



1 (2) "Ballot proposition" means any "measure" as defined by RCW  
2 29.01.110, or any initiative, recall, or referendum proposition  
3 proposed to be submitted to the voters of the state or any municipal  
4 corporation, political subdivision, or other voting constituency from  
5 and after the time when the proposition has been initially filed with  
6 the appropriate election officer of that constituency prior to its  
7 circulation for signatures.

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

10 (4) "Treasurer" and "deputy treasurer" mean the individuals  
11 appointed by a candidate or political committee, pursuant to RCW  
12 42.17.050, to perform the duties specified in that section.

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

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

17 (b) Announces publicly or files for office.

18 (6) "Commercial advertiser" means any person who sells the service  
19 of communicating messages or producing printed material for broadcast  
20 or distribution to the general public or segments of the general public  
21 whether through the use of newspapers, magazines, television and radio  
22 stations, billboard companies, direct mail advertising companies,  
23 printing companies, or otherwise.

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

25 (8) "Compensation" unless the context requires a narrower meaning,  
26 includes payment in any form for real or personal property or services  
27 of any kind: PROVIDED, That for the purpose of compliance with RCW  
28 42.17.241, the term "compensation" shall not include per diem  
29 allowances or other payments made by a governmental entity to reimburse  
30 a public official for expenses incurred while the official is engaged  
31 in the official business of the governmental entity.

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

35 (10) "Contribution" includes a loan, gift, deposit, subscription,  
36 forgiveness of indebtedness, donation, advance, pledge, payment,  
37 transfer of funds between political committees, or transfer of anything  
38 of value, including personal and professional services for less than  
39 full consideration, but does not include interest on moneys deposited

1 in a political committee's account, ordinary home hospitality and the  
2 rendering of personal services of the sort commonly performed by  
3 volunteer campaign workers, or incidental expenses personally incurred  
4 by volunteer campaign workers not in excess of fifty dollars personally  
5 paid for by the worker. Volunteer services, for the purposes of this  
6 chapter, means services or labor for which the individual is not  
7 compensated by any person. For the purposes of this chapter,  
8 contributions other than money or its equivalents shall be deemed to  
9 have a money value equivalent to the fair market value of the  
10 contribution. Sums paid for tickets to fund-raising events such as  
11 dinners and parties are contributions; however, the amount of any such  
12 contribution may be reduced for the purpose of complying with the  
13 reporting requirements of this chapter, by the actual cost of  
14 consumables furnished in connection with the purchase of the tickets,  
15 and only the excess over the actual cost of the consumables shall be  
16 deemed a contribution.

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

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

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

30 (14) "Expenditure" includes a payment, contribution, subscription,  
31 distribution, loan, advance, deposit, or gift of money or anything of  
32 value, and includes a contract, promise, or agreement, whether or not  
33 legally enforceable, to make an expenditure. The term "expenditure"  
34 also includes a promise to pay, a payment, or a transfer of anything of  
35 value in exchange for goods, services, property, facilities, or  
36 anything of value for the purpose of assisting, benefiting, or honoring  
37 any public official or candidate, or assisting in furthering or  
38 opposing any election campaign. For the purposes of this chapter,  
39 agreements to make expenditures, contracts, and promises to pay may be

1 reported as estimated obligations until actual payment is made. The  
2 term "expenditure" shall not include the partial or complete repayment  
3 by a candidate or political committee of the principal of a loan, the  
4 receipt of which loan has been properly reported.

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

7 (16) "Gift," for the purposes of RCW 42.17.170 and 42.17.2415,  
8 means a rendering of anything of value in return for which reasonable  
9 consideration is not given and received and includes a rendering of  
10 money, property, services, discount, loan forgiveness, payment of  
11 indebtedness, or reimbursements from or payments by persons (other than  
12 the federal government, or the state of Washington or any agency or  
13 political subdivision thereof) for travel or anything else of value.  
14 The term "reasonable consideration" refers to the approximate range of  
15 consideration that exists in transactions not involving donative  
16 intent. However, the value of the gift of partaking in a single hosted  
17 reception shall be determined by dividing the total amount of the cost  
18 of conducting the reception by the total number of persons partaking in  
19 the reception. "Gift" for the purposes of RCW 42.17.170 and 42.17.2415  
20 does not include:

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

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

25 (c) A contribution that is required to be reported under RCW  
26 42.17.090 (~~or 42.17.243~~);

27 (d) Informational material that is transferred for the purpose of  
28 informing the recipient about matters pertaining to official business  
29 of the governmental entity of which the recipient is an official or  
30 officer, and that is not intended to confer on that recipient any  
31 commercial, proprietary, financial, economic, or monetary advantage, or  
32 the avoidance of any commercial, proprietary, financial, economic, or  
33 monetary disadvantage;

34 (e) A gift that is not used and that, within thirty days after  
35 receipt, is returned to the donor or delivered to a charitable  
36 organization. However, this exclusion from the definition does not  
37 apply if the recipient of the gift delivers the gift to a charitable  
38 organization and claims the delivery as a charitable contribution for  
39 tax purposes;

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

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

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

9 (18) "Legislation" means bills, resolutions, motions, amendments,  
10 nominations, and other matters pending or proposed in either house of  
11 the state legislature, and includes any other matter that may be the  
12 subject of action by either house or any committee of the legislature  
13 and all bills and resolutions that, having passed both houses, are  
14 pending approval by the governor.

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

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

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

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

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

37 (24) "Political advertising" includes any advertising displays,  
38 newspaper ads, billboards, signs, brochures, articles, tabloids,  
39 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 in any election  
3 campaign.

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

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

11 (27) "Public record" includes any writing containing information  
12 relating to the conduct of government or the performance of any  
13 governmental or proprietary function prepared, owned, used, or retained  
14 by the legislature or any state or local agency regardless of physical  
15 form or characteristics.

16 (28) "Surplus funds" mean, in the case of a political committee or  
17 candidate, the balance of contributions that remain in the possession  
18 or control of that committee or candidate subsequent to the election  
19 for which the contributions were received, and that are in excess of  
20 the amount necessary to pay remaining debts incurred by the committee  
21 or candidate prior to that election. In the case of a continuing  
22 political committee, "surplus funds" mean those contributions remaining  
23 in the possession or control of the committee that are in excess of the  
24 amount necessary to pay all remaining debts when it makes its final  
25 report under RCW 42.17.065.

26 (29) "Writing" means handwriting, typewriting, printing,  
27 photostating, photographing, and every other means of recording any  
28 form of communication or representation, including, but not limited to,  
29 letters, words, pictures, sounds, or symbols, or combination thereof,  
30 and all papers, maps, magnetic or paper tapes, photographic films and  
31 prints, motion picture, film and video recordings, magnetic or punched  
32 cards, discs, drums, diskettes, sound recordings, and other documents  
33 including existing data compilations from which information may be  
34 obtained or translated.

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

37 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW  
38 under the subchapter heading "public records" to read as follows:



1 not above defined and classified as official public records; duplicate  
2 copies of official public records filed with any agency of the state of  
3 Washington; documents and reports made for the internal administration  
4 of the office to which they pertain but not required by law to be filed  
5 or kept with such agency; and other documents or records as determined  
6 by the records committee to be office files and memoranda.

7 **Sec. 4.** RCW 40.14.040 and 1982 c 36 s 4 are each amended to read  
8 as follows:

9 Each department or other agency of the state government and each  
10 house of the legislature shall designate a records officer to supervise  
11 its records program and to represent the office in all contacts with  
12 the records committee, hereinafter created, and the division of  
13 archives and records management. The records officer shall:

14 (1) Coordinate all aspects of the records management program.

15 (2) Inventory, or manage the inventory, of all public records at  
16 least once during a biennium for disposition scheduling and transfer  
17 action, in accordance with procedures prescribed by the state archivist  
18 and state records committee: PROVIDED, That essential records shall be  
19 inventoried and processed in accordance with chapter 40.10 RCW at least  
20 annually.

21 (3) Consult with any other personnel responsible for maintenance of  
22 specific records within his or her state organization regarding records  
23 retention and transfer recommendations.

24 (4) Analyze records inventory data, examine and compare divisional  
25 or unit inventories for duplication of records, and recommend to the  
26 state archivist and state records committee minimal retentions for all  
27 copies commensurate with legal, financial and administrative needs.

28 (5) Approve all records inventory and destruction requests which  
29 are submitted to the state records committee.

30 (6) Review established records retention schedules at least  
31 annually to insure that they are complete and current.

32 (7) Exercise internal control over the acquisition of filming and  
33 file equipment.

34 If a particular agency or department or legislative house does not  
35 wish to transfer records at a time previously scheduled therefor, the  
36 records officer shall, within thirty days, notify the archivist and  
37 request a change in such previously set schedule, including his or her  
38 reasons therefor.



1       **Sec. 5.** RCW 40.14.050 and 1985 c 192 s 1 are each amended to read  
2 as follows:

3       There is created a committee, to be known as the records committee,  
4 composed of the archivist, an appointee of the state auditor, an  
5 appointee of the attorney general, an appointee of the legislature, and  
6 an appointee of the director of financial management. Committee  
7 members shall serve without additional salary, but shall be entitled to  
8 travel expenses incurred in accordance with RCW 43.03.050 and 43.03.060  
9 (~~as now existing or hereafter amended~~). Such expenses shall be paid  
10 from the appropriations made for operation of their respective  
11 departments, legislative houses, or offices. The legislative appointee  
12 shall be appointed jointly by the speaker of the house of  
13 representatives and the majority leader of the senate.

14       The records committee shall meet at least once every quarter or  
15 oftener as business dictates. Action by the committee shall be by  
16 majority vote and records shall be kept of all committee business.

17       It shall be the duty of the records committee to approve, modify or  
18 disapprove the recommendations on retention schedules of all files of  
19 public records and to act upon requests to destroy any public records:  
20 PROVIDED, That any modification of a request or recommendation must be  
21 approved by the head of the agency or legislative house originating the  
22 request or recommendation.

23       The division of archives and records management shall provide  
24 forms, approved by the records committee, upon which it shall prepare  
25 recommendations to the committee in cooperation with the records  
26 officer of the department or other agency or legislative house whose  
27 records are involved.

28       NEW SECTION. **Sec. 6.** Part headings as used in this act do not  
29 constitute any part of the law.

--- END ---