may be heard in a brief
17 adjudicative proceeding if the initial request was granted more than
18 three years previously or if the applicant is holding an office or
19 position of employment different from the office or position held when
20 the initial request was granted.

21 (4) Any citizen has standing to bring an action in Thurston county
22 superior court to contest the propriety of any order entered under this
23 section within one year from the date of the entry of the order.

24 (5) The commission shall adopt rules governing the proceedings.

25 **Sec. 305.** RCW 42.17.690 and 1993 c 2 s 9 are each amended to read
26 as follows:

27 (1) At the beginning of each even-numbered calendar year, the
28 commission shall increase or decrease ~~((all))~~ the dollar amounts in
29 ~~((this chapter))~~ RCW 42.17.020(28), 42.17.125(3), 42.17.180(1),
30 42.17.640, 42.17.645, and 42.17.740 (as recodified by this act) based
31 on changes in economic conditions as reflected in the inflationary
32 index ~~((used by the commission under RCW 42.17.370))~~ recommended by the
33 office of financial management. The new dollar amounts established by
34 the commission under this section shall be rounded off ~~((by the~~
35 ~~commission))~~ to amounts as judged most convenient for public
36 understanding and so as to be within ten percent of the target amount

1 equal to the base amount provided in this chapter multiplied by the
2 increase in the inflationary index since (~~December 3, 1992~~) July
3 2008.

4 (2) The commission may revise, at least once every five years but
5 no more often than every two years, the monetary reporting thresholds
6 and reporting code values of this chapter. The revisions shall be only
7 for the purpose of recognizing economic changes as reflected by an
8 inflationary index recommended by the office of financial management.
9 The revisions shall be guided by the change in the index for the period
10 commencing with the month of December preceding the last revision and
11 concluding with the month of December preceding the month the revision
12 is adopted. As to each of the three general categories of this
13 chapter, reports of campaign finance, reports of lobbyist activity, and
14 reports of the financial affairs of elected and appointed officials,
15 the revisions shall equally affect all thresholds within each category.
16 The revisions authorized by this subsection shall reflect economic
17 changes from the time of the last legislative enactment affecting the
18 respective code or threshold.

19 (3) Revisions made in accordance with subsections (1) and (2) of
20 this section shall be adopted as rules under chapter 34.05 RCW.

21 **Sec. 306.** RCW 42.17.380 and 1982 c 35 s 196 are each amended to
22 read as follows:

23 ~~((1) The office of the secretary of state shall be designated as~~
24 ~~a place where the public may file papers or correspond with the~~
25 ~~commission and receive any form or instruction from the commission.~~

26 ~~(2))~~ The attorney general, through his or her office, shall
27 ~~((supply such))~~ provide assistance as ~~((the commission may require in~~
28 ~~order))~~ required by the commission to carry out its responsibilities
29 under this chapter. The commission may employ attorneys who are
30 neither the attorney general nor an assistant attorney general to carry
31 out any function of the attorney general prescribed in this chapter.

32 **Sec. 307.** RCW 42.17.405 and 2006 c 240 s 2 are each amended to
33 read as follows:

34 (1) Except as provided in subsections (2), (3), and (7) of this
35 section, the reporting provisions of this chapter do not apply to:

1 (a) Candidates, elected officials, and agencies in political
2 subdivisions with less than one thousand registered voters as of the
3 date of the most recent general election in the jurisdiction(~~((7-10))~~);

4 (b) Political committees formed to support or oppose candidates or
5 ballot propositions in such political subdivisions(~~((7))~~); or (~~((10))~~)

6 (c) Persons making independent expenditures in support of or
7 opposition to such ballot propositions.

8 (2) The reporting provisions of this chapter apply in any exempt
9 political subdivision from which a "petition for disclosure" containing
10 the valid signatures of fifteen percent of the number of registered
11 voters, as of the date of the most recent general election in the
12 political subdivision, is filed with the commission. The commission
13 shall by rule prescribe the form of the petition. After the signatures
14 are gathered, the petition shall be presented to the auditor or
15 elections officer of the county, or counties, in which the political
16 subdivision is located. The auditor or elections officer shall verify
17 the signatures and certify to the commission that the petition contains
18 no less than the required number of valid signatures. The commission,
19 upon receipt of a valid petition, shall order every known affected
20 person in the political subdivision to file the initially required
21 statement and reports within fourteen days of the date of the order.

22 (3) The reporting provisions of this chapter apply in any exempt
23 political subdivision that by ordinance, resolution, or other official
24 action has petitioned the commission to make the provisions applicable
25 to elected officials and candidates of the exempt political
26 subdivision. A copy of the action shall be sent to the commission. If
27 the commission finds the petition to be a valid action of the
28 appropriate governing body or authority, the commission shall order
29 every known affected person in the political subdivision to file the
30 initially required statement and reports within fourteen days of the
31 date of the order.

32 (4) The commission shall void any order issued by it pursuant to
33 subsection (2) or (3) of this section when, at least four years after
34 issuing the order, the commission is presented a petition or official
35 action so requesting from the affected political subdivision. Such
36 petition or official action shall meet the respective requirements of
37 subsection (2) or (3) of this section.

1 (5) Any petition for disclosure, ordinance, resolution, or official
2 action of an agency petitioning the commission to void the exemption in
3 RCW 42.17.030(3) (as recodified by this act) shall not be considered
4 unless it has been filed with the commission:

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

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

11 (6) Any person exempted from reporting under this chapter may at
12 his or her option file the statement and reports.

13 (7) The reporting provisions of this chapter apply to a candidate
14 in any political subdivision if the candidate receives or expects to
15 receive five thousand dollars or more in contributions.

16 **Sec. 308.** RCW 42.17.420 and 1999 c 401 s 10 are each amended to
17 read as follows:

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

28 (2) When a report is filed electronically with the commission, it
29 is deemed to have been received on the file transfer date. The
30 commission shall notify the filer of receipt of the electronically
31 filed report. Such notification may be sent by mail, facsimile, or
32 electronic mail. If the notification of receipt of the electronically
33 filed report is not received by the filer, the filer may offer his or
34 her own proof of sending the report, and such proof shall be treated as
35 if it were a receipt sent by the commission. Electronic filing may be
36 used for purposes of filing the special reports required to be

1 delivered under RCW 42.17.105 and 42.17.175 (as recodified by this
2 act).

3 **Sec. 309.** RCW 42.17.450 and 1973 c 1 s 45 are each amended to read
4 as follows:

5 ~~((Persons with whom statements or reports or copies of statements~~
6 ~~or reports are required to be filed under this chapter)) (1) County~~
7 auditors and county elections officials shall preserve ~~((them))~~ filed
8 statements or reports for not less than six years.

9 (2) The commission~~(, however,)~~ shall preserve ~~((such))~~ filed
10 statements or reports for not less than ten years.

11 **PART 4**

12 **CAMPAIGN FINANCE REPORTING**

13 **Sec. 401.** RCW 42.17.030 and 2006 c 240 s 1 are each amended to
14 read as follows:

15 The provisions of this chapter relating to the financing of
16 election campaigns shall apply in all election campaigns other than (1)
17 for precinct committee officer; (2) for a federal elective office; and
18 (3) for an office of a political subdivision of the state that does not
19 encompass a whole county and that contains fewer than five thousand
20 registered voters as of the date of the most recent general election in
21 the subdivision, unless required by RCW 42.17.405 (2) through (5) and
22 (7) (as recodified by this act).

23 **Sec. 402.** RCW 42.17.040 and 2007 c 358 s 2 are each amended to
24 read as follows:

25 (1) Every political committee~~(, within two weeks after its~~
26 ~~organization or, within two weeks after the date when it first has the~~
27 ~~expectation of receiving contributions or making expenditures in any~~
28 ~~election campaign, whichever is earlier,))~~ shall file a statement of
29 organization with the commission and with the county auditor or
30 elections officer of the county in which the candidate resides, or in
31 the case of any other political committee, the county in which the
32 treasurer resides. The statement must be filed within two weeks after
33 organization or within two weeks after the date the committee first has
34 the expectation of receiving contributions or making expenditures in

1 any election campaign, whichever is earlier. A political committee
2 organized within the last three weeks before an election and having the
3 expectation of receiving contributions or making expenditures during
4 and for that election campaign shall file a statement of organization
5 within three business days after its organization or when it first has
6 the expectation of receiving contributions or making expenditures in
7 the election campaign.

8 (2) The statement of organization shall include but not be limited
9 to:

10 (a) The name and address of the committee;

11 (b) The names and addresses of all related or affiliated committees
12 or other persons, and the nature of the relationship or affiliation;

13 (c) The names, addresses, and titles of its officers; or if it has
14 no officers, the names, addresses, and titles of its responsible
15 leaders;

16 (d) The name and address of its treasurer and depository;

17 (e) A statement whether the committee is a continuing one;

18 (f) The name, office sought, and party affiliation of each
19 candidate whom the committee is supporting or opposing, and, if the
20 committee is supporting the entire ticket of any party, the name of the
21 party;

22 (g) The ballot proposition concerned, if any, and whether the
23 committee is in favor of or opposed to such proposition;

24 (h) What distribution of surplus funds will be made, in accordance
25 with RCW 42.17.095 (as recodified by this act), in the event of
26 dissolution;

27 (i) The street address of the place and the hours during which the
28 committee will make available for public inspection its books of
29 account and all reports filed in accordance with RCW 42.17.080 (as
30 recodified by this act);

31 (j) Such other information as the commission may by regulation
32 prescribe, in keeping with the policies and purposes of this chapter;

33 (k) The name, address, and title of any person who authorizes
34 expenditures or makes decisions on behalf of the candidate or
35 committee; and

36 (l) The name, address, and title of any person who is paid by or is
37 a volunteer for a candidate or political committee to perform

1 ministerial functions and who performs ministerial functions on behalf
2 of two or more candidates or committees.

3 (3) Any material change in information previously submitted in a
4 statement of organization shall be reported to the commission and to
5 the appropriate county elections officer within the ten days following
6 the change.

7 **Sec. 403.** RCW 42.17.050 and 1989 c 280 s 3 are each amended to
8 read as follows:

9 (1) Each candidate, within two weeks after becoming a candidate,
10 and each political committee, at the time it is required to file a
11 statement of organization, shall designate and file with the commission
12 and the appropriate county elections officer the name(~~(s)~~) and
13 address(~~(es)~~) of(~~(+~~

14 ~~(a))~~) one legally competent individual, who may be the candidate,
15 to serve as a treasurer(~~(+and~~

16 ~~(b) A bank, mutual savings bank, savings and loan association, or~~
17 ~~credit union doing business in this state to serve as depository and~~
18 ~~the name of the account or accounts maintained in it)).~~

19 (2) A candidate, a political committee, or a treasurer may appoint
20 as many deputy treasurers as is considered necessary and (~~may~~
21 ~~designate not more than one additional depository in each other county~~
22 ~~in which the campaign is conducted. The candidate or political~~
23 ~~committee)) shall file the names and addresses of the deputy treasurers~~
24 ~~((and additional depositories))~~ with the commission and the appropriate
25 county elections officer.

26 (3) (~~A candidate may not knowingly establish, use, direct, or~~
27 ~~control more than one political committee for the purpose of supporting~~
28 ~~that candidate during a particular election campaign. This does not~~
29 ~~prohibit: (a) In addition to a candidate's having his or her own~~
30 ~~political committee, the candidate's participation in a political~~
31 ~~committee established to support a slate of candidates which includes~~
32 ~~the candidate; or (b) joint fund raising efforts by candidates when a~~
33 ~~separate political committee is established for that purpose and all~~
34 ~~contributions are disbursed to and accounted for on a pro rata basis by~~
35 ~~the benefiting candidates.~~

36 ~~(4))~~(a) A candidate or political committee may at any time remove
37 a treasurer or deputy treasurer (~~(or change a designated depository)).~~

1 (b) In the event of the death, resignation, removal, or change of
2 a treasurer(~~(7)~~) or deputy treasurer, (~~(or depository,7)~~) the candidate
3 or political committee shall designate and file with the commission and
4 the appropriate county elections officer the name and address of any
5 successor.

6 (~~(+5)~~) (4) No treasurer(~~(7)~~) or deputy treasurer(~~(, — or~~
7 ~~depository)~~) may be deemed to be in compliance with the provisions of
8 this chapter until his or her name and address is filed with the
9 commission and the appropriate county elections officer.

10 NEW SECTION. Sec. 404. DEPOSITORIES. Each candidate and each
11 political committee shall designate and file with the commission and
12 the appropriate county elections officer the name and address of not
13 more than one depository for each county in which the campaign is
14 conducted in which the candidate's or political committee's accounts
15 are maintained and the name of the account or accounts maintained in
16 that depository on behalf of the candidate or political committee. The
17 candidate or political committee may at any time change the designated
18 depository and shall file with the commission and the appropriate
19 county elections officer the same information for the successor
20 depository as for the original depository. The candidate or political
21 committee may not be deemed in compliance with the provisions of this
22 chapter until the information required for the depository is filed with
23 the commission and the appropriate county elections officer.

24 **Sec. 405.** RCW 42.17.060 and 1989 c 280 s 4 are each amended to
25 read as follows:

26 (1) All monetary contributions received by a candidate or political
27 committee shall be deposited by the treasurer or deputy treasurer in a
28 depository in an account established and designated for that purpose.
29 Such deposits shall be made within five business days of receipt of the
30 contribution.

31 (2) Political committees (~~(which)~~) that support or oppose more than
32 one candidate or ballot proposition, or exist for more than one
33 purpose, may maintain multiple separate bank accounts within the same
34 designated depository for such purpose(~~(— PROVIDED, That)~~) only if:

35 (a) Each such account ((shall)) bears the same name;

1 (b) Each such account is followed by an appropriate designation
2 ~~((which))~~ that accurately identifies its separate purpose(~~(:—AND~~
3 ~~PROVIDED FURTHER, That))~~); and

4 (c) Transfers of funds ~~((which))~~ that must be reported under RCW
5 42.17.090(1)~~((d) may))~~ (e) (as recodified by this act) are not ~~((be))~~
6 made from more than one such account.

7 (3) Nothing in this section prohibits a candidate or political
8 committee from investing funds on hand in a depository in bonds,
9 certificates, or tax-exempt securities, or in savings accounts or other
10 similar instruments in financial institutions, or in mutual funds other
11 than the depository(~~(:—PROVIDED, That))~~) but only if:

12 (a) The commission and the appropriate county elections officer
13 ~~((is))~~ are notified in writing of the initiation and the termination of
14 the investment(~~(:—PROVIDED FURTHER, That))~~); and

15 (b) The principal of such investment, when terminated together with
16 all interest, dividends, and income derived from the investment
17 ~~((are)),~~ is deposited in the depository in the account from which the
18 investment was made and properly reported to the commission and the
19 appropriate county elections officer ~~((prior to))~~ before any further
20 disposition or expenditure ~~((thereof))~~.

21 (4) Accumulated unidentified contributions, other than those made
22 by persons whose names must be maintained on a separate and private
23 list by a political committee's treasurer pursuant to RCW
24 42.17.090(1)(b) (as recodified by this act), ~~((which total))~~ in excess
25 of one percent of the total accumulated contributions received in the
26 current calendar year, or three hundred dollars ~~((+))~~, whichever is
27 more~~((+))~~, may not be deposited, used, or expended, but shall be
28 returned to the donor~~((r))~~ if his or her identity can be ascertained.
29 If the donor cannot be ascertained, the contribution shall escheat to
30 the state~~((r))~~ and shall be paid to the state treasurer for deposit in
31 the state general fund.

32 ~~((5) A contribution of more than fifty dollars in currency may not~~
33 ~~be accepted unless a receipt, signed by the contributor and by the~~
34 ~~candidate, treasurer, or deputy treasurer, is prepared and made a part~~
35 ~~of the campaign's or political committee's financial records.))~~

36 **Sec. 406.** RCW 42.17.065 and 2000 c 237 s 1 are each amended to
37 read as follows:

1 (1) In addition to the provisions of this section, a continuing
2 political committee shall file and report on the same conditions and at
3 the same times as any other committee in accordance with the provisions
4 of RCW 42.17.040, 42.17.050, and 42.17.060 (as recodified by this act).

5 (2) A continuing political committee shall file ~~((with the~~
6 ~~commission and the auditor or elections officer of the county in which~~
7 ~~the committee maintains its office or headquarters and if there is no~~
8 ~~such office or headquarters then in the county in which the committee~~
9 ~~treasurer resides))~~ a report on the tenth day of ~~((the))~~ each month
10 detailing ~~((its activities))~~ expenditures made and contributions
11 received for the preceding calendar month ~~((in which the committee has~~
12 ~~received a contribution or made an expenditure: PROVIDED, That such))~~.
13 This report ~~((shall))~~ need only be filed if either the total
14 contributions received or total expenditures made since the last such
15 report exceed two hundred dollars~~((: PROVIDED FURTHER, That after~~
16 ~~January 1, 2002, if the committee files with the commission~~
17 ~~electronically, it need not also file with the county auditor or~~
18 ~~elections officer))~~. The report must be filed with the commission and
19 the auditor or elections officer of the county in which the committee
20 maintains its office or headquarters. If the committee does not have
21 an office or headquarters, the report must be filed in the county where
22 the committee treasurer resides. However, if the committee files with
23 the commission electronically, it need not also file with the county
24 auditor or elections officer. The report shall be on a form supplied
25 by the commission and shall include the following information:

26 (a) The information required by RCW 42.17.090 (as recodified by
27 this act);

28 (b) Each expenditure made to retire previously accumulated debts of
29 the committee~~((+))~~ identified by recipient, amount, and date of
30 payments;

31 (c) ~~((Such))~~ Other information ~~((as))~~ the commission shall
32 prescribe by rule ~~((prescribe))~~.

33 (3) If a continuing political committee ~~((shall))~~ makes a
34 contribution in support of or in opposition to a candidate or ballot
35 proposition within sixty days ~~((prior to))~~ before the date ~~((on which~~
36 ~~such))~~ that the candidate or ballot proposition will be voted upon,
37 ~~((such continuing political))~~ the committee shall report pursuant to
38 RCW 42.17.080 (as recodified by this act).

1 (4) A continuing political committee shall file reports as required
2 by this chapter until it is dissolved, at which time a final report
3 shall be filed. Upon submitting a final report, the duties of the
4 (~~campaign~~) treasurer shall cease and there shall be no obligation to
5 make any further reports.

6 (5) The (~~campaign~~) treasurer shall maintain books of account,
7 current within five business days, that accurately (~~reflecting~~)
8 reflect all contributions and expenditures (~~on a current basis within~~
9 ~~five business days of receipt or expenditure~~). During the eight days
10 immediately preceding the date of any election(~~, for which~~) that
11 the committee has received any contributions or made any expenditures, the
12 books of account shall be kept current within one business day and
13 shall be open for public inspection in the same manner as provided for
14 candidates and other political committees in RCW 42.17.080(5) (as
15 recodified by this act).

16 (6) All reports filed pursuant to this section shall be certified
17 as correct by the (~~campaign~~) treasurer.

18 (7) The (~~campaign~~) treasurer shall preserve books of account,
19 bills, receipts, and all other financial records of the campaign or
20 political committee for not less than five calendar years following the
21 year during which the transaction occurred.

22 **Sec. 407.** RCW 42.17.067 and 1989 c 280 s 6 are each amended to
23 read as follows:

24 (1) Fund-raising activities (~~which meet~~) meeting the standards of
25 subsection (2) of this section may be reported in accordance with the
26 provisions of this section in lieu of reporting in accordance with RCW
27 42.17.080 (as recodified by this act).

28 (2) Standards:

29 (a) The activity consists of one or more of the following:

30 (i) (~~The retail~~) A sale of goods or services sold at a reasonable
31 approximation of the fair market value of each item or service (~~sold~~
32 ~~at the activity~~)); or

33 (ii) A gambling operation (~~which~~) that is licensed, conducted, or
34 operated in accordance with the provisions of chapter 9.46 RCW; or

35 (iii) A gathering where food and beverages are purchased(~~, where~~)
36 and the price of admission or the per person charge for the food and
37 beverages is no more than twenty-five dollars; or

1 (iv) A concert, dance, theater performance, or similar
2 entertainment event (~~where~~) and the price of admission is no more
3 than twenty-five dollars; or

4 (v) An auction or similar sale (~~where~~) for which the total fair
5 market value of items donated by any person (~~for sale~~) is no more
6 than fifty dollars; and

7 (b) No person responsible for receiving money at (~~such~~) the fund-
8 raising activity knowingly accepts payments from a single person at or
9 from such an activity to the candidate or committee aggregating more
10 than fifty dollars unless the name and address of the person making
11 (~~such~~) the payment, together with the amount paid to the candidate or
12 committee, are disclosed in the report filed pursuant to subsection (6)
13 of this section; and

14 (c) (~~Such~~) Any other standards (~~as shall be~~) established by
15 rule of the commission to prevent frustration of the purposes of this
16 chapter.

17 (3) All funds received from a fund-raising activity (~~which~~) that
18 conforms with subsection (2) of this section (~~shall~~) must be
19 deposited in the depository within five business days of receipt by the
20 treasurer or deputy treasurer (~~in the depository~~).

21 (4) At the time reports are required under RCW 42.17.080 (as
22 recodified by this act), the treasurer or deputy treasurer making the
23 deposit shall file with the commission and the appropriate county
24 elections officer a report of the fund-raising activity which (~~shall~~)
25 must contain the following information:

26 (a) The date of the activity;

27 (b) A precise description of the fund-raising methods used in the
28 activity; and

29 (c) The total amount of cash receipts from persons, each of whom
30 paid no more than fifty dollars.

31 (5) The treasurer or deputy treasurer shall certify the report is
32 correct.

33 (6) The treasurer shall report pursuant to RCW 42.17.080 and
34 42.17.090 (as recodified by this act):

35 (a) The name and address and the amount contributed (~~of~~) by each
36 person (~~who contributes~~) contributing goods or services with a fair
37 market value of more than fifty dollars to a fund-raising activity
38 reported under subsection (4) of this section(~~(7)~~); and

1 (b) The name and address ((of)) and the amount paid by each person
2 whose identity can be ascertained, ~~((and the amount paid, from whom~~
3 ~~were knowingly received payments))~~ who made a contribution to the
4 candidate or committee aggregating more than fifty dollars at or from
5 such a fund-raising activity.

6 **Sec. 408.** RCW 42.17.080 and 2008 c 73 s 1 are each amended to read
7 as follows:

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

17 (2) ~~((At the following intervals))~~ Each treasurer shall file with
18 the commission and the county auditor or elections officer of the
19 county in which the candidate resides, or in the case of a political
20 committee, the county in which the committee maintains its office or
21 headquarters, ~~((and if there is no office or headquarters then))~~ or in
22 the county in which the treasurer resides if there is no office or
23 headquarters, a report containing the information required by RCW
24 42.17.090 (as recodified by this act) at the following intervals:

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

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

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

34 ~~((When there is no outstanding debt or obligation, and the campaign~~
35 ~~fund is closed, and the campaign is concluded in all respects, and in~~
36 ~~the case of a political committee, the committee has ceased to function~~

1 ~~and has dissolved, the treasurer shall file a final report. Upon~~
2 ~~submitting a final report, the duties of the treasurer shall cease and~~
3 ~~there shall be no obligation to make any further reports.))~~

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

13 (3) For the period beginning the first day of the fourth month
14 preceding the date ~~((on which))~~ of the special election ~~((is held))~~, or
15 for the period beginning the first day of the fifth month before the
16 date ~~((on which))~~ of the general election ~~((is held))~~, and ending on
17 the date of that special or general election, each Monday the treasurer
18 shall file with the commission and the appropriate county elections
19 officer a report of each bank deposit made during the previous seven
20 calendar days. The report shall contain the name of each person
21 contributing the funds ~~((so deposited))~~ and the amount contributed by
22 each person. However, ~~((contributions of))~~ persons who contribute no
23 more than twenty-five dollars in the aggregate ~~((from any one person~~
24 ~~may be deposited without identifying the contributor))~~ are not required
25 to be identified in the report. A copy of the report shall be retained
26 by the treasurer for his or her records. In the event of deposits made
27 by a deputy treasurer, the copy shall be forwarded to the treasurer for
28 his or her records. Each report shall be certified as correct by the
29 treasurer or deputy treasurer making the deposit.

30 (4) If a city requires that candidates or committees for city
31 offices file reports with a city agency, the candidate or treasurer
32 ~~((so filing need not also))~~ complying with the requirement does not
33 need to file the report with the county auditor or elections officer.

34 (5) The treasurer or candidate shall maintain books of account
35 accurately reflecting all contributions and expenditures on a current
36 basis within five business days of receipt or expenditure. During the
37 eight days immediately preceding the date of the election the books of
38 account shall be kept current within one business day. As specified in

1 the committee's statement of organization filed under RCW 42.17.040 (as
2 recodified by this act), the books of account must be open for public
3 inspection by appointment at the designated place for inspections
4 between 8:00 a.m. and 8:00 p.m. on any day from the eighth day
5 immediately before the election through the day immediately before the
6 election, other than Saturday, Sunday, or a legal holiday. It is a
7 violation of this chapter for a candidate or political committee to
8 refuse to allow and keep an appointment for an inspection to be
9 conducted during these authorized times and days. The appointment must
10 be allowed at an authorized time and day for such inspections that is
11 within twenty-four hours of the time and day that is requested for the
12 inspection.

13 ~~(6) ((The treasurer or candidate shall preserve books of account,~~
14 ~~bills, receipts, and all other financial records of the campaign or~~
15 ~~political committee for not less than five calendar years following the~~
16 ~~year during which the transaction occurred.~~

17 ~~(7) All reports filed pursuant to subsection (1) or (2) of this~~
18 ~~section shall be certified as correct by the candidate and the~~
19 ~~treasurer.~~

20 ~~(8))~~ Copies of all reports filed pursuant to this section shall be
21 readily available for public inspection (~~for at least two consecutive~~
22 ~~hours Monday through Friday, excluding legal holidays, between 8:00~~
23 ~~a.m. and 8:00 p.m., as specified in the committee's statement of~~
24 ~~organization filed pursuant to RCW 42.17.040)) by appointment, pursuant
25 to subsection (5) of this section, at the principal headquarters or, if
26 there is no headquarters, at the address of the treasurer or such other
27 place as may be authorized by the commission.~~

28 ~~((9) After January 1, 2002,)~~ (7) A report that is filed with the
29 commission electronically need not also be filed with the county
30 auditor or elections officer.

31 ~~((10) The commission shall adopt administrative rules establishing~~
32 ~~requirements for filer participation in any system designed and~~
33 ~~implemented by the commission for the electronic filing of reports.))~~

34 (8) The treasurer or candidate shall preserve books of account,
35 bills, receipts, and all other financial records of the campaign or
36 political committee for not less than five calendar years following the
37 year during which the transaction occurred.

1 (9) All reports filed pursuant to subsection (1) or (2) of this
2 section shall be certified as correct by the candidate and the
3 treasurer.

4 (10) When there is no outstanding debt or obligation, the campaign
5 fund is closed, and the campaign is concluded in all respects or in the
6 case of a political committee, the committee has ceased to function and
7 has dissolved, the treasurer shall file a final report. Upon
8 submitting a final report, the duties of the treasurer shall cease and
9 there is no obligation to make any further reports.

10 **Sec. 409.** RCW 42.17.090 and 2003 c 123 s 1 are each amended to
11 read as follows:

12 ((+1)) Each report required under RCW 42.17.080 (1) and (2) (as
13 recodified by this act) must be certified as correct by the treasurer
14 and the candidate and shall disclose the following:

15 ((+a)) (1) The funds on hand at the beginning of the period;

16 ((+b)) (2) The name and address of each person who has made one or
17 more contributions during the period, together with the money value and
18 date of ((such)) each contribution((s)) and the aggregate value of all
19 contributions received from each ((such)) person during the campaign,
20 or in the case of a continuing political committee, the current
21 calendar year((:—PROVIDED, That)), with the following exceptions:

22 (a) Pledges in the aggregate of less than one hundred dollars from
23 any one person need not be reported((:—PROVIDED FURTHER, That the));

24 (b) Income ((which)) that results from a fund-raising activity
25 conducted in accordance with RCW 42.17.067 (as recodified by this act)
26 may be reported as one lump sum, with the exception of that portion
27 ((of such income which was)) received from persons whose names and
28 addresses are required to be included in the report required by RCW
29 42.17.067((:—PROVIDED FURTHER, That)) (as recodified by this act);

30 (c) Contributions of no more than twenty-five dollars in the
31 aggregate from any one person during the election campaign may be
32 reported as one lump sum ((so long as)) if the ((campaign)) treasurer
33 maintains a separate and private list of the name, address, and amount
34 of each such contributor((:—PROVIDED FURTHER, That)); and

35 (d) The money value of contributions of postage shall be the face
36 value of ((such)) the postage;

1 ~~((e))~~ (3) Each loan, promissory note, or security instrument to
2 be used by or for the benefit of the candidate or political committee
3 made by any person, ~~((together with))~~ including the names and addresses
4 of the lender and each person liable directly, indirectly or
5 contingently and the date and amount of each such loan, promissory
6 note, or security instrument;

7 ~~((d))~~ (4) All other contributions not otherwise listed or
8 exempted;

9 ~~((e))~~ (5) The name and address of each candidate or political
10 committee to which any transfer of funds was made, ~~((together with))~~
11 including the amounts and dates of ~~((such))~~ the transfers;

12 ~~((f))~~ (6) The name and address of each person to whom an
13 expenditure was made in the aggregate amount of more than fifty dollars
14 during the period covered by this report, ~~((and))~~ the amount, date, and
15 purpose of each ~~((such))~~ expenditure ~~((— A candidate for state
16 executive or state legislative office or the political committee of
17 such a candidate shall report this information for an expenditure under
18 one of the following categories, whichever is appropriate:— (i)
19 Expenditures for the election of the candidate; (ii) expenditures for
20 nonreimbursed public office related expenses; (iii) expenditures
21 required to be reported under (e) of this subsection; or (iv)
22 expenditures of surplus funds and other expenditures. The report of
23 such a candidate or committee shall contain a separate total of
24 expenditures for each category and a total sum of all expenditures.
25 Other candidates and political committees need not report information
26 regarding expenditures under the categories listed in (i) through (iv)
27 of this subsection or under similar such categories unless required to
28 do so by the commission by rule. The report of such an other candidate
29 or committee shall also contain)), and the total sum of all
30 expenditures;~~

31 ~~((g))~~ (7) The name and address of each person ~~((to whom any
32 expenditure was made directly or indirectly to compensate the person))
33 directly compensated for soliciting or procuring signatures on an
34 initiative or referendum petition, the amount of ~~((such))~~ the
35 compensation to each ~~((such))~~ person, and the total ~~((of the))~~
36 expenditures made for this purpose. Such expenditures shall be
37 reported under this subsection ~~((1)(g) whether the expenditures are or~~~~

1 ~~are not also~~) in addition to what is required to be reported under
2 ~~((f) of this)~~ subsection (6) of this section;

3 ~~((h))~~ (8) The name and address of any person and the amount owed
4 for any debt, obligation, note, unpaid loan, or other liability in the
5 amount of more than two hundred fifty dollars or in the amount of more
6 than fifty dollars that has been outstanding for over thirty days;

7 ~~((i))~~ (9) The surplus or deficit of contributions over
8 expenditures;

9 ~~((j))~~ (10) The disposition made in accordance with RCW 42.17.095
10 (as recodified by this act) of any surplus funds; and

11 ~~((k) Such)~~ (11) Any other information ~~((as shall be))~~ required by
12 the commission by rule in conformance with the policies and purposes of
13 this chapter.

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

16 **Sec. 410.** RCW 42.17.3691 and 2000 c 237 s 4 are each amended to
17 read as follows:

18 (1) ~~((Beginning January 1, 2002, each candidate or political
19 committee that expended twenty five thousand dollars or more in the
20 preceding year or expects to expend twenty five thousand dollars or
21 more in the current year shall file all contribution reports and
22 expenditure reports required by this chapter by the electronic
23 alternative provided by the commission under RCW 42.17.369. The
24 commission may make exceptions on a case by case basis for candidates
25 whose authorized committees lack the technological ability to file
26 reports using the electronic alternative provided by the commission.~~

27 ~~(2) Beginning January 1, 2004,~~) Each candidate or political
28 committee that expended ten thousand dollars or more in the preceding
29 year or expects to expend ten thousand dollars or more in the current
30 year shall file all contribution reports and expenditure reports
31 required by this chapter by the electronic alternative provided by the
32 commission under RCW 42.17.369 (as recodified by this act). The
33 commission may make exceptions on a case-by-case basis for candidates
34 whose authorized committees lack the technological ability to file
35 reports using the electronic alternative provided by the commission.

36 ~~((3))~~ (2) Failure by a candidate or political committee to comply
37 with this section is a violation of this chapter.

1 **Sec. 411.** RCW 42.17.093 and 2006 c 348 s 6 are each amended to
2 read as follows:

3 (1) An out-of-state political committee organized for the purpose
4 of supporting or opposing candidates or ballot propositions in another
5 state that is not otherwise required to report under RCW 42.17.040
6 through 42.17.090 (as recodified by this act) shall report as required
7 in this section when it makes an expenditure supporting or opposing a
8 Washington state candidate or political committee. The committee shall
9 file with the commission a statement disclosing:

10 (a) Its name and address;

11 (b) The purposes of the out-of-state committee;

12 (c) The names, addresses, and titles of its officers or, if it has
13 no officers, the names, addresses, and the titles of its responsible
14 leaders;

15 (d) The name, office sought, and party affiliation of each
16 candidate in the state of Washington whom the out-of-state committee is
17 supporting or opposing and, if (~~such~~) the committee is supporting or
18 opposing the entire ticket of any party, the name of the party;

19 (e) The ballot proposition supported or opposed in the state of
20 Washington, if any, and whether (~~such~~) the committee is in favor of
21 or opposed to (~~such~~) that proposition;

22 (f) The name and address of each person residing in the state of
23 Washington or corporation (~~which~~) that has a place of business in the
24 state of Washington who has made one or more contributions in the
25 aggregate of more than twenty-five dollars to the out-of-state
26 committee during the current calendar year, together with the money
27 value and date of (~~such~~) the contributions;

28 (g) The name, address, and employer of each person or corporation
29 residing outside the state of Washington who has made one or more
30 contributions in the aggregate of more than two thousand five hundred
31 fifty dollars to the out-of-state committee during the current calendar
32 year, together with the money value and date of (~~such~~) the
33 contributions. Annually, the commission must modify the two thousand
34 five hundred fifty dollar limit in this subsection based on percentage
35 change in the implicit price deflator for personal consumption
36 expenditures for the United States as published for the most recent
37 twelve-month period by the bureau of economic analysis of the federal
38 department of commerce;

1 (h) The name and address of each person in the state of Washington
2 to whom an expenditure was made by the out-of-state committee with
3 respect to a candidate or political committee in the aggregate amount
4 of more than fifty dollars, the amount, date, and purpose of ((such))
5 the expenditure, and the total sum of ((such)) the expenditures; and

6 (i) ((Such)) Any other information as the commission may prescribe
7 by rule in keeping with the policies and purposes of this chapter.

8 (2) Each statement shall be filed no later than the tenth day of
9 the month following any month in which a contribution or other
10 expenditure reportable under subsection (1) of this section is made.
11 An out-of-state committee incurring an obligation to file additional
12 statements in a calendar year may satisfy the obligation by timely
13 filing reports that supplement previously filed information.

14 **Sec. 412.** RCW 42.17.100 and 1995 c 397 s 28 are each amended to
15 read as follows:

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

33 (2) Within five days after the date of making an independent
34 expenditure that by itself or when added to all other ((such))
35 independent expenditures made during the same election campaign by the
36 same person equals one hundred dollars or more, or within five days
37 after the date of making an independent expenditure for which no

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

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

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

30 (~~(+4)~~) (5) All reports filed pursuant to this section shall be
31 certified as correct by the reporting person.

32 (~~(+5)~~) (6) Each report required by subsections (2) and (3) of this
33 section shall disclose for the period beginning at the end of the
34 period for the last previous report filed or, in the case of an initial
35 report, beginning at the time of the first independent expenditure, and
36 ending not more than one business day before the date the report is
37 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 expenditure was made in the aggregate amount of more than fifty
3 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 expenditure is practicable, it is sufficient to
6 report instead a precise description of services, property, or rights
7 furnished through the expenditure, and where appropriate, to attach a
8 copy of the item produced or distributed by the expenditure;

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

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

14 **Sec. 413.** RCW 42.17.103 and 2005 c 445 s 7 are each amended to
15 read as follows:

16 (1) The sponsor of political advertising who, within twenty-one
17 days of an election, publishes, mails, or otherwise presents to the
18 public political advertising supporting or opposing a candidate or
19 ballot proposition that qualifies as an independent expenditure with a
20 fair market value of one thousand dollars or more shall deliver, either
21 electronically or in written form, a special report to the commission
22 within twenty-four hours of, or on the first working day after, the
23 date the political advertising is first published, mailed, or otherwise
24 presented to the public.

25 (2) If a sponsor is required to file a special report under this
26 section, the sponsor shall also deliver to the commission within the
27 delivery period established in subsection (1) of this section a special
28 report for each subsequent independent expenditure of any size
29 supporting or opposing the same candidate who was the subject of the
30 previous independent expenditure, supporting or opposing that
31 candidate's opponent, or supporting or opposing the same ballot
32 proposition that was the subject of the previous independent
33 expenditure.

34 (3) The special report must include (~~at least~~):

35 (a) The name and address of the person making the expenditure;

36 (b) The name and address of the person to whom the expenditure was
37 made;

1 (c) A detailed description of the expenditure;

2 (d) The date the expenditure was made and the date the political
3 advertising was first published or otherwise presented to the public;

4 (e) The amount of the expenditure;

5 (f) The name of the candidate supported or opposed by the
6 expenditure, the office being sought by the candidate, and whether the
7 expenditure supports or opposes the candidate; or the name of the
8 ballot proposition supported or opposed by the expenditure and whether
9 the expenditure supports or opposes the ballot proposition; and

10 (g) Any other information the commission may require by rule.

11 (4) All persons required to report under RCW 42.17.065, 42.17.080,
12 42.17.090, 42.17.100, and 42.17.565 (as recodified by this act) are
13 subject to the requirements of this section. The commission may
14 determine that reports filed pursuant to this section also satisfy the
15 requirements of RCW 42.17.100 (as recodified by this act).

16 (5) The sponsor of independent expenditures supporting a candidate
17 or opposing that candidate's opponent required to report under this
18 section shall file with each required report an affidavit or
19 declaration of the person responsible for making the independent
20 expenditure that the expenditure was not made in cooperation,
21 consultation, or concert with, or at the request or suggestion of, the
22 candidate, the candidate's authorized committee, or the candidate's
23 agent, or with the encouragement or approval of the candidate, the
24 candidate's authorized committee, or the candidate's agent.

25 **Sec. 414.** RCW 42.17.105 and 2001 c 54 s 2 are each amended to read
26 as follows:

27 (1) ~~((Campaign))~~ Treasurers shall prepare and deliver to the
28 commission a special report ~~((regarding any))~~ when a contribution or
29 aggregate of contributions ~~((which is))~~ totals one thousand dollars
30 or more~~((+))~~, is from a single person or entity~~((+))~~, and is received
31 during a special reporting period.

32 ~~((Any))~~ (2) A political committee ~~((making))~~ shall prepare and
33 deliver to the commission a special report when it makes a contribution
34 or an aggregate of contributions to a single entity ~~((which is))~~ that
35 totals one thousand dollars or more ~~((shall also prepare and deliver to~~
36 ~~the commission the special report if the contribution or aggregate of~~
37 ~~contributions is made))~~ during a special reporting period.

1 ~~((For the purposes of subsections (1) through (7) of this section:~~
2 ~~(a) Each of the following intervals is a))~~ (3) An aggregate of
3 contributions includes only those contributions made to or received
4 from a single entity during any one special reporting period. Any
5 subsequent contribution of any size made to or received from the same
6 person or entity during the special reporting period must also be
7 reported.
8 (4) Special reporting periods, for purposes of this section,
9 include: ((+i))
10 (a) The ((interval beginning after the)) period ((covered by))
11 beginning on the day after the last report required by RCW 42.17.080
12 and 42.17.090 (as recodified by this act) to be filed before a primary
13 and concluding on the end of the day before that primary; ((and (ii))
14 (b) The ((interval composed of the)) period twenty-one days
15 preceding a general election; and
16 ((+b)) (c) An aggregate of contributions includes only those
17 contributions received from a single entity during any one special
18 reporting period or made by the contributing political committee to a
19 single entity during any one special reporting period.
20 ((+2)) (5) If a campaign treasurer files a special report under
21 this section for one or more contributions received from a single
22 entity during a special reporting period, the treasurer shall also file
23 a special report under this section for each subsequent contribution of
24 any size which is received from that entity during the special
25 reporting period. If a political committee files a special report
26 under this section for a contribution or contributions made to a single
27 entity during a special reporting period, the political committee shall
28 also file a special report for each subsequent contribution of any size
29 which is made to that entity during the special reporting period.
30 ~~((+3) Except as provided in subsection (4) of this section, the))~~
31 (6) Special reports required by this section shall be delivered
32 electronically or in written form, including but not limited to
33 mailgram, telegram, or nightletter. The special report may be
34 transmitted orally by telephone to the commission if the written form
35 of the report is postmarked and mailed to the commission or the
36 electronic filing is transferred to the commission within the delivery
37 periods established in (a) and (b) of this subsection.

1 (a) The special report required of a contribution recipient ~~((by))~~
2 under subsection (1) of this section shall be delivered to the
3 commission within forty-eight hours of the time, or on the first
4 working day after: The contribution of one thousand dollars or more is
5 received by the candidate or treasurer; the aggregate received by the
6 candidate or treasurer first equals one thousand dollars or more; or
7 ~~((the))~~ any subsequent contribution ~~((that must be reported under~~
8 ~~subsection (2) of this section))~~ from the same source is received by
9 the candidate or treasurer.

10 (b) The special report required of a contributor ~~((by))~~ under
11 subsection ~~((+1))~~ (2) of this section or RCW 42.17.175 (as recodified
12 by this act) shall be delivered to the commission, and the candidate or
13 political committee to whom the contribution or contributions are made,
14 within twenty-four hours of the time, or on the first working day
15 after: The contribution is made; the aggregate of contributions made
16 first equals one thousand dollars or more; or ~~((the))~~ any subsequent
17 contribution ~~((that must be reported under subsection (2) of this~~
18 ~~section))~~ to the same person or entity is made.

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

26 ~~((5))~~ (7) The special report shall include ~~((at least))~~:

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

32 ~~((6))~~ (8) Contributions reported under this section shall also be
33 reported as required by other provisions of this chapter.

34 ~~((7))~~ (9) The commission shall prepare daily a summary of the
35 special reports made under this section and RCW 42.17.175 (as
36 recodified by this act).

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,~~

1 ~~contributions reportable under RCW 42.17.090 in the aggregate exceeding~~
2 ~~fifty thousand dollars for any campaign for statewide office or~~
3 ~~exceeding five thousand dollars for any other campaign subject to the~~
4 ~~provisions of this chapter within twenty one days of a general~~
5 ~~election. This subsection does not apply to contributions made by, or~~
6 ~~accepted from, a bona fide political party as defined in this chapter,~~
7 ~~excluding the county central committee or legislative district~~
8 ~~committee.~~

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

14 **Sec. 415.** RCW 42.17.550 and 1993 c 2 s 23 are each amended to read
15 as follows:

16 A person or entity, other than a party organization making an
17 independent expenditure ((by)) that consists of mailing one thousand or
18 more identical or nearly identical cumulative pieces of political
19 advertising in a single calendar year shall((~~τ~~))report that activity.
20 The report must be made within two working days after the date of the
21 mailing, ((file a statement)) disclosing the number of pieces in the
22 mailing and an example of the mailed political advertising ((with)).
23 The report must be sent to the election officer of the county ((~~or~~)) of
24 residence ((~~for~~)) of the candidate supported or opposed by the
25 independent campaign expenditure ((~~or~~)). In the case of an
26 expenditure made in support of or in opposition to a ballot
27 proposition, the report must be sent to the county of residence ((~~for~~))
28 of the person making the expenditure.

29 **Sec. 416.** RCW 42.17.135 and 1989 c 280 s 13 are each amended to
30 read as follows:

31 A ((~~candidate or~~)) political committee receiving a contribution
32 earmarked for the benefit of ((~~another~~)) a candidate or another
33 political committee shall:

34 (1) Report the contribution as required in RCW 42.17.080 and
35 42.17.090 (as recodified by this act);

1 (2) Complete a report, entitled "Earmarked contributions," on a
2 form prescribed by the commission (~~(by rule, which)~~) that identifies
3 the name and address of the person who made the contribution, the
4 candidate or political committee for whose benefit the contribution is
5 earmarked, the amount of the contribution, and the date (~~(on which)~~)
6 that the contribution was received; and

7 (3) (~~Notify~~) Mail or deliver to the commission and the candidate
8 or political committee (~~(for whose benefit)~~) benefiting from the
9 contribution (~~(is earmarked regarding the receipt of the contribution~~
10 ~~by mailing or delivering to the commission and to the candidate or~~
11 ~~committee)~~) a copy of the "Earmarked contributions" report within two
12 working days of receipt of the contribution. (~~(Such notice shall be~~
13 ~~given within two working days of receipt of the contribution.)~~)

14 (4) A candidate or political committee receiving notification of an
15 earmarked contribution under subsection (3) of this section shall
16 report the contribution, once notification of the contribution is
17 received by the candidate or committee, in the same manner as (~~(the~~
18 ~~receipt of)~~) any other contribution (~~(is disclosed in reports)~~), as
19 required by RCW 42.17.080 and 42.17.090 (as recodified by this act).

20 **PART 5**

21 **POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS**

22 **Sec. 501.** RCW 42.17.561 and 2005 c 445 s 1 are each amended to
23 read as follows:

24 (1) The legislature finds that:

25 (~~(+1)~~) (a) Timely disclosure to voters of the identity and sources
26 of funding for electioneering communications is vitally important to
27 the integrity of state, local, and judicial elections.

28 (~~(+2)~~) (b) Electioneering communications that identify political
29 candidates for state, local, or judicial office and that are
30 distributed sixty days before an election for those offices are
31 intended to influence voters and the outcome of those elections.

32 (~~(+3)~~) (c) The state has a compelling interest in providing voters
33 information about electioneering communications in political campaigns
34 concerning candidates for state, local, or judicial office so that
35 voters can be fully informed as to the: (~~(+a)~~) (i) Source of support

1 or opposition to those candidates; and ~~((b))~~ (ii) identity of persons
2 attempting to influence the outcome of state, local, and judicial
3 candidate elections.

4 ~~((4))~~ (d) Nondisclosure of financial information about
5 advertising that masquerades as relating only to issues and not to
6 candidate campaigns fosters corruption or the appearance of corruption.
7 These consequences can be substantially avoided by full disclosure of
8 the identity and funding of those persons paying for such advertising.

9 ~~((5))~~ (e) The United States supreme court held in *McConnell et*
10 *al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157
11 L.Ed.2d 491 (2003) that speakers seeking to influence elections do not
12 possess an inviolable free speech right to engage in electioneering
13 communications regarding elections, including when issue advocacy is
14 the functional equivalent of express advocacy. Therefore, such
15 election campaign communications can be regulated and the source of
16 funding disclosed.

17 ~~((6))~~ (f) The state ~~((also))~~ has a sufficiently compelling
18 interest in preventing corruption in political campaigns to justify and
19 restore contribution limits and restrictions on the use of soft money
20 in RCW 42.17.640 (as recodified by this act). Those interests include
21 restoring restrictions on the use of such funds for electioneering
22 communications, as well as the laws preventing circumvention of those
23 limits and restrictions.

24 (2) Based upon the findings in this section, chapter 445, Laws of
25 2005 is narrowly tailored to accomplish the following and is intended
26 to:

27 (a) Improve the disclosure to voters of information concerning
28 persons and entities seeking to influence state, local, and judicial
29 campaigns through reasonable and effective mechanisms, including
30 improving disclosure of the source, identity, and funding of
31 electioneering communications concerning state, local, and judicial
32 candidate campaigns;

33 (b) Regulate electioneering communications that mention state,
34 local, and judicial candidates and that are broadcast, mailed, erected,
35 distributed, or otherwise published right before the election so that
36 the public knows who is paying for such communications;

37 (c) Reenact and amend the contribution limits in RCW 42.17.640 (7)
38 and (15) (as recodified by this act) and the restrictions on the use of

1 soft money, including as applied to electioneering communications, as
2 those limits and restrictions were in effect following the passage of
3 chapter 2, Laws of 1993 (Initiative Measure No. 134) and before the
4 state supreme court decision in *Washington State Republican Party v.*
5 *Washington State Public Disclosure Commission*, 141 Wn.2d 245, 4 P.3d
6 808 (2000). The commission is authorized to fully restore the
7 implementation of the limits and restrictions of RCW 42.17.640 (7) and
8 (15) (as recodified by this act) in light of *McConnell et al. v.*
9 *Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d
10 491 (2003). The United States supreme court upheld the disclosure and
11 regulation of electioneering communications in political campaigns,
12 including but not limited to issue advocacy that is the functional
13 equivalent of express advocacy; and

14 (d) Authorize the commission to adopt rules to implement chapter
15 445, Laws of 2005.

16 **Sec. 502.** RCW 42.17.565 and 2005 c 445 s 3 are each amended to
17 read as follows:

18 (1) A payment for or promise to pay for any electioneering
19 communication shall be reported to the commission by the sponsor on
20 forms the commission shall develop by rule to include, at a minimum,
21 the following information:

22 (a) Name and address of the sponsor;

23 (b) Source of funds for the communication, including:

24 (i) General treasury funds. The name and address of businesses,
25 unions, groups, associations, or other organizations using general
26 treasury funds for the communication, however, if a business, union,
27 group, association, or other organization undertakes a special
28 solicitation of its members or other persons for an electioneering
29 communication, or it otherwise receives funds for an electioneering
30 communication, that entity shall report pursuant to (b)(ii) of this
31 subsection;

32 (ii) Special solicitations and other funds. The name, address,
33 and, for individuals, occupation and employer, of a person whose funds
34 were used to pay for the electioneering communication, along with the
35 amount, if such funds from the person have exceeded two hundred fifty
36 dollars in the aggregate for the electioneering communication; and

1 (iii) Any other source information required or exempted by the
2 commission by rule;

3 (c) Name and address of the person to whom an electioneering
4 communication related expenditure was made;

5 (d) A detailed description of each expenditure of more than one
6 hundred dollars;

7 (e) The date the expenditure was made and the date the
8 electioneering communication was first broadcast, transmitted, mailed,
9 erected, distributed, or otherwise published;

10 (f) The amount of the expenditure;

11 (g) The name of each candidate clearly identified in the
12 electioneering communication, the office being sought by each
13 candidate, and the amount of the expenditure attributable to each
14 candidate; and

15 (h) Any other information the commission may require or exempt by
16 rule.

17 (2) Electioneering communications shall be reported as follows:
18 The sponsor of an electioneering communication shall report to the
19 commission within twenty-four hours of, or on the first working day
20 after, the date the electioneering communication is broadcast,
21 transmitted, mailed, erected, distributed, or otherwise published.

22 (3) Electioneering communications shall be reported electronically
23 by the sponsor using software provided or approved by the commission.
24 The commission may make exceptions on a case-by-case basis for a
25 sponsor who lacks the technological ability to file reports using the
26 electronic means provided or approved by the commission.

27 (4) All persons required to report under RCW 42.17.065, 42.17.080,
28 42.17.090, and 42.17.100 (as recodified by this act) are subject to the
29 requirements of this section, although the commission may determine by
30 rule that persons filing according to those sections may be exempt from
31 reporting some of the information otherwise required by this section.
32 The commission may determine that reports filed pursuant to this
33 section also satisfy the requirements of RCW 42.17.100 and 42.17.103
34 (as recodified by this act).

35 (5) Failure of any sponsor to report electronically under this
36 section shall be a violation of this chapter.

1 **Sec. 503.** RCW 42.17.570 and 2005 c 445 s 4 are each amended to
2 read as follows:

3 (1) An electioneering communication made by a person in
4 cooperation, consultation, or concert with, or at the request or
5 suggestion of, a candidate, a candidate's authorized committee, or
6 their agents is a contribution to the candidate.

7 (2) An electioneering communication made by a person in
8 cooperation, consultation, or concert with, or at the request or
9 suggestion of, a political committee or its agents is a contribution to
10 the political committee.

11 (3) If an electioneering communication is not a contribution
12 pursuant to subsection (1) or (2) of this section, the sponsor shall
13 file an affidavit or declaration so stating at the time the sponsor is
14 required to report the electioneering communication expense under RCW
15 42.17.565 (as recodified by this act).

16 **Sec. 504.** RCW 42.17.575 and 2005 c 445 s 5 are each amended to
17 read as follows:

18 (1) The sponsor of an electioneering communication shall preserve
19 all financial records relating to the communication, including books of
20 account, bills, receipts, contributor information, and ledgers, for not
21 less than five calendar years following the year in which the
22 communication was broadcast, transmitted, mailed, erected, or otherwise
23 published.

24 (2) All reports filed under RCW 42.17.565 (as recodified by this
25 act) shall be certified as correct by the sponsor. If the sponsor is
26 an individual using his or her own funds to pay for the communication,
27 the certification shall be signed by the individual. If the sponsor is
28 a political committee, the certification shall be signed by the
29 committee treasurer. If the sponsor is another entity, the
30 certification shall be signed by the individual responsible for
31 authorizing the expenditure on the entity's behalf.

32 **Sec. 505.** RCW 42.17.510 and 2005 c 445 s 9 are each amended to
33 read 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

1 relating to candidates or ballot propositions, shall include the
2 sponsor's name. The use of an assumed name for the sponsor of
3 electioneering communications, independent expenditures, or political
4 advertising (~~shall be~~) is unlawful. For partisan office, if a
5 candidate has expressed a party or independent preference on the
6 declaration of candidacy, that party or independent designation shall
7 be clearly identified in electioneering communications, independent
8 expenditures, or political advertising.

9 (2) In addition to the materials required by subsection (1) of this
10 section, except as specifically addressed in subsections (4) and (5) of
11 this section, all political advertising undertaken as an independent
12 expenditure by a person or entity other than a party organization, and
13 all electioneering communications, must include the following statement
14 as part of the communication "NOTICE TO VOTERS (Required by law): This
15 advertisement is not authorized or approved by any candidate. It is
16 paid for by (name, address, city, state)." If the advertisement
17 undertaken as an independent expenditure or electioneering
18 communication is (~~undertaken~~) by a nonindividual other than a party
19 organization, then the following notation must also be included: "Top
20 Five Contributors," followed by a listing of the names of the five
21 persons or entities making the largest contributions in excess of seven
22 hundred dollars reportable under this chapter during the twelve-month
23 period before the date of the advertisement or communication.

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

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

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

32 (c) Be set apart from any other printed matter.

33 (4) In an independent expenditure or electioneering communication
34 transmitted via television or other medium that includes a visual
35 image, the following statement must either be clearly spoken, or appear
36 in print and be visible for at least four seconds, appear in letters
37 greater than four percent of the visual screen height, and have a
38 reasonable color contrast with the background: "No candidate

1 authorized this ad. Paid for by (name, city, state)." If the
2 advertisement or communication is (~~undertaken~~) by a nonindividual
3 other than a party organization, then the following notation must also
4 be included: "Top Five Contributors" followed by a listing of the
5 names of the five persons or entities making the largest contributions
6 in excess of seven hundred dollars reportable under this chapter during
7 the twelve-month period before the date of the advertisement.
8 Abbreviations may be used to describe contributing entities if the full
9 name of the entity has been clearly spoken previously during the
10 broadcast advertisement.

11 (5) The following statement shall be clearly spoken in an
12 independent expenditure or electioneering communication transmitted by
13 a method that does not include a visual image: "No candidate
14 authorized this ad. Paid for by (name, city, state)." If the
15 independent expenditure or electioneering communication is undertaken
16 by a nonindividual other than a party organization, then the following
17 statement must also be included: "Top Five Contributors" followed by
18 a listing of the names of the five persons or entities making the
19 largest contributions in excess of seven hundred dollars reportable
20 under this chapter during the twelve-month period before the date of
21 the advertisement. Abbreviations may be used to describe contributing
22 entities if the full name of the entity has been clearly spoken
23 previously during the broadcast advertisement.

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

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

34 **Sec. 506.** RCW 42.17.520 and 1984 c 216 s 2 are each amended to
35 read as follows:

36 At least one picture of the candidate used in any political

1 advertising shall have been taken within the last five years and shall
2 be no smaller than (~~the largest~~) any other picture of the same
3 candidate used in the same advertisement.

4 **Sec. 507.** RCW 42.17.540 and 1984 c 216 s 4 are each amended to
5 read as follows:

6 (1) Except as provided in subsection (2) of this section, the
7 responsibility for compliance with RCW 42.17.510 through 42.17.530 (as
8 recodified by this act) shall (~~rest~~) be with the sponsor of the
9 political advertising and not with the broadcasting station or other
10 medium.

11 (2) If a broadcasting station or other medium changes the content
12 of a political advertisement, the station or medium shall be
13 responsible for any failure of the advertisement to comply with RCW
14 42.17.510 through 42.17.530 (as recodified by this act) that results
15 from that change.

16 **Sec. 508.** RCW 42.17.110 and 2005 c 445 s 8 are each amended to
17 read as follows:

18 (1) Each commercial advertiser who has accepted or provided
19 political advertising or electioneering communications during the
20 election campaign shall maintain documents and books of account that
21 shall be open for public inspection during normal business hours during
22 the campaign and for a period of no less than three years after the
23 date of the applicable election(~~, during normal business hours,~~).
24 The documents and books of account (~~which~~) shall specify:

25 (a) The names and addresses of persons from whom it accepted
26 political advertising or electioneering communications;

27 (b) The exact nature and extent of the services rendered; and

28 (c) The (~~consideration~~) total cost and the manner of (~~paying~~
29 ~~that consideration for such~~) payment for the services.

30 (2) At the request of the commission, each commercial advertiser
31 (~~which must~~) required to comply with subsection (1) of this section
32 shall deliver to the commission(~~, upon its request,~~) copies of
33 (~~such~~) the information (~~as~~) that must be maintained and be open for
34 public inspection pursuant to subsection (1) of this section.

1 PART 6

2 CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS

3 Sec. 601. RCW 42.17.610 and 1993 c 2 s 1 are each amended to read
4 as follows:

5 (1) The people of the state of Washington find and declare that:

6 ((+1)) (a) The financial strength of certain individuals or
7 organizations should not permit them to exercise a disproportionate or
8 controlling influence on the election of candidates.

9 ((+2)) (b) Rapidly increasing political campaign costs have led
10 many candidates to raise larger percentages of money from special
11 interests with a specific financial stake in matters before state
12 government. This has caused the public perception that decisions of
13 elected officials are being improperly influenced by monetary
14 contributions.

15 ((+3)) (c) Candidates are raising less money in small
16 contributions from individuals and more money from special interests.
17 This has created the public perception that individuals have an
18 insignificant role to play in the political process.

19 (2) By limiting campaign contributions, the people intend to:

20 (a) Ensure that individuals and interest groups have fair and equal
21 opportunity to influence elective and governmental processes;

22 (b) Reduce the influence of large organizational contributors; and

23 (c) Restore public trust in governmental institutions and the
24 electoral process.

25 Sec. 602. RCW 42.17.640 and 2006 c 348 s 1 are each amended to
26 read as follows:

27 (1) The contribution limits in this section apply to:

28 (a) Candidates for ((state)) legislative office;

29 (b) Candidates for state office other than ((state)) legislative
30 office;

31 (c) Candidates for county office in a county that has over two
32 hundred thousand registered voters;

33 (d) Candidates for special purpose district office if that district
34 is authorized to provide freight and passenger transfer and terminal
35 facilities and that district has over two hundred thousand registered
36 voters;

1 (e) Persons holding an office in (a) through (d) of this subsection
2 against whom recall charges have been filed or to a political committee
3 having the expectation of making expenditures in support of the recall
4 of a person holding the office;

5 (f) Caucus political committees;

6 (g) Bona fide political parties.

7 (2) No person, other than a bona fide political party or a caucus
8 political committee, may make contributions to a candidate for a
9 (~~state~~) legislative office or county office that in the aggregate
10 exceed (~~seven~~) eight hundred dollars or to a candidate for a public
11 office in a special purpose district or a state office other than a
12 (~~state~~) legislative office that in the aggregate exceed one thousand
13 (~~four~~) six hundred dollars for each election in which the candidate
14 is on the ballot or appears as a write-in candidate. Contributions to
15 candidates subject to the limits in this section made with respect to
16 a primary may not be made after the date of the primary. However,
17 contributions to a candidate or a candidate's authorized committee may
18 be made with respect to a primary until thirty days after the primary,
19 subject to the following limitations: (a) The candidate lost the
20 primary; (b) the candidate's authorized committee has insufficient
21 funds to pay debts outstanding as of the date of the primary; and (c)
22 the contributions may only be raised and spent to satisfy the
23 outstanding debt. Contributions to candidates subject to the limits in
24 this section made with respect to a general election may not be made
25 after the final day of the applicable election cycle.

26 (3) No person, other than a bona fide political party or a caucus
27 political committee, may make contributions to a state official, a
28 county official, or a public official in a special purpose district
29 against whom recall charges have been filed, or to a political
30 committee having the expectation of making expenditures in support of
31 the recall of the state official, county official, or public official
32 in a special purpose district during a recall campaign that in the
33 aggregate exceed (~~seven~~) eight hundred dollars if for a (~~state~~)
34 legislative office or county office or one thousand (~~four~~) six
35 hundred dollars if for a special purpose district office or a state
36 office other than a (~~state~~) legislative office.

37 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
38 political party or caucus political committee may make contributions to

1 a candidate during an election cycle that in the aggregate exceed (i)
2 ((~~seventy~~)) eighty cents multiplied by the number of eligible
3 registered voters in the jurisdiction from which the candidate is
4 elected if the contributor is a caucus political committee or the
5 governing body of a state organization, or (ii) ((~~thirty-five~~)) forty
6 cents multiplied by the number of registered voters in the jurisdiction
7 from which the candidate is elected if the contributor is a county
8 central committee or a legislative district committee.

9 (b) No candidate may accept contributions from a county central
10 committee or a legislative district committee during an election cycle
11 that when combined with contributions from other county central
12 committees or legislative district committees would in the aggregate
13 exceed ((~~thirty-five~~)) forty cents times the number of registered
14 voters in the jurisdiction from which the candidate is elected.

15 (5)(a) Notwithstanding subsection (3) of this section, no bona fide
16 political party or caucus political committee may make contributions to
17 a state official, county official, or a public official in a special
18 purpose district against whom recall charges have been filed, or to a
19 political committee having the expectation of making expenditures in
20 support of the state official, county official, or a public official in
21 a special purpose district during a recall campaign that in the
22 aggregate exceed (i) ((~~seventy~~)) eighty cents multiplied by the number
23 of eligible registered voters in the jurisdiction entitled to recall
24 the state official if the contributor is a caucus political committee
25 or the governing body of a state organization, or (ii) ((~~thirty-five~~))
26 forty cents multiplied by the number of registered voters in the
27 jurisdiction from which the candidate is elected if the contributor is
28 a county central committee or a legislative district committee.

29 (b) No official holding an office specified in subsection (1) of
30 this section against whom recall charges have been filed, no authorized
31 committee of the official, and no political committee having the
32 expectation of making expenditures in support of the recall of the
33 official may accept contributions from a county central committee or a
34 legislative district committee during an election cycle that when
35 combined with contributions from other county central committees or
36 legislative district committees would in the aggregate exceed ((~~thirty-~~
37 ~~five~~)) forty cents multiplied by the number of registered voters in the
38 jurisdiction from which the candidate is elected.

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

5 (7) Notwithstanding subsections (2) through (5) of this section, no
6 person other than an individual, bona fide political party, or caucus
7 political committee may make contributions reportable under this
8 chapter to a caucus political committee that in the aggregate exceed
9 (~~seven~~) eight hundred dollars in a calendar year or to a bona fide
10 political party that in the aggregate exceed (~~three~~) four thousand
11 (~~five hundred~~) dollars in a calendar year. This subsection does not
12 apply to loans made in the ordinary course of business.

13 (8) For the purposes of RCW 42.17.640 through 42.17.790 (as
14 recodified by this act), a contribution to the authorized political
15 committee of a candidate or of an official specified in subsection (1)
16 of this section against whom recall charges have been filed is
17 considered to be a contribution to the candidate or official.

18 (9) A contribution received within the twelve-month period after a
19 recall election concerning an office specified in subsection (1) of
20 this section is considered to be a contribution during that recall
21 campaign if the contribution is used to pay a debt or obligation
22 incurred to influence the outcome of that recall campaign.

23 (10) The contributions allowed by subsection (3) of this section
24 are in addition to those allowed by subsection (2) of this section, and
25 the contributions allowed by subsection (5) of this section are in
26 addition to those allowed by subsection (4) of this section.

27 (11) RCW 42.17.640 through 42.17.790 (as recodified by this act)
28 apply to a special election conducted to fill a vacancy in an office
29 specified in subsection (1) of this section. However, the
30 contributions made to a candidate or received by a candidate for a
31 primary or special election conducted to fill such a vacancy shall not
32 be counted toward any of the limitations that apply to the candidate or
33 to contributions made to the candidate for any other primary or
34 election.

35 (12) Notwithstanding the other subsections of this section, no
36 corporation or business entity not doing business in Washington state,
37 no labor union with fewer than ten members who reside in Washington
38 state, and no political committee that has not received contributions

1 of ten dollars or more from at least ten persons registered to vote in
2 Washington state during the preceding one hundred eighty days may make
3 contributions reportable under this chapter to a state office
4 candidate, to a state official against whom recall charges have been
5 filed, or to a political committee having the expectation of making
6 expenditures in support of the recall of the official. This subsection
7 does not apply to loans made in the ordinary course of business.

8 (13) Notwithstanding the other subsections of this section, no
9 county central committee or legislative district committee may make
10 contributions reportable under this chapter to a candidate specified in
11 subsection (1) of this section, or an official specified in subsection
12 (1) of this section against whom recall charges have been filed, or
13 political committee having the expectation of making expenditures in
14 support of the recall of an official specified in subsection (1) of
15 this section if the county central committee or legislative district
16 committee is outside of the jurisdiction entitled to elect the
17 candidate or recall the official.

18 (14) No person may accept contributions that exceed the
19 contribution limitations provided in this section.

20 (15) The following contributions are exempt from the contribution
21 limits of this section:

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

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

30 **Sec. 603.** RCW 42.17.645 and 2006 c 348 s 2 are each amended to
31 read as follows:

32 (1) No person may make contributions to a candidate for judicial
33 office that in the aggregate exceed one thousand (~~four~~) six hundred
34 dollars for each election in which the candidate is on the ballot or
35 appears as a write-in candidate. Contributions made with respect to a
36 primary may not be made after the date of the primary. However,
37 contributions to a candidate or a candidate's authorized committee may

1 be made with respect to a primary until thirty days after the primary,
2 subject to the following limitations: (a) The candidate lost the
3 primary; (b) the candidate's authorized committee has insufficient
4 funds to pay debts outstanding as of the date of the primary; and (c)
5 the contributions may only be raised and spent to satisfy the
6 outstanding debt. Contributions made with respect to a general
7 election may not be made after the final day of the applicable election
8 cycle.

9 (2) This section through RCW 42.17.790 (as recodified by this act)
10 apply to a special election conducted to fill a vacancy in an office.
11 However, the contributions made to a candidate or received by a
12 candidate for a primary or special election conducted to fill such a
13 vacancy will not be counted toward any of the limitations that apply to
14 the candidate or to contributions made to the candidate for any other
15 primary or election.

16 (3) No person may accept contributions that exceed the contribution
17 limitations provided in this section.

18 (4) The dollar limits in this section must be adjusted according to
19 RCW 42.17.690 (as recodified by this act).

20 NEW SECTION. **Sec. 604.** REPORTABLE CONTRIBUTIONS--PREELECTION
21 LIMITATIONS. (1) It is a violation of this chapter for any person to
22 make, or for any candidate or political committee to accept from any
23 one person, contributions reportable under RCW 42.17.090 (as recodified
24 by this act) in the aggregate exceeding fifty thousand dollars for any
25 campaign for statewide office or exceeding five thousand dollars for
26 any other campaign subject to the provisions of this chapter within
27 twenty-one days of a general election. This subsection does not apply
28 to contributions made by, or accepted from, a bona fide political party
29 as defined in this chapter, excluding the county central committee or
30 legislative district committee.

31 (2) Contributions governed by this section include, but are not
32 limited to, contributions made or received indirectly through a third
33 party or entity whether the contributions are or are not reported to
34 the commission as earmarked contributions under RCW 42.17.135 (as
35 recodified by this act).

1 (5) Transmit the surplus to the state treasurer for deposit in the
2 general fund, the (~~oral history~~) Washington state legacy project,
3 state library, and archives account under RCW 43.07.380, or the
4 legislative international trade account under RCW (~~44.04.270~~)
5 43.15.050, as specified by the candidate or political committee; or

6 (6) Hold the surplus in the (~~campaign~~) depository or depositories
7 designated in accordance with (~~RCW 42.17.050~~) section 404 of this act
8 for possible use in a future election campaign for the same office last
9 sought by the candidate and report any such disposition in accordance
10 with RCW 42.17.090(~~PROVIDED, That~~) (as recodified by this act).
11 If the candidate subsequently announces or publicly files for office,
12 the appropriate information (~~as appropriate is~~) must be reported to
13 the commission in accordance with RCW 42.17.040 through 42.17.090 (as
14 recodified by this act). If a subsequent office is not sought the
15 surplus held shall be disposed of in accordance with the requirements
16 of this section.

17 (7) Hold the surplus campaign funds in a separate account for
18 nonreimbursed public office-related expenses or as provided in this
19 section, and report any such disposition in accordance with RCW
20 42.17.090 (as recodified by this act). The separate account required
21 under this subsection shall not be used for deposits of campaign funds
22 that are not surplus.

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

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

27 NEW SECTION. Sec. 607. CANDIDATES' POLITICAL COMMITTEES--
28 LIMITATIONS. A candidate may not knowingly establish, use, direct, or
29 control more than one political committee for the purpose of supporting
30 that candidate during a particular election campaign. This does not
31 prohibit: (1) In addition to a candidate's having his or her own
32 political committee, the candidate's participation in a political
33 committee established to support a slate of candidates that includes
34 the candidate; or (2) joint fund-raising efforts by candidates when a
35 separate political committee is established for that purpose and all
36 contributions are disbursed to and accounted for on a pro rata basis by
37 the benefiting candidates.

1 **Sec. 608.** RCW 42.17.125 and 1995 c 397 s 29 are each amended to
2 read as follows:

3 Contributions received and reported in accordance with RCW
4 42.17.060 through 42.17.090 (as recodified by this act) may only be
5 ~~((transferred))~~ paid to ~~((the personal account of))~~ a candidate, or
6 ~~((of))~~ a treasurer or other individual or expended for such
7 individual's personal use under the following circumstances:

8 (1) Reimbursement for or ~~((loans))~~ payments to cover lost earnings
9 incurred as a result of campaigning or services performed for the
10 political committee. ~~((Such))~~ Lost earnings shall be verifiable as
11 unpaid salary, or when the individual is not salaried, as an amount not
12 to exceed income received by the individual for services rendered
13 during an appropriate, corresponding time period. All lost earnings
14 incurred shall be documented and a record ~~((thereof))~~ shall be
15 maintained by the ~~((individual))~~ candidate or the ~~((individual's~~
16 ~~political))~~ candidate's authorized committee in accordance with RCW
17 42.17.080 (as recodified by this act). ~~((The political committee shall~~
18 ~~include a copy of such record when its expenditure for such~~
19 ~~reimbursement is reported pursuant to RCW 42.17.090.))~~

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

28 (3) Repayment of loans made by the individual to political
29 committees~~((, which repayment))~~ shall be reported pursuant to RCW
30 42.17.090 (as recodified by this act). However, contributions may not
31 be used to reimburse a candidate for loans totaling more than ~~((three))~~
32 four thousand seven hundred dollars made by the candidate to the
33 candidate's own ~~((political))~~ authorized committee ~~((or campaign))~~.

34 **Sec. 609.** RCW 42.17.660 and 2005 c 445 s 12 are each amended to
35 read as follows:

36 For purposes of this chapter:

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

5 (2) Two or more entities are treated as a single entity if one of
6 the two or more entities is a subsidiary, branch, or department of a
7 corporation that is participating in an election campaign or making
8 contributions, or a local unit or branch of a trade association, labor
9 union, or collective bargaining association that is participating in an
10 election campaign or making contributions. All contributions made by
11 a person or political committee whose contribution or expenditure
12 activity is financed, maintained, or controlled by a trade association,
13 labor union, collective bargaining organization, or the local unit of
14 a trade association, labor union, or collective bargaining organization
15 are considered made by the trade association, labor union, collective
16 bargaining organization, or local unit of a trade association, labor
17 union, or collective bargaining organization.

18 (3) The commission shall adopt rules to carry out this section and
19 is not subject to the time restrictions of RCW 42.17.370(1) (as
20 recodified by this act).

21 **Sec. 610.** RCW 42.17.720 and 1995 c 397 s 22 are each amended to
22 read as follows:

23 (1) A loan is considered to be a contribution from the lender and
24 any guarantor of the loan and is subject to the contribution
25 limitations of this chapter. The full amount of the loan shall be
26 attributed to the lender and to each guarantor.

27 (2) A loan to a candidate for public office or the candidate's
28 (~~political~~) authorized committee must be by written agreement.

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

30 (a) By a commercial lending institution;

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

32 (c) On the same terms ordinarily available to members of the
33 public, are not subject to the contribution limits of this chapter.

34 **Sec. 611.** RCW 42.17.740 and 1995 c 397 s 23 are each amended to
35 read as follows:

1 (1) A person may not make a contribution of more than (~~fifty~~)
2 eighty dollars, other than an in-kind contribution, except by a written
3 instrument containing the name of the donor and the name of the payee.

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

7 **Sec. 612.** RCW 42.17.790 and 1995 c 397 s 27 are each amended to
8 read as follows:

9 (1) Except as provided in subsection (2) of this section, a
10 candidate for public office or the candidate's (~~political~~) authorized
11 committee may not use or permit the use of contributions, whether or
12 not surplus, solicited for or received by the candidate (~~for public~~
13 ~~office~~) or the candidate's (~~political~~) authorized committee to
14 further the candidacy of the individual for an office other than the
15 office designated on the statement of organization. A contribution
16 solicited for or received on behalf of the candidate (~~for public~~
17 ~~office~~) is considered solicited or received for the candidacy for
18 which the individual is then a candidate if the contribution is
19 solicited or received before the general election(~~s~~) for which the
20 candidate (~~for public office~~) is a nominee or is unopposed.

21 (2) With the written approval of the contributor, a candidate (~~for~~
22 ~~public office~~) or the candidate's (~~political~~) authorized committee
23 may use or permit the use of contributions, whether or not surplus,
24 solicited for or received by the candidate (~~for public office~~) or the
25 candidate's (~~political~~) authorized committee from that contributor to
26 further the candidacy of the individual for an office other than the
27 office designated on the statement of organization. If the contributor
28 does not approve the use of his or her contribution to further the
29 candidacy of the individual for an office other than the office
30 designated on the statement of organization at the time of the
31 contribution, the contribution must be considered surplus funds and
32 disposed of in accordance with RCW 42.17.095 (as recodified by this
33 act).

34 **Sec. 613.** RCW 42.17.680 and 2002 c 156 s 1 are each amended to
35 read as follows:

36 (1) No employer or labor organization may increase the salary of an

1 officer or employee, or (~~give an emolument to~~) compensate an officer,
2 employee, or other person or entity, with the intention that the
3 increase in salary, or the (~~emolument~~) compensation, or a part of it,
4 be contributed or spent to support or oppose a candidate, state
5 official against whom recall charges have been filed, political party,
6 or political committee.

7 (2) No employer or labor organization may discriminate against an
8 officer or employee in the terms or conditions of employment for (a)
9 the failure to contribute to, (b) the failure in any way to support or
10 oppose, or (c) in any way supporting or opposing a candidate, ballot
11 proposition, political party, or political committee. At least
12 annually, an employee from whom wages or salary are withheld under
13 subsection (3) of this section shall be notified of the provisions of
14 this subsection.

15 (3) No employer or other person or entity responsible for the
16 disbursement of funds in payment of wages or salaries may withhold or
17 divert a portion of an employee's wages or salaries for contributions
18 to political committees or for use as political contributions except
19 upon the written request of the employee. The request must be made on
20 a form prescribed by the commission informing the employee of the
21 prohibition against employer and labor organization discrimination
22 described in subsection (2) of this section. The employee may revoke
23 the request at any time. At least annually, the employee shall be
24 notified about the right to revoke the request.

25 (4) Each person or entity who withholds contributions under
26 subsection (3) of this section shall maintain open for public
27 inspection for a period of no less than three years, during normal
28 business hours, documents and books of accounts that shall include a
29 copy of each employee's request, the amounts and dates funds were
30 actually withheld, and the amounts and dates funds were transferred to
31 a political committee. Copies of such information shall be delivered
32 to the commission upon request.

33 **PART 7**
34 **PUBLIC OFFICIALS', EMPLOYEES', AND AGENCIES' CAMPAIGN**
35 **RESTRICTIONS, PROHIBITIONS, AND REPORTING**

1 **Sec. 701.** RCW 42.17.130 and 2006 c 215 s 2 are each amended to
2 read as follows:

3 No elective official nor any employee of his (~~(for her)~~) or her
4 office nor any person appointed to or employed by any public office or
5 agency may use or authorize the use of any of the facilities of a
6 public office or agency, directly or indirectly, for the purpose of
7 assisting a campaign for election of any person to any office or for
8 the promotion of or opposition to any ballot proposition. Facilities
9 of a public office or agency include, but are not limited to, use of
10 stationery, postage, machines, and equipment, use of employees of the
11 office or agency during working hours, vehicles, office space,
12 publications of the office or agency, and clientele lists of persons
13 served by the office or agency. However, this does not apply to the
14 following activities:

15 (1) Action taken at an open public meeting by members of an elected
16 legislative body or by an elected board, council, or commission of a
17 special purpose district including, but not limited to, fire districts,
18 public hospital districts, library districts, park districts, port
19 districts, public utility districts, school districts, sewer districts,
20 and water districts, to express a collective decision, or to actually
21 vote upon a motion, proposal, resolution, order, or ordinance, or to
22 support or oppose a ballot proposition so long as (a) any required
23 notice of the meeting includes the title and number of the ballot
24 proposition, and (b) members of the legislative body, members of the
25 board, council, or commission of the special purpose district, or
26 members of the public are afforded an approximately equal opportunity
27 for the expression of an opposing view;

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

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

33 (4) This section does not apply to any person who is a state
34 officer or state employee as defined in RCW 42.52.010.

35 **Sec. 702.** RCW 42.17.245 and 2005 c 274 s 282 are each amended to
36 read as follows:

37 After January 1st and before April 15th of each calendar year, the

1 state treasurer, each county, public utility district, and port
2 district treasurer, and each treasurer of an incorporated city or town
3 whose population exceeds one thousand shall file with the commission:

4 (1) A statement under oath that no public funds under that
5 treasurer's control were invested in any institution where the
6 treasurer or, in the case of a county, a member of the county finance
7 committee, held during the reporting period an office, directorship,
8 partnership interest, or ownership interest; or

9 (2) A report disclosing for the previous calendar year: (a) The
10 name and address of each financial institution in which the treasurer
11 or, in the case of a county, a member of the county finance committee,
12 held during the reporting period an office, directorship, partnership
13 interest, or ownership interest which holds or has held during the
14 reporting period public accounts of the governmental entity for which
15 the treasurer is responsible; (b) the aggregate sum of time and demand
16 deposits held in each such financial institution on December 31; and
17 (c) the highest balance held at any time during such reporting
18 period(~~(+—PROVIDED, That)~~). The state treasurer shall disclose the
19 highest balance information only upon a public records request under
20 chapter 42.56 RCW. The statement or report required by this section
21 shall be filed either with the statement required under RCW 42.17.240
22 (as recodified by this act) or separately.

23 PART 8

24 LOBBYING DISCLOSURE AND RESTRICTIONS

25 **Sec. 801.** RCW 42.17.150 and 1987 c 201 s 1 are each amended to
26 read as follows:

27 (1) Before (~~doing any~~) lobbying, or within thirty days after
28 being employed as a lobbyist, whichever occurs first, a lobbyist shall
29 register by filing with the commission a lobbyist registration
30 statement, in such detail as the commission shall prescribe,
31 (~~showing~~) that includes the following information:

32 (a) (~~His~~) The lobbyist's name, permanent business address, and
33 any temporary residential and business addresses in Thurston county
34 during the legislative session;

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

1 (c) The duration of (~~his~~) the lobbyist's employment;

2 (d) (~~His~~) The compensation to be received for lobbying(~~(; how~~
3 ~~much he is)~~), the amount to be paid for expenses, and what expenses are
4 to be reimbursed;

5 (e) Whether the (~~person from whom he receives said compensation~~
6 ~~employs him~~) lobbyist is employed solely as a lobbyist or whether
7 (~~he~~) the lobbyist is a regular employee performing services for his
8 or her employer which include but are not limited to the influencing of
9 legislation;

10 (f) The general subject or subjects (~~(of his legislative interest)~~)
11 to be lobbied;

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

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

17 (i) If the lobbyist's employer is an entity (including, but not
18 limited to, business and trade associations) whose members include, or
19 which as a representative entity undertakes lobbying activities for,
20 businesses, groups, associations, or organizations, the name and
21 address of each member of such entity or person represented by such
22 entity whose fees, dues, payments, or other consideration paid to such
23 entity during either of the prior two years have exceeded five hundred
24 dollars or who is obligated to or has agreed to pay fees, dues,
25 payments, or other consideration exceeding five hundred dollars to such
26 entity during the current year.

27 (2) Any lobbyist who receives or is to receive compensation from
28 more than one person for (~~his services as a lobbyist~~) lobbying shall
29 file a separate notice of representation (~~(with respect to)~~) for each
30 (~~such~~) person(~~(; except that where a lobbyist whose fee for acting as~~
31 ~~such in respect to the same legislation or type of legislation is, or~~
32 ~~is to be, paid or contributed to by more than one person then such~~
33 ~~lobbyist may file a single statement, in which he shall detail the~~
34 ~~name, business address and occupation of each person so paying or~~
35 ~~contributing, and the amount of the respective payments or~~
36 ~~contributions made by each such person)~~). However, if two or more
37 persons are jointly paying or contributing to the payment of the

1 lobbyist, the lobbyist may file a single statement detailing the name,
2 business address, and occupation of each person paying or contributing
3 and the respective amounts to be paid or contributed.

4 (3) Whenever a change, modification, or termination of the
5 lobbyist's employment occurs, the lobbyist shall ~~((7))~~ file with the
6 commission an amended registration statement within one week of
7 ~~((such))~~ the change, modification, or termination ~~((7—furnish full~~
8 ~~information regarding the same by filing with the commission an amended~~
9 ~~registration statement))~~.

10 (4) Each registered lobbyist ~~((who has registered))~~ shall file a
11 new registration statement, revised as appropriate, on the second
12 Monday in January of each odd-numbered year ~~((7 and))~~. Failure to do so
13 ~~((shall))~~ terminates ~~((his))~~ the lobbyist's registration.

14 **Sec. 802.** RCW 42.17.155 and 1995 c 397 s 6 are each amended to
15 read as follows:

16 Each lobbyist shall at the time he or she registers submit to the
17 commission a recent photograph of himself or herself of a size and
18 format as determined by rule of the commission, together with the name
19 of the lobbyist's employer, the length of his or her employment as a
20 lobbyist before the legislature, a brief biographical description, and
21 any other information he or she may wish to submit not to exceed fifty
22 words in length. ~~((Such))~~ The photograph and information shall be
23 published by the commission at least biennially in a booklet form ~~((by~~
24 ~~the commission))~~ for distribution to legislators and the public.

25 **Sec. 803.** RCW 42.17.160 and 1998 c 55 s 3 are each amended to read
26 as follows:

27 The following persons and activities ~~((shall be))~~ are exempt from
28 registration and reporting under RCW 42.17.150, 42.17.170, and
29 42.17.200 (as recodified by this act):

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

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

35 (3) News or feature reporting activities and editorial comment by

1 working members of the press, radio, or television and the publication
2 or dissemination thereof by a newspaper, book publisher, regularly
3 published periodical, radio station, or television station;

4 (4) Persons who lobby without compensation or other consideration
5 for acting as a lobbyist(~~(:—PROVIDED, Such))~~), if the person makes no
6 expenditure for or on behalf of any member of the legislature or
7 elected official or public officer or employee of the state of
8 Washington in connection with such lobbying. The exemption contained
9 in this subsection is intended to permit and encourage citizens of this
10 state to lobby any legislator, public official, or state agency without
11 incurring any registration or reporting obligation provided they do not
12 exceed the limits stated above. Any person exempt under this
13 subsection (4) may at his or her option register and report under this
14 chapter;

15 (5) Persons who restrict their lobbying activities to no more than
16 four days or parts (~~(thereof))~~ of four days during any three-month
17 period and whose total expenditures during such three-month period for
18 or on behalf of any one or more members of the legislature or state
19 elected officials or public officers or employees of the state of
20 Washington in connection with such lobbying do not exceed twenty-five
21 dollars(~~(:—PROVIDED, That))~~). The commission shall (~~(promulgate~~
22 ~~regulations))~~ adopt rules to require disclosure by persons exempt under
23 this subsection or their employers or entities which sponsor or
24 coordinate the lobbying activities of such persons if it determines
25 that such regulations are necessary to prevent frustration of the
26 purposes of this chapter. Any person exempt under this subsection (5)
27 may at his or her option register and report under this chapter;

28 (6) The governor;

29 (7) The lieutenant governor;

30 (8) Except as provided by RCW 42.17.190(1) (as recodified by this
31 act), members of the legislature;

32 (9) Except as provided by RCW 42.17.190(1) (as recodified by this
33 act), persons employed by the legislature for the purpose of aiding in
34 the preparation or enactment of legislation or the performance of
35 legislative duties;

36 (10) Elected officials, and officers and employees of any agency
37 reporting under RCW 42.17.190(5) (as recodified by this act).

1 **Sec. 804.** RCW 42.17.170 and 1995 c 397 s 33 are each amended to
2 read as follows:

3 (1) Any lobbyist registered under RCW 42.17.150 (as recodified by
4 this act) and any person who lobbies shall file with the commission
5 ((~~periodic~~)) monthly reports of his or her lobbying activities ((~~signed~~
6 ~~by the lobbyist~~)). The reports shall be made in the form and manner
7 prescribed by the commission and must be signed by the lobbyist.
8 ((~~They shall be due monthly and~~)) The monthly report shall be filed
9 within fifteen days after the last day of the calendar month covered by
10 the report.

11 (2) ((~~Each such~~)) The monthly ((~~periodic~~)) report shall contain:

12 (a) The totals of all expenditures for lobbying activities made or
13 incurred by ((~~such~~)) the lobbyist or on behalf of ((~~such~~)) the lobbyist
14 by the lobbyist's employer during the period covered by the report.
15 ((~~Such~~)) Expenditure totals for lobbying activities shall be segregated
16 according to financial category, including compensation; food and
17 refreshments; living accommodations; advertising; travel;
18 contributions; and other expenses or services. Each individual
19 expenditure of more than twenty-five dollars for entertainment shall be
20 identified by date, place, amount, and the names of all persons ((~~in~~
21 ~~the group partaking in or of such~~)) taking part in the entertainment,
22 along with the dollar amount attributable to each person, including
23 ((~~any portion thereof attributable to~~)) the lobbyist's ((~~participation~~
24 ~~therein, and shall include amounts actually expended on each person~~
25 ~~where calculable, or allocating any portion of the expenditure to~~
26 ~~individual participants.~~

27 ~~Notwithstanding the foregoing, lobbyists are not required to report~~
28 ~~the following:~~

29 ~~(i) Unreimbursed personal living and travel expenses not incurred~~
30 ~~directly for lobbying;~~

31 ~~(ii) Any expenses incurred for his or her own living~~
32 ~~accommodations;~~

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

35 ~~(iv) Any expenses incurred for telephone, and any office expenses,~~
36 ~~including rent and salaries and wages paid for staff and secretarial~~
37 ~~assistance)) portion.~~

1 (b) In the case of a lobbyist employed by more than one employer,
2 the proportionate amount of ~~((such))~~ expenditures in each category
3 incurred on behalf of each of ~~((his))~~ the lobbyist's employers.

4 (c) An itemized listing of each ~~((such expenditure))~~ contribution
5 of money or of tangible or intangible personal property, whether
6 contributed by the lobbyist personally or delivered or transmitted by
7 the lobbyist, ~~((in the nature of a contribution of money or of tangible~~
8 ~~or intangible personal property))~~ to any candidate, elected official,
9 or officer or employee of any agency, or any political committee
10 supporting or opposing any ballot proposition, or for or on behalf of
11 any candidate, elected official, or officer or employee of any agency,
12 or any political committee supporting or opposing any ballot
13 proposition. All contributions made to, or for the benefit of, any
14 candidate, elected official, or officer or employee of any agency, or
15 any political committee supporting or opposing any ballot proposition
16 shall be identified by date, amount, and the name of the candidate,
17 elected official, or officer or employee of any agency, or any
18 political committee supporting or opposing any ballot proposition
19 receiving, or to be benefited by each such contribution.

20 (d) The subject matter of proposed legislation or other legislative
21 activity or rule~~((--))~~ making under chapter 34.05 RCW, the state
22 administrative procedure act, and the state agency considering the
23 same, which the lobbyist has been engaged in supporting or opposing
24 during the reporting period, unless exempt under RCW 42.17.160(2) (as
25 recodified by this act).

26 ~~((Such other information relevant to lobbying activities as the~~
27 ~~commission shall by rule prescribe. Information supporting such~~
28 ~~activities as are required to be reported is subject to audit by the~~
29 ~~commission.~~

30 ~~((f))~~ A listing of each payment for an item specified in RCW
31 42.52.150(5) in excess of fifty dollars and each item specified in RCW
32 42.52.010~~((+9))~~ (10) (d) and (f) made to a state elected official,
33 state officer, or state employee. Each item shall be identified by
34 recipient, date, and approximate value of the item.

35 ~~((g))~~ (f) The total expenditures ~~((made))~~ paid or incurred during
36 the reporting period by the lobbyist for lobbying purposes, whether
37 through or on behalf of a lobbyist or otherwise~~((-- As used in this~~
38 ~~subsection, "expenditures" includes amounts paid or incurred during the~~

1 ~~reporting period)~~, for (i) political advertising as defined in RCW
2 42.17.020 (as recodified by this act); and (ii) public relations,
3 telemarketing, polling, or similar activities if ~~((such))~~ the
4 activities, directly or indirectly, are intended, designed, or
5 calculated to influence legislation or the adoption or rejection of a
6 rule, standard, or rate by an agency under the administrative procedure
7 act. The report shall specify the amount, the person to whom the
8 amount was paid, and a brief description of the activity.

9 ~~(3) ((If a state elected official or a member of such an official's~~
10 ~~immediate family is identified by a lobbyist in such a report as having~~
11 ~~received from the lobbyist an item specified in RCW 42.52.150(5) or~~
12 ~~42.52.010(9) (d) or (f), the lobbyist shall transmit to the official a~~
13 ~~copy of the completed form used to identify the item in the report at~~
14 ~~the same time the report is filed with the commission))~~ Lobbyists are
15 not required to report the following:

16 (a) Unreimbursed personal living and travel expenses not incurred
17 directly for lobbying;

18 (b) Any expenses incurred for his or her own living accommodations;

19 (c) Any expenses incurred for his or her own travel to and from
20 hearings of the legislature;

21 (d) Any expenses incurred for telephone, and any office expenses,
22 including rent and salaries and wages paid for staff and secretarial
23 assistance.

24 (4) The commission may adopt rules to vary the content of lobbyist
25 reports to address specific circumstances, consistent with this
26 section. Lobbyist reports are subject to audit by the commission.

27 **Sec. 805.** RCW 42.17.172 and 1993 c 2 s 32 are each amended to read
28 as follows:

29 (1) When a listing or a report of contributions is made to the
30 commission under RCW 42.17.170(2)(c) (as recodified by this act), a
31 copy of the listing or report must be given to the candidate, elected
32 official, professional staff member of the legislature, or officer or
33 employee of an agency, or a political committee supporting or opposing
34 a ballot proposition named in the listing or report.

35 (2) If a state elected official or a member of the official's
36 immediate family is identified by a lobbyist in a lobbyist report as
37 having received from the lobbyist an item specified in RCW 42.52.150(5)

1 or 42.52.010(10) (d) or (f), the lobbyist shall transmit to the
2 official a copy of the completed form used to identify the item in the
3 report at the same time the report is filed with the commission.

4 **Sec. 806.** RCW 42.17.175 and 2001 c 54 s 3 are each amended to read
5 as follows:

6 Any lobbyist registered under RCW 42.17.150 (as recodified by this
7 act), any person who lobbies, and any lobbyist's employer making a
8 contribution or an aggregate of contributions to a single entity that
9 is one thousand dollars or more during a special reporting period, as
10 specified in RCW 42.17.105 (as recodified by this act), before a
11 primary or general election(~~(, as such period is specified in RCW~~
12 ~~42.17.105(1),)~~) shall file one or more special reports (~~(for the~~
13 ~~contribution or aggregate of contributions and for subsequent~~
14 ~~contributions made during that period under the same circumstances)~~) in
15 the same manner and to the same extent that a contributing political
16 committee must file (~~(such a report or reports)~~) under RCW 42.17.105
17 (as recodified by this act). (~~(Such a special report shall be filed in~~
18 ~~the same manner provided under RCW 42.17.105 for a special report of a~~
19 ~~contributing political committee.)~~)

20 **Sec. 807.** RCW 42.17.180 and 1993 c 2 s 27 are each amended to read
21 as follows:

22 (1) Every employer of a lobbyist registered under this chapter
23 during the preceding calendar year and every person other than an
24 individual that made contributions aggregating to more than ~~((ten))~~
25 sixteen thousand dollars or independent expenditures aggregating to
26 more than ~~((five))~~ eight hundred dollars during the preceding calendar
27 year shall file with the commission on or before the last day of
28 February of each year a statement disclosing for the preceding calendar
29 year the following information:

30 (a) The name of each state elected official and the name of each
31 candidate for state office who was elected to the office and any member
32 of the immediate family of those persons to whom the person reporting
33 has paid any compensation in the amount of ~~((five))~~ eight hundred
34 dollars or more during the preceding calendar year for personal
35 employment or professional services, including professional services
36 rendered by a corporation, partnership, joint venture, association,

1 union, or other entity in which the person holds any office,
2 directorship, or any general partnership interest, or an ownership
3 interest of ten percent or more, the value of the compensation in
4 accordance with the reporting provisions set out in RCW 42.17.241(2)
5 (as recodified by this act), and the consideration given or performed
6 in exchange for the compensation.

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

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

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

25 (e) The name and address of each registered lobbyist employed by
26 the person reporting and the total expenditures made by ~~((such))~~ the
27 person reporting for each ~~((such))~~ lobbyist for lobbying purposes.

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

31 (g) The identifying proposition number and a brief description of
32 any statewide ballot proposition supported or opposed by expenditures
33 not reported under (d) of this subsection and the amount of each such
34 expenditure.

35 (h) ~~((Such))~~ Any other information ~~((as))~~ the commission prescribes
36 by rule.

37 (2)(a) Except as provided in (b) of this subsection, an employer of
38 a lobbyist registered under this chapter shall file a special report

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

11 (b) The provisions of (a) of this subsection do not apply to a
12 contribution (~~which~~) that is made through a registered lobbyist and
13 reportable under RCW 42.17.170 (as recodified by this act).

14 **Sec. 808.** RCW 42.17.190 and 1995 c 397 s 7 are each amended to
15 read as follows:

16 (1) The house of representatives and the senate shall report
17 annually: The total budget; the portion of the total attributed to
18 staff; and the number of full-time and part-time staff positions by
19 assignment, with dollar figures as well as number of positions.

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

31 (3) Any agency, not otherwise expressly authorized by law, may
32 expend public funds for lobbying, but such lobbying activity shall be
33 limited to (a) providing information or communicating on matters
34 pertaining to official agency business to any elected official or
35 officer or employee of any agency or (b) advocating the official
36 position or interests of the agency to any elected official or officer
37 or employee of any agency(~~(+PROVIDED, That)~~). Public funds may not

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

10 (4) No elective official or any employee of his or her office or
11 any person appointed to or employed by any public office or agency may
12 use or authorize the use of any of the facilities of a public office or
13 agency, directly or indirectly, in any effort to support or oppose an
14 initiative to the legislature. "Facilities of a public office or
15 agency" has the same meaning as in RCW 42.17.130 (as recodified by this
16 act) and 42.52.180. The provisions of this subsection shall not apply
17 to the following activities:

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

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

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

31 (d) Activities conducted regarding an initiative to the legislature
32 that would be permitted under RCW 42.17.130 (as recodified by this act)
33 and 42.52.180 if conducted regarding other ballot measures.

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

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

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

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

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

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

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

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

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

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

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

27 (B) In-person lobbying on behalf of an agency of no more than four
28 days or parts thereof during any three-month period by officers or
29 employees of that agency and in-person lobbying by any elected official
30 of such agency on behalf of such agency or in connection with the
31 powers, duties, or compensation of such official(~~PROVIDED, That~~).
32 The total expenditures of nonpublic funds made in connection with such
33 lobbying for or on behalf of any one or more members of the legislature
34 or state elected officials or public officers or employees of the state
35 of Washington (~~do~~) may not exceed fifteen dollars for any three-month
36 period(~~PROVIDED FURTHER, That~~). The exemption under this
37 subsection (5)(d)(v)(B) is in addition to the exemption provided in
38 (d)(v)(A) of this subsection;

1 (C) Preparation or adoption of policy positions.

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

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

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

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

30 The public disclosure commission may adopt rules clarifying and
31 implementing this legislative interpretation and policy.

32 **Sec. 809.** RCW 42.17.200 and 1990 c 139 s 5 are each amended to
33 read as follows:

34 (1) Any person who has made expenditures, not reported by a
35 registered lobbyist under RCW 42.17.170 (as recodified by this act) or
36 by a candidate or political committee under RCW 42.17.065 or 42.17.080
37 (as recodified by this act), exceeding ((~~five hundred~~)) one thousand

1 dollars in the aggregate within any three-month period or exceeding
2 (~~two~~) five hundred dollars in the aggregate within any one-month
3 period in presenting a program (~~addressed~~) to the public, a
4 substantial portion of which is intended, designed, or calculated
5 primarily to influence legislation shall (~~be required to~~) register
6 and report, as provided in subsection (2) of this section, as a sponsor
7 of a grass roots lobbying campaign.

8 (2) Within thirty days after becoming a sponsor of a grass roots
9 lobbying campaign, the sponsor shall register by filing with the
10 commission a registration statement, in such detail as the commission
11 shall prescribe, showing:

12 (a) The sponsor's name, address, and business or occupation, and,
13 if the sponsor is not an individual, the names, addresses, and titles
14 of the controlling persons responsible for managing the sponsor's
15 affairs;

16 (b) The names, addresses, and business or occupation of all persons
17 organizing and managing the campaign, or hired to assist the campaign,
18 including any public relations or advertising firms participating in
19 the campaign, and the terms of compensation for all such persons;

20 (c) The names and addresses of each person contributing twenty-five
21 dollars or more to the campaign, and the aggregate amount contributed;

22 (d) The purpose of the campaign, including the specific
23 legislation, rules, rates, standards, or proposals that are the subject
24 matter of the campaign;

25 (e) The totals of all expenditures made or incurred to date on
26 behalf of the campaign(~~, which totals shall be~~) segregated according
27 to financial category, including but not limited to the following:
28 Advertising, segregated by media, and in the case of large expenditures
29 (as provided by rule of the commission), by outlet; contributions;
30 entertainment, including food and refreshments; office expenses
31 including rent and the salaries and wages paid for staff and
32 secretarial assistance, or the proportionate amount (~~thereof~~) paid or
33 incurred for lobbying campaign activities; consultants; and printing
34 and mailing expenses.

35 (3) Every sponsor who has registered under this section shall file
36 monthly reports with the commission(~~, which reports shall be filed~~)
37 by the tenth day of the month for the activity during the preceding
38 month. The reports shall update the information contained in the

1 sponsor's registration statement and in prior reports and shall show
2 contributions received and totals of expenditures made during the
3 month, in the same manner as provided for in the registration
4 statement.

5 (4) When the campaign has been terminated, the sponsor shall file
6 a notice of termination with the final monthly report(~~(, which~~
7 ~~notice))~~. The final report shall state the totals of all contributions
8 and expenditures made on behalf of the campaign, in the same manner as
9 provided for in the registration statement.

10 **Sec. 810.** RCW 42.17.210 and 1973 c 1 s 21 are each amended to read
11 as follows:

12 If any person registered or required to be registered as a lobbyist
13 (~~(under this chapter employs)~~), or (~~(if)~~) any employer of any person
14 registered or required to be registered as a lobbyist (~~(under this~~
15 ~~chapter)~~), employs (~~(any)~~) a member or an employee of the legislature,
16 (~~(or any)~~) a member of (~~(any)~~) a state board or commission, (~~(or any~~
17 ~~employee of the legislature,~~) or (~~(any)~~) a full-time state employee,
18 (~~(if such)~~) and that new employee (~~(shall)~~) remains in the partial
19 employ of the state (~~(or any agency thereof, then)~~), the new employer
20 (~~(shall)~~) must file within fifteen days after employment a statement
21 (~~(under oath)~~) with the commission, signed under oath, setting out the
22 nature of the employment, the name of the person (~~(to be paid~~
23 ~~thereunder)~~) employed, and the amount of pay or consideration (~~(to be~~
24 ~~paid thereunder. The statement shall be filed within fifteen days~~
25 ~~after the commencement of such employment)~~).

26 **Sec. 811.** RCW 42.17.220 and 1973 c 1 s 22 are each amended to read
27 as follows:

28 It (~~(shall be)~~) is a violation of this chapter for any person to
29 employ for pay or any consideration, or pay or agree to pay any
30 consideration to, a person to lobby who is not registered under this
31 chapter except upon the condition that such a person must register as
32 a lobbyist as provided by this chapter(~~(, and such person does in fact~~
33 ~~so register as soon as practicable)~~).

34 **Sec. 812.** RCW 42.17.230 and 1987 c 201 s 2 are each amended to
35 read as follows:

1 (1) A person required to register as a lobbyist under ~~((this~~
2 ~~chapter shall also have the following obligations, the violation of~~
3 ~~which shall constitute cause for revocation of his registration, and~~
4 ~~may subject such person, and such person's employer, if such employer~~
5 ~~aids, abets, ratifies, or confirms any such act, to other civil~~
6 ~~liabilities, as provided by this chapter:~~

7 ~~(1) Such persons shall obtain and preserve all))~~ RCW 42.17.150 (as
8 recodified by this act) shall substantiate financial reports required
9 to be made under this chapter with accounts, bills, receipts, books,
10 papers, and other necessary documents ((necessary to substantiate the
11 financial reports required to be made under this chapter)). All such
12 documents must be obtained and preserved for a period of at least five
13 years from the date of ~~((the))~~ filing ~~((of))~~ the statement containing
14 such items~~((, which accounts, bills, receipts, books, papers, and~~
15 ~~documents))~~ and shall be made available for inspection by the
16 commission at any time~~((: PROVIDED, That if a lobbyist is required~~
17 ~~under)). If~~ the terms of ~~((his))~~ the lobbyist's employment contract
18 ~~((to turn any))~~ require that these records be turned over to his or her
19 employer, responsibility for the preservation and inspection of
20 ~~((such))~~ these records under this subsection shall ~~((rest))~~ be with
21 such employer.

22 (2) ~~((In addition,))~~ A person required to register as a lobbyist
23 under RCW 42.17.150 (as recodified by this act) shall not:

24 (a) Engage in any lobbying activity ~~((as a lobbyist))~~ before
25 registering as ~~((such))~~ a lobbyist;

26 (b) Knowingly deceive or attempt to deceive ~~((any))~~ a legislator
27 ~~((as to any fact))~~ regarding the facts pertaining to any pending or
28 proposed legislation;

29 (c) Cause or influence the introduction of ~~((any))~~ a bill or
30 amendment ~~((thereto))~~ to that bill for the purpose of ~~((thereafter))~~
31 later being employed to secure its defeat;

32 (d) Knowingly represent an interest adverse to ~~((any of))~~ his or
33 her employer~~((s))~~ without ~~((first))~~ full disclosure of the adverse
34 interest to the employer and obtaining ((such)) the employer's written
35 consent ((thereto after full disclosure to such employer of such
36 adverse interest));

37 (e) Exercise any undue influence, extortion, or unlawful

1 retaliation upon any legislator (~~((by reason of such))~~) due to the
2 legislator's position (~~((with respect to, or his vote upon,))~~) or vote on
3 any pending or proposed legislation;

4 (f) Enter into any agreement, arrangement, or understanding
5 (~~((according to which his or her))~~) in which any portion of his or her
6 compensation(~~((, or any portion thereof,))~~) is or will be contingent upon
7 (~~((the))~~) his or her success (~~((of any attempt to influence))~~) in
8 influencing legislation.

9 (3) A violation by a lobbyist of this section shall be cause for
10 revocation of his or her registration, and may subject the lobbyist and
11 the lobbyist's employer, if the employer aids, abets, ratifies, or
12 confirms the violation, to other civil liabilities as provided by this
13 chapter.

14 **PART 9**
15 **PERSONAL FINANCIAL AFFAIRS REPORTING**
16 **BY CANDIDATES AND PUBLIC OFFICIALS**

17 **Sec. 901.** RCW 42.17.240 and 1995 c 397 s 8 are each amended to
18 read as follows:

19 (1) After January 1st and before April 15th of each year, every
20 elected official and every executive state officer shall (~~((after~~
21 ~~January 1st and before April 15th of each year))~~) file with the
22 commission a statement of financial affairs for the preceding calendar
23 year. However, any local elected official whose term of office
24 (~~((expires immediately after))~~) ends on December 31st shall file the
25 statement required to be filed by this section for the final year
26 (~~((that ended on that December 31st))~~) of his or her term.

27 (2) Within two weeks of becoming a candidate, every candidate shall
28 (~~((within two weeks of becoming a candidate))~~) file with the commission
29 a statement of financial affairs for the preceding twelve months.

30 (3) Within two weeks of appointment, every person appointed to a
31 vacancy in an elective office or executive state officer position shall
32 (~~((within two weeks of being so appointed))~~) file with the commission a
33 statement of financial affairs for the preceding twelve months.

34 (4) A statement of a candidate or appointee filed during the period
35 from January 1st to April 15th shall cover the period from January 1st
36 of the preceding calendar year to the time of candidacy or appointment

1 if the filing of the statement would relieve the individual of a prior
2 obligation to file a statement covering the entire preceding calendar
3 year.

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

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

8 (7) Every elected official and every executive state officer shall
9 file with their statement of financial affairs a statement certifying
10 that they have read and are familiar with RCW 42.17.130 (as recodified
11 by this act) or 42.52.180, whichever is applicable.

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

14 (9) This section does not apply to incumbents or candidates for a
15 federal office or the office of precinct committee officer.

16 **Sec. 902.** RCW 42.17.2401 and 2007 c 341 s 48, 2007 c 241 s 2, and
17 2007 c 15 s 1 are each reenacted and amended to read as follows:

18 For the purposes of RCW 42.17.240 (as recodified by this act),
19 ~~((the term))~~ "executive state officer" includes:

20 (1) The chief administrative law judge, the director of
21 agriculture, ~~((the administrator of the Washington basic health plan,))~~
22 the director of the department of services for the blind, the director
23 of the state system of community and technical colleges, the director
24 of community, trade, and economic development, the secretary of
25 corrections, the director of early learning, the director of ecology,
26 the commissioner of employment security, the chair of the energy
27 facility site evaluation council, the secretary of the state finance
28 committee, the director of financial management, the director of fish
29 and wildlife, the executive secretary of the forest practices appeals
30 board, the director of the gambling commission, the director of general
31 administration, the secretary of health, the administrator of the
32 Washington state health care authority, the executive secretary of the
33 health care facilities authority, the executive secretary of the higher
34 education facilities authority, the executive secretary of the horse
35 racing commission, the executive secretary of the human rights
36 commission, the executive secretary of the indeterminate sentence
37 review board, the director of the department of information services,

1 the executive director of the state investment board, the director of
2 labor and industries, the director of licensing, the director of the
3 lottery commission, the director of the office of minority and women's
4 business enterprises, the director of parks and recreation, the
5 director of personnel, the executive director of the public disclosure
6 commission, the executive director of the Puget Sound partnership, the
7 director of the recreation and conservation office, the director of
8 retirement systems, the director of revenue, the secretary of social
9 and health services, the chief of the Washington state patrol, the
10 executive secretary of the board of tax appeals, the secretary of
11 transportation, the secretary of the utilities and transportation
12 commission, the director of veterans affairs, the president of each of
13 the regional and state universities and the president of The Evergreen
14 State College, and each district and each campus president of each
15 state community college;

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

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

18 (4) Central Washington University board of trustees, the boards of
19 trustees of each community college and each technical college, each
20 member of the state board for community and technical colleges, state
21 convention and trade center board of directors, (~~committee for~~
22 ~~deferred compensation,~~) Eastern Washington University board of
23 trustees, Washington economic development finance authority, The
24 Evergreen State College board of trustees, executive ethics board,
25 forest practices appeals board, forest practices board, gambling
26 commission, life sciences discovery fund authority board of trustees,
27 Washington health care facilities authority, (~~each member of the~~
28 ~~Washington health services commission,~~) higher education coordinating
29 board, higher education facilities authority, horse racing commission,
30 state housing finance commission, human rights commission,
31 indeterminate sentence review board, board of industrial insurance
32 appeals, information services board, (~~recreation and conservation~~
33 ~~funding board,~~) state investment board, commission on judicial
34 conduct, legislative ethics board, liquor control board, lottery
35 commission, (~~marine oversight board,~~) Pacific Northwest electric
36 power and conservation planning council, parks and recreation
37 commission, board of pilotage commissioners, pollution control hearings
38 board, public disclosure commission, (~~public pension commission,~~)

1 shorelines (~~(hearing[s])~~) hearings board, public employees' benefits
2 board, recreation and conservation funding board, salmon recovery
3 funding board, board of tax appeals, transportation commission,
4 University of Washington board of regents, utilities and transportation
5 commission, (~~(Washington state maritime commission,)~~) Washington
6 personnel resources board, Washington (~~(public power supply system)~~)
7 energy northwest executive board, Washington State University board of
8 regents, Western Washington University board of trustees, and fish and
9 wildlife commission.

10 **Sec. 903.** RCW 42.17.241 and 2008 c 6 s 202 are each amended to
11 read as follows:

12 (1) The statement of financial affairs required by RCW 42.17.240
13 (as recodified by this act) shall disclose the following information
14 for the reporting individual and each member of his or her immediate
15 family:

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

17 (b) Each bank (~~(or)~~) account, savings account (~~(or)~~), and insurance
18 policy in which (~~(any such person or persons owned)~~) a direct financial
19 interest (~~(that exceeded five)~~) was held that exceeds twenty thousand
20 dollars at any time during the reporting period; each other item of
21 intangible personal property in which (~~(any such person or persons~~
22 ~~owned)~~) a direct financial interest(~~(, the value of which exceeded five~~
23 ~~hundred)~~) was held that exceeds two thousand dollars during the
24 reporting period; the name, address, and nature of the entity; and the
25 nature and highest value of each (~~(such)~~) direct financial interest
26 during the reporting period; (~~(and)~~)

27 (c) The name and address of each creditor to whom the value of
28 (~~(five hundred)~~) two thousand dollars or more was owed; the original
29 amount of each debt to each (~~(such)~~) creditor; the amount of each debt
30 owed to each creditor as of the date of filing; the terms of repayment
31 of each (~~(such)~~) debt; and the security given, if any, for each such
32 debt(~~(: PROVIDED, That)~~). Debts arising (out of) from a "retail
33 installment transaction" as defined in chapter 63.14 RCW (retail
34 installment sales act) need not be reported; (~~(and)~~)

35 (d) Every public or private office, directorship, and position held
36 as trustee; (~~(and)~~)

1 (e) All persons for whom any legislation, rule, rate, or standard
2 has been prepared, promoted, or opposed for current or deferred
3 compensation(~~(:—PROVIDED, That)~~). For the purposes of this
4 subsection, "compensation" does not include payments made to the person
5 reporting by the governmental entity for which (~~(such)~~) the person
6 serves as an elected official or state executive officer or
7 professional staff member for his or her service in office; the
8 description of such actual or proposed legislation, rules, rates, or
9 standards; and the amount of current or deferred compensation paid or
10 promised to be paid; (~~and~~)

11 (f) The name and address of each governmental entity, corporation,
12 partnership, joint venture, sole proprietorship, association, union, or
13 other business or commercial entity from whom compensation has been
14 received in any form of a total value of (~~(five hundred)~~) two thousand
15 dollars or more; the value of the compensation; and the consideration
16 given or performed in exchange for the compensation; (~~and~~)

17 (g) The name of any corporation, partnership, joint venture,
18 association, union, or other entity in which is held any office,
19 directorship, or any general partnership interest, or an ownership
20 interest of ten percent or more; the name or title of that office,
21 directorship, or partnership; the nature of ownership interest; and
22 (~~(with respect to each such entity)~~): (i) With respect to a
23 governmental unit in which the official seeks or holds any office or
24 position, if the entity has received compensation in any form during
25 the preceding twelve months from the governmental unit, the value of
26 the compensation and the consideration given or performed in exchange
27 for the compensation; and (ii) the name of each governmental unit,
28 corporation, partnership, joint venture, sole proprietorship,
29 association, union, or other business or commercial entity from which
30 the entity has received compensation in any form in the amount of (~~(two~~
31 ~~thousand five hundred)~~) ten thousand dollars or more during the
32 preceding twelve months and the consideration given or performed in
33 exchange for the compensation(~~(:—PROVIDED, That the term)~~). As used
34 in (g)(ii) of this subsection, "compensation" (~~(for purposes of this~~
35 ~~subsection (1)(g)(ii))~~) does not include payment for water and other
36 utility services at rates approved by the Washington state utilities
37 and transportation commission or the legislative authority of the
38 public entity providing the service(~~(:—PROVIDED, FURTHER, That)~~).

1 With respect to any bank or commercial lending institution in which is
2 held any office, directorship, partnership interest, or ownership
3 interest, it shall only be necessary to report either the name,
4 address, and occupation of every director and officer of the bank or
5 commercial lending institution and the average monthly balance of each
6 account held during the preceding twelve months by the bank or
7 commercial lending institution from the governmental entity for which
8 the individual is an official or candidate or professional staff
9 member, or all interest paid by a borrower on loans from and all
10 interest paid to a depositor by the bank or commercial lending
11 institution if the interest exceeds (~~six~~) two thousand four hundred
12 dollars; (~~and~~)

13 (h) A list, including legal or other sufficient descriptions as
14 prescribed by the commission, of all real property in the state of
15 Washington, the assessed valuation of which exceeds (~~two thousand five~~
16 ~~hundred~~) ten thousand dollars in which any direct financial interest
17 was acquired during the preceding calendar year, and a statement of the
18 amount and nature of the financial interest and of the consideration
19 given in exchange for that interest; (~~and~~)

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

28 (j) A list, including legal or other sufficient descriptions as
29 prescribed by the commission, of all real property in the state of
30 Washington, the assessed valuation of which exceeds (~~two thousand five~~
31 ~~hundred~~) ten thousand dollars in which a direct financial interest was
32 held(~~:- PROVIDED, That~~). If a description of the property has been
33 included in a report previously filed, the property may be listed, for
34 purposes of this (~~provision~~) subsection (1)(j), by reference to the
35 previously filed report; (~~and~~)

36 (k) A list, including legal or other sufficient descriptions as
37 prescribed by the commission, of all real property in the state of
38 Washington, the assessed valuation of which exceeds (~~five~~) twenty

1 thousand dollars, in which a corporation, partnership, firm,
2 enterprise, or other entity had a direct financial interest, in which
3 corporation, partnership, firm, or enterprise a ten percent or greater
4 ownership interest was held; (~~and~~)

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

8 (m) A list of each occasion, specifying date, donor, and amount, at
9 which items specified in RCW 42.52.010(10) (d) and (f) were accepted;
10 and

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

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

26 (3) Items of value given to an official's or employee's spouse,
27 domestic partner, or family member are attributable to the official or
28 employee, except the item is not attributable if an independent
29 business, family, or social relationship exists between the donor and
30 the spouse, domestic partner, or family member.

31 **Sec. 904.** RCW 42.17.242 and 1977 ex.s. c 336 s 4 are each amended
32 to read as follows:

33 No payment shall be made to any person required to report under RCW
34 42.17.240 (as recodified by this act) and no payment shall be accepted
35 by any such person, directly or indirectly, in a fictitious name,
36 anonymously, or by one person through an agent, relative, or other
37 person in such a manner as to conceal the identity of the source of the

1 payment or in any other manner so as to effect concealment (~~except~~
2 ~~that~~). The commission may issue categorical and specific exemptions
3 to the reporting of the actual source when there is an undisclosed
4 principal for recognized legitimate business purposes.

5 **PART 10**
6 **ENFORCEMENT**

7 **Sec. 1001.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to
8 read as follows:

9 One or more of the following civil remedies and sanctions may be
10 imposed by court order in addition to any other remedies provided by
11 law:

12 (1) If the court finds that the violation of any provision of this
13 chapter by any candidate or political committee probably affected the
14 outcome of any election, the result of (~~said~~) that election may be
15 held void and a special election held within sixty days of (~~such~~) the
16 finding. Any action to void an election shall be commenced within one
17 year of the date of the election in question. It is intended that this
18 remedy be imposed freely in all appropriate cases to protect the right
19 of the electorate to an informed and knowledgeable vote.

20 (2) If any lobbyist or sponsor of any grass roots lobbying campaign
21 violates any of the provisions of this chapter, his or her registration
22 may be revoked or suspended and he or she may be enjoined from
23 receiving compensation or making expenditures for lobbying(~~+~~
24 ~~PROVIDED, HOWEVER, That~~). The imposition of (~~such~~) a sanction shall
25 not excuse (~~said~~) the lobbyist from filing statements and reports
26 required by this chapter.

27 (3) (~~Any~~) A person who violates any of the provisions of this
28 chapter may be subject to a civil penalty of not more than ten thousand
29 dollars for each (~~such~~) violation. However, a person or entity who
30 violates RCW 42.17.640 (as recodified by this act) may be subject to a
31 civil penalty of ten thousand dollars or three times the amount of the
32 contribution illegally made or accepted, whichever is greater.

33 (4) (~~Any~~) A person who fails to file a properly completed
34 statement or report within the time required by this chapter may be
35 subject to a civil penalty of ten dollars per day for each day each
36 (~~such~~) delinquency continues.

1 (5) ~~((Any))~~ A person who fails to report a contribution or
2 expenditure as required by this chapter may be subject to a civil
3 penalty equivalent to the amount not reported as required.

4 (6) The court may enjoin any person to prevent the doing of any act
5 herein prohibited, or to compel the performance of any act required
6 herein.

7 **Sec. 1002.** RCW 42.17.395 and 2006 c 315 s 3 are each amended to
8 read as follows:

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

12 (2) The commission, in cases where it chooses to determine whether
13 an actual violation has occurred, shall hold a hearing pursuant to the
14 administrative procedure act, chapter 34.05 RCW, to make ~~((such))~~ a
15 determination. Any order that the commission issues under this section
16 shall be pursuant to such a hearing.

17 (3) In lieu of holding a hearing or issuing an order under this
18 section, the commission may refer the matter to the attorney general or
19 other enforcement agency as provided in RCW 42.17.360 (as recodified by
20 this act).

21 (4) The person against whom an order is directed under this section
22 shall be designated as the respondent. The order may require the
23 respondent to cease and desist from the activity that constitutes a
24 violation and in addition, or alternatively, may impose one or more of
25 the remedies provided in RCW 42.17.390 (2) through (5) (as recodified
26 by this act). No individual penalty assessed by the commission may
27 exceed one thousand seven hundred dollars, and in any case where
28 multiple violations are involved in a single complaint or hearing, the
29 maximum aggregate penalty may not exceed four thousand two hundred
30 dollars.

31 (5) An order issued by the commission under this section shall be
32 subject to judicial review under the administrative procedure act,
33 chapter 34.05 RCW. If the commission's order is not satisfied and no
34 petition for review is filed within thirty days ~~((as provided in RCW~~
35 ~~34.05.542))~~, the commission may petition a court of competent
36 jurisdiction of any county in which a petition for review could be

1 filed under that section, for an order of enforcement. Proceedings in
2 connection with the commission's petition shall be in accordance with
3 RCW 42.17.397 (as recodified by this act).

4 **Sec. 1003.** RCW 42.17.397 and 1989 c 175 s 92 are each amended to
5 read as follows:

6 The following procedure shall apply in all cases where the
7 commission has petitioned a court of competent jurisdiction for
8 enforcement of any order it has issued pursuant to this chapter:

9 (1) A copy of the petition shall be served by certified mail
10 directed to the respondent at his or her last known address. The court
11 shall issue an order directing the respondent to appear at a time
12 designated in the order, not less than five days from the date thereof,
13 and show cause why the commission's order should not be enforced
14 according to its terms.

15 (2) The commission's order shall be enforced by the court if the
16 respondent does not appear, or if the respondent appears and the court
17 finds, pursuant to a hearing held for that purpose:

18 (a) That the commission's order is unsatisfied; ~~((and))~~

19 (b) That the order is regular on its face; and

20 (c) That the respondent's answer discloses no valid reason why the
21 commission's order should not be enforced or that the respondent had an
22 appropriate remedy by review under RCW 34.05.570(3) and failed to avail
23 himself or herself of that remedy without valid excuse.

24 (3) Upon appropriate application by the respondent, the court may,
25 after hearing and for good cause, alter, amend, revise, suspend, or
26 postpone all or part of the commission's order. In any case where the
27 order is not enforced by the court according to its terms, the reasons
28 for the court's actions shall be clearly stated in writing, and
29 ~~((such))~~ the action shall be subject to review by the appellate courts
30 by certiorari or other appropriate proceeding.

31 (4) The court's order of enforcement, when entered, shall have the
32 same force and effect as a civil judgment.

33 (5) Notwithstanding RCW 34.05.578 through 34.05.590, this section
34 is the exclusive method for enforcing an order of the commission.

35 **Sec. 1004.** RCW 42.17.400 and 2007 c 455 s 1 are each amended to
36 read as follows:

1 (1) The attorney general and the prosecuting authorities of
2 political subdivisions of this state may bring civil actions in the
3 name of the state for any appropriate civil remedy, including but not
4 limited to the special remedies provided in RCW 42.17.390 (as
5 recodified by this act).

6 (2) The attorney general and the prosecuting authorities of
7 political subdivisions of this state may investigate or cause to be
8 investigated the activities of any person who there is reason to
9 believe is or has been acting in violation of this chapter, and may
10 require any such person or any other person reasonably believed to have
11 information concerning the activities of such person to appear at a
12 time and place designated in the county in which such person resides or
13 is found, to give such information under oath and to produce all
14 accounts, bills, receipts, books, paper and documents which may be
15 relevant or material to any investigation authorized under this
16 chapter.

17 (3) When the attorney general or the prosecuting authority of any
18 political subdivision of this state requires the attendance of any
19 person to obtain such information or (~~the production of~~) produce the
20 accounts, bills, receipts, books, papers, and documents (~~which~~) that
21 may be relevant or material to any investigation authorized under this
22 chapter, he or she shall issue an order setting forth the time when and
23 the place where attendance is required and shall cause the same to be
24 delivered to or sent by registered mail to the person at least fourteen
25 days before the date fixed for attendance. (~~Such~~) The order shall
26 have the same force and effect as a subpoena, shall be effective
27 statewide, and, upon application of the attorney general or (~~said~~)
28 the prosecuting authority, obedience to the order may be enforced by
29 any superior court judge in the county where the person receiving it
30 resides or is found, in the same manner as though the order were a
31 subpoena. The court, after hearing, for good cause, and upon
32 application of any person aggrieved by the order, shall have the right
33 to alter, amend, revise, suspend, or postpone all or any part of its
34 provisions. In any case where the order is not enforced by the court
35 according to its terms, the reasons for the court's actions shall be
36 clearly stated in writing, and (~~such~~) the action shall be subject to
37 review by the appellate courts by certiorari or other appropriate
38 proceeding.

1 (4) ~~((Any))~~ A person who has notified the attorney general and the
2 prosecuting attorney in the county in which the violation occurred in
3 writing that there is reason to believe that some provision of this
4 chapter is being or has been violated may himself or herself bring in
5 the name of the state any of the actions (hereinafter referred to as a
6 citizen's action) authorized under this chapter.

7 (a) This citizen action may be brought only if:

8 (i) The attorney general and the prosecuting attorney have failed
9 to commence an action hereunder within forty-five days after ~~((such))~~
10 the notice;

11 (ii) ~~((Such))~~ The person has thereafter further notified the
12 attorney general and prosecuting attorney that ~~((said))~~ the person will
13 commence a citizen's action within ten days upon their failure ~~((so))~~
14 to do so;

15 (iii) The attorney general and the prosecuting attorney have in
16 fact failed to bring such action within ten days of receipt of said
17 second notice; and

18 (iv) The citizen's action is filed within two years after the date
19 when the alleged violation occurred.

20 (b) If the person who brings the citizen's action prevails, the
21 judgment awarded shall escheat to the state, but he or she shall be
22 entitled to be reimbursed by the state of Washington for costs and
23 ~~((attorney's))~~ attorneys' fees he or she has incurred~~((:—PROVIDED,~~
24 ~~That)).~~ In the case of a citizen's action ~~((which))~~ that is dismissed
25 and ~~((which))~~ that the court also finds was brought without reasonable
26 cause, the court may order the person commencing the action to pay all
27 costs of trial and reasonable ~~((attorney's))~~ attorneys' fees incurred
28 by the defendant.

29 (5) In any action brought under this section, the court may award
30 to the state all costs of investigation and trial, including ~~((a))~~
31 reasonable ~~((attorney's))~~ attorneys' fees to be fixed by the court. If
32 the violation is found to have been intentional, the amount of the
33 judgment, which shall for this purpose include the costs, may be
34 trebled as punitive damages. If damages or trebled damages are awarded
35 in such an action brought against a lobbyist, the judgment may be
36 awarded against the lobbyist, and the lobbyist's employer or employers
37 joined as defendants, jointly, severally, or both. If the defendant

1 prevails, he or she shall be awarded all costs of trial, and may be
2 awarded ~~((a))~~ reasonable ~~((attorney's))~~ attorneys' fees to be fixed by
3 the court to be paid by the state of Washington.

4 **Sec. 1005.** RCW 42.56.010 and 2007 c 197 s 1 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

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

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

19 (3) "Public record" includes any writing containing information
20 relating to the conduct of government or the performance of any
21 governmental or proprietary function prepared, owned, used, or retained
22 by any state or local agency regardless of physical form or
23 characteristics. For the office of the secretary of the senate and the
24 office of the chief clerk of the house of representatives, public
25 records means legislative records as defined in RCW 40.14.100 and also
26 means the following: All budget and financial records; personnel
27 leave, travel, and payroll records; records of legislative sessions;
28 reports submitted to the legislature; and any other record designated
29 a public record by any official action of the senate or the house of
30 representatives.

31 ~~((3))~~ (4) "Writing" means handwriting, typewriting, printing,
32 photostating, photographing, and every other means of recording any
33 form of communication or representation including, but not limited to,
34 letters, words, pictures, sounds, or symbols, or combination thereof,
35 and all papers, maps, magnetic or paper tapes, photographic films and
36 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 **PART 11**

5 **MISCELLANEOUS PROVISIONS**

6 NEW SECTION. **Sec. 1101.** When RCW 42.17.020 (as recodified by this
7 act) is codified, the code reviser shall alphabetize and renumber the
8 definitions.

9 NEW SECTION. **Sec. 1102.** When RCW 42.17.2401 (as recodified by
10 this act) is codified, the code reviser shall arrange the names of the
11 agencies in each subsection in alphabetical order, arranged according
12 to the first distinctive word of each agency's name.

13 NEW SECTION. **Sec. 1103.** PART HEADINGS AND CAPTIONS NOT LAW. Part
14 headings and captions used in this act are not any part of the law.

15 NEW SECTION. **Sec. 1104.** The following sections are recodified as
16 a new chapter in Title 42 RCW, to be codified as chapter 42.17A RCW, in
17 the following order with the following subchapter headings:

18 GENERAL PROVISIONS

19 RCW 42.17.010

20 RCW 42.17.020

21 RCW 42.17.035

22 RCW 42.17.440

23 ELECTRONIC ACCESS

24 RCW 42.17.367

25 RCW 42.17.369

26 RCW 42.17.460

27 RCW 42.17.461

28 RCW 42.17.463

29 ADMINISTRATION

30 RCW 42.17.350

31 RCW 42.17.360

32 RCW 42.17.370

33 Section 304 of this act

1 RCW 42.17.690
2 RCW 42.17.380
3 RCW 42.17.405
4 RCW 42.17.420
5 RCW 42.17.430
6 RCW 42.17.450
7 CAMPAIGN FINANCE REPORTING
8 RCW 42.17.030
9 RCW 42.17.040
10 RCW 42.17.050
11 Section 404 of this act
12 RCW 42.17.060
13 RCW 42.17.065
14 RCW 42.17.067
15 RCW 42.17.080
16 RCW 42.17.090
17 RCW 42.17.3691
18 RCW 42.17.093
19 RCW 42.17.100
20 RCW 42.17.103
21 RCW 42.17.105
22 RCW 42.17.550
23 RCW 42.17.135
24 POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS
25 RCW 42.17.561
26 RCW 42.17.565
27 RCW 42.17.570
28 RCW 42.17.575
29 RCW 42.17.510
30 RCW 42.17.520
31 RCW 42.17.530
32 RCW 42.17.540
33 RCW 42.17.110
34 CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS
35 RCW 42.17.610
36 RCW 42.17.640
37 RCW 42.17.645
38 RCW 42.17.700

1 Section 604 of this act

2 RCW 42.17.070

3 RCW 42.17.095

4 RCW 42.17.120

5 Section 607 of this act

6 RCW 42.17.125

7 RCW 42.17.650

8 RCW 42.17.660

9 RCW 42.17.670

10 RCW 42.17.720

11 RCW 42.17.730

12 RCW 42.17.740

13 RCW 42.17.770

14 RCW 42.17.780

15 RCW 42.17.790

16 RCW 42.17.680

17 RCW 42.17.760

18 PUBLIC OFFICIALS, EMPLOYEES, AND AGENCIES CAMPAIGN RESTRICTIONS AND

19 PROHIBITIONS--REPORTING

20 RCW 42.17.128

21 RCW 42.17.130

22 RCW 42.17.710

23 RCW 42.17.750

24 RCW 42.17.245

25 LOBBYING DISCLOSURE AND RESTRICTIONS

26 RCW 42.17.150

27 RCW 42.17.155

28 RCW 42.17.160

29 RCW 42.17.170

30 RCW 42.17.172

31 RCW 42.17.175

32 RCW 42.17.180

33 RCW 42.17.190

34 RCW 42.17.200

35 RCW 42.17.210

36 RCW 42.17.220

37 RCW 42.17.230

38 PERSONAL FINANCIAL AFFAIRS REPORTING BY CANDIDATES AND PUBLIC OFFICIALS

1 RCW 42.17.240
2 RCW 42.17.2401
3 RCW 42.17.241
4 RCW 42.17.242
5 ENFORCEMENT
6 RCW 42.17.390
7 RCW 42.17.395
8 RCW 42.17.397
9 RCW 42.17.400
10 RCW 42.17.410
11 TECHNICAL PROVISIONS
12 RCW 42.17.900
13 RCW 42.17.910
14 RCW 42.17.911
15 RCW 42.17.912
16 RCW 42.17.920
17 RCW 42.17.930
18 RCW 42.17.940
19 RCW 42.17.945
20 RCW 42.17.950
21 RCW 42.17.955
22 RCW 42.17.960
23 RCW 42.17.961
24 RCW 42.17.962
25 RCW 42.17.963
26 RCW 42.17.964
27 RCW 42.17.965
28 RCW 42.17.966

29 NEW SECTION. **Sec. 1105.** The following acts or parts of acts are
30 each repealed:

31 (1) RCW 42.17.131 (Exemption from RCW 42.17.130) and 1994 c 154 s
32 317;

33 (2) RCW 42.17.362 (Toll-free telephone number) and 2000 c 237 s 6;

34 (3) RCW 42.17.365 (Audits and investigations) and 1999 c 401 s 8 &
35 1993 c 2 s 29;

36 (4) RCW 42.17.375 (Reports filed with county elections official--
37 Rules governing) and 1983 c 294 s 1;

- 1 (5) RCW 42.17.465 (Information technology plan--Contents) and 1999
2 c 401 s 4;
- 3 (6) RCW 42.17.467 (Information technology plan--Consultation) and
4 1999 c 401 s 5;
- 5 (7) RCW 42.17.469 (Information technology plan--Submission) and
6 1999 c 401 s 6;
- 7 (8) RCW 42.17.471 (Access performance reports) and 1999 c 401 s 7;
- 8 (9) RCW 42.17.562 (Intent) and 2005 c 445 s 2;
- 9 (10) RCW 42.17.620 (Intent) and 1993 c 2 s 2; and
- 10 (11) RCW 42.17.647 (Rules) and 2006 c 348 s 3.

11 NEW SECTION. **Sec. 1106.** This act takes effect January 1, 2011.

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