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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5576-CC

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State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senator Drew; by request of Governor Lowry)

Read first time 03/06/95.

1 AN ACT Relating to fair campaign practices; amending RCW 42.17.130,  
2 42.17.128, 29.85.060, 42.17.680, 29.15.020, 29.80.010, 29.80.020,  
3 29.80.030, 29.80.040, 29.80.080, 43.07.310, 29.81A.010, 29.81A.020,  
4 29.81A.040, 29.81A.080, 29.81.010, 29.80.090, 42.17.132, 42.17.160, and  
5 42.17.170; adding a new section to chapter 42.17 RCW; adding a new  
6 section to chapter 29.80 RCW; creating a new section; repealing RCW  
7 29.80.050 and 29.80.060; and providing an effective date.

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

9 **USE OF PUBLIC RESOURCES**

10 **Sec. 1.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to  
11 read as follows:

12 USE OF PUBLIC RESOURCES FOR LOCAL GOVERNMENT POLITICAL CAMPAIGNS.  
13 No elective local government official nor any employee of his or her  
14 office nor any person appointed to or employed by any local government  
15 public office or agency may use or authorize the use of any of the  
16 facilities of a public office or agency, directly or indirectly, for  
17 the purpose of assisting a campaign for election of any person to any  
18 office or for the promotion of or opposition to any ballot proposition.

1 Knowing acquiescence by a person with authority to direct, control, or  
2 influence the actions of the local government official or employee  
3 using public resources in violation of this section constitutes a  
4 violation of this section. Facilities of public office or agency  
5 include, but are not limited to, use of stationery, postage, machines,  
6 and equipment, use of employees of the office or agency during working  
7 hours, vehicles, office space, publications of the office or agency,  
8 and clientele lists of persons served by the office or agency(~~(+~~  
9 ~~PROVIDED, That~~)). The ((foregoing)) provisions of this section shall  
10 not apply to the following activities:

11 (1) Action taken at an open public meeting by members of an elected  
12 local government legislative body to express a collective decision, or  
13 to actually vote upon a motion, proposal, resolution, order, or  
14 ordinance, or to support or oppose a ballot proposition so long as (a)  
15 any required notice of the meeting includes the title and number of the  
16 ballot proposition, and (b) members of the legislative body or members  
17 of the public are afforded an approximately equal opportunity for the  
18 expression of an opposing view;

19 (2) A statement by an elected local government official in support  
20 of or in opposition to any ballot proposition at an open press  
21 conference or in response to a specific inquiry. For the purposes of  
22 this subsection, it is not a violation of this section for an elected  
23 local government official to respond to an inquiry regarding a ballot  
24 proposition, to make incidental remarks concerning a ballot proposition  
25 in an official communication, or otherwise comment on a ballot  
26 proposition without an actual, measurable expenditure of public funds.  
27 Measurable expenditure has the meaning adopted by rule under RCW  
28 42.52.180;

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

31 **LOCAL CAMPAIGNS**

32 **Sec. 2.** RCW 42.17.128 and 1993 c 2 s 24 are each amended to read  
33 as follows:

34 PUBLIC CAMPAIGN FINANCING. Public funds, whether derived through  
35 taxes, fees, penalties, or any other sources, shall not be used to  
36 finance political campaigns for state (~~or local~~) office.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17 RCW  
2 to read as follows:

3 LOCAL FAIR CAMPAIGN PRACTICES. Local agencies may enact provisions  
4 for the regulation of fair campaign practices for local elections, not  
5 prohibited by state law and rules adopted under this chapter.

6 **FAIR CAMPAIGN**

7 **Sec. 4.** RCW 29.85.060 and 1991 c 81 s 5 are each amended to read  
8 as follows:

9 HINDERING OR BRIBING VOTER. (1) Any person who uses menace, force,  
10 threat, or any unlawful means (~~((towards any voter to hinder or deter~~  
11 ~~such a voter from voting))), or directly or indirectly offers any bribe,  
12 reward, or any thing of value (~~(to a voter)), to hinder or deter any~~  
13 voter from voting, or in exchange for the voter's vote for or against  
14 any person or ballot measure, or authorizes any person to do so, is  
15 guilty of a class C felony punishable under RCW 9A.20.021.~~

16 (2) In-kind services such as transportation or child care or other  
17 services intended to enable the voter to get to his or her polling  
18 place but not intended to influence the voter's vote may be provided  
19 and are not prohibited under this section.

20 **Sec. 5.** RCW 42.17.680 and 1993 c 2 s 8 are each amended to read as  
21 follows:

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

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

33 (3) No employer or other person or entity responsible for the  
34 disbursement of funds in payment of wages or salaries may withhold or  
35 divert a portion of an employee's wages or salaries for contributions  
36 to political committees or for use as political contributions except

1 upon the written request of the employee. The request must be made on  
2 a form prescribed by the commission informing the employee of the  
3 prohibition against employer and labor organization discrimination  
4 described in subsection (2) of this section. The request is valid for  
5 no more than twelve months from the date it is made by the employee.

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

14 **VOTERS' AND CANDIDATES' PAMPHLET**

15 **Sec. 6.** RCW 29.15.020 and 1990 c 59 s 81 are each amended to read  
16 as follows:

17 Except where otherwise provided by this title, declarations of  
18 candidacy for the following offices shall be filed during regular  
19 business hours with the filing officer no earlier than the (~~fourth~~)  
20 second Monday in July and no later than the following Friday in the  
21 year in which the office is scheduled to be voted upon:

22 (1) Offices that are scheduled to be voted upon for full terms or  
23 both full terms and short terms at, or in conjunction with, a state  
24 general election; and

25 (2) Offices where a vacancy, other than a short term, exists that  
26 has not been filled by election and for which an election to fill the  
27 vacancy is required in conjunction with the next state general  
28 election.

29 This section supersedes all other statutes that provide for a  
30 different filing period for these offices.

31 **Sec. 7.** RCW 29.80.010 and 1987 c 295 s 17 are each amended to read  
32 as follows:

33 (1) As soon as possible before each state primary and state general  
34 election (~~(at which federal or state officials are to be elected)~~) in  
35 an even-numbered year, the secretary of state shall publish and mail to  
36 each individual place of residence of the state a (~~candidates'~~)

1 pamphlet containing photographs and campaign statements of eligible  
2 candidates or nominees who ~~((desire to participate therein))~~ submit a  
3 statement, or a statement and a photograph, together with a campaign  
4 mailing address and telephone number submitted by the candidate or  
5 nominee ~~((at the nominee's option, and))~~.

6 (2) In even-numbered years ~~((containing))~~ the state general  
7 election pamphlet must include a description of the office of precinct  
8 committee officer and its duties ~~((, in order that voters will~~  
9 ~~understand that the office is a state office and will be found on the~~  
10 ~~ballot of the forthcoming general election))~~.

11 (3) In odd-numbered years ~~((no candidates'))~~ the secretary of state  
12 shall publish a candidates pamphlet ~~((may be published unless))~~ for the  
13 state primary and state general election only if an election is to be  
14 held to fill a vacancy in one or more of the following ~~((state-wide~~  
15 ~~elective))~~ offices: United States senator, governor, lieutenant  
16 governor, secretary of state, state treasurer, state auditor, attorney  
17 general, superintendent of public instruction, commissioner of public  
18 lands, insurance commissioner, or justice of the supreme court.

19 **Sec. 8.** RCW 29.80.020 and 1984 c 54 s 2 are each amended to read  
20 as follows:

21 (1) At a time or times to be determined by the secretary of state,  
22 ~~((but in any event not later than forty five days before the applicable~~  
23 ~~state general election,))~~ each candidate or nominee for the office of  
24 president and vice-president, United States senator, United States  
25 representative, governor, lieutenant governor, secretary of state,  
26 state treasurer, state auditor, attorney general, superintendent of  
27 public instruction, commissioner of public lands, insurance  
28 commissioner, state senator, state representative, justice of the  
29 supreme court, judge of the court of appeals, or judge of the superior  
30 court may file with the secretary of state a written statement  
31 advocating his or her candidacy accompanied by the campaign mailing  
32 address and telephone number submitted by the candidate or nominee ~~((at~~  
33 ~~the nominee's option))~~, and a photograph not more than five years old  
34 and of a size and quality that the secretary of state determines to be  
35 suitable for reproduction in the ~~((voters'))~~ pamphlet.

36 (2) The maximum number of words for the statements shall be  
37 determined according to the offices sought as follows: State  
38 representative, one hundred words; state senator, judge of the superior

1 court, judge of the court of appeals, justice of the supreme court, and  
2 all state offices voted upon throughout the state, except that of  
3 governor, two hundred words; president and vice-president, United  
4 States senator, United States representative, and governor, three  
5 hundred words. (~~No such statement or photograph may be printed in the~~  
6 ~~candidates' pamphlet for any person who is the sole nominee for any~~  
7 ~~nonpartisan or judicial office.~~)

8 **Sec. 9.** RCW 29.80.030 and 1979 ex.s. c 57 s 4 are each amended to  
9 read as follows:

10 (1) The secretary of state shall reject any statement offered for  
11 filing, (~~which, in his~~) that, in the secretary's opinion, contains  
12 any obscene, profane, libelous or defamatory matter, or any language or  
13 matter, the circulation of which through the mails is prohibited by  
14 congress. (~~Nor shall any~~) No candidate or nominee may submit a  
15 photograph showing the uniform or insignia of any organization  
16 (~~which~~) that advocates or teaches racial or religious intolerance.

17 (2) Within five days after (~~such~~) the rejection of a statement  
18 under this section, the person(~~s~~) submitting (~~such~~) the statement  
19 for filing may appeal to (~~a board of review, consisting of the~~  
20 ~~superintendent of public instruction, attorney general and the~~  
21 ~~lieutenant governor. The decision of such board shall be final upon~~  
22 ~~the acceptance or rejection of the matter thus in controversy~~) the  
23 secretary of state. The office of administrative hearings shall  
24 adjudicate the appeal under RCW 34.05.413 through 34.05.476.

25 **Sec. 10.** RCW 29.80.040 and 1984 c 54 s 3 are each amended to read  
26 as follows:

27 The candidates' or nominees' statements, photographs, and the  
28 addresses and telephone numbers submitted by them (~~as set forth in RCW~~  
29 ~~29.80.010 and 29.80.020~~) shall be published by the secretary of state  
30 as a (~~candidates'~~) pamphlet, the printing of which shall be completed  
31 as soon as possible before the state primary or state general election  
32 (~~concerned~~). The overall dimensions of the pamphlet shall be  
33 determined by the secretary of state as those which in the secretary's  
34 judgment best serve the voters, and whenever possible before the  
35 applicable state general election, the candidates' (~~pamphlet~~)  
36 statement and photograph shall be combined with the voters' pamphlet as  
37 a single publication.

1        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 29.80 RCW  
2 to read as follows:

3        The secretary of state shall allocate space in the pamphlet to  
4 candidates or nominees according to the respective offices sought.  
5 Candidates or nominees will equally share prorated space based on the  
6 number of words allowed in the statement for that office under RCW  
7 29.80.020.

8        **Sec. 12.**    RCW 29.80.080 and 1981 c 243 s 1 are each amended to read  
9 as follows:

10        Before the applicable state primary and state general election, the  
11 secretary of state shall mail without charge taped transcripts of the  
12 (~~candidates~~) pamphlet to any requesting blind person or organization  
13 representing the blind. Braille transcripts may also be mailed by the  
14 secretary of state to such persons or organizations. Availability of  
15 these transcripts shall be publicized by the secretary of state through  
16 public service announcements and other appropriate means.

17        **Sec. 13.**    RCW 43.07.310 and 1992 c 163 s 2 are each amended to read  
18 as follows:

19        VOTERS' PAMPHLET--ELECTRONIC.    The secretary of state, through the  
20 division of elections, is responsible for the following duties, as  
21 prescribed by Title 29 RCW:

22        (1) The filing, verification of signatures, and certification of  
23 state initiative, referendum, and recall petitions;

24        (2)(a) The production and distribution of a state voters' and  
25 candidates' pamphlet for the state primary and general election;

26        (b) In addition to the written pamphlet, the secretary of state may  
27 produce the state voters' and candidates' pamphlet in electronic  
28 format. If the secretary of state produces the pamphlet in video  
29 format, closed captioning shall be used;

30        (3) The examination, testing, and certification of voting  
31 equipment, voting devices, and vote-tallying systems;

32        (4) The administration, canvassing, and certification of the  
33 presidential primary, state primaries, and state general elections;

34        (5) The administration of motor voter and other voter registration  
35 and voter outreach programs;

36        (6) The training, testing, and certification of state and local  
37 elections personnel as established in RCW 29.60.030;

1 (7) The training of state and local party observers required by RCW  
2 29.60.040;

3 (8) The conduct of postelection reviews as established in RCW  
4 29.60.070; and

5 (9) Other duties that may be prescribed by the legislature.

6 **Sec. 14.** RCW 29.81A.010 and 1984 c 106 s 3 are each amended to  
7 read as follows:

8 At least ninety days before any primary or general election, or at  
9 least ~~((forty))~~ forty-five days before any special election held under  
10 RCW 29.13.010 or 29.13.020, the legislative authority of any county or  
11 first-class or code city may adopt an ordinance authorizing the  
12 publication, in printed or electronic format or both, and distribution  
13 of a local voters' pamphlet. The pamphlet shall provide information on  
14 all measures ~~((within))~~ that will be on the ballot in that jurisdiction  
15 and may, if specified in the ordinance, include information on  
16 candidates ~~((within))~~ whose names will be on the ballot in that  
17 jurisdiction. If both a county and a first-class or code city within  
18 that county authorize a local voters' pamphlet for the same election,  
19 the pamphlet shall be produced jointly by the county and the first-  
20 class or code city. If no agreement can be reached between the county  
21 and first-class or code city, the county and first-class or code city  
22 may each produce a pamphlet. Any ordinance adopted authorizing a local  
23 voters' pamphlet may be for a specific primary, special election, or  
24 general election or for any future primaries or elections. The format  
25 of any local voters' pamphlet shall, whenever applicable, comply with  
26 the provisions of chapters 29.80 and 29.81 RCW regarding the  
27 publication of the state candidates' and voters' pamphlets.

28 **Sec. 15.** RCW 29.81A.020 and 1994 c 191 s 1 are each amended to  
29 read as follows:

30 (1) Not later than ~~((ninety days))~~ May 1st for a primary or general  
31 election or ninety days before a special election not scheduled at the  
32 same time as a primary or general election, before the publication and  
33 distribution of a local voters' pamphlet by a county, the county  
34 auditor shall notify each city, town, or special taxing district  
35 located ~~((wholly))~~ within that county that a pamphlet will be produced.

36 (2) If a voters' pamphlet is published by the county for a primary  
37 or general election, the pamphlet shall be published for the elective



1 offices and ballot measures of the county and for the elective offices  
2 and ballot measures of each unit of local government located  
3 (~~entirely~~) within the county which will appear on the ballot at that  
4 primary or election. However, the offices and measures of a first  
5 class or code city shall not be included in the pamphlet if the city  
6 publishes and distributes its own voters' pamphlet for the primary or  
7 election for its offices and measures. The offices and measures of any  
8 other town or city are not required to appear in the county's pamphlet  
9 if the town or city is obligated by ordinance or charter to publish and  
10 distribute a voters' pamphlet for the primary or election for its  
11 offices and measures and it does so.

12 If the required appearance in a county's voters' pamphlet of the  
13 offices or measures of a unit of local government would create (~~undue~~  
14 ~~{undue}~~) undue financial hardship for the unit of government, the  
15 legislative authority of the unit may petition the legislative  
16 authority of the county to waive this requirement. The legislative  
17 authority of the county may provide such a waiver if it does so not  
18 later than (~~sixty days before the publication of the pamphlet and~~)  
19 June 15th for a primary or general election or sixty days before a  
20 special election not occurring at the same time as a primary or general  
21 election where a pamphlet will be published if it finds that the  
22 requirement would create such hardship.

23 (3) If a city, town, or district is located within more than one  
24 county, the respective county auditors may enter into an interlocal  
25 agreement to permit the distribution of each county's local voters'  
26 pamphlet into those parts of the city, town, or district located  
27 outside of that county.

28 (4) If a first-class or code city authorizes the production and  
29 distribution of a local voters' pamphlet, the city clerk of that city  
30 shall notify any special taxing district located (~~wholly~~) within that  
31 city that a pamphlet will be produced. Notification shall be provided  
32 in the manner required or provided for in subsection (1) of this  
33 section.

34 (5) A unit of local government located within a county and the  
35 county may enter into an interlocal agreement for the publication of a  
36 voters' pamphlet for offices or measures not required by subsection (2)  
37 of this section to appear in a county's pamphlet.

1       **Sec. 16.** RCW 29.81A.040 and 1984 c 106 s 6 are each amended to  
2 read as follows:

3       The local voters' pamphlet shall include but not be limited to the  
4 following:

5       (1) Appearing on the cover, the words "official local voters'  
6 pamphlet," the name of the jurisdiction producing the pamphlet, the  
7 jurisdictions that have measures or candidates in the pamphlet, and the  
8 date of the election or primary;

9       (2) Information on how a person may register to vote and obtain an  
10 absentee ballot;

11       (3) The ~~((text))~~ ballot title of each measure accompanied by an  
12 explanatory statement prepared by the prosecuting attorney for any  
13 county measure or by the attorney for the jurisdiction submitting the  
14 measure if other than a county measure. The explanatory statement  
15 shall not intentionally be an argument likely to create prejudice  
16 either for, or against, the measure. All explanatory statements for  
17 city, town, or district measures ~~((not approved by the attorney for the~~  
18 ~~jurisdiction submitting the measure))~~ shall be reviewed and approved by  
19 the county prosecuting attorney ~~((or city attorney, when applicable,))~~  
20 before inclusion in the pamphlet. The full text of the measure may be  
21 either included in the pamphlet or made available upon request at the  
22 discretion of the jurisdiction publishing the pamphlet;

23       (4) The arguments for and against each measure submitted by  
24 committees selected pursuant to RCW 29.81A.080.

25       **Sec. 17.** RCW 29.81A.080 and 1994 c 191 s 2 are each amended to  
26 read as follows:

27       For each measure from a unit of local government that is included  
28 in a local voters' pamphlet, the legislative authority of that  
29 jurisdiction shall, not later than forty-five days before the  
30 publication of the pamphlet, formally appoint a committee to prepare  
31 arguments advocating voters' approval of the measure and shall formally  
32 appoint a committee to prepare arguments advocating voters' rejection  
33 of the measure. The authority shall appoint persons known to favor the  
34 measure to serve on the committee advocating approval and shall,  
35 whenever possible, appoint persons known to oppose the measure to serve  
36 on the committee advocating rejection. Each committee shall have not  
37 more than three members, however, a committee may seek the advice of  
38 any person or persons. If the legislative authority of a unit of local

1 government fails to make such appointments by the prescribed deadline,  
2 the county auditor shall whenever possible make the appointments. The  
3 county auditor shall notify press, radio, and television in the county  
4 of the need to make such appointments.

5 **Sec. 18.** RCW 29.81.010 and 1984 c 54 s 4 are each amended to read  
6 as follows:

7 IDENTIFICATION OF ADVOCATES. The voters' pamphlet shall contain as  
8 to each state measure to be voted upon, the following in the order set  
9 forth in this section:

10 (1) Upon the top portion of the first two opposing pages relating  
11 to the measure and not exceeding one-third of the total printing area  
12 shall appear:

13 (a) The legal identification of the measure by serial designation  
14 and number;

15 (b) The official ballot title of the measure;

16 (c) A brief statement explaining the law as it presently exists;

17 (d) A brief statement explaining the effect of the proposed measure  
18 should it be approved into law;

19 (e) The total number of votes cast for and against the measure in  
20 both the state senate and house of representatives if the measure has  
21 been passed by the legislature;

22 (f) A heavy double ruled line across both pages to clearly set  
23 apart the above items from the remaining text.

24 (2) Upon the lower portion of the left page of the two facing pages  
25 shall appear an argument advocating the voters' approval of the measure  
26 together with any rebuttal statement of the opposing argument as  
27 provided in RCW 29.81.030, 29.81.040, or 29.81.050.

28 (3) Upon the lower portion of the right hand page of the two facing  
29 pages shall appear an argument advocating the voters' rejection of the  
30 measure together with any rebuttal statement of the opposing argument  
31 as provided in RCW 29.81.030, 29.81.040, or 29.81.050.

32 (4) Following each argument or rebuttal statement each member of  
33 the committee advocating for or against a measure shall be listed in  
34 bold face capital letters by name and address to the end that the  
35 public shall be fully apprised of the advocate's identity. Also,  
36 following each argument or rebuttal statement, the secretary of state  
37 shall list, at the option of the committee that submitted the argument

1 or statement, a telephone number that citizens may call in order to  
2 obtain information on the ballot measure.

3 (5) At the conclusion of the pamphlet the full text of each of the  
4 measures shall appear. The text of the proposed constitutional  
5 amendments shall be set forth in the form provided for in RCW  
6 29.81.080.

7 **Sec. 19.** RCW 29.80.090 and 1984 c 54 s 7 are each amended to read  
8 as follows:

9 PUBLIC DISCLOSURE COMMISSION SERVICES. In addition to other  
10 contents included in the candidates' pamphlet, the secretary of state  
11 shall prepare and include a section containing (1) a brief explanation  
12 of how voters may participate in the election campaign process; (2) the  
13 name, address, and telephone number of each political party that has  
14 one or more nominees listed in the candidates' pamphlet, but this  
15 information shall be included in the candidates' pamphlet only if and  
16 as filed with the secretary of state by the state committee of a major  
17 political party or the presiding officer of the convention of a minor  
18 political party; (3) the address and telephone number of the public  
19 disclosure commission established under RCW 42.17.350 and a description  
20 of the services available through the public disclosure commission; (4)  
21 a summary of the disclosure requirements that apply when contributions  
22 are made to candidates and political committees; and (5) an explanation  
23 of the federal income tax credits and deductions that are available to  
24 persons who make such contributions. Whenever the candidates' pamphlet  
25 is combined with the voters' pamphlet, the section shall be placed at  
26 or near the beginning of the combined publication.

27 NEW SECTION. **Sec. 20.** The following acts or parts of acts are  
28 each repealed:

29 (1) RCW 29.80.050 and 1971 ex.s c 145 s 3 & 1965 c 9 s 29.80.050;  
30 and

31 (2) RCW 29.80.060 and 1965 c 9 s 29.80.060.

32 **NEWSLETTERS**

33 **Sec. 21.** RCW 42.17.132 and 1993 c 2 s 25 are each amended to read  
34 as follows:

1 During the twelve-month period preceding the (~~expiration of a~~  
2 ~~state legislator's term in~~) last day for certification of the election  
3 results for a state legislator's election to office, no incumbent to  
4 that office may mail to a constituent at public expense a letter,  
5 newsletter, brochure, or other piece of literature that is not in  
6 direct response to that constituent's request for a response or for  
7 information. However, one mailing mailed within thirty days after the  
8 start of a regular legislative session and one mailing mailed within  
9 sixty days after the end of a regular legislative session of identical  
10 newsletters to constituents are permitted. A violation of this section  
11 constitutes use of the facilities of a public office for the purpose of  
12 assisting a campaign under RCW (~~42.17.130~~) 42.52.180.

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

16 **Sec. 22.** RCW 42.17.160 and 1982 c 147 s 12 are each amended to  
17 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

26 **Sec. 23.** RCW 42.17.170 and 1991 sp.s. c 18 s 2 are each amended to  
27 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

14 **MISCELLANEOUS**

15 NEW SECTION. Sec. 24. CAPTIONS AND HEADINGS. Captions and  
16 headings as used in this act constitute no part of the law.

17 NEW SECTION. Sec. 25. This act shall take effect December 1,  
18 1995.

19 NEW SECTION. Sec. 26. If any provision of this act or its  
20 application to any person or circumstance is held invalid, the  
21 remainder of the act or the application of the provision to other  
22 persons or circumstances is not affected.

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