

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5931

56th Legislature
1999 Regular Session

Passed by the Senate April 24, 1999
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 24, 1999
YEAS 95 NAYS 0

Speaker of the
House of Representatives

Speaker of the
House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5931** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5931

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Patterson, Horn, Gardner, McCaslin, Haugen, Kline, Brown, Costa, Hale, Kohl-Welles, B. Sheldon and Bauer)

Read first time 03/08/1999.

1 AN ACT Relating to electronic filing and publication of campaign
2 finance and lobbyist reports; amending RCW 42.17.365, 42.17.367,
3 42.17.420, and 42.17.080; adding new sections to chapter 42.17 RCW; and
4 creating a new section.

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

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

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

3 (1) The commission shall establish goals that all reports, copies
4 of reports, or copies of the data or information included in reports,
5 filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105,
6 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

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

12 (b) Submitted in any format or using any method other than as
13 described in (a) of this subsection, shall be accessible in the
14 commission's office within four business days of the actual physical
15 receipt of the report, and not the technical date of filing as provided
16 under RCW 42.17.420, and shall be accessible on the commission's web
17 site within fourteen business days of the actual physical receipt of
18 the report, and not the technical date of filing as provided under RCW
19 42.17.420, as specified in rule adopted by the commission.

20 (2) On January 1, 2001, or shortly thereafter, the commission shall
21 revise these goals to reflect that all reports, copies of reports, or
22 copies of the data or information included in reports, filed under RCW
23 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150,
24 42.17.170, 42.17.175, and 42.17.180, that are:

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

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

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

37 By July 1st of each year beginning in 2000, the commission shall
38 calculate the following performance measures, provide a copy of the

1 performance measures to the governor and appropriate legislative
2 committees, and make the performance measures available to the public:

3 (1) The average number of days that elapse between the commission's
4 receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and
5 42.17.100 and the time that the report, a copy of the report, or a copy
6 of the data or information included in the report, is first accessible
7 to the general public (a) in the commission's office, and (b) via the
8 commission's web site;

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

14 (3) The average number of days that elapse between the commission's
15 receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and
16 42.17.180 and the time that the report, a copy of the report, or a copy
17 of the data or information included in the report, is first accessible
18 to the general public (a) in the commission's office, and (b) via the
19 commission's web site;

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

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

31 (6) The percentage of lobbyists and lobbyists' employers that have
32 used each of the following methods to file reports under RCW 42.17.150,
33 42.17.170, 42.17.175, or 42.17.180: (a) Hard copy paper format; (b)
34 electronic format via diskette; (c) electronic format via modem or
35 satellite; (d) electronic format via the Internet; and (e) any other
36 format or method.

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

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

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

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

7 (b) A statement of the agency's mission, goals, and objectives for
8 information technology, including goals and objectives for achieving
9 electronic access to agency records, information, and services for at
10 least the next five years;

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

14 (d) An implementation strategy to enhance electronic access to
15 public records and information required to be filed with and disclosed
16 by the commission. This implementation strategy must be assembled to
17 include:

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

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

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

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

26 (e) Projects and resources required to meet the objectives of the
27 plan; and

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

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

32 In preparing the information technology plan, the commission shall
33 consult with affected state agencies, the department of information
34 services, and stakeholders in the commission's work, including
35 representatives of political committees, bona fide political parties,
36 news media, and the general public.

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

3 The commission shall submit the information technology plan to the
4 senate and house of representatives fiscal committees, the governor,
5 the senate state and local government committee, the house of
6 representatives state government committee, and the department of
7 information services by February 1, 2000. It is the intent of the
8 legislature that the commission thereafter comply with the requirements
9 of chapter 43.105 RCW with respect to preparation and submission of
10 biennial performance reports on the commission's information
11 technology.

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

14 The commission shall prepare and submit to the department of
15 information services a biennial performance report in accordance with
16 chapter 43.105 RCW.

17 The report must include:

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

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

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

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

29 (5) An inventory of agency information services, equipment, and
30 proprietary software.

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

33 The commission shall conduct a sufficient number of audits and
34 field investigations so as to provide a statistically valid finding
35 regarding the degree of compliance with the provisions of this chapter
36 by all required filers. Any documents, records, reports, computer
37 files, papers, or materials provided to the commission for use in

1 conducting audits and investigations must be returned to the candidate,
2 campaign, or political committee from which they were received within
3 one week of the commission's completion of an audit or field
4 investigation.

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

7 By ~~((January 1, 1995))~~ February 1, 2000, the ~~((public disclosure))~~
8 commission shall ~~((design a program for electronic access to public~~
9 ~~documents filed with the commission. The program may include on-line~~
10 ~~access to the commission's magic and electronic bulletin board systems,~~
11 ~~providing information for the internet system, fax request service,~~
12 ~~automated telephone service, electronic filing of reports, and other~~
13 ~~service delivery options. Documents available in the program shall~~
14 ~~include, but are not limited to, public documents filed with the public~~
15 ~~disclosure commission, including, but not limited to, commission~~
16 ~~meeting schedules, financial affairs reports, contribution reports,~~
17 ~~expenditure reports, and gift reports. Implementation of the program~~
18 ~~is contingent on the availability of funds))~~ operate a web site or
19 contract for the operation of a web site that allows access to reports,
20 copies of reports, or copies of data and information submitted in
21 reports, filed with the commission under RCW 42.17.040, 42.17.065,
22 42.17.080, 42.17.100, and 42.17.105. By January 1, 2001, the web site
23 shall allow access to reports, copies of reports, or copies of data and
24 information submitted in reports, filed with the commission under RCW
25 42.17.150, 42.17.170, 42.17.175, and 42.17.180. In addition, the
26 commission shall attempt to make available via the web site other
27 public records submitted to or generated by the commission that are
28 required by this chapter to be available for public use or inspection.

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

31 (1) Except as provided in subsection (2) of this section, when any
32 application, report, statement, notice, or payment required to be made
33 under the provisions of this chapter has been deposited postpaid in the
34 United States mail properly addressed, it shall be deemed to have been
35 received on the date of mailing. It shall be presumed that the date
36 shown by the post office cancellation mark on the envelope is the date

1 of mailing. The provisions of this section do not apply to reports
2 required to be delivered under RCW 42.17.105 and 42.17.175.

3 (2) When a report is filed electronically with the commission, it
4 is deemed to have been received on the file transfer date. The
5 commission shall notify the filer of receipt of the electronically
6 filed report. Such notification may be sent by mail, facsimile, or
7 electronic mail. If the notification of receipt of the electronically
8 filed report is not received by the filer, the filer may offer his or
9 her own proof of sending the report, and such proof shall be treated as
10 if it were a receipt sent by the commission. Electronic filing may be
11 used for purposes of filing the special reports required to be
12 delivered under RCW 42.17.105 and 42.17.175.

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 public official, political committee, and party organization that is
17 required to file reports under this chapter the option of filing
18 financial affairs reports, contribution reports, and expenditure
19 reports electronically by diskette or via modem, satellite, or the
20 Internet.

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

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

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

31 Beginning January 1, 2001, each continuing political committee,
32 that expended ten thousand dollars or more in the preceding year or
33 expects to expend ten thousand dollars or more in expenditures in the
34 current year, shall file all contribution reports and expenditure
35 reports required by this chapter electronically by diskette or via
36 modem, satellite, or the Internet. Failure by a continuing political
37 committee to comply with this section is a violation of this chapter.

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

3 (1) On the day the treasurer is designated, each candidate or
4 political committee shall file with the commission and the county
5 auditor or elections officer of the county in which the candidate
6 resides, or in the case of a political committee, the county in which
7 the treasurer resides, in addition to any statement of organization
8 required under RCW 42.17.040 or 42.17.050, a report of all
9 contributions received and expenditures made prior to that date, if
10 any.

11 (2) At the following intervals each treasurer shall file with the
12 commission and the county auditor or elections officer of the county in
13 which the candidate resides, or in the case of a political committee,
14 the county in which the committee maintains its office or headquarters,
15 and if there is no office or headquarters then in the county in which
16 the treasurer resides, a report containing the information required by
17 RCW 42.17.090:

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

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

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

25 (ii) Any continuing political committee; and

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

32 When there is no outstanding debt or obligation, and the campaign
33 fund is closed, and the campaign is concluded in all respects, and in
34 the case of a political committee, the committee has ceased to function
35 and has dissolved, the treasurer shall file a final report. Upon
36 submitting a final report, the duties of the treasurer shall cease and
37 there shall be no obligation to make any further reports.

38 The report filed twenty-one days before the election shall report
39 all contributions received and expenditures made as of the end of the

1 fifth business day before the date of the report. The report filed
2 seven days before the election shall report all contributions received
3 and expenditures made as of the end of the one business day before the
4 date of the report. Reports filed on the tenth day of the month shall
5 report all contributions received and expenditures made from the
6 closing date of the last report filed through the last day of the month
7 preceding the date of the current report.

8 (3) For the period beginning the first day of the fourth month
9 preceding the date on which the special or general election is held and
10 ending on the date of that election, each Friday the treasurer shall
11 file with the commission and the appropriate county elections officer
12 a report of each bank deposit made during the previous seven calendar
13 days. The report shall contain the name of each person contributing
14 the funds so deposited and the amount contributed by each person.
15 However, contributions of no more than twenty-five dollars in the
16 aggregate from any one person may be deposited without identifying the
17 contributor. A copy of the report shall be retained by the treasurer
18 for his or her records. In the event of deposits made by a deputy
19 treasurer, the copy shall be forwarded to the treasurer for his or her
20 records. Each report shall be certified as correct by the treasurer or
21 deputy treasurer making the deposit.

22 (4) The treasurer or candidate shall maintain books of account
23 accurately reflecting all contributions and expenditures on a current
24 basis within five business days of receipt or expenditure. During the
25 eight days immediately preceding the date of the election the books of
26 account shall be kept current within one business day (~~and shall~~).
27 As specified in the committee's statement of organization filed under
28 RCW 42.17.040, the books of account must be open for public inspection
29 as follows:

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

37 (b) By appointment for inspections to be conducted at the
38 designated place for inspections between 8:00 a.m. and 8:00 p.m. on any
39 other day from the seventh day through the day immediately before the

1 election, other than Saturday, Sunday, or a legal holiday. It is a
2 violation of this chapter for a candidate or political committee to
3 refuse to allow and keep an appointment for an inspection to be
4 conducted during these authorized times and days in the week prior to
5 the election. The appointment must be allowed at an authorized time
6 and day for such inspections that is within twenty-four hours of the
7 time and day that is requested for the inspection.

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

12 ~~((+5))~~ (6) All reports filed pursuant to subsections (1) or (2) of
13 this section shall be certified as correct by the candidate and the
14 treasurer.

15 ~~((+6))~~ (7) Copies of all reports filed pursuant to this section
16 shall be readily available for public inspection for at least two
17 consecutive hours Monday through Friday, excluding legal holidays,
18 between 8:00 a.m. and 8:00 p.m., as specified in the committee's
19 statement of organization filed pursuant to RCW 42.17.040, at the
20 principal headquarters or, if there is no headquarters, at the address
21 of the treasurer or such other place as may be authorized by the
22 commission.

23 ~~((+7))~~ (8) The commission shall adopt administrative rules
24 establishing requirements for filer participation in any system
25 designed and implemented by the commission for the electronic filing of
26 reports.

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

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