
HOUSE BILL 1362

State of Washington

60th Legislature

2007 Regular Session

By Representatives Miloscia, Chase and Ormsby

Read first time 01/17/2007. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to campaign finance reform; amending RCW 42.17.360,
2 42.17.640, 42.17.510, 42.17.105, and 42.17.020; adding new sections to
3 chapter 42.17 RCW; and adding a new section to chapter 42.56 RCW.

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

5 **Sec. 1.** RCW 42.17.360 and 1973 c 1 s 36 are each amended to read
6 as follows:

7 The commission shall:

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

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

13 (3) Compile and maintain a current list of all filed reports and
14 statements;

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

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

1 (6) Prepare and publish an annual report to the governor as to the
2 effectiveness of this chapter and its enforcement by appropriate law
3 enforcement authorities; (~~and~~)

4 (7) Prepare and submit to the appropriate committees of the
5 legislature any recommendations for campaign finance reforms
6 specifically directed to achieve goals toward (a) legislative and
7 judicial independence; (b) reducing the cost of campaigns; and (c)
8 reducing the influence of large organizational contributors; and

9 (8) Enforce this chapter according to the powers granted it by law.

10 **Sec. 2.** RCW 42.17.640 and 2006 c 348 s 1 are each amended to read
11 as follows:

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

13 (a) Candidates for state legislative office;

14 (b) Candidates for state office other than state legislative
15 office;

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

18 (d) Candidates for special purpose district office if that district
19 is authorized to provide freight and passenger transfer and terminal
20 facilities and that district has over two hundred thousand registered
21 voters;

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

26 (f) Caucus political committees;

27 (g) Bona fide political parties.

28 (2) No person, other than a bona fide political party or a caucus
29 political committee, may make contributions to a candidate for a state
30 legislative office or county office that in the aggregate exceed seven
31 hundred dollars or to a candidate for a public office in a special
32 purpose district or a state office other than a state legislative
33 office that in the aggregate exceed one thousand four hundred dollars
34 for each election in which the candidate is on the ballot or appears as
35 a write-in candidate. Contributions to candidates subject to the
36 limits in this section made with respect to a primary may not be made
37 after the date of the primary. However, contributions to a candidate

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

10 (3) No person, other than a bona fide political party or a caucus
11 political committee, may make contributions to a state official, a
12 county official, or a public official in a special purpose district
13 against whom recall charges have been filed, or to a political
14 committee having the expectation of making expenditures in support of
15 the recall of the state official, county official, or public official
16 in a special purpose district during a recall campaign that in the
17 aggregate exceed seven hundred dollars if for a state legislative
18 office or county office or one thousand four hundred dollars if for a
19 special purpose district office or a state office other than a state
20 legislative office.

21 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
22 political party or caucus political committee may make contributions to
23 a candidate during an election cycle that in the aggregate exceed (i)
24 seventy cents multiplied by the number of eligible registered voters in
25 the jurisdiction from which the candidate is elected if the contributor
26 is a caucus political committee or the governing body of a state
27 organization, or (ii) thirty-five cents multiplied by the number of
28 registered voters in the jurisdiction from which the candidate is
29 elected if the contributor is a county central committee or a
30 legislative district committee.

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

37 (5)(a) Notwithstanding subsection (3) of this section, no bona fide
38 political party or caucus political committee may make contributions to

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

13 (b) No official holding an office specified in subsection (1) of
14 this section against whom recall charges have been filed, no authorized
15 committee of the official, and no political committee having the
16 expectation of making expenditures in support of the recall of the
17 official may accept contributions from a county central committee or a
18 legislative district committee during an election cycle that when
19 combined with contributions from other county central committees or
20 legislative district committees would in the aggregate exceed thirty-
21 five cents multiplied by the number of registered voters in the
22 jurisdiction from which the candidate is elected.

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

27 (7) Notwithstanding subsections (2) through (5) of this section, no
28 person other than an individual, bona fide political party, or caucus
29 political committee may make contributions reportable under this
30 chapter to a caucus political committee that in the aggregate exceed
31 seven hundred dollars in a calendar year or to a bona fide political
32 party that in the aggregate exceed three thousand five hundred dollars
33 in a calendar year. This subsection does not apply to loans made in
34 the ordinary course of business.

35 (8) No candidate may accept contributions that, in the aggregate,
36 exceed five thousand dollars in an election cycle from all political
37 committees, except for bona fide political parties or caucus political
38 committees.

1 (9) For the purposes of RCW 42.17.640 through 42.17.790, a
2 contribution to the authorized political committee of a candidate or of
3 an official specified in subsection (1) of this section against whom
4 recall charges have been filed is considered to be a contribution to
5 the candidate or official.

6 ~~((+9))~~ (10) A contribution received within the twelve-month period
7 after a recall election concerning an office specified in subsection
8 (1) of this section is considered to be a contribution during that
9 recall campaign if the contribution is used to pay a debt or obligation
10 incurred to influence the outcome of that recall campaign.

11 ~~((+10))~~ (11) The contributions allowed by subsection (3) of this
12 section are in addition to those allowed by subsection (2) of this
13 section, and the contributions allowed by subsection (5) of this
14 section are in addition to those allowed by subsection (4) of this
15 section.

16 ~~((+11))~~ (12) RCW 42.17.640 through 42.17.790 apply to a special
17 election conducted to fill a vacancy in an office specified in
18 subsection (1) of this section. However, the contributions made to a
19 candidate or received by a candidate for a primary or special election
20 conducted to fill such a vacancy shall not be counted toward any of the
21 limitations that apply to the candidate or to contributions made to the
22 candidate for any other primary or election.

23 ~~((+12))~~ (13) Notwithstanding the other subsections of this
24 section, no ~~((corporation or))~~ business entity not covered under
25 section 4 of this act not doing business in Washington state~~((, no~~
26 ~~labor union with fewer than ten members who reside in Washington~~
27 ~~state,))~~ and no political committee that has not received contributions
28 of ten dollars or more from at least ~~((ten))~~ one hundred fifty persons
29 registered to vote in Washington state during the preceding one hundred
30 eighty days may make contributions reportable under this chapter to a
31 candidate, to a state official against whom recall charges have been
32 filed, or to a political committee having the expectation of making
33 expenditures in support of the recall of the official. This subsection
34 does not apply to loans made in the ordinary course of business.

35 ~~((+13))~~ (14) Notwithstanding the other subsections of this
36 section, no county central committee or legislative district committee
37 may make contributions reportable under this chapter to a candidate
38 specified in subsection (1) of this section, or an official specified

1 in subsection (1) of this section against whom recall charges have been
2 filed, or political committee having the expectation of making
3 expenditures in support of the recall of an official specified in
4 subsection (1) of this section if the county central committee or
5 legislative district committee is outside of the jurisdiction entitled
6 to elect the candidate or recall the official.

7 ~~((+14))~~ (15) No person may accept contributions that exceed the
8 contribution limitations provided in this section.

9 ~~((+15))~~ (16) The following contributions are exempt from the
10 contribution limits of this section:

11 (a) An expenditure or contribution earmarked for voter
12 registration, for absentee ballot information, for precinct caucuses,
13 for get-out-the-vote campaigns, for precinct judges or inspectors, for
14 sample ballots, or for ballot counting, all without promotion of or
15 political advertising for individual candidates; or

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

19 NEW SECTION. Sec. 3. A new section is added to chapter 42.17 RCW
20 to read as follows:

21 No person may make contributions to a political committee that in
22 the aggregate, exceed one thousand dollars in any year. No political
23 committee shall accept a contribution from any person that, in the
24 aggregate, exceeds one thousand dollars in any year. No person may
25 make contributions to all political committees that, in the aggregate,
26 exceed three thousand five hundred dollars in any year.

27 NEW SECTION. Sec. 4. A new section is added to chapter 42.17 RCW
28 to read as follows:

29 (1) No corporation, limited liability partnership, or limited
30 liability company formed under the laws of this or any other state and
31 no labor organization may use its general treasury funds to make a
32 contribution or expenditure in connection with the election of a
33 candidate or a political convention or caucus held to select candidates
34 for any public office.

35 (2) No candidate for public office, political committee or other
36 person may accept or receive a contribution prohibited by this section.

1 (3) No officer or director of any corporation, limited liability
2 partnership, limited liability company, or labor organization may
3 consent to any contribution or expenditure by the corporation, limited
4 liability partnership, or labor organization prohibited by this
5 section.

6 (4) This section does not prohibit a corporation, limited liability
7 partnership, limited liability company, or labor organization from:

8 (a) Using its general treasury funds for the purpose of nonpartisan
9 registration and get-out-the-vote campaigns aimed at its stockholders
10 and executive or administrative personnel and their families or, in the
11 case of a labor organization, aimed at its members and their families;

12 (b) Establishing, administering, or soliciting contributions to a
13 separate segregated fund to be utilized for political purposes as long
14 as the solicitations are limited to stockholders and their families and
15 its executive or administrative personnel and their families in the
16 case of corporations, or from members and their families in the case of
17 labor organizations;

18 (c) Engaging in activities that do not constitute electioneering
19 communications as identified in RCW 42.17.020(21).

20 (5) This section does not apply to:

21 (a) Political committees that incorporate solely for liability
22 purposes; or

23 (b) Voluntary political associations that are formed solely to
24 promote political ideas and do not engage in business activities, do
25 not have shareholders or other affiliated persons who can lay a claim
26 to the assets or earnings, and are not established by a business
27 corporation or labor union and do not accept contributions from such
28 entities.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.17 RCW
30 to read as follows:

31 No individual or entity that has a contract with the state valued
32 at one hundred thousand dollars or more, and no person employed by that
33 individual or entity as a manager, officer, director, partner, or
34 employee with managerial or discretionary responsibilities, may make a
35 political contribution to a candidate for state office or to a party
36 committee. No political committee established by such an individual or
37 entity may make a political contribution to a candidate for state

1 office or to a party committee. No candidate for state office and no
2 party committee may accept a contribution from an individual or entity
3 that has a contract with the state valued at one hundred thousand
4 dollars or more.

5 **Sec. 6.** RCW 42.17.510 and 2005 c 445 s 9 are each amended to read
6 as follows:

7 (1) All written political advertising, whether relating to
8 candidates or ballot propositions, shall include the sponsor's name and
9 address. All radio and television political advertising, whether
10 relating to candidates or ballot propositions, shall include the
11 sponsor's name. The use of an assumed name for the sponsor of
12 electioneering communications, independent expenditures, or political
13 advertising shall be unlawful. For partisan office, if a candidate has
14 expressed a party or independent preference on the declaration of
15 candidacy, that party or independent designation shall be clearly
16 identified in electioneering communications, independent expenditures,
17 or political advertising.

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

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

36 (a) Appear on the first page or fold of the written advertisement
37 or communication in at least ten-point type, or in type at least ten

1 percent of the largest size type used in a written advertisement or
2 communication directed at more than one voter, such as a billboard or
3 poster, whichever is larger;

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

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

6 (4) In an independent expenditure or electioneering communication
7 transmitted via television or other medium that includes a visual
8 image, the following statement must either be clearly spoken, or appear
9 in print and be visible for at least four seconds, appear in letters
10 greater than four percent of the visual screen height, and have a
11 reasonable color contrast with the background: "No candidate
12 authorized this ad. Paid for by (name, city, state)." If the
13 advertisement or communication is undertaken by a nonindividual other
14 than a party organization, then the following notation must also be
15 included: "~~((Top Five))~~ Major Contributors" followed by a listing of
16 the names of ~~((the five))~~ persons or entities ~~((making the largest
17 contributions in excess of seven))~~ that have contributed more than five
18 hundred dollars reportable under this chapter during the twelve-month
19 period before the date of the advertisement. Abbreviations may be used
20 to describe contributing entities if the full name of the entity has
21 been clearly spoken previously during the broadcast advertisement.

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

35 (6) Political yard signs are exempt from the requirement of
36 subsections (1) and (2) of this section that the name and address of
37 the sponsor of political advertising be listed on the advertising. In
38 addition, the public disclosure commission shall, by rule, exempt from

1 the identification requirements of subsections (1) and (2) of this
2 section forms of political advertising such as campaign buttons,
3 balloons, pens, pencils, sky-writing, inscriptions, and other forms of
4 advertising where identification is impractical.

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

7 **Sec. 7.** RCW 42.17.105 and 2001 c 54 s 2 are each amended to read
8 as follows:

9 (1) (~~Campaign~~) Treasurers shall prepare and deliver to the
10 commission a special report regarding any contribution or aggregate of
11 contributions which: Is one thousand dollars or more; is from a single
12 person or entity; and is received during a special reporting period.

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

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

19 (a) Each of the following intervals is a special reporting period:

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

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

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

1 also file a special report for each subsequent contribution of any size
2 which is made to that entity during the special reporting period.

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

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

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

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

31 (b) The date or dates of receipt;

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

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

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

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

37 (7) The commission shall prepare daily a summary of the special
38 reports made under this section and RCW 42.17.175.

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

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

15 **Sec. 8.** RCW 42.17.020 and 2005 c 445 s 6 are each amended to read
16 as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

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

21 (2) "Agency" includes all state agencies and all local agencies.
22 "State agency" includes every state office, department, division,
23 bureau, board, commission, or other state agency. "Local agency"
24 includes every county, city, town, municipal corporation, quasi-
25 municipal corporation, or special purpose district, or any office,
26 department, division, bureau, board, commission, or agency thereof, or
27 other local public agency.

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

32 (4) "Ballot proposition" means any "measure" as defined by RCW
33 29A.04.091, or any initiative, recall, or referendum proposition
34 proposed to be submitted to the voters of the state or any municipal
35 corporation, political subdivision, or other voting constituency from
36 and after the time when the proposition has been initially filed with

1 the appropriate election officer of that constituency prior to its
2 circulation for signatures.

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

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

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

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

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

16 (7) "Depository" means a bank designated by a candidate or
17 political committee pursuant to RCW 42.17.050.

18 (8) "Treasurer" and "deputy treasurer" mean the individuals
19 appointed by a candidate or political committee, pursuant to RCW
20 42.17.050, to perform the duties specified in that section.

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

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

26 (b) Announces publicly or files for office;

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

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

31 (10) "Caucus political committee" means a political committee
32 organized and maintained by the members of a major political party in
33 the state senate or state house of representatives.

34 (11) "Commercial advertiser" means any person who sells the service
35 of communicating messages or producing printed material for broadcast
36 or distribution to the general public or segments of the general public
37 whether through the use of newspapers, magazines, television and radio

1 stations, billboard companies, direct mail advertising companies,
2 printing companies, or otherwise.

3 (12) "Commission" means the agency established under RCW 42.17.350.

4 (13) "Compensation" unless the context requires a narrower meaning,
5 includes payment in any form for real or personal property or services
6 of any kind: PROVIDED, That for the purpose of compliance with RCW
7 42.17.241, the term "compensation" shall not include per diem
8 allowances or other payments made by a governmental entity to reimburse
9 a public official for expenses incurred while the official is engaged
10 in the official business of the governmental entity.

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

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

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

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

22 (iii) The financing by a person of the dissemination, distribution,
23 or republication, in whole or in part, of broadcast, written, graphic,
24 or other form of political advertising or electioneering communication
25 prepared by a candidate, a political committee, or its authorized
26 agent;

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

30 (b) "Contribution" does not include:

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

33 (ii) Ordinary home hospitality;

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

37 (iv) A news item, feature, commentary, or editorial in a regularly
38 scheduled news medium that is of primary interest to the general

1 public, that is in a news medium controlled by a person whose business
2 is that news medium, and that is not controlled by a candidate or a
3 political committee;

4 (v) An internal political communication primarily limited to the
5 members of or contributors to a political party organization or
6 political committee, or to the officers, management staff, or
7 stockholders of a corporation or similar enterprise, or to the members
8 of a labor organization or other membership organization;

9 (vi) The rendering of personal services of the sort commonly
10 performed by volunteer campaign workers, or incidental expenses
11 personally incurred by volunteer campaign workers not in excess of
12 fifty dollars personally paid for by the worker. "Volunteer services,"
13 for the purposes of this section, means services or labor for which the
14 individual is not compensated by any person;

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

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

22 (A) A political party or caucus political committee if the person
23 paying for the services is the regular employer of the person rendering
24 such services; or

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

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 December after the date of the last previous general election for
13 the office that the candidate seeks and ending on November 30th after
14 the 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 November 30th
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 "expenditure"
31 also includes a promise to pay, a payment, or a transfer of anything of
32 value in exchange for goods, services, property, facilities, or
33 anything of value for the purpose of assisting, benefiting, or honoring
34 any public official or candidate, or assisting in furthering or
35 opposing any election campaign. For the purposes of this chapter,
36 agreements to make expenditures, contracts, and promises to pay may be
37 reported as estimated obligations until actual payment is made. The

1 term "expenditure" shall not include the partial or complete repayment
2 by a candidate or political committee of the principal of a loan, the
3 receipt of which loan has been properly reported.

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

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

9 (25) "Gift," is as defined in RCW 42.52.010.

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

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

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

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

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

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

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

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

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

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

19 (30) "Labor organization" means any organization of any kind, or
20 any agency or employee representation committee or plan, in which
21 employees participate and which exists for the purpose, in whole or in
22 part, of dealing with employers concerning grievances, labor disputes,
23 wages, rates of pay, hours of employment, or conditions of work.

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

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

1 ~~((32))~~ (33) "Lobbyist" includes any person who lobbies either in
2 his or her own or another's behalf.

3 ~~((33))~~ (34) "Lobbyist's employer" means the person or persons by
4 whom a lobbyist is employed and all persons by whom he or she is
5 compensated for acting as a lobbyist.

6 ~~((34))~~ (35) "Participate" means that, with respect to a
7 particular 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 contributions being made by a
12 subsidiary corporation or local unit with respect to that candidate or
13 that candidate's opponent;

14 (d) Makes a recommendation regarding whether a candidate should be
15 supported or opposed prior to a contribution being made by a subsidiary
16 corporation or local unit with respect to that candidate or that
17 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 ~~((35))~~ (36) "Person" includes an individual, partnership, joint
26 venture, public or private corporation, association, federal, state, or
27 local 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 ~~((36))~~ (37) "Person in interest" means the person who is the
32 subject of a record or any representative designated by that person,
33 except that if that person is under a legal disability, the term
34 "person in interest" means and includes the parent or duly appointed
35 legal representative.

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

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

4 ~~((38))~~ (39) "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 ~~((39))~~ (40) "Primary" for the purposes of RCW 42.17.640 means the
10 procedure for nominating a candidate to state office under chapter
11 29A.52 RCW or any other primary for an election that uses, in large
12 measure, the procedures established in chapter 29A.52 RCW.

13 ~~((40))~~ (41) "Public office" means any federal, state, judicial,
14 county, city, town, school district, port district, special district,
15 or other state political subdivision elective office.

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

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

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

37 (44) "State legislative office" means the office of a member of the

1 state house of representatives or the office of a member of the state
2 senate.

3 (45) "State office" means state legislative office or the office of
4 governor, lieutenant governor, secretary of state, attorney general,
5 commissioner of public lands, insurance commissioner, superintendent of
6 public instruction, state auditor, or state treasurer.

7 (46) "State official" means a person who holds a state office.

8 (47) "Surplus funds" mean, in the case of a political committee or
9 candidate, the balance of contributions that remain in the possession
10 or control of that committee or candidate subsequent to the election
11 for which the contributions were received, and that are in excess of
12 the amount necessary to pay remaining debts incurred by the committee
13 or candidate prior to that election. In the case of a continuing
14 political committee, "surplus funds" mean those contributions remaining
15 in the possession or control of the committee that are in excess of the
16 amount necessary to pay all remaining debts when it makes its final
17 report under RCW 42.17.065.

18 (48) "Writing" means handwriting, typewriting, printing,
19 photostating, photographing, and every other means of recording any
20 form of communication or representation, including, but not limited to,
21 letters, words, pictures, sounds, or symbols, or combination thereof,
22 and all papers, maps, magnetic or paper tapes, photographic films and
23 prints, motion picture, film and video recordings, magnetic or punched
24 cards, discs, drums, diskettes, sound recordings, and other documents
25 including existing data compilations from which information may be
26 obtained or translated.

27 ~~((As used in this chapter, the singular shall take the plural and
28 any gender, the other, as the context requires.))~~

29 NEW SECTION. **Sec. 9.** A new section is added to chapter 42.56 RCW
30 to read as follows:

31 "Public record" includes any writing containing information
32 relating to the conduct of government or the performance of any
33 governmental or proprietary function prepared, owned, used, or retained
34 by any state or local agency regardless of physical form or
35 characteristics. For the office of the secretary of the senate and the
36 office of the chief clerk of the house of representatives, public
37 records means legislative records as defined in RCW 40.14.100 and also

1 means the following: All budget and financial records; personnel
2 leave, travel, and payroll records; records of legislative sessions;
3 reports submitted to the legislature; and any other record designated
4 a public record by any official action of the senate or the house of
5 representatives.

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