

2 **E2SSB 5931** - H AMD 0251 ADOPTED 04/24/99

3 By Representative

4

5 Strike everything after the enacting clause and insert the
6 following:

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

9 It is the intent of the legislature to ensure that the commission
10 provide the general public timely access to all contribution and
11 expenditure reports submitted by candidates, continuing political
12 committees, bona fide political parties, lobbyists, and lobbyists'
13 employers. The legislature finds that failure to meet goals for full
14 and timely disclosure threatens to undermine our electoral process.

15 Furthermore, the legislature intends for the commission to consult
16 with the department of information services as it seeks to implement
17 this act, and that the commission follow the standards and procedures
18 established by the department of information services in chapter 43.105
19 RCW as they relate to information technology.

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

22 (1) The commission shall establish goals that all reports, copies
23 of reports, or copies of the data or information included in reports,
24 filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105,
25 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

26 (a) Submitted using the commission's electronic filing system shall
27 be accessible in the commission's office within two business days of
28 the commission's receipt of the report and shall be accessible on the
29 commission's web site within seven business days of the commission's
30 receipt of the report; and

31 (b) Submitted in any format or using any method other than as
32 described in (a) of this subsection, shall be accessible in the
33 commission's office within four business days of the actual physical
34 receipt of the report, and not the technical date of filing as provided
35 under RCW 42.17.420, and shall be accessible on the commission's web

1 site within fourteen business days of the actual physical receipt of
2 the report, and not the technical date of filing as provided under RCW
3 42.17.420, as specified in rule adopted by the commission.

4 (2) On January 1, 2001, or shortly thereafter, the commission shall
5 revise these goals to reflect that all reports, copies of reports, or
6 copies of the data or information included in reports, filed under RCW
7 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150,
8 42.17.170, 42.17.175, and 42.17.180, that are:

9 (a) Submitted using the commission's electronic filing system shall
10 be accessible in the commission's office and on the commission's web
11 site within two business days of the commission's receipt of the
12 report; and

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

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

21 By July 1st of each year beginning in 2000, the commission shall
22 calculate the following performance measures, provide a copy of the
23 performance measures to the governor and appropriate legislative
24 committees, and make the performance measures available to the public:

25 (1) The average number of days that elapse between the commission's
26 receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and
27 42.17.100 and the time that the report, a copy of the report, or a copy
28 of the data or information included in the report, is first accessible
29 to the general public (a) in the commission's office, and (b) via the
30 commission's web site;

31 (2) The average number of days that elapse between the commission's
32 receipt of reports filed under RCW 42.17.105 and the time that the
33 report, a copy of the report, or a copy of the data or information
34 included in the report, is first accessible to the general public (a)
35 in the commission's office, and (b) via the commission's web site;

36 (3) The average number of days that elapse between the commission's
37 receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and
38 42.17.180 and the time that the report, a copy of the report, or a copy

1 of the data or information included in the report, is first accessible
2 to the general public (a) in the commission's office, and (b) via the
3 commission's web site;

4 (4) The percentage of candidates, categorized as state-wide, state
5 legislative, or local, that have used each of the following methods to
6 file reports under RCW 42.17.080 or 42.17.105: (a) Hard copy paper
7 format; (b) electronic format via diskette; (c) electronic format via
8 modem or satellite; (d) electronic format via the Internet; and (e) any
9 other format or method;

10 (5) The percentage of continuing political committees that have
11 used each of the following methods to file reports under RCW 42.17.065
12 or 42.17.105: (a) Hard copy paper format; (b) electronic format via
13 diskette; (c) electronic format via modem or satellite; (d) electronic
14 format via the Internet; and (e) any other format or method; and

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

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17 RCW
22 to read as follows:

23 (1) The commission shall develop an information technology plan
24 consistent with plans or portfolios required by chapter 43.105 RCW.

25 (2) The plan must include, but not be limited to, the following:

26 (a) A baseline assessment of the agency's information technology
27 resources and capabilities that will serve as the benchmark for
28 subsequent planning and performance measures;

29 (b) A statement of the agency's mission, goals, and objectives for
30 information technology, including goals and objectives for achieving
31 electronic access to agency records, information, and services for at
32 least the next five years;

33 (c) An explanation of how the agency's mission, goals, and
34 objectives for information technology support and conform to the state
35 strategic information technology plan;

36 (d) An implementation strategy to enhance electronic access to
37 public records and information required to be filed with and disclosed

1 by the commission. This implementation strategy must be assembled to
2 include:

3 (i) Adequate public notice and opportunity for comment;

4 (ii) Consideration of a variety of electronic technologies,
5 including those that help to transcend geographic locations, standard
6 business hours, economic conditions of users, and disabilities;

7 (iii) Methods to educate agency employees, the public, and the news
8 media in the effective use of agency technology;

9 (iv) Ways to simplify and improve public access to information held
10 by the commission through electronic means;

11 (e) Projects and resources required to meet the objectives of the
12 plan; and

13 (f) If feasible, estimated schedules and funding required to
14 implement identified projects.

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

17 In preparing the information technology plan, the commission shall
18 consult with affected state agencies, the department of information
19 services, and stakeholders in the commission's work, including
20 representatives of political committees, bona fide political parties,
21 news media, and the general public.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 42.17 RCW
23 to read as follows:

24 The commission shall submit the information technology plan to the
25 senate and house of representatives fiscal committees, the governor,
26 the senate state and local government committee, the house of
27 representatives state government committee, and the department of
28 information services by February 1, 2000. It is the intent of the
29 legislature that the commission thereafter comply with the requirements
30 of chapter 43.105 RCW with respect to preparation and submission of
31 biennial performance reports on the commission's information
32 technology.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 42.17 RCW
34 to read as follows:

1 The commission shall prepare and submit to the department of
2 information services a biennial performance report in accordance with
3 chapter 43.105 RCW.

4 The report must include:

5 (1) An evaluation of the agency's performance relating to
6 information technology;

7 (2) An assessment of progress made toward implementing the agency
8 information technology plan;

9 (3) An analysis of the commission's performance measures, set forth
10 in section 3 of this act, that relate to the electronic filing of
11 reports and timely public access to those reports via the commission's
12 web site;

13 (4) A comprehensive description of the methods by which citizens
14 may interact with the agency in order to obtain information and
15 services from the commission; and

16 (5) An inventory of agency information services, equipment, and
17 proprietary software.

18 **Sec. 8.** RCW 42.17.365 and 1993 c 2 s 29 are each amended to read
19 as follows:

20 The commission shall conduct a sufficient number of audits and
21 field investigations so as to provide a statistically valid finding
22 regarding the degree of compliance with the provisions of this chapter
23 by all required filers. Any documents, records, reports, computer
24 files, papers, or materials provided to the commission for use in
25 conducting audits and investigations must be returned to the candidate,
26 campaign, or political committee from which they were received within
27 one week of the commission's completion of an audit or field
28 investigation.

29 **Sec. 9.** RCW 42.17.367 and 1994 c 40 s 2 are each amended to read
30 as follows:

31 By ~~((January 1, 1995))~~ February 1, 2000, the ~~((public disclosure))~~
32 commission shall ~~((design a program for electronic access to public~~
33 ~~documents filed with the commission. The program may include on-line~~
34 ~~access to the commission's magic and electronic bulletin board systems,~~
35 ~~providing information for the internet system, fax request service,~~
36 ~~automated telephone service, electronic filing of reports, and other~~
37 ~~service delivery options. Documents available in the program shall~~

1 include, but are not limited to, public documents filed with the public
2 disclosure commission, including, but not limited to, commission
3 meeting schedules, financial affairs reports, contribution reports,
4 expenditure reports, and gift reports. Implementation of the program
5 is contingent on the availability of funds)) operate a web site or
6 contract for the operation of a web site that allows access to reports,
7 copies of reports, or copies of data and information submitted in
8 reports, filed with the commission under RCW 42.17.040, 42.17.065,
9 42.17.080, 42.17.100, and 42.17.105. By January 1, 2001, the web site
10 shall allow access to reports, copies of reports, or copies of data and
11 information submitted in reports, filed with the commission under RCW
12 42.17.150, 42.17.170, 42.17.175, and 42.17.180. In addition, the
13 commission shall attempt to make available via the web site other
14 public records submitted to or generated by the commission that are
15 required by this chapter to be available for public use or inspection.

16 **Sec. 10.** RCW 42.17.420 and 1995 c 397 s 18 are each amended to
17 read as follows:

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

26 (2) When a report is filed electronically with the commission, it
27 is deemed to have been received on the file transfer date. The
28 commission shall notify the filer of receipt of the electronically
29 filed report. Such notification may be sent by mail, facsimile, or
30 electronic mail. If the notification of receipt of the electronically
31 filed report is not received by the filer, the filer may offer his or
32 her own proof of sending the report, and such proof shall be treated as
33 if it were a receipt sent by the commission. Electronic filing may be
34 used for purposes of filing the special reports required to be
35 delivered under RCW 42.17.105 and 42.17.175.

36 NEW SECTION. **Sec. 11.** A new section is added to chapter 42.17 RCW
37 to read as follows:

1 (1) By July 1, 1999, the commission shall offer every candidate,
2 public official, political committee, and party organization that is
3 required to file reports under this chapter the option of filing
4 financial affairs reports, contribution reports, and expenditure
5 reports electronically by diskette or via modem, satellite, or the
6 Internet.

7 (2) By January 1, 2001, the commission shall offer all lobbyists
8 and lobbyists' employers required to file reports under RCW 42.17.150,
9 42.17.170, 42.17.175, or 42.17.180 the option of filing these reports
10 electronically by diskette or via modem, satellite, or the Internet.

11 (3) The commission shall make available to each candidate, public
12 official, political committee, lobbyist, lobbyist employer, and party
13 organization an electronic copy of the appropriate reporting forms at
14 no charge.

15 NEW SECTION. **Sec. 12.** A new section is added to chapter 42.17 RCW
16 to read as follows:

17 Beginning January 1, 2001, each continuing political committee,
18 that expended ten thousand dollars or more in the preceding year or
19 expects to expend ten thousand dollars or more in expenditures in the
20 current year, shall file all contribution reports and expenditure
21 reports required by this chapter electronically by diskette or via
22 modem, satellite, or the Internet. Failure by a continuing political
23 committee to comply with this section is a violation of this chapter.

24 **Sec. 13.** RCW 42.17.080 and 1995 c 397 s 2 are each amended to read
25 as follows:

26 (1) On the day the treasurer is designated, each candidate or
27 political committee shall file with the commission and the county
28 auditor or elections officer of the county in which the candidate
29 resides, or in the case of a political committee, the county in which
30 the treasurer resides, in addition to any statement of organization
31 required under RCW 42.17.040 or 42.17.050, a report of all
32 contributions received and expenditures made prior to that date, if
33 any.

34 (2) At the following intervals each treasurer shall file with the
35 commission and the county auditor or elections officer of the county in
36 which the candidate resides, or in the case of a political committee,
37 the county in which the committee maintains its office or headquarters,

1 and if there is no office or headquarters then in the county in which
2 the treasurer resides, a report containing the information required by
3 RCW 42.17.090:

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

6 (b) On the tenth day of the first month after the election:
7 PROVIDED, That this report shall not be required following a primary
8 election from:

9 (i) A candidate whose name will appear on the subsequent general
10 election ballot; or

11 (ii) Any continuing political committee; and

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

18 When there is no outstanding debt or obligation, and the campaign
19 fund is closed, and the campaign is concluded in all respects, and in
20 the case of a political committee, the committee has ceased to function
21 and has dissolved, the treasurer shall file a final report. Upon
22 submitting a final report, the duties of the treasurer shall cease and
23 there shall be no obligation to make any further reports.

24 The report filed twenty-one days before the election shall report
25 all contributions received and expenditures made as of the end of the
26 fifth business day before the date of the report. The report filed
27 seven days before the election shall report all contributions received
28 and expenditures made as of the end of the one business day before the
29 date of the report. Reports filed on the tenth day of the month shall
30 report all contributions received and expenditures made from the
31 closing date of the last report filed through the last day of the month
32 preceding the date of the current report.

33 (3) For the period beginning the first day of the fourth month
34 preceding the date on which the special or general election is held and
35 ending on the date of that election, each Friday the treasurer shall
36 file with the commission and the appropriate county elections officer
37 a report of each bank deposit made during the previous seven calendar
38 days. The report shall contain the name of each person contributing
39 the funds so deposited and the amount contributed by each person.

1 However, contributions of no more than twenty-five dollars in the
2 aggregate from any one person may be deposited without identifying the
3 contributor. A copy of the report shall be retained by the treasurer
4 for his or her records. In the event of deposits made by a deputy
5 treasurer, the copy shall be forwarded to the treasurer for his or her
6 records. Each report shall be certified as correct by the treasurer or
7 deputy treasurer making the deposit.

8 (4) The treasurer or candidate shall maintain books of account
9 accurately reflecting all contributions and expenditures on a current
10 basis within five business days of receipt or expenditure. During the
11 eight days immediately preceding the date of the election the books of
12 account shall be kept current within one business day (~~and shall~~).
13 As specified in the committee's statement of organization filed under
14 RCW 42.17.040, the books of account must be open for public inspection
15 as follows:

16 (a) For at least two consecutive hours ((Monday through Friday,
17 excluding legal holidays)) on the eighth day immediately before the
18 election, between 8:00 a.m. and 8:00 p.m., as specified in the
19 committee's statement of organization filed pursuant to RCW 42.17.040,
20 at the principal headquarters or, if there is no headquarters, at the
21 address of the treasurer or such other place as may be authorized by
22 the commission; and

23 (b) By appointment for inspections to be conducted at the
24 designated place for inspections between 8:00 a.m. and 8:00 p.m. on any
25 other day from the seventh day through the day immediately before the
26 election, other than Saturday, Sunday, or a legal holiday. It is a
27 violation of this chapter for a candidate or political committee to
28 refuse to allow and keep an appointment for an inspection to be
29 conducted during these authorized times and days in the week prior to
30 the election. The appointment must be allowed at an authorized time
31 and day for such inspections that is within twenty-four hours of the
32 time and day that is requested for the inspection.

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

37 ((+5+)) (6) All reports filed pursuant to subsections (1) or (2) of
38 this section shall be certified as correct by the candidate and the
39 treasurer.

1 (~~(6)~~) (7) Copies of all reports filed pursuant to this section
2 shall be readily available for public inspection for at least two
3 consecutive hours Monday through Friday, excluding legal holidays,
4 between 8:00 a.m. and 8:00 p.m., as specified in the committee's
5 statement of organization filed pursuant to RCW 42.17.040, at the
6 principal headquarters or, if there is no headquarters, at the address
7 of the treasurer or such other place as may be authorized by the
8 commission.

9 (~~(7)~~) (8) The commission shall adopt administrative rules
10 establishing requirements for filer participation in any system
11 designed and implemented by the commission for the electronic filing of
12 reports.

13 NEW SECTION. **Sec. 14.** By December 1, 2000, the joint legislative
14 audit and review committee shall have completed a performance audit of
15 the duties and staffing of the public disclosure commission."

16 Correct the title.

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