
SENATE BILL 5931

State of Washington

56th Legislature

1999 Regular Session

By Senators Patterson, Horn, Gardner, McCaslin, Haugen, Kline, Brown, Costa, Hale, Kohl-Welles, B. Sheldon and Bauer

Read first time 02/16/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to electronic filing and publication of campaign
2 finance and lobbyist reports; amending RCW 42.17.370, 42.17.365, and
3 42.17.367; adding new sections to chapter 42.17 RCW; and making
4 appropriations.

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

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

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

15 (2) The commission shall ensure that all reports, copies of
16 reports, or copies of the data or information included in reports,
17 filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105,
18 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

1 (a) Submitted electronically via modem, satellite, or the Internet,
2 must be accessible in the commission's office and via the commission's
3 web site within two business days of the commission's receipt of the
4 report; and

5 (b) Submitted in any format or via any method other than those
6 listed in (a) of this subsection, must be accessible in the
7 commission's office and via the commission's web site within four
8 business days of the commission's receipt of the report.

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

11 (1) The commission shall appoint an executive director who shall
12 perform such duties and have such powers as the commission, consistent
13 with this chapter, may prescribe and delegate to implement and enforce
14 this chapter efficiently and effectively. The commission shall set the
15 compensation of the executive director within the limits established by
16 the committee on agency officials' salaries under RCW 43.03.028. The
17 commission may not delegate its authority to adopt, amend, or rescind
18 rules; nor may it delegate authority to determine whether an actual
19 violation of this chapter has occurred or to assess penalties for such
20 violations.

21 (2) The executive director shall divide the staff of the commission
22 into three divisions, one relating to the collection and disclosure of
23 information required to be reported under this chapter, one relating to
24 the development of agency rules and policy necessary to implement this
25 chapter, and one relating to enforcement of this chapter. The
26 executive director shall appoint staff as necessary to administer the
27 commission, consistent with this organization. The executive director
28 shall also appoint an assistant executive director for information
29 services, who is responsible for maintaining and enhancing the
30 collection of and public access to information through electronic
31 means.

32 (3) The executive director and the assistant executive director for
33 information services are responsible for ensuring that the requirements
34 regarding public disclosure set forth in section 1 of this act are met.

35 **Sec. 3.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to read
36 as follows:

37 The commission is empowered to:

1 (1) Adopt, (~~promulgate,~~) amend, and rescind suitable
2 administrative rules to carry out the policies and purposes of this
3 chapter, which rules shall be adopted under chapter 34.05 RCW. Any
4 rule relating to campaign finance, political advertising, or related
5 forms that would otherwise take effect after June 30th of a general
6 election year shall take effect no earlier than the day following the
7 general election in that year;

8 (~~(2) (Appoint and set, within the limits established by the~~
9 ~~committee on agency officials' salaries under RCW 43.03.028, the~~
10 ~~compensation of an executive director who shall perform such duties and~~
11 ~~have such powers as the commission may prescribe and delegate to~~
12 ~~implement and enforce this chapter efficiently and effectively. The~~
13 ~~commission shall not delegate its authority to adopt, amend, or rescind~~
14 ~~rules nor shall it delegate authority to determine whether an actual~~
15 ~~violation of this chapter has occurred or to assess penalties for such~~
16 ~~violations;~~

17 (~~(3))~~) Prepare and publish such reports and technical studies as in
18 its judgment will tend to promote the purposes of this chapter,
19 including reports and statistics concerning campaign financing,
20 lobbying, financial interests of elected officials, and enforcement of
21 this chapter;

22 (~~((+4))~~) (3) Make from time to time, on its own motion, audits and
23 field investigations;

24 (~~((+5))~~) (4) Make public the time and date of any formal hearing set
25 to determine whether a violation has occurred, the question or
26 questions to be considered, and the results thereof;

27 (~~((+6))~~) (5) Administer oaths and affirmations, issue subpoenas, and
28 compel attendance, take evidence and require the production of any
29 books, papers, correspondence, memorandums, or other records relevant
30 or material for the purpose of any investigation authorized under this
31 chapter, or any other proceeding under this chapter;

32 (~~((+7))~~) (6) Adopt and promulgate a code of fair campaign practices;

33 (~~((+8))~~) (7) Relieve, by rule, candidates or political committees of
34 obligations to comply with the provisions of this chapter relating to
35 election campaigns, if they have not received contributions nor made
36 expenditures in connection with any election campaign of more than one
37 thousand dollars;

38 (~~((+9))~~) (8) Adopt rules prescribing reasonable requirements for
39 keeping accounts of and reporting on a quarterly basis costs incurred

1 by state agencies, counties, cities, and other municipalities and
2 political subdivisions in preparing, publishing, and distributing
3 legislative information. The term "legislative information," for the
4 purposes of this subsection, means books, pamphlets, reports, and other
5 materials prepared, published, or distributed at substantial cost, a
6 substantial purpose of which is to influence the passage or defeat of
7 any legislation. The state auditor in his or her regular examination
8 of each agency under chapter 43.09 RCW shall review the rules,
9 accounts, and reports and make appropriate findings, comments, and
10 recommendations in his or her examination reports concerning those
11 agencies;

12 (~~((10))~~) (9) After hearing, by order approved and ratified by a
13 majority of the membership of the commission, suspend or modify any of
14 the reporting requirements of this chapter in a particular case if it
15 finds that literal application of this chapter works a manifestly
16 unreasonable hardship and if it also finds that the suspension or
17 modification will not frustrate the purposes of the chapter. The
18 commission shall find that a manifestly unreasonable hardship exists if
19 reporting the name of an entity required to be reported under RCW
20 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive
21 position of any entity in which the person filing the report or any
22 member of his or her immediate family holds any office, directorship,
23 general partnership interest, or an ownership interest of ten percent
24 or more. Any suspension or modification shall be only to the extent
25 necessary to substantially relieve the hardship. The commission shall
26 act to suspend or modify any reporting requirements only if it
27 determines that facts exist that are clear and convincing proof of the
28 findings required under this section. Requests for renewals of
29 reporting modifications may be heard in a brief adjudicative proceeding
30 as set forth in RCW 34.05.482 through 34.05.494 and in accordance with
31 the standards established in this section. No initial request may be
32 heard in a brief adjudicative proceeding and no request for renewal may
33 be heard in a brief adjudicative proceeding if the initial request was
34 granted more than three years previously or if the applicant is holding
35 an office or position of employment different from the office or
36 position held when the initial request was granted. The commission
37 shall adopt administrative rules governing the proceedings. Any
38 citizen has standing to bring an action in Thurston county superior

1 court to contest the propriety of any order entered under this section
2 within one year from the date of the entry of the order; ((and
3 ~~(11)~~) (10) Revise, at least once every five years but no more
4 often than every two years, the monetary reporting thresholds and
5 reporting code values of this chapter. The revisions shall be only for
6 the purpose of recognizing economic changes as reflected by an
7 inflationary index recommended by the office of financial management.
8 The revisions shall be guided by the change in the index for the period
9 commencing with the month of December preceding the last revision and
10 concluding with the month of December preceding the month the revision
11 is adopted. As to each of the three general categories of this chapter
12 (reports of campaign finance, reports of lobbyist activity, and reports
13 of the financial affairs of elected and appointed officials), the
14 revisions shall equally affect all thresholds within each category.
15 Revisions shall be adopted as rules under chapter 34.05 RCW. The first
16 revision authorized by this subsection shall reflect economic changes
17 from the time of the last legislative enactment affecting the
18 respective code or threshold through December 1985;

19 ~~((12))~~ (11) Develop and provide to filers a system for
20 certification of reports required under this chapter which are
21 transmitted by facsimile or electronically to the commission.
22 Implementation of the program is contingent on the availability of
23 funds.

24 NEW SECTION. Sec. 4. A new section is added to chapter 42.17 RCW
25 to read as follows:

26 By July 1st of each year, the commission shall calculate and make
27 available to the public the following performance measures:

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

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

1 (3) The average number of days that elapse between the commission's
2 receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and
3 42.17.180 and the time that the report, a copy of the report, or a copy
4 of the data or information included in the report, is first accessible
5 to the general public (a) in the commission's office, and (b) via the
6 commission's web site;

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

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

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

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

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

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

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

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

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

1 (d) An implementation strategy to enhance electronic access to
2 public records and information required to be filed with and disclosed
3 by the commission. This implementation strategy must be assembled to
4 include:

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

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

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

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

13 (e) Projects and resources required to meet the objectives of the
14 plan; and

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

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

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

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

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

34 NEW SECTION. **Sec. 8.** A new section is added to chapter 42.17 RCW
35 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 4 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. 9.** 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 two weeks of the commission's receipt.

28 **Sec. 10.** RCW 42.17.367 and 1994 c 40 s 2 are each amended to read
29 as follows:

30 By January 1, ~~((1995))~~ 2000, the ~~((public disclosure))~~ commission
31 shall ~~((design a program for electronic access to public documents~~
32 ~~filed with the commission. The program may include on-line access to~~
33 ~~the commission's magic and electronic bulletin board systems, providing~~
34 ~~information for the internet system, fax request service, automated~~
35 ~~telephone service, electronic filing of reports, and other service~~
36 ~~delivery options. Documents available in the program shall include,~~
37 ~~but are not limited to, public documents filed with the public~~

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

13 NEW SECTION. Sec. 11. A new section is added to chapter 42.17 RCW
14 to read as follows:

15 (1) By July 1, 1999, the commission shall offer every candidate,
16 political committee, and party organization that is required to file
17 reports under this chapter the option of filing financial affairs
18 reports, statements of organization, contribution reports, and
19 expenditure reports electronically by diskette or via modem, satellite,
20 or the Internet. The commission shall make available to each
21 candidate, political committee, and party organization an electronic
22 copy of the appropriate reporting forms at no charge.

23 (2) By January 1, 2001, the commission shall offer all lobbyists
24 and lobbyists' employers required to file reports under RCW 42.17.150,
25 42.17.170, 42.17.175, or 42.17.180 the option of filing these reports
26 electronically by diskette or via modem, satellite, or the Internet.

27 NEW SECTION. Sec. 12. A new section is added to chapter 42.17 RCW
28 to read as follows:

29 (1) Beginning January 1, 2000, each candidate for state office,
30 each candidate for county office in counties with a population greater
31 than three hundred thousand, and each continuing political committee
32 shall file all contribution reports and expenditure reports required by
33 this chapter electronically by diskette or via modem, satellite, or the
34 Internet.

35 (2) Failure by a candidate or continuing political committee to
36 comply with subsection (1) of this section is a violation of this
37 chapter.

1 NEW SECTION. **Sec. 13.** (1) The sum of dollars, or as
2 much thereof as may be necessary, is appropriated to the public
3 disclosure commission for the biennium ending June 30, 2001, from the
4 general fund for preparation of the plan required by section 5 of this
5 act.

6 (2) The sum of dollars, or as much thereof as may be
7 necessary, is appropriated to the public disclosure commission for the
8 biennium ending June 30, 2001, from the general fund for the purposes
9 of appointing an assistant executive director of information services
10 and for maintaining and enhancing the collection of and public access
11 to information through electronic means as set forth in this act. This
12 appropriation is contingent upon successful completion of the
13 requirements set forth in section 2(2) of this act.

14 (3) The sum of dollars, or as much thereof as may be
15 necessary, is appropriated to the public disclosure commission for the
16 fiscal year ending June 30, 2001, from the general fund for the
17 purposes of implementation of section 11(2) of this act. This
18 appropriation is contingent upon the commission's successful completion
19 of the requirements set forth in section 7 of this act.

--- END ---