
SUBSTITUTE SENATE BILL 5900

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Haugen, Bauer, Franklin, B. Sheldon, Snyder, Rasmussen, Kohl-Welles, McAuliffe, Thibaudeau, Fairley, Fraser, Prentice, Spanel and Eide)

Read first time 03/03/1999.

1 AN ACT Relating to political advertising and independent
2 expenditures in political campaigns; amending RCW 42.17.020, 42.17.040,
3 42.17.100, 42.17.510, 42.17.550, and 42.36.040; and adding new sections
4 to chapter 42.17 RCW.

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

6 **Sec. 1.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read
7 as follows:

8 (1) "Agency" includes all state agencies and all local agencies.
9 "State agency" includes every state office, department, division,
10 bureau, board, commission, or other state agency. "Local agency"
11 includes every county, city, town, municipal corporation, quasi-
12 municipal corporation, or special purpose district, or any office,
13 department, division, bureau, board, commission, or agency thereof, or
14 other local public agency.

15 (2) "Authorized committee" means the political committee authorized
16 by a candidate, or by the public official against whom recall charges
17 have been filed, to accept contributions or make expenditures on behalf
18 of the candidate or public official.

1 (3) "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 (4) "Benefit" means a commercial, proprietary, financial, economic,
9 or monetary advantage, or the avoidance of a commercial, proprietary,
10 financial, economic, or monetary disadvantage.

11 (5) "Bona fide political party" means:

12 (a) An organization that has filed a valid certificate of
13 nomination with the secretary of state under chapter 29.24 RCW;

14 (b) The governing body of the state organization of a major
15 political party, as defined in RCW 29.01.090, that is the body
16 authorized by the charter or bylaws of the party to exercise authority
17 on behalf of the state party; or

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

21 (6) "Depository" means a bank designated by a candidate or
22 political committee pursuant to RCW 42.17.050.

23 (7) "Treasurer" and "deputy treasurer" mean the individuals
24 appointed by a candidate or political committee, pursuant to RCW
25 42.17.050, to perform the duties specified in that section.

26 (8) "Candidate" means any individual who seeks nomination for
27 election or election to public office. An individual seeks nomination
28 or election when he or she first:

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

31 (b) Announces publicly or files for office;

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

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

36 (9) "Caucus political committee" means a political committee
37 organized and maintained by the members of a major political party in
38 the state senate or state house of representatives.

1 (10) "Commercial advertiser" means any person who sells the service
2 of communicating messages or producing printed material for broadcast
3 or distribution to the general public or segments of the general public
4 whether through the use of newspapers, magazines, television and radio
5 stations, billboard companies, direct mail advertising companies,
6 printing companies, or otherwise.

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

8 (12) "Compensation" unless the context requires a narrower meaning,
9 includes payment in any form for real or personal property or services
10 of any kind: PROVIDED, That for the purpose of compliance with RCW
11 42.17.241, the term "compensation" shall not include per diem
12 allowances or other payments made by a governmental entity to reimburse
13 a public official for expenses incurred while the official is engaged
14 in the official business of the governmental entity.

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

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

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

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

26 (iii) The financing by a person of the dissemination, distribution,
27 or republication, in whole or in part, of broadcast, written, graphic,
28 or other form of political advertising prepared by a candidate, a
29 political committee, or its authorized agent;

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

33 (b) "Contribution" does not include:

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

36 (ii) Ordinary home hospitality;

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

1 (iv) A news item, feature, commentary, or editorial in a regularly
2 scheduled news medium that is of primary interest to the general
3 public, that is in a news medium controlled by a person whose business
4 is that news medium, and that is not controlled by a candidate or a
5 political committee;

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

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

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

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

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

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

31 (c) Contributions other than money or its equivalent are deemed to
32 have a monetary value equivalent to the fair market value of the
33 contribution. Services or property or rights furnished at less than
34 their fair market value for the purpose of assisting any candidate or
35 political committee are deemed a contribution. Such a contribution
36 must be reported as an in-kind contribution at its fair market value
37 and counts towards any applicable contribution limit of the provider.

1 (15) "Elected official" means any person elected at a general or
2 special election to any public office, and any person appointed to fill
3 a vacancy in any such office.

4 (16) "Election" includes any primary, general, or special election
5 for public office and any election in which a ballot proposition is
6 submitted to the voters: PROVIDED, That an election in which the
7 qualifications for voting include other than those requirements set
8 forth in Article VI, section 1 (Amendment 63) of the Constitution of
9 the state of Washington shall not be considered an election for
10 purposes of this chapter.

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

14 (18) "Election cycle" means the period beginning on the first day
15 of December after the date of the last previous general election for
16 the office that the candidate seeks and ending on November 30th after
17 the next election for the office. In the case of a special election to
18 fill a vacancy in an office, "election cycle" means the period
19 beginning on the day the vacancy occurs and ending on November 30th
20 after the special election.

21 (19) "Expenditure" includes a payment, contribution, subscription,
22 distribution, loan, advance, deposit, or gift of money or anything of
23 value, and includes a contract, promise, or agreement, whether or not
24 legally enforceable, to make an expenditure. The term "expenditure"
25 also includes a promise to pay, a payment, or a transfer of anything of
26 value in exchange for goods, services, property, facilities, or
27 anything of value for the purpose of assisting, benefiting, or honoring
28 any public official or candidate, or assisting in furthering or
29 opposing any election campaign. For the purposes of this chapter,
30 agreements to make expenditures, contracts, and promises to pay may be
31 reported as estimated obligations until actual payment is made. The
32 term "expenditure" shall not include the partial or complete repayment
33 by a candidate or political committee of the principal of a loan, the
34 receipt of which loan has been properly reported.

35 (20) "Final report" means the report described as a final report in
36 RCW 42.17.080(2).

37 (21) "General election" means the election that results in the
38 election of a person to a state office. It does not include a primary.

39 (22) "Gift," is as defined in RCW 42.52.010.

1 (23) "Immediate family" includes the spouse, dependent children,
2 and other dependent relatives, if living in the household. For the
3 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
4 an individual's spouse, and child, stepchild, grandchild, parent,
5 stepparent, grandparent, brother, half brother, sister, or half sister
6 of the individual and the spouse of any such person and a child,
7 stepchild, grandchild, parent, stepparent, grandparent, brother, half
8 brother, sister, or half sister of the individual's spouse and the
9 spouse of any such person.

10 (24)(a) "Independent expenditure" means an expenditure that (~~has~~
11 ~~each of the following elements~~):

12 (~~(a) It~~) (i) Is made in support of or in opposition to a
13 candidate for office or a ballot proposition by a person who is not
14 (~~(i)~~) (A) a candidate for that office or an authorized committee of
15 that candidate, (~~(ii) an authorized committee of that candidate for~~
16 that office, (~~(iii)~~) (B) a political committee formed to support or
17 oppose that ballot proposition, or (C) a person who has received the
18 candidate's encouragement or approval to make the expenditure, if the
19 expenditure pays in whole or in part for political advertising
20 supporting that candidate or promoting the defeat of any other
21 candidate or candidates for that office, or (~~(iv) a person with whom~~
22 the candidate has collaborated for the purpose of making the
23 expenditure, if the expenditure pays in whole or in part for political
24 advertising supporting that candidate or promoting the defeat of any
25 other candidate or candidates for that office)) in the case of a ballot
26 proposition, a person who has received the encouragement or approval of
27 the political committee formed to support the ballot proposition or the
28 political committee formed to oppose the ballot proposition;

29 (~~(b) The expenditure~~) (ii) Pays in whole or in part for political
30 advertising that either specifically names the candidate or ballot
31 proposition supported or opposed, or clearly and beyond any doubt
32 identifies the candidate without using the candidate's name or the
33 ballot proposition without using the ballot proposition's title or
34 serial number; and

35 (~~(c) The expenditure, alone or in conjunction with another~~
36 expenditure or other expenditures of the same person in support of or
37 opposition to that candidate,)) (iii) Has a value of five hundred
38 dollars or more, alone or in conjunction with another expenditure or
39 other expenditures of that person in support of or opposition to that

1 candidate or ballot proposition. A series of expenditures, each of
2 which is under five hundred dollars, constitutes one independent
3 expenditure if their cumulative value is five hundred dollars or more.

4 (b) "Independent expenditure" does not include: (i) An internal
5 political communication primarily limited to the contributors to a
6 political party organization or political action committee, or the
7 officers, management staff, and stockholders of a corporation or
8 similar enterprise, or the members of a labor organization or other
9 membership organization; or (ii) the rendering of personal services of
10 the sort commonly performed by volunteer campaign workers, or
11 incidental expenses personally incurred by volunteer campaign workers
12 not in excess of fifty dollars personally paid for by the worker.

13 (25) "Independent expenditure committee" means a political
14 committee established for the purpose of making independent
15 expenditures.

16 (26)(a) "Intermediary" means an individual who transmits a
17 contribution to a candidate or committee from another person unless the
18 contribution is from the individual's employer, immediate family as
19 defined for purposes of RCW 42.17.640 through 42.17.790, or an
20 association to which the individual belongs.

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

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

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

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

34 ~~((+27+))~~ (28) "Lobby" and "lobbying" each mean attempting to
35 influence the passage or defeat of any legislation by the legislature
36 of the state of Washington, or the adoption or rejection of any rule,
37 standard, rate, or other legislative enactment of any state agency
38 under the state Administrative Procedure Act, chapter 34.05 RCW.
39 Neither "lobby" nor "lobbying" includes an association's or other

1 organization's act of communicating with the members of that
2 association or organization.

3 ~~((28))~~ (29) "Lobbyist" includes any person who lobbies either in
4 his or her own or another's behalf.

5 ~~((29))~~ (30) "Lobbyist's employer" means the person or persons by
6 whom a lobbyist is employed and all persons by whom he or she is
7 compensated for acting as a lobbyist.

8 ~~((30))~~ (31) "Mass telephone or electronic communications" means
9 any recorded, scripted, or written message that is made, conveyed,
10 sent, delivered, or relayed, by telephone wires, satellite hook-up, or
11 the Internet, to one thousand or more individuals. Messages that are
12 nearly identical or closely related in content, and that are made,
13 conveyed, sent, delivered, or relayed within seven days of each other,
14 are considered to be identical and must be counted accordingly.

15 (32) "Person" includes an individual, partnership, joint venture,
16 public or private corporation, association, federal, state, or local
17 governmental entity or agency however constituted, candidate,
18 committee, political committee, political party, executive committee
19 thereof, or any other organization or group of persons, however
20 organized.

21 ~~((31))~~ (33) "Person in interest" means the person who is the
22 subject of a record or any representative designated by that person,
23 except that if that person is under a legal disability, the term
24 "person in interest" means and includes the parent or duly appointed
25 legal representative.

26 ~~((32))~~ (34) "Political advertising" includes any advertising
27 displays, newspaper ads, billboards, signs, brochures, articles,
28 tabloids, flyers, letters, radio or television presentations, mass
29 telephone or electronic communications, or other means of mass
30 communication, used for the purpose of appealing, directly or
31 indirectly, for votes or for financial or other support in any election
32 campaign.

33 ~~((33))~~ (35) "Political committee" means any person (except a
34 candidate or an individual dealing with his or her own funds or
35 property) having the expectation of receiving contributions or making
36 expenditures in support of, or opposition to, any candidate or any
37 ballot proposition.

38 ~~((34))~~ (36) "Primary" means the procedure for nominating a
39 candidate to state office under chapter 29.18 or 29.21 RCW or any other

1 primary for an election that uses, in large measure, the procedures
2 established in chapter 29.18 or 29.21 RCW.

3 ~~((+35+))~~ (37) "Public office" means any federal, state, county,
4 city, town, school district, port district, special district, or other
5 state political subdivision elective office.

6 ~~((+36+))~~ (38) "Public record" includes any writing containing
7 information relating to the conduct of government or the performance of
8 any governmental or proprietary function prepared, owned, used, or
9 retained by any state or local agency regardless of physical form or
10 characteristics. For the office of the secretary of the senate and the
11 office of the chief clerk of the house of representatives, public
12 records means legislative records as defined in RCW 40.14.100 and also
13 means the following: All budget and financial records; personnel
14 leave, travel, and payroll records; records of legislative sessions;
15 reports submitted to the legislature; and any other record designated
16 a public record by any official action of the senate or the house of
17 representatives.

18 ~~((+37+))~~ (39) "Recall campaign" means the period of time beginning
19 on the date of the filing of recall charges under RCW 29.82.015 and
20 ending thirty days after the recall election.

21 ~~((+38+))~~ (40) "State legislative office" means the office of a
22 member of the state house of representatives or the office of a member
23 of the state senate.

24 ~~((+39+))~~ (41) "State office" means state legislative office or the
25 office of governor, lieutenant governor, secretary of state, attorney
26 general, commissioner of public lands, insurance commissioner,
27 superintendent of public instruction, state auditor, or state
28 treasurer.

29 ~~((+40+))~~ (42) "State official" means a person who holds a state
30 office.

31 ~~((+41+))~~ (43) "Surplus funds" mean, in the case of a political
32 committee or candidate, the balance of contributions that remain in the
33 possession or control of that committee or candidate subsequent to the
34 election for which the contributions were received, and that are in
35 excess of the amount necessary to pay remaining debts incurred by the
36 committee or candidate prior to that election. In the case of a
37 continuing political committee, "surplus funds" mean those
38 contributions remaining in the possession or control of the committee

1 that are in excess of the amount necessary to pay all remaining debts
2 when it makes its final report under RCW 42.17.065.

3 (~~((42))~~) (44) "Writing" means handwriting, typewriting, printing,
4 photostating, photographing, and every other means of recording any
5 form of communication or representation, including, but not limited to,
6 letters, words, pictures, sounds, or symbols, or combination thereof,
7 and all papers, maps, magnetic or paper tapes, photographic films and
8 prints, motion picture, film and video recordings, magnetic or punched
9 cards, discs, drums, diskettes, sound recordings, and other documents
10 including existing data compilations from which information may be
11 obtained or translated.

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

14 **Sec. 2.** RCW 42.17.040 and 1989 c 280 s 2 are each amended to read
15 as follows:

16 (1) Every political committee, within two weeks after its
17 organization or, within two weeks after the date when it first has the
18 expectation of receiving contributions or making expenditures in any
19 election campaign, whichever is earlier, shall file a statement of
20 organization with the commission and with the county auditor or
21 elections officer of the county in which the candidate resides, or in
22 the case of any other political committee, the county in which the
23 treasurer resides. A political committee organized within the last
24 three weeks before an election and having the expectation of receiving
25 contributions or making expenditures during and for that election
26 campaign shall file a statement of organization within three business
27 days after its organization or when it first has the expectation of
28 receiving contributions or making expenditures in the election
29 campaign, whichever is earlier.

30 (2) An independent expenditure committee that is either organized
31 or has the expectation of receiving contributions or making
32 expenditures in an election campaign more than thirty days before an
33 election shall file a statement of organization within the time
34 prescribed in subsection (1) of this section or within thirty days of
35 the election, whichever is earlier. The statement of organization
36 shall include but not be limited to:

37 (a) The name and address of the committee;

1 (b) The names and addresses of all related or affiliated committees
2 or other persons, and the nature of the relationship or affiliation;

3 (c) The names, addresses, and titles of its officers; or if it has
4 no officers, the names, addresses, and titles of its responsible
5 leaders;

6 (d) The name and address of its treasurer and depository;

7 (e) A statement whether the committee is a continuing one;

8 (f) The name, office sought, and party affiliation of each
9 candidate whom the committee is supporting or opposing, and, if the
10 committee is supporting the entire ticket of any party, the name of the
11 party;

12 (g) The ballot proposition concerned, if any, and whether the
13 committee is in favor of or opposed to such proposition;

14 (h) What distribution of surplus funds will be made, in accordance
15 with RCW 42.17.095, in the event of dissolution;

16 (i) The street address of the place and the hours during which the
17 committee will make available for public inspection its books of
18 account and all reports filed in accordance with RCW 42.17.080; and

19 (j) Such other information as the commission may (~~by regulation~~)
20 prescribe by rule, in keeping with the policies and purposes of this
21 chapter.

22 ~~((+3))~~ (4) Any material change in information previously submitted
23 in a statement of organization shall be reported to the commission and
24 to the appropriate county elections officer within the ten days
25 following the change.

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

28 Every statement of organization, report, or other filing required
29 by this chapter to be filed by an independent expenditure committee for
30 an expenditure made in support of or in opposition to a candidate must
31 be filed with the commission and the appropriate county elections
32 officer. The appropriate county elections officer for an elected
33 office, other than state offices that are not state-wide but that
34 represent all or part of more than one county, is the county auditor or
35 other elections officer of the county in which the candidate supported
36 or opposed resides. If the candidate who is supported or opposed is
37 running for an elective state office that is not state-wide but who
38 represents all or part of more than one county, then the appropriate

1 county elections officer is the county auditor or the other elections
2 officer from each county represented by the elected office.

3 **Sec. 4.** RCW 42.17.100 and 1995 c 397 s 28 are each amended to read
4 as follows:

5 (1) For the purposes of this section and RCW 42.17.550 the term
6 "independent expenditure" (~~((means any expenditure that is made in~~
7 ~~support of or in opposition to any candidate or ballot proposition and~~
8 ~~is not))~~) does not include expenditures otherwise required to be
9 reported pursuant to RCW 42.17.060, 42.17.080, or 42.17.090.
10 (~~("Independent expenditure" does not include: An internal political~~
11 ~~communication primarily limited to the contributors to a political~~
12 ~~party organization or political action committee, or the officers,~~
13 ~~management staff, and stockholders of a corporation or similar~~
14 ~~enterprise, or the members of a labor organization or other membership~~
15 ~~organization; or the rendering of personal services of the sort~~
16 ~~commonly performed by volunteer campaign workers, or incidental~~
17 ~~expenses personally incurred by volunteer campaign workers not in~~
18 ~~excess of fifty dollars personally paid for by the worker. "Volunteer~~
19 ~~services," for the purposes of this section, means services or labor~~
20 ~~for which the individual is not compensated by any person.))~~)

21 (2) Within five days after the date (~~(of making))~~) upon which an
22 independent expenditure (~~((that by itself or when added to all other~~
23 ~~such independent expenditures made during the same election campaign by~~
24 ~~the same person equals one hundred dollars or more, or within five days~~
25 ~~after the date of making an independent expenditure for which no~~
26 ~~reasonable estimate of monetary value is practicable, whichever occurs~~
27 ~~first))~~) is published, mailed, or otherwise presented to the public, the
28 person who made the independent expenditure shall file (~~(with the~~
29 ~~commission and the county elections officer of the county of residence~~
30 ~~for the candidate supported or opposed by the independent expenditure~~
31 ~~(or in the case of an expenditure made in support of or in opposition~~
32 ~~to a local ballot proposition, the county of residence for the person~~
33 ~~making the expenditure))~~) an initial report of all independent
34 expenditures made during the campaign prior to and including such date.

35 (3) At the following intervals each person who is required to file
36 an initial report pursuant to subsection (2) of this section shall file
37 (~~(with the commission and the county elections officer of the county of~~
38 ~~residence for the candidate supported or opposed by the independent~~

1 expenditure ~~(or in the case of an expenditure made in support of or in~~
2 ~~opposition to a ballot proposition, the county of residence for the~~
3 ~~person making the expenditure))~~) a further report of the independent
4 expenditures made since the date of the last report:

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

7 (b) On the tenth day of the first month after the election; and

8 (c) On the tenth day of each month in which no other reports are
9 required to be filed pursuant to this section. However, the further
10 reports required by this subsection (3) shall only be filed if the
11 reporting person has made an independent expenditure since the date of
12 the last previous report filed.

13 The report filed pursuant to ~~((paragraph (a)))~~ (b) of this
14 subsection ~~((+3))~~ shall be the final report, and upon submitting such
15 final report the duties of the reporting person shall cease, and there
16 shall be no obligation to make any further reports.

17 (4) All reports filed pursuant to this section shall be certified
18 as correct by the reporting person.

19 (5) Each report required by subsections (2) and (3) of this section
20 shall disclose for the period beginning at the end of the period for
21 the last previous report filed or, in the case of an initial report,
22 beginning at the time of the first independent expenditure, and ending
23 not more than one business day before the date the report is due:

24 (a) The name and address of the person filing the report;

25 (b) The name and address of each person ~~((to))~~ on behalf of whom an
26 independent expenditure was made ~~((in the aggregate amount of more than~~
27 ~~fifty dollars))~~, and the amount, date, and purpose of each such
28 expenditure ~~((— If no reasonable estimate of the monetary value of a~~
29 ~~particular independent expenditure is practicable, it is sufficient to~~
30 ~~report instead))~~, including a precise description of services,
31 property, or rights furnished through the expenditure ~~((and where~~
32 ~~appropriate to attach a copy of the item produced or distributed by the~~
33 ~~expenditure))~~;

34 (c) The total sum of all independent expenditures made during the
35 campaign to date; and

36 (d) Such other information as shall be required by the commission
37 by rule in conformance with the policies and purposes of this chapter.

38 (6) No person may make independent expenditures in support of or in
39 opposition to a specific candidate that in the aggregate exceed five

1 thousand dollars within the twenty-one days before a primary or general
2 election.

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

5 An independent expenditure committee that publishes, mails, or
6 otherwise presents to the public a political advertisement within
7 twenty-one days before an election shall file a special report of the
8 independent expenditure within twenty-four hours or on the first
9 working day after the political advertising is published, mailed, or
10 otherwise presented to the public. The special report must be filed in
11 the same manner provided under RCW 42.17.105 for a special report of a
12 contributing political committee. The special report must contain the
13 same information required in RCW 42.17.100(5).

14 **Sec. 6.** RCW 42.17.510 and 1995 c 397 s 19 are each amended to read
15 as follows:

16 (1) All written political advertising, whether relating to
17 candidates or ballot propositions, shall include the sponsor's name and
18 address. All radio and television political advertising, whether
19 relating to candidates or ballot propositions, shall include the
20 sponsor's name. All mass telephone and electronic political
21 advertising, whether relating to candidates or ballot propositions,
22 must include the sponsor's name. The use of an assumed name shall be
23 unlawful. The party with which a candidate files shall be clearly
24 identified in political advertising for partisan office.

25 (2) In addition (~~to the materials required by subsection (1) of~~
26 ~~this section~~)), all written political advertising undertaken as an
27 independent expenditure (~~by a person or entity other than a party~~
28 ~~organization~~)) must include the following statement on the
29 communication "NOTICE TO VOTERS (Required by law): This advertisement
30 is an independent expenditure of funds not authorized or approved by
31 any candidate. It is paid for by (name, address, city, state,
32 committee president's name, daytime address and telephone number,
33 treasurer's name, daytime address and telephone number)." If either
34 the president or treasurer is acting on behalf of his or her employer
35 in making the expenditure, then the name of the employer must be listed
36 after that individual's name and before his or her address and
37 telephone number. If (~~the~~)) an advertisement undertaken as an

1 independent expenditure is (~~((undertaken by a nonindividual other than~~
2 ~~a party organization))~~) paid for by an independent expenditure
3 committee, then the notice must (a) disclose the general nature of the
4 interests represented by the independent expenditure committee, as
5 determined by the commission under section 8 of this act, immediately
6 after the name of the committee; and (b) include the following notation
7 (~~((must also be included))~~): "Top Five Contributors," followed by a
8 listing of the name(~~(s)~~) of each of the five persons or entities making
9 the largest contributions reportable under this chapter during the
10 twelve-month period before the date of the advertisement. The nature
11 of interests represented by each person other than an individual making
12 such a contribution, as determined by the commission under section 8 of
13 this act, must be disclosed immediately after the name of that person
14 or entity.

15 (3) The statements and listings of contributors required by
16 (~~((subsections (1) and (2) of))~~) this section shall:

17 (a) Appear on the first page or fold of the written communication
18 in at least ten-point type, or in type at least ten percent of the
19 largest size type used in a written communication directed at more than
20 one voter, such as a billboard or poster, whichever is larger;

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

22 (c) Be set apart from any other printed matter; and

23 (d) Be clearly spoken on any broadcast advertisement.

24 (4) Political yard signs are exempt from the requirement of
25 (~~((subsections (1) and (2) of))~~) this section that the name and address
26 of the sponsor of political advertising be listed on the advertising.
27 In addition, the (~~((public disclosure))~~) commission shall, by rule,
28 exempt from the identification requirements of (~~((subsections (1) and~~
29 ~~(2) of))~~) this section forms of political advertising such as campaign
30 buttons, balloons, pens, pencils, sky-writing, inscriptions, and other
31 forms of advertising where identification is impractical.

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

34 **Sec. 7.** RCW 42.17.550 and 1993 c 2 s 23 are each amended to read
35 as follows:

36 A person or entity other than a party organization making an
37 independent expenditure by mailing one thousand or more identical or
38 nearly identical cumulative pieces of political advertising in a single

1 calendar year shall, within two working days after the date of the
2 mailing, file a statement disclosing the number of pieces in the
3 mailing and (~~(an example)~~) a sample of the mailed political advertising
4 (~~((with the election officer of the county or residence for the~~
5 ~~candidate supported or opposed by the independent campaign expenditure~~
6 ~~or, in the case of an expenditure made in support of or in opposition~~
7 ~~to a ballot proposition, the county of residence for the person making~~
8 ~~the expenditure))~~).

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

11 (1) The commission shall assign a brief descriptive phrase
12 indicating the general nature of interests represented by each
13 independent expenditure committee. As provided under RCW 42.17.510,
14 this phrase must be included immediately after the name of the
15 committee in each advertisement relating to a candidate that the
16 committee undertakes as an independent expenditure.

17 (2) The commission shall assign a brief descriptive phrase
18 indicating the general nature of interests represented by each person
19 or entity making a contribution to an independent expenditure
20 committee. As provided under RCW 42.17.510, this phrase must be
21 included immediately after the name of each person or entity listed as
22 one of the top five contributors to the committee sponsoring the
23 advertisement.

24 **Sec. 9.** RCW 42.36.040 and 1982 c 229 s 4 are each amended to read
25 as follows:

26 Prior to declaring as a candidate for public office or while
27 campaigning for public office as defined by RCW 42.17.020 (~~((5) and~~
28 ~~(25))~~), no public discussion or expression of an opinion by a person
29 subsequently elected to a public office, on any pending or proposed
30 quasi-judicial actions, shall be a violation of the appearance of
31 fairness doctrine.

32 NEW SECTION. **Sec. 10.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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