
SUBSTITUTE HOUSE BILL 2138

State of Washington

56th Legislature

1999 Regular Session

By House Committee on State Government (originally sponsored by Representative D. Schmidt)

Read first time 03/02/1999.

1 AN ACT Relating to duties of the public disclosure commission; and
2 amending RCW 42.17.090 and 42.17.105.

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

4 **Sec. 1.** RCW 42.17.090 and 1993 c 256 s 6 are each amended to read
5 as follows:

6 (1) Each report required under RCW 42.17.080 (1) and (2) shall
7 disclose the following:

8 (a) The funds on hand at the beginning of the period;

9 (b) The name and address of each person who has made one or more
10 contributions during the period, together with the money value and date
11 of such contributions and the aggregate value of all contributions
12 received from each such person during the campaign or in the case of a
13 continuing political committee, the current calendar year: PROVIDED,
14 That pledges in the aggregate of (~~less than~~) one hundred dollars or
15 less from any one person need not be reported: PROVIDED FURTHER, That
16 the income which results from a fund-raising activity conducted in
17 accordance with RCW 42.17.067 may be reported as one lump sum, with the
18 exception of that portion of such income which was received from
19 persons whose names and addresses are required to be included in the

1 report required by RCW 42.17.067: PROVIDED FURTHER, That contributions
2 of no more than twenty-five dollars in the aggregate from any one
3 person during the election campaign may be reported as one lump sum so
4 long as the campaign treasurer maintains a separate and private list of
5 the name, address, and amount of each such contributor, but the
6 occupation and employer of a contributor may not be required to be
7 supplied for a contributor whose contribution or aggregate of
8 contributions during the year is one hundred dollars or less: PROVIDED
9 FURTHER, That the money value of contributions of postage shall be the
10 face value of such postage;

11 (c) Each loan, promissory note, or security instrument to be used
12 by or for the benefit of the candidate or political committee made by
13 any person, together with the names and addresses of the lender and
14 each person liable directly, indirectly or contingently and the date
15 and amount of each such loan, promissory note, or security instrument;

16 (d) All other contributions not otherwise listed or exempted;

17 (e) The name and address of each candidate or political committee
18 to which any transfer of funds was made, together with the amounts and
19 dates of such transfers;

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

38 (g) The name and address of each person to whom any expenditure was
39 made directly or indirectly to compensate the person for soliciting or

1 procuring signatures on an initiative or referendum petition, the
2 amount of such compensation to each such person, and the total of the
3 expenditures made for this purpose. Such expenditures shall be
4 reported under this subsection (1)(g) whether the expenditures are or
5 are not also required to be reported under (f) of this subsection;

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

10 (i) The surplus or deficit of contributions over expenditures;

11 (j) The disposition made in accordance with RCW 42.17.095 of any
12 surplus funds;

13 (k) Such other information as shall be required by the commission
14 by rule in conformance with the policies and purposes of this chapter;
15 and

16 (l) Funds received from a political committee not otherwise
17 required to report under this chapter (a "nonreporting committee").
18 Such funds shall be forfeited to the state of Washington unless the
19 nonreporting committee has filed or within ten days following such
20 receipt files with the commission a statement disclosing: (i) Its name
21 and address; (ii) the purposes of the nonreporting committee; (iii) the
22 names, addresses, and titles of its officers or if it has no officers,
23 the names, addresses, and titles of its responsible leaders; (iv) the
24 name, office sought, and party affiliation of each candidate in the
25 state of Washington whom the nonreporting committee is supporting, and,
26 if such committee is supporting the entire ticket of any party, the
27 name of the party; (v) the ballot proposition supported or opposed in
28 the state of Washington, if any, and whether such committee is in favor
29 of or opposed to such proposition; (vi) the name and address of each
30 person residing in the state of Washington or corporation which has a
31 place of business in the state of Washington who has made one or more
32 contributions in the aggregate of more than twenty-five dollars to the
33 nonreporting committee during the current calendar year, together with
34 the money value and date of such contributions; (vii) the name and
35 address of each person in the state of Washington to whom an
36 expenditure was made by the nonreporting committee on behalf of a
37 candidate or political committee in the aggregate amount of more than
38 fifty dollars, the amount, date, and purpose of such expenditure, and
39 the total sum of such expenditures; (viii) such other information as

1 the commission may prescribe by rule, in keeping with the policies and
2 purposes of this chapter. A nonreporting committee incurring an
3 obligation to file additional reports in a calendar year may satisfy
4 the obligation by filing with the commission a letter providing
5 updating or amending information.

6 (2) The treasurer and the candidate shall certify the correctness
7 of each report.

8 **Sec. 2.** RCW 42.17.105 and 1995 c 397 s 4 are each amended to read
9 as follows:

10 (1)(a) Campaign treasurers shall prepare and deliver to the
11 commission a special report regarding any contribution or aggregate of
12 contributions which: Exceeds (~~five hundred dollars~~) the maximum
13 aggregate amount provided under RCW 42.17.640 that a person, other than
14 a bona fide political party or a caucus political committee may
15 contribute to a legislative candidate, as adjusted under RCW 42.17.690;
16 is from a single person or entity; and is received during a special
17 reporting period. This aggregate amount is the threshold amount for
18 reporting.

19 (b) Any political committee making a contribution or an aggregate
20 of contributions to a single entity which exceeds (~~five hundred~~
21 ~~dollars~~) the maximum aggregate amount provided under RCW 42.17.640
22 that a person, other than a bona fide political party or a caucus
23 political committee may contribute to a legislative candidate, as
24 adjusted under RCW 42.17.690, shall also prepare and deliver to the
25 commission the special report if the contribution or aggregate of
26 contributions is made during a special reporting period. This
27 aggregate amount is the threshold amount for reporting.

28 (2) For the purposes of subsections (1) through (~~(7)~~) (8) of this
29 section:

30 (a) Each of the following intervals is a special reporting period:
31 (i) The interval beginning after the period covered by the last report
32 required by RCW 42.17.080 and 42.17.090 to be filed before a primary
33 and concluding on the end of the day before that primary; and (ii) the
34 interval composed of the twenty-one days preceding a general election;
35 and

36 (b) An aggregate of contributions includes only those contributions
37 received from a single entity during any one special reporting period

1 or made by the contributing political committee to a single entity
2 during any one special reporting period.

3 ~~((+2))~~ (3) If a campaign treasurer files a special report under
4 this section for one or more contributions received from a single
5 entity during a special reporting period, the treasurer shall also file
6 a special report under this section for each subsequent contribution of
7 any size which is received from that entity during the special
8 reporting period. If a political committee files a special report
9 under this section for a contribution or contributions made to a single
10 entity during a special reporting period, the political committee shall
11 also file a special report for each subsequent contribution of any size
12 which is made to that entity during the special reporting period.

13 ~~((+3))~~ (4) Except as provided in subsection ~~((+4))~~ (5) of this
14 section, the special report required by this section shall be delivered
15 electronically or in written form, including but not limited to
16 mailgram, telegram, or nightletter. The special report required of a
17 contribution recipient by subsection (1)(a) of this section shall be
18 delivered to the commission within forty-eight hours of the time, or on
19 the first working day after: The contribution exceeding ~~((five hundred
20 dollars))~~ the threshold amount for reporting under subsection (1)(a) of
21 this section is received by the candidate or treasurer; the aggregate
22 received by the candidate or treasurer first exceeds ~~((five hundred
23 dollars))~~ the threshold amount for reporting under subsection (1)(a) of
24 this section; or the subsequent contribution that must be reported
25 under subsection ~~((+2))~~ (3) of this section is received by the
26 candidate or treasurer. The special report required of a contributor
27 by subsection (1)(b) of this section or RCW 42.17.175 shall be
28 delivered to the commission, and the candidate or political committee
29 to whom the contribution or contributions are made, within twenty-four
30 hours of the time, or on the first working day after: The contribution
31 is made; the aggregate of contributions made first exceeds ~~((five
32 hundred dollars))~~ the threshold amount for reporting under subsection
33 (1)(b) of this section; or the subsequent contribution that must be
34 reported under subsection ~~((+2))~~ (3) of this section is made.

35 ~~((+4))~~ (5) The special report may be transmitted orally by
36 telephone to the commission to satisfy the delivery period required by
37 subsection ~~((+3))~~ (4) of this section if the written form of the
38 report is also mailed to the commission and postmarked within the
39 delivery period established in subsection ~~((+3))~~ (4) of this section

1 or the file transfer date of the electronic filing is within the
2 delivery period established in subsection ~~((+3))~~ (4) of this section.

3 ~~((+5))~~ (6) The special report shall include at least:

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

5 (b) The date or dates of receipt;

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

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

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

9 ~~((+6))~~ (7) Contributions reported under this section shall also be
10 reported as required by other provisions of this chapter.

11 ~~((+7))~~ (8) The commission shall prepare daily a summary of the
12 special reports made under this section and RCW 42.17.175.

13 ~~((+8))~~ (9) It is a violation of this chapter for any person to
14 make, or for any candidate or political committee to accept from any
15 one person, contributions reportable under RCW 42.17.090 in the
16 aggregate ~~((exceeding fifty thousand dollars for any campaign for
17 state-wide office or))~~ exceeding five thousand dollars for any
18 ~~((other))~~ campaign subject to the provisions of this chapter, other
19 than campaigns subject to the limitations under RCW 42.17.640, within
20 twenty-one days of a general election. This subsection does not apply
21 to contributions made by, or accepted from, a bona fide political party
22 as defined in this chapter, excluding the county central committee or
23 legislative district committee.

24 ~~((+9))~~ (10) Contributions governed by this section include, but
25 are not limited to, contributions made or received indirectly through
26 a third party or entity whether the contributions are or are not
27 reported to the commission as earmarked contributions under RCW
28 42.17.135.

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