

1 accordance with this chapter. The state archivist will administer the
2 division and must have reasonable access to all public records,
3 wherever kept, for the purposes of information, surveying, or
4 cataloging.

5 **PART II**
6 **DEFINITIONS**

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 40.14 RCW
8 to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "General retention schedule" means a records retention schedule
12 applicable to any state or local agency.

13 (2) "Legislative record" means "legislative record" as defined in
14 RCW 42.17.020.

15 (3) "Public record" means "public record" as defined in RCW
16 42.17.020.

17 (4) "Records retention schedule" means a legal document approved by
18 the state or local records committee that specifies required retention
19 periods for a records series and gives agencies ongoing disposition
20 authority for the records series after its approved retention period
21 has been satisfied.

22 (5) "Records series" means a class of public records with a
23 specific or common function or purpose of state or local agencies as
24 identified and defined by the state or local records committee.

25 (6) "Retention period" means the required amount of time, approved
26 by the state or local records committee, that a state or local
27 government agency is required to retain records within a records
28 series.

29 (7) "Unique retention schedule" means a records retention schedule
30 applicable to a specific state or local agency.

31 **PART III**
32 **STATE ARCHIVIST--DUTIES**

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 40.14 RCW
34 to read as follows:

1 The state archivist shall:

2 (1) Centralize, administer, and manage the archives of the state of
3 Washington, make them available for reference and scholarship, and
4 ensure their proper preservation;

5 (2) Inspect, inventory, catalog, and arrange retention and transfer
6 schedules on public records of all state agencies;

7 (3) Ensure the maintenance and security of all state agency public
8 records and establish safeguards against their unauthorized removal or
9 destruction;

10 (4) Approve of the transfer of local agency records of historical
11 or legal significance as provided by section 7(4) of this act;

12 (5) Establish and operate such state records centers as may from
13 time to time be authorized by appropriation, for the purpose of
14 preserving, servicing, screening, and protecting all state agency
15 public records which must be preserved temporarily or permanently, but
16 which need not be retained in office space and equipment;

17 (6) Gather and disseminate to interested agencies information on
18 all phases of records management to provide for the efficient and
19 economical management and preservation of public records;

20 (7) Operate at cost an imaging service for state or local agency
21 records;

22 (8) Approve imaging projects of public records undertaken by state
23 agencies and, upon request, by local agencies, and develop and maintain
24 standards for this work;

25 (9) Maintain facilities necessary to review records approved for
26 destruction and to cost-efficiently dispose of them by sale or burning.
27 The destruction of public records as authorized by this chapter must be
28 supervised by the state archivist;

29 (10) Assist and train state and local agencies in the proper
30 methods of creating, maintaining, cataloging, indexing, transmitting,
31 storing, and reproducing photographic, optical, electronic, or other
32 images used as public records;

33 (11) Solicit, accept, and expend donations as provided in RCW
34 43.07.037 for the purpose of the archive program. These purposes
35 include, but are not limited to, acquisition, accession,
36 interpretation, and display of archival materials. Donations that do
37 not meet the criteria of the archive program may not be accepted;

1 (12) Upon availability of resources, furnish appropriate
2 information, suggestions, and guidelines to local government agencies
3 for their assistance in the preparation of records series and retention
4 schedules or any other matter relating to the retention, preservation,
5 disposition, or destruction of records under this chapter; and

6 (13) Adopt rules under chapter 34.05 RCW that:

7 (a) Set standards for the durability and permanence of public
8 records maintained by state and local agencies;

9 (b) Govern procedures for the creation, maintenance, transmission,
10 cataloging, indexing, storage, or reproduction of photographic,
11 optical, electronic, or other images of public documents or records in
12 a manner consistent with current standards, policies, and procedures of
13 the department of information services for the acquisition of
14 information technology;

15 (c) Govern the accuracy and durability of, and facilitate access
16 to, photographic, optical, electronic, or other images used as public
17 records; or

18 (d) Carry out any other provision of this chapter.

19 **PART IV**
20 **TRANSFER OF RECORDS**

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 40.14 RCW
22 to read as follows:

23 (1)(a) All state agency public records, not required in the current
24 operation of the office where they are made or kept, and all records of
25 every agency, commission, committee, or any other activity of state
26 government which may be abolished or discontinued, shall be transferred
27 to the state archives so that the valuable historical records of the
28 state may be centralized, made more widely available, and ensured
29 permanent preservation. However, this section does not apply to public
30 records approved for destruction under this chapter.

31 (b) When transferred, copies of the public records concerned shall
32 be made and certified by the archivist, which certification shall have
33 the same force and effect as though made by the officer originally in
34 charge of them. Fees may be charged to cover the cost of reproduction.
35 In turning over the archives of his or her office, the officer in

1 charge of those archives, or his or her successor, retains the rights
2 of access to them, without charge, whenever necessary.

3 (2)(a) Records that are confidential, privileged, or exempt from
4 public disclosure under state or federal law while in the possession of
5 the originating agency, commission, board, committee, or other entity
6 of state or local government retain their confidential, privileged, or
7 exempt status after transfer to the state archives unless the
8 archivist, with the concurrence of the originating jurisdiction,
9 determines that the records must be made accessible to the public
10 according to proper and reasonable rules adopted by the secretary of
11 state, in which case the records may be open to inspection and
12 available for copying after the expiration of seventy-five years from
13 creation of the record. If the originating jurisdiction is no longer
14 in existence, the archivist shall make the determination of
15 availability according to the rules. If, while in the possession of
16 the originating agency, commission, board, committee, or other entity,
17 any record is determined to be confidential, privileged, or exempt from
18 public disclosure under state or federal law for a period of less than
19 seventy-five years, then the record must be made accessible to the
20 public upon the expiration of the shorter period of time according to
21 proper and reasonable rules adopted by the secretary of state.

22 (b) Records of investigative reports prepared by any state, county,
23 municipal, or other law enforcement agency pertaining to sex offenders
24 contained in chapter 9A.44 RCW or sexually violent offenses as defined
25 in RCW 71.09.020 that are not required in the current operation of the
26 law enforcement agency or for pending judicial proceedings shall,
27 following the expiration of the applicable schedule of the law
28 enforcement agency's retention of the records, be transferred to the
29 Washington association of sheriffs and police chiefs for permanent
30 electronic retention and retrieval. Upon electronic retention of any
31 document, the association may destroy the paper copy of the document.

32 (c) Any record transferred to the Washington association of
33 sheriffs and police chiefs under (b) of this subsection is no longer a
34 public record under RCW 42.17.020 and is exempt from public disclosure.
35 Such records shall be disseminated only to criminal justice agencies as
36 defined in RCW 10.97.030 to determine if a sex offender meets the
37 criteria of a sexually violent predator as defined in chapter 71.09
38 RCW.

1 state records committee. The division shall facilitate the state
2 agency's submittal to the state records committee and provide
3 administrative support as needed.

4 **PART VI**

5 **STATE RECORDS OFFICERS**

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 40.14 RCW
7 to read as follows:

8 Each department or other agency of the state government shall
9 designate a records officer to supervise its records management and
10 retention program under this chapter and to represent the office in all
11 contacts with the state records committee and the division of archives
12 and records management. The records officer shall:

13 (1) Coordinate all aspects of the records management and retention
14 program;

15 (2) Inventory, or manage the inventory, of all public records at
16 least once during a biennium for disposition scheduling and transfer
17 action, in accordance with procedures prescribed by the state archivist
18 and state records committee. However, essential records shall be
19 inventoried and processed in accordance with chapter 40.10 RCW at least
20 annually;

21 (3) Consult with any other personnel responsible for maintenance of
22 specific records within the officer's state organization regarding
23 records retention and transfer recommendations;

24 (4) Analyze records inventory data, examine and compare divisional
25 or unit inventories for duplication of records, and recommend to the
26 state archivist and state records committee minimal retentions for all
27 copies commensurate with legal, financial, and administrative needs;

28 (5) Approve all records inventory and destruction requests which
29 are submitted to the state records committee;

30 (6) Review established records retention schedules at least
31 annually to ensure that they are complete and current;

32 (7) Exercise internal control over the acquisition of imaging and
33 records storage equipment.

34 If a particular agency or department does not wish to transfer
35 records at a time previously scheduled therefor, the records officer

1 shall, within thirty days, notify the archivist and request a change in
2 such previously set schedule, including the officer's reasons therefor.

3 **PART VII**

4 **LOCAL RECORDS COMMITTEE**

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 40.14 RCW
6 to read as follows:

7 (1)(a) The local records committee is created. Membership on the
8 committee consists of the state archivist or his or her designee, a
9 representative appointed by the state auditor, and a representative
10 appointed by the attorney general. The appointing authority for each
11 committee member may appoint an alternate member to serve in the
12 absence of the primary appointee. The committee shall meet at least
13 once every quarter or more often as business dictates. Records shall
14 be kept of all committee business.

15 (b) Approval, amendment, or veto of any retention schedule shall be
16 by unanimous vote of the local records committee. Upon such approval,
17 the retention schedule shall constitute authority for the local agency
18 to dispose of or destroy the records listed thereon consistent with the
19 conditions of the retention schedule.

20 (c) The local records committee may adopt appropriate policies and
21 procedures to be followed in implementing its authority under this
22 chapter.

23 (2) No local agency public records shall be disposed of or
24 destroyed until the expiration of applicable retention periods on
25 records retention schedules approved by the local records committee.

26 (3)(a) The local records committee shall establish general
27 retention schedules for local agency records when practical. Upon a
28 determination of the local records committee, unique retention
29 schedules may be approved for a local agency. The committee's
30 determination shall include consideration of factors justifying the use
31 of a unique retention schedule in lieu of, or the absence of, a general
32 retention schedule.

33 (b) Local government agencies may apply for authority to dispose of
34 or destroy public records having no further administrative or legal
35 value by submitting retention schedules for approval to the local
36 records committee. Submittals shall be made to the local records

1 committee through the division of archives and records management on
2 forms approved by the local records committee. The division shall
3 facilitate the local agency's submittal to the local records committee
4 and provide administrative support as needed.

5 (c) Except as otherwise provided by law, local agencies may, as an
6 alternative to destroying public records having no further
7 administrative or legal value, donate the public records to the state
8 library, local library, historical society, genealogical society, or
9 similar society or organization. Public records may not be donated
10 under this subsection unless:

11 (i) The records are seventy years old or older;

12 (ii) The local records committee has approved the destruction of
13 the public records; and

14 (iii) The state archivist has determined that the public records
15 have no historic or legal significance.

16 (4) Records of local agencies, designated by the archivist as
17 having historical or legal significance, may be transferred to a
18 repository approved by the archivist.

19 PART VIII

20 RETENTION REQUIREMENTS

21 NEW SECTION. **Sec. 8.** A new section is added to chapter 40.14 RCW
22 to read as follows:

23 Public records shall not be disposed of or destroyed until the
24 expiration of applicable retention periods on records retention
25 schedules approved by the state or local records committee. Unless
26 otherwise provided by state or federal law, rule, or regulation,
27 retention periods approved for records series that serve as primary
28 documentation of official actions, transactions, contracts, or
29 agreements must be at least six years. The state or local records
30 committee may approve retention periods of less than six years for
31 records series that:

32 (1) The department of origin of the records has made a satisfactory
33 showing to the state or local records committee that the retention of
34 the records for a minimum of six years is unnecessary and that such
35 records serve only an administrative value; or

1 (2) The originals of the official public records less than six
2 years old have been copied or reproduced by any photographic or other
3 process approved by the state archivist which accurately reproduces or
4 forms a durable medium for so reproducing the original.

5 **PART IX**
6 **LEGISLATIVE RECORDS**

7 NEW SECTION. **Sec. 9.** A new section is added to chapter 40.14 RCW
8 to read as follows:

9 Nothing in this chapter prohibits a legislator or legislative
10 employee from contributing his or her personal papers to any private
11 library, public library, or the state archives. The state archivist is
12 authorized to receive papers of legislators and legislative employees
13 and is directed to encourage the donation of such personal papers to
14 the state. The state archivist is authorized to establish such
15 guidelines and procedures for the collection of personal papers and
16 correspondence relating to the legislature as the archivist sees fit.
17 Legislators and legislative employees are encouraged to contribute
18 their personal papers to the state for preservation.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 40.14 RCW
20 to read as follows:

21 The chief clerk of the house of representatives or the chief
22 clerk's designee, and the secretary of the senate or the secretary's
23 designee, shall establish requirements and responsibilities for keeping
24 committee minutes and records as part of their instructions to
25 committee chairs and employees.

26 The chief clerk or the secretary, with the assistance of the state
27 archivist, shall classify and arrange the legislative records delivered
28 to the chief clerk or secretary in a manner that he or she considers
29 best suited to carry out the efficient and economical utilization,
30 maintenance, preservation, and disposition of the records. The chief
31 clerk or the secretary may deliver to the state archivist all
32 legislative records in his or her possession when such records have
33 been classified and arranged and are no longer needed by either house.
34 The state archivist shall thereafter be custodian of the records so

1 delivered, but shall deliver such records back to either the chief
2 clerk or secretary upon his or her request.

3 The committee staff person responsible for maintaining the
4 legislative records of that committee shall, on a scheduled basis
5 agreed upon by the chief clerk of the house of representatives or the
6 chief clerk's designee, and the secretary of the senate or the
7 secretary's designee, deliver to the chief clerk or secretary all
8 legislative records in his or her possession, as long as such records
9 are not required for the regular performance of official duties.

10 NEW SECTION. **Sec. 11.** A new section is added to chapter 40.14 RCW
11 to read as follows:

12 The chief clerk of the house of representatives and the secretary
13 of the senate must advise the party caucuses in each house concerning
14 the necessity to keep legislative records. The state archivist or his
15 or her representative shall work with the chief clerk and secretary to
16 provide information and instructions on the best method for keeping
17 legislative records.

18 NEW SECTION. **Sec. 12.** A new section is added to chapter 40.14 RCW
19 to read as follows:

20 The chief clerk of the house of representatives or the secretary of
21 the senate shall, with advice of the state archivist, prescribe
22 policies for access to records when such records have been delivered to
23 the state archives for preservation and maintenance.

24 NEW SECTION. **Sec. 13.** A new section is added to chapter 40.14 RCW
25 to read as follows:

26 Any sound recording of debate in the house of representatives or
27 senate made by legislative employees shall be preserved by the chief
28 clerk of the house and by the secretary of the senate, respectively,
29 for two years from the end of the session at which the recording is
30 made, and thereafter shall be transmitted to the state archivist. The
31 chief clerk and the secretary shall catalogue or index the recordings
32 in their custody according to a uniform system, in order to allow easy
33 access to the debate on specific questions before either house. The
34 chief clerk of the house of representatives and the secretary of the

1 senate shall make available upon request, at the cost of reproduction,
2 portions of the recordings as may be requested.

3 **PART X**
4 **FUNDING**

5 NEW SECTION. **Sec. 14.** A new section is added to chapter 40.14 RCW
6 to read as follows:

7 (1) There is created the archives and records management account in
8 the state treasury which shall consist of all fees and charges
9 collected under this section. The account shall be appropriated
10 exclusively for the payment of costs and expenses incurred in the
11 operation of the division of archives and records management as
12 specified by law.

13 (2) The secretary of state and the director of financial management
14 shall jointly establish a procedure and formula for allocating the
15 costs of services provided by the division of archives and records
16 management to state agencies. The total amount allotted for services
17 to state agencies shall not exceed the appropriation to the archives
18 and records management account during any allotment period.

19 NEW SECTION. **Sec. 15.** A new section is added to chapter 40.14 RCW
20 to read as follows:

21 The local government archives account is created in the state
22 treasury. All receipts collected under section 16 of this act and RCW
23 36.22.175 for local government services, such as providing records
24 scheduling, security microfilm inspection and storage, archival
25 preservation, cataloging, and indexing for local government records and
26 digital data and access to those records and data through the regional
27 branch archives of the division of archives and records management,
28 must be deposited into the account, and expenditures from the account
29 may be used only for these purposes.

30 NEW SECTION. **Sec. 16.** A new section is added to chapter 40.14 RCW
31 to read as follows:

32 State agencies shall collect a surcharge of twenty dollars from the
33 judgment debtor upon the satisfaction of a warrant filed in superior
34 court for unpaid taxes or liabilities. The surcharge is imposed on the

1 judgment debtor in the form of a penalty in addition to the filing fee
2 provided in RCW 36.18.012(10). The surcharge revenue shall be
3 transmitted to the state treasurer for deposit in the local government
4 archives account under section 15 of this act.

5 Surcharge revenue shall be expended by the secretary of state
6 exclusively for disaster recovery, essential records protection
7 services, and records management training for local government agencies
8 by the division of archives and records management. The secretary of
9 state shall, with local government representatives, establish a
10 committee to advise the state archivist on the local government
11 archives and records management program.

12 NEW SECTION. **Sec. 17.** A new section is added to chapter 40.14 RCW
13 to read as follows:

14 The imaging account is created in the custody of the state
15 treasurer. All receipts collected for contract imaging, micrographics,
16 reproduction, and duplication services provided by the division of
17 archives and records management must be deposited into the account, and
18 expenditures from the account may be used only for these purposes.
19 Only the secretary of state or the secretary's designee may authorize
20 expenditures from the account. The account is subject to allotment
21 procedures under chapter 43.88 RCW, but an appropriation is not
22 required for expenditures.

23 **Sec. 18.** RCW 36.22.175 and 2003 c 163 s 5 are each amended to read
24 as follows:

25 (1) In addition to any other charge authorized by law, the county
26 auditor shall charge a surcharge of one dollar per instrument for each
27 document recorded. Revenue generated through this surcharge shall be
28 transmitted monthly to the state treasurer for deposit in the local
29 government archives account under ((~~RCW 40.14.024~~)) section 15 of this
30 act. These funds shall be used solely for providing records
31 scheduling, security microfilm inspection and storage, archival
32 preservation, cataloging, and indexing for local government records and
33 digital data and access to those records and data through the regional
34 branch archives of the division of archives and records management.

35 The division of archives and records management within the office
36 of the secretary of state shall provide records management training for

1 local governments and shall establish a competitive grant program to
2 solicit and prioritize project proposals from local governments for
3 potential funding to be paid for by funds from the auditor surcharge
4 and tax warrant surcharge revenues. Application for specific projects
5 may be made by local government agencies only. The state archivist in
6 consultation with the advisory committee established under ((RCW
7 ~~40.14.027~~)) section 16 of this act shall adopt rules governing project
8 eligibility, evaluation, awarding of grants, and other criteria
9 including requirements for records management training for grant
10 recipients.

11 (2) The advisory committee established under ((RCW ~~40.14.027~~))
12 section 16 of this act shall review grant proposals and establish a
13 prioritized list of projects to be considered for funding by January
14 1st of each even-numbered year, beginning in 2002. The evaluation of
15 proposals and development of the prioritized list must be developed
16 through open public meetings. Funding for projects shall be granted
17 according to the ranking of each application on the prioritized list
18 and projects will be funded only to the extent that funds are
19 available. A grant award may have an effective date other than the
20 date the project is placed on the prioritized list.

21 (3) In addition to any other surcharge authorized by law, the
22 county auditor shall charge a surcharge of one dollar per instrument
23 for every document recorded after January 1, 2002. Revenue generated
24 through this surcharge shall be transmitted to the state treasurer
25 monthly for deposit in the local government archives account under
26 ((RCW ~~40.14.024~~)) section 15 of this act to be used exclusively for the
27 construction and improvement of a specialized regional facility located
28 in eastern Washington designed to serve the archives, records
29 management, and digital data management needs of local government.

30 To the extent the facilities are used for the storage and retrieval
31 of state agency records and digital data, that portion of the
32 construction of such facilities used for state government records and
33 data shall be supported by other charges and fees paid by state
34 agencies and shall not be supported by the surcharge authorized in this
35 subsection.

36 At such time that all debt service from construction on such
37 facility has been paid, fifty percent of the surcharge authorized by
38 this subsection shall be reverted to the centennial document

1 preservation and modernization account as prescribed in RCW 36.22.170
2 and fifty percent of the surcharge authorized by this section shall be
3 reverted to the state treasurer for deposit in the archives and records
4 management account to serve the archives, records management, and
5 digital data management needs of local government.

6 **PART XI**
7 **CONSTRUCTION**

8 NEW SECTION. **Sec. 19.** A new section is added to chapter 40.14 RCW
9 to read as follows:

10 This chapter does not repeal or modify any other acts or parts of
11 acts authorizing the retention or destruction of public records. This
12 chapter does not affect the provisions of chapter 40.07 RCW requiring
13 the deposit of all state publications in the state library or the
14 confidentiality of the bill drafting records of the code reviser's
15 office.

16 **PART XII**
17 **INTERNAL REFERENCES AND REPEALERS**

18 **Sec. 20.** RCW 42.17.020 and 2005 c 445 s 6 are each amended to read
19 as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "Actual malice" means to act with knowledge of falsity or with
23 reckless disregard as to truth or falsity.

24 (2) "Agency" includes all state agencies and all local agencies.
25 "State agency" includes every state office, department, division,
26 bureau, board, commission, or other state agency. "Local agency"
27 includes every county, city, town, municipal corporation, quasi-
28 municipal corporation, or special purpose district, or any office,
29 department, division, bureau, board, commission, or agency thereof, or
30 other local public agency.

31 (3) "Authorized committee" means the political committee authorized
32 by a candidate, or by the public official against whom recall charges
33 have been filed, to accept contributions or make expenditures on behalf
34 of the candidate or public official.

1 (4) "Ballot proposition" means any "measure" as defined by RCW
2 29A.04.091, 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 (5) "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 (6) "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 29A.20 RCW;

14 (b) The governing body of the state organization of a major
15 political party, as defined in RCW 29A.04.086, 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 (7) "Depository" means a bank designated by a candidate or
22 political committee pursuant to RCW 42.17.050.

23 (8) "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 (9) "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 (10) "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 (11) "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 (12) "Commission" means the agency established under RCW 42.17.350.

8 (13) "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 (14) "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 (15)(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 or electioneering communication
29 prepared by a candidate, a political committee, or its authorized
30 agent;

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

34 (b) "Contribution" does not include:

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

37 (ii) Ordinary home hospitality;

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

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

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

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

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

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

27 (A) A political party or caucus political committee if the person
28 paying for the services is the regular employer of the person rendering
29 such services; or

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

34 (c) Contributions other than money or its equivalent are deemed to
35 have a monetary value equivalent to the fair market value of the
36 contribution. Services or property or rights furnished at less than
37 their fair market value for the purpose of assisting any candidate or

1 political committee are deemed a contribution. Such a contribution
2 must be reported as an in-kind contribution at its fair market value
3 and counts towards any applicable contribution limit of the provider.

4 (16) "Elected official" means any person elected at a general or
5 special election to any public office, and any person appointed to fill
6 a vacancy in any such office.

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

14 (18) "Election campaign" means any campaign in support of or in
15 opposition to a candidate for election to public office and any
16 campaign in support of, or in opposition to, a ballot proposition.

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

24 (20) "Electioneering communication" means any broadcast, cable, or
25 satellite television or radio transmission, United States postal
26 service mailing, billboard, newspaper, or periodical that:

27 (a) Clearly identifies a candidate for a state, local, or judicial
28 office either by specifically naming the candidate, or identifying the
29 candidate without using the candidate's name;

30 (b) Is broadcast, transmitted, mailed, erected, distributed, or
31 otherwise published within sixty days before any election for that
32 office in the jurisdiction in which the candidate is seeking election;
33 and

34 (c) Either alone, or in combination with one or more communications
35 identifying the candidate by the same sponsor during the sixty days
36 before an election, has a fair market value of five thousand dollars or
37 more.

38 (21) "Electioneering communication" does not include:

1 (a) Usual and customary advertising of a business owned by a
2 candidate, even if the candidate is mentioned in the advertising when
3 the candidate has been regularly mentioned in that advertising
4 appearing at least twelve months preceding his or her becoming a
5 candidate;

6 (b) Advertising for candidate debates or forums when the
7 advertising is paid for by or on behalf of the debate or forum sponsor,
8 so long as two or more candidates for the same position have been
9 invited to participate in the debate or forum;

10 (c) A news item, feature, commentary, or editorial in a regularly
11 scheduled news medium that is:

12 (i) Of primary interest to the general public;

13 (ii) In a news medium controlled by a person whose business is that
14 news medium; and

15 (iii) Not a medium controlled by a candidate or a political
16 committee;

17 (d) Slate cards and sample ballots;

18 (e) Advertising for books, films, dissertations, or similar works
19 (i) written by a candidate when the candidate entered into a contract
20 for such publications or media at least twelve months before becoming
21 a candidate, or (ii) written about a candidate;

22 (f) Public service announcements;

23 (g) A mailed internal political communication primarily limited to
24 the members of or contributors to a political party organization or
25 political committee, or to the officers, management staff, or
26 stockholders of a corporation or similar enterprise, or to the members
27 of a labor organization or other membership organization;

28 (h) An expenditure by or contribution to the authorized committee
29 of a candidate for state, local, or judicial office; or

30 (i) Any other communication exempted by the commission through rule
31 consistent with the intent of this chapter.

32 (22) "Expenditure" includes a payment, contribution, subscription,
33 distribution, loan, advance, deposit, or gift of money or anything of
34 value, and includes a contract, promise, or agreement, whether or not
35 legally enforceable, to make an expenditure. The term "expenditure"
36 also includes a promise to pay, a payment, or a transfer of anything of
37 value in exchange for goods, services, property, facilities, or
38 anything of value for the purpose of assisting, benefiting, or honoring

1 any public official or candidate, or assisting in furthering or
2 opposing any election campaign. For the purposes of this chapter,
3 agreements to make expenditures, contracts, and promises to pay may be
4 reported as estimated obligations until actual payment is made. The
5 term "expenditure" shall not include the partial or complete repayment
6 by a candidate or political committee of the principal of a loan, the
7 receipt of which loan has been properly reported.

8 (23) "Final report" means the report described as a final report in
9 RCW 42.17.080(2).

10 (24) "General election" for the purposes of RCW 42.17.640 means the
11 election that results in the election of a person to a state office.
12 It does not include a primary.

13 (25) "Gift," is as defined in RCW 42.52.010.

14 (26) "Immediate family" includes the spouse, dependent children,
15 and other dependent relatives, if living in the household. For the
16 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
17 an individual's spouse, and child, stepchild, grandchild, parent,
18 stepparent, grandparent, brother, half brother, sister, or half sister
19 of the individual and the spouse of any such person and a child,
20 stepchild, grandchild, parent, stepparent, grandparent, brother, half
21 brother, sister, or half sister of the individual's spouse and the
22 spouse of any such person.

23 (27) "Incumbent" means a person who is in present possession of an
24 elected office.

25 (28) "Independent expenditure" means an expenditure that has each
26 of the following elements:

27 (a) It is made in support of or in opposition to a candidate for
28 office by a person who is not (i) a candidate for that office, (ii) an
29 authorized committee of that candidate for that office, (iii) a person
30 who has received the candidate's encouragement or approval to make the
31 expenditure, if the expenditure pays in whole or in part for political
32 advertising supporting that candidate or promoting the defeat of any
33 other candidate or candidates for that office, or (iv) a person with
34 whom the candidate has collaborated for the purpose of making the
35 expenditure, if the expenditure pays in whole or in part for political
36 advertising supporting that candidate or promoting the defeat of any
37 other candidate or candidates for that office;

1 (b) The expenditure pays in whole or in part for political
2 advertising that either specifically names the candidate supported or
3 opposed, or clearly and beyond any doubt identifies the candidate
4 without using the candidate's name; and

5 (c) The expenditure, alone or in conjunction with another
6 expenditure or other expenditures of the same person in support of or
7 opposition to that candidate, has a value of five hundred dollars or
8 more. A series of expenditures, each of which is under five hundred
9 dollars, constitutes one independent expenditure if their cumulative
10 value is five hundred dollars or more.

11 (29)(a) "Intermediary" means an individual who transmits a
12 contribution to a candidate or committee from another person unless the
13 contribution is from the individual's employer, immediate family as
14 defined for purposes of RCW 42.17.640 through 42.17.790, or an
15 association to which the individual belongs.

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

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

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

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

29 (31) "Legislative record" means correspondence, committee bill
30 files, amendments, reports, and minutes of meetings made by or
31 submitted to legislative committees or subcommittees and transcripts or
32 other records of hearings or supplementary written testimony or data
33 thereof filed with committees or subcommittees in connection with the
34 exercise of legislative or investigatory functions. "Legislative
35 record" does not include the records of an official act of the
36 legislature kept by the secretary of state, bills and their copies,
37 published materials, digests, or multicopied matter that are routinely
38 retained and otherwise available at the state library or in a public

1 repository, or reports or correspondence made or received by or in any
2 way under the personal control of the individual members of the
3 legislature.

4 (32) "Lobby" and "lobbying" each mean attempting to influence the
5 passage or defeat of any legislation by the legislature of the state of
6 Washington, or the adoption or rejection of any rule, standard, rate,
7 or other legislative enactment of any state agency under the state
8 administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor
9 "lobbying" includes an association's or other organization's act of
10 communicating with the members of that association or organization.

11 ~~((+32+))~~ (33) "Lobbyist" includes any person who lobbies either in
12 his or her own or another's behalf.

13 ~~((+33+))~~ (34) "Lobbyist's employer" means the person or persons by
14 whom a lobbyist is employed and all persons by whom he or she is
15 compensated for acting as a lobbyist.

16 ~~((+34+))~~ (35) "Participate" means that, with respect to a
17 particular election, an entity:

18 (a) Makes either a monetary or in-kind contribution to a candidate;

19 (b) Makes an independent expenditure or electioneering
20 communication in support of or opposition to a candidate;

21 (c) Endorses a candidate prior to contributions being made by a
22 subsidiary corporation or local unit with respect to that candidate or
23 that candidate's opponent;

24 (d) Makes a recommendation regarding whether a candidate should be
25 supported or opposed prior to a contribution being made by a subsidiary
26 corporation or local unit with respect to that candidate or that
27 candidate's opponent; or

28 (e) Directly or indirectly collaborates or consults with a
29 subsidiary corporation or local unit on matters relating to the support
30 of or opposition to a candidate, including, but not limited to, the
31 amount of a contribution, when a contribution should be given, and what
32 assistance, services or independent expenditures, or electioneering
33 communications, if any, will be made or should be made in support of or
34 opposition to a candidate.

35 ~~((+35+))~~ (36) "Person" includes an individual, partnership, joint
36 venture, public or private corporation, association, federal, state, or
37 local governmental entity or agency however constituted, candidate,

1 committee, political committee, political party, executive committee
2 thereof, or any other organization or group of persons, however
3 organized.

4 ~~((+36+))~~ (37) "Person in interest" means the person who is the
5 subject of a record or any representative designated by that person,
6 except that if that person is under a legal disability, the term
7 "person in interest" means and includes the parent or duly appointed
8 legal representative.

9 ~~((+37+))~~ (38) "Political advertising" includes any advertising
10 displays, newspaper ads, billboards, signs, brochures, articles,
11 tabloids, flyers, letters, radio or television presentations, or other
12 means of mass communication, used for the purpose of appealing,
13 directly or indirectly, for votes or for financial or other support or
14 opposition in any election campaign.

15 ~~((+38+))~~ (39) "Political committee" means any person (except a
16 candidate or an individual dealing with his or her own funds or
17 property) having the expectation of receiving contributions or making
18 expenditures in support of, or opposition to, any candidate or any
19 ballot proposition.

20 ~~((+39+))~~ (40) "Primary" for the purposes of RCW 42.17.640 means the
21 procedure for nominating a candidate to state office under chapter
22 29A.52 RCW or any other primary for an election that uses, in large
23 measure, the procedures established in chapter 29A.52 RCW.

24 ~~((+40+))~~ (41) "Public office" means any federal, state, judicial,
25 county, city, town, school district, port district, special district,
26 or other state political subdivision elective office.

27 ~~((+41+))~~ (42) "Public record" includes any writing containing
28 information relating to the conduct of government or the performance of
29 any governmental or proprietary function prepared, owned, used, or
30 retained by any state or local agency regardless of physical form or
31 characteristics. For the office of the secretary of the senate and the
32 office of the chief clerk of the house of representatives, public
33 records means legislative records (~~as defined in RCW 40.14.100~~) and
34 also means the following: All budget and financial records; personnel
35 leave, travel, and payroll records; records of legislative sessions;
36 reports submitted to the legislature; and any other record designated
37 a public record by any official action of the senate or the house of
38 representatives.

1 (~~(42)~~) (43) "Recall campaign" means the period of time beginning
2 on the date of the filing of recall charges under RCW 29A.56.120 and
3 ending thirty days after the recall election.

4 (~~(43)~~) (44) "Sponsor of an electioneering communications,
5 independent expenditures, or political advertising" means the person
6 paying for the electioneering communication, independent expenditure,
7 or political advertising. If a person acts as an agent for another or
8 is reimbursed by another for the payment, the original source of the
9 payment is the sponsor.

10 (~~(44)~~) (45) "State legislative office" means the office of a
11 member of the state house of representatives or the office of a member
12 of the state senate.

13 (~~(45)~~) (46) "State office" means state legislative office or the
14 office of governor, lieutenant governor, secretary of state, attorney
15 general, commissioner of public lands, insurance commissioner,
16 superintendent of public instruction, state auditor, or state
17 treasurer.

18 (~~(46)~~) (47) "State official" means a person who holds a state
19 office.

20 (~~(47)~~) (48) "Surplus funds" mean, in the case of a political
21 committee or candidate, the balance of contributions that remain in the
22 possession or control of that committee or candidate subsequent to the
23 election for which the contributions were received, and that are in
24 excess of the amount necessary to pay remaining debts incurred by the
25 committee or candidate prior to that election. In the case of a
26 continuing political committee, "surplus funds" mean those
27 contributions remaining in the possession or control of the committee
28 that are in excess of the amount necessary to pay all remaining debts
29 when it makes its final report under RCW 42.17.065.

30 (~~(48)~~) (49) "Writing" means handwriting, typewriting, printing,
31 photostating, photographing, and every other means of recording any
32 form of communication or representation, including, but not limited to,
33 letters, words, pictures, sounds, or symbols, or combination thereof,
34 and all papers, maps, magnetic or paper tapes, photographic films and
35 prints, motion picture, film and video recordings, magnetic or punched
36 cards, discs, drums, diskettes, sound recordings, and other documents
37 including existing data compilations from which information may be
38 obtained or translated.

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

3 **Sec. 21.** RCW 10.97.140 and 2005 c 274 s 207 are each amended to
4 read as follows:

5 Nothing in ((~~RCW 40.14.060 or 40.14.070~~)) section 4 of this act or
6 chapter 42.56 RCW precludes dissemination of criminal history record
7 information, including nonconviction data, for the purposes of this
8 chapter.

9 **Sec. 22.** RCW 42.56.240 and 2005 c 274 s 404 are each amended to
10 read as follows:

11 The following investigative, law enforcement, and crime victim
12 information is exempt from public inspection and copying under this
13 chapter:

14 (1) Specific intelligence information and specific investigative
15 records compiled by investigative, law enforcement, and penology
16 agencies, and state agencies vested with the responsibility to
17 discipline members of any profession, the nondisclosure of which is
18 essential to effective law enforcement or for the protection of any
19 person's right to privacy;

20 (2) Information revealing the identity of persons who are witnesses
21 to or victims of crime or who file complaints with investigative, law
22 enforcement, or penology agencies, other than the commission, if
23 disclosure would endanger any person's life, physical safety, or
24 property. If at the time a complaint is filed the complainant, victim,
25 or witness indicates a desire for disclosure or nondisclosure, such
26 desire shall govern. However, all complaints filed with the commission
27 about any elected official or candidate for public office must be made
28 in writing and signed by the complainant under oath;

29 (3) Any records of investigative reports prepared by any state,
30 county, municipal, or other law enforcement agency pertaining to sex
31 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
32 defined in RCW 71.09.020, which have been transferred to the Washington
33 association of sheriffs and police chiefs for permanent electronic
34 retention and retrieval pursuant to ((~~RCW 40.14.070(2)(b)~~)) section
35 4(2)(b) of this act;

1 (4) License applications under RCW 9.41.070; copies of license
2 applications or information on the applications may be released to law
3 enforcement or corrections agencies; and

4 (5) Information revealing the identity of child victims of sexual
5 assault who are under age eighteen. Identifying information means the
6 child victim's name, address, location, photograph, and in cases in
7 which the child victim is a relative or stepchild of the alleged
8 perpetrator, identification of the relationship between the child and
9 the alleged perpetrator.

10 **Sec. 23.** RCW 42.56.320 and 2005 c 274 s 412 are each amended to
11 read as follows:

12 The following educational information is exempt from disclosure
13 under this chapter:

14 (1) Financial disclosures filed by private vocational schools under
15 chapters 28B.85 and 28C.10 RCW;

16 (2) Financial and commercial information supplied by or on behalf
17 of a person, firm, corporation, or entity under chapter 28B.95 RCW
18 relating to the purchase or sale of tuition units and contracts for the
19 purchase of multiple tuition units;

20 (3) Individually identifiable information received by the work
21 force training and education coordinating board for research or
22 evaluation purposes; and

23 (4) Except for public records as defined in ((RCW 40.14.040))
24 section 2 of this act, any records or documents obtained by a state
25 college, university, library, or archive through or concerning any
26 gift, grant, conveyance, bequest, or devise, the terms of which
27 restrict or regulate public access to those records or documents.

28 **Sec. 24.** RCW 43.07.380 and 2003 c 164 s 2 are each amended to read
29 as follows:

30 The oral history, state library, and archives account is created in
31 the custody of the state treasurer. All moneys received under RCW
32 43.07.370 must be deposited in the account. Expenditures from the
33 account may be made only for the purposes of the oral history program
34 under RCW 43.07.220, archives program under ((RCW 40.14.020)) chapter
35 40.14 RCW, and state library program under chapter 27.04 RCW. Only the
36 secretary of state or the secretary of state's designee may authorize

1 expenditures from the account. An appropriation is not required for
2 expenditures, but the account is subject to allotment procedures under
3 chapter 43.88 RCW.

4 NEW SECTION. **Sec. 25.** The following acts or parts of acts are
5 each repealed:

6 (1) RCW 40.14.010 (Definition and classification of public records)
7 and 1996 c 71 s 1, 1982 c 36 s 3, 1981 c 32 s 4, 1971 ex.s. c 102 s 1,
8 & 1957 c 246 s 1;

9 (2) RCW 40.14.020 (Division of archives and records management--
10 State archivist--Powers and duties--Duties of public officials) and
11 2002 c 358 s 4 & 1995 c 326 s 1;

12 (3) RCW 40.14.022 (Division of archives and records management--
13 Imaging account) and 2003 c 163 s 2;

14 (4) RCW 40.14.024 (Division of archives and records management--
15 Local government archives account) and 2003 c 163 s 3;

16 (5) RCW 40.14.025 (Division of archives and records management--
17 Allocation of costs of services--Archives and records management
18 account) and 2003 c 163 s 1, 1996 c 245 s 3, 1991 sp.s. c 13 s 5, 1985
19 c 57 s 22, & 1981 c 115 s 4;

20 (6) RCW 40.14.027 (Public archives and records management
21 services--Judgment debtor surcharge) and 2003 c 163 s 4, 2001 c 146 s
22 4, 1996 c 245 s 4, 1995 c 292 s 17, & 1994 c 193 s 2;

23 (7) RCW 40.14.030 (Transfer to state archives--Certified copies,
24 cost--Public disclosure) and 2003 c 305 s 1 & 1957 c 246 s 3;

25 (8) RCW 40.14.040 (Records officers--Designation--Powers and
26 duties) and 1982 c 36 s 4, 1979 c 151 s 51, 1973 c 54 s 3, & 1957 c 246
27 s 4;

28 (9) RCW 40.14.050 (Records committee--Composition, travel expenses,
29 meetings, powers and duties--Retention schedules) and 1985 c 192 s 1,
30 1975-'76 2nd ex.s. c 34 s 83, & 1957 c 246 s 5;

31 (10) RCW 40.14.060 (Destruction, disposition of official public
32 records or office files and memoranda--Record retention schedules) and
33 1999 c 326 s 1, 1982 c 36 s 5, 1979 c 151 s 52, 1973 c 54 s 4, & 1957
34 c 246 s 6;

35 (11) RCW 40.14.070 (Destruction, disposition, donation of local
36 government records--Preservation for historical interest--Local records

1 committee, duties--Record retention schedules--Sealed records) and 2005
2 c 227 s 1, 2003 c 240 s 1, 1999 c 326 s 2, 1995 c 301 s 71, 1982 c 36
3 s 6, 1973 c 54 s 5, 1971 ex.s. c 10 s 1, & 1957 c 246 s 7;

4 (12) RCW 40.14.080 (Chapter not to affect other laws) and 1983 c 3
5 s 84 & 1957 c 246 s 8;

6 (13) RCW 40.14.100 (Legislative records--Defined) and 1971 ex.s. c
7 102 s 2;

8 (14) RCW 40.14.110 (Legislative records--Contribution of papers by
9 legislators and employees) and 1971 ex.s. c 102 s 3;

10 (15) RCW 40.14.120 (Legislative records--"Clerk," "secretary"
11 defined) and 1971 ex.s. c 102 s 4;

12 (16) RCW 40.14.130 (Legislative records--Duties of legislative
13 officials, employees and state archivist--Delivery of records--
14 Custody--Availability) and 1971 ex.s. c 102 s 5;

15 (17) RCW 40.14.140 (Legislative records--Party caucuses to be
16 advised--Information and instructions) and 1971 ex.s. c 102 s 6;

17 (18) RCW 40.14.150 (Legislative records--Use for research) and 1971
18 ex.s. c 102 s 7;

19 (19) RCW 40.14.160 (Legislative records--Rules for access to
20 records) and 1971 ex.s. c 102 s 8;

21 (20) RCW 40.14.170 (Legislative records--Sound recordings) and 1971
22 ex.s. c 102 s 9; and

23 (21) RCW 40.14.180 (Legislative records--Construction--
24 Confidentiality of bill drafting records) and 1983 c 3 s 85 & 1971
25 ex.s. c 102 s 10.

26 NEW SECTION. **Sec. 26.** Part headings used in this act are not any
27 part of the law.

--- END ---