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**SUBSTITUTE HOUSE BILL 2016**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** House State Government & Tribal Affairs (originally sponsored by Representatives Flannigan, Appleton, Hurst, Miloscia, and Hunt)

READ FIRST TIME 02/23/09.

1       AN ACT Relating to campaign contribution and disclosure laws;  
2 amending RCW 42.17.020, 42.17.020, 42.17.367, 42.17.369, 42.17.461,  
3 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.380,  
4 42.17.405, 42.17.420, 42.17.450, 42.17.030, 42.17.040, 42.17.050,  
5 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691,  
6 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.135,  
7 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.510, 42.17.520,  
8 42.17.540, 42.17.110, 42.17.610, 42.17.640, 42.17.640, 42.17.645,  
9 42.17.070, 42.17.095, 42.17.125, 42.17.660, 42.17.720, 42.17.740,  
10 42.17.790, 42.17.680, 42.17.130, 42.17.245, 42.17.150, 42.17.155,  
11 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190,  
12 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.241,  
13 42.17.242, 42.17.390, 42.17.395, 42.17.397, 42.17.400, and 42.56.010;  
14 reenacting and amending RCW 42.17.2401; adding a new chapter to Title  
15 42 RCW; creating new sections; recodifying RCW 42.17.010, 42.17.020,  
16 42.17.035, 42.17.440, 42.17.367, 42.17.369, 42.17.460, 42.17.461,  
17 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.380,  
18 42.17.405, 42.17.420, 42.17.430, 42.17.450, 42.17.030, 42.17.040,  
19 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090,  
20 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550,  
21 42.17.135, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.510,

1 42.17.520, 42.17.530, 42.17.540, 42.17.110, 42.17.610, 42.17.640,  
2 42.17.645, 42.17.700, 42.17.070, 42.17.095, 42.17.120, 42.17.125,  
3 42.17.650, 42.17.660, 42.17.670, 42.17.720, 42.17.730, 42.17.740,  
4 42.17.770, 42.17.780, 42.17.790, 42.17.680, 42.17.760, 42.17.128,  
5 42.17.130, 42.17.710, 42.17.750, 42.17.245, 42.17.150, 42.17.155,  
6 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190,  
7 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.2401,  
8 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, 42.17.400,  
9 42.17.410, 42.17.900, 42.17.910, 42.17.911, 42.17.912, 42.17.920,  
10 42.17.930, 42.17.940, 42.17.945, 42.17.950, 42.17.955, 42.17.960,  
11 42.17.961, 42.17.962, 42.17.963, 42.17.964, 42.17.965, and 42.17.966;  
12 repealing RCW 42.17.131, 42.17.362, 42.17.365, 42.17.375, 42.17.465,  
13 42.17.467, 42.17.469, 42.17.471, 42.17.562, 42.17.620, and 42.17.647;  
14 providing an effective date; providing an expiration date; and  
15 declaring an emergency.

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

17 **PART 1**  
18 **GENERAL PROVISIONS**

19 **Sec. 101.** RCW 42.17.020 and 2008 c 6 s 201 are each amended to  
20 read as follows:

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

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

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

32 (3) "Authorized committee" means the political committee authorized  
33 by a candidate, or by the public official against whom recall charges  
34 have been filed, to accept contributions or make expenditures on behalf  
35 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~~) A  
14 minor political party as defined in RCW 29A.04.097;

15 (b) The governing body of the state organization of a major  
16 political party, as defined in RCW 29A.04.086, that is the body  
17 authorized by the charter or bylaws of the party to exercise authority  
18 on behalf of the state party; or

19 (c) The county central committee or legislative district committee  
20 of a major political party as defined in RCW 29A.04.086. There may be  
21 only one legislative district committee for each party in each  
22 legislative district.

23 (7) "Depository" means a bank designated by a candidate or  
24 political committee pursuant to RCW 42.17.050.

25 (8) "Treasurer" and "deputy treasurer" mean the individuals  
26 appointed by a candidate or political committee, pursuant to RCW  
27 42.17.050, to perform the duties specified in that section.

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

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

33 (b) Announces publicly or files for office;

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

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

1 (10) "Caucus political committee" means a political committee  
2 organized and maintained by the members of a major political party in  
3 the state senate or state house of representatives.

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

10 (12) "Commission" means the agency established under RCW 42.17.350.

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

18 (14) "Continuing political committee" means a political committee  
19 that is an organization of continuing existence not established in  
20 anticipation of any particular election campaign.

21 (15)(a) "Contribution" includes:

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

26 (ii) An expenditure made by a person in cooperation, consultation,  
27 or concert with, or at the request or suggestion of, a candidate, a  
28 political committee, the person or persons named on the candidate's or  
29 committee's registration form who direct expenditures on behalf of the  
30 candidate or committee, or their agents;

31 (iii) The financing by a person of the dissemination, distribution,  
32 or republication, in whole or in part, of broadcast, written, graphic,  
33 or other form of political advertising or electioneering communication  
34 prepared by a candidate, a political committee, or its authorized  
35 agent;

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

1 (b) "Contribution" does not include:  
2 (i) Standard interest on money deposited in a political committee's  
3 account;  
4 (ii) Ordinary home hospitality;  
5 (iii) A contribution received by a candidate or political committee  
6 that is returned to the contributor within five business days of the  
7 date on which it is received by the candidate or political committee;  
8 (iv) A news item, feature, commentary, or editorial in a regularly  
9 scheduled news medium that is of primary interest to the general  
10 public, that is in a news medium controlled by a person whose business  
11 is that news medium, and that is not controlled by a candidate or a  
12 political committee;  
13 (v) An internal political communication primarily limited to the  
14 members of or contributors to a political party organization or  
15 political committee, or to the officers, management staff, or  
16 stockholders of a corporation or similar enterprise, or to the members  
17 of a labor organization or other membership organization;  
18 (vi) The rendering of personal services of the sort commonly  
19 performed by volunteer campaign workers, or incidental expenses  
20 personally incurred by volunteer campaign workers not in excess of  
21 fifty dollars personally paid for by the worker. "Volunteer services,"  
22 for the purposes of this section, means services or labor for which the  
23 individual is not compensated by any person;  
24 (vii) Messages in the form of reader boards, banners, or yard or  
25 window signs displayed on a person's own property or property occupied  
26 by a person. However, a facility used for such political advertising  
27 for which a rental charge is normally made must be reported as an in-  
28 kind contribution and counts towards any applicable contribution limit  
29 of the person providing the facility;  
30 (viii) Legal or accounting services rendered to or on behalf of:  
31 (A) A political party or caucus political committee if the person  
32 paying for the services is the regular employer of the person rendering  
33 such services; or  
34 (B) A candidate or an authorized committee if the person paying for  
35 the services is the regular employer of the individual rendering the  
36 services and if the services are solely for the purpose of ensuring  
37 compliance with state election or public disclosure laws; or

1 (ix) The performance of ministerial functions by a person on behalf  
2 of two or more candidates or political committees either as volunteer  
3 services defined in (b)(vi) of this subsection or for payment by the  
4 candidate or political committee for whom the services are performed as  
5 long as:

6 (A) The person performs solely ministerial functions;

7 (B) A person who is paid by two or more candidates or political  
8 committees is identified by the candidates and political committees on  
9 whose behalf services are performed as part of their respective  
10 statements of organization under RCW 42.17.040; and

11 (C) The person does not disclose, except as required by law, any  
12 information regarding a candidate's or committee's plans, projects,  
13 activities, or needs, or regarding a candidate's or committee's  
14 contributions or expenditures that is not already publicly available  
15 from campaign reports filed with the commission, or otherwise engage in  
16 activity that constitutes a contribution under (a)(ii) of this  
17 subsection.

18 A person who performs ministerial functions under this subsection  
19 (15)(b)(ix) is not considered an agent of the candidate or committee as  
20 long as he or she has no authority to authorize expenditures or make  
21 decisions on behalf of the candidate or committee.

22 (c) Contributions other than money or its equivalent are deemed to  
23 have a monetary value equivalent to the fair market value of the  
24 contribution. Services or property or rights furnished at less than  
25 their fair market value for the purpose of assisting any candidate or  
26 political committee are deemed a contribution. Such a contribution  
27 must be reported as an in-kind contribution at its fair market value  
28 and counts towards any applicable contribution limit of the provider.

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

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

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

4 (19) "Election cycle" means the period beginning on the first day  
5 of January after the date of the last previous general election for the  
6 office that the candidate seeks and ending on December 31st after the  
7 next election for the office. In the case of a special election to  
8 fill a vacancy in an office, "election cycle" means the period  
9 beginning on the day the vacancy occurs and ending on December 31st  
10 after the special election.

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

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

17 (b) Is broadcast, transmitted, mailed, erected, distributed, or  
18 otherwise published within sixty days before any election for that  
19 office in the jurisdiction in which the candidate is seeking election;  
20 and

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

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

26 (a) Usual and customary advertising of a business owned by a  
27 candidate, even if the candidate is mentioned in the advertising when  
28 the candidate has been regularly mentioned in that advertising  
29 appearing at least twelve months preceding his or her becoming a  
30 candidate;

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

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

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

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

3 (iii) Not a medium controlled by a candidate or a political  
4 committee;

5 (d) Slate cards and sample ballots;

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

10 (f) Public service announcements;

11 (g) A mailed internal political communication primarily limited to  
12 the members of or contributors to a political party organization or  
13 political committee, or to the officers, management staff, or  
14 stockholders of a corporation or similar enterprise, or to the members  
15 of a labor organization or other membership organization;

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

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

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

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

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



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

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

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

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

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

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

31 (c) The expenditure, alone or in conjunction with another  
32 expenditure or other expenditures of the same person in support of or  
33 opposition to that candidate, has a value of five hundred dollars or  
34 more. A series of expenditures, each of which is under five hundred  
35 dollars, constitutes one independent expenditure if their cumulative  
36 value is five hundred dollars or more.

37 (29)(a) "Intermediary" means an individual who transmits a  
38 contribution to a candidate or committee from another person unless the

1 contribution is from the individual's employer, immediate family as  
2 defined for purposes of RCW 42.17.640 through 42.17.790, or an  
3 association to which the individual belongs.

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

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

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

11 (30) "Legislation" means bills, resolutions, motions, amendments,  
12 nominations, and other matters pending or proposed in either house of  
13 the state legislature, and includes any other matter that may be the  
14 subject of action by either house or any committee of the legislature  
15 and all bills and resolutions that, having passed both houses, are  
16 pending approval by the governor.

17 (31) "Lobby" and "lobbying" each mean attempting to influence the  
18 passage or defeat of any legislation by the legislature of the state of  
19 Washington, or the adoption or rejection of any rule, standard, rate,  
20 or other legislative enactment of any state agency under the state  
21 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor  
22 "lobbying" includes an association's or other organization's act of  
23 communicating with the members of that association or organization.

24 (32) "Lobbyist" includes any person who lobbies either in his or  
25 her own or another's behalf.

26 (33) "Lobbyist's employer" means the person or persons by whom a  
27 lobbyist is employed and all persons by whom he or she is compensated  
28 for acting as a lobbyist.

29 (34) "Ministerial functions" means an act or duty carried out as  
30 part of the duties of an administrative office without exercise of  
31 personal judgment or discretion.

32 (35) "Participate" means that, with respect to a particular  
33 election, an entity:

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

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

37 (c) Endorses a candidate prior to contributions being made by a

1 subsidiary corporation or local unit with respect to that candidate or  
2 that candidate's opponent;

3 (d) Makes a recommendation regarding whether a candidate should be  
4 supported or opposed prior to a contribution being made by a subsidiary  
5 corporation or local unit with respect to that candidate or that  
6 candidate's opponent; or

7 (e) Directly or indirectly collaborates or consults with a  
8 subsidiary corporation or local unit on matters relating to the support  
9 of or opposition to a candidate, including, but not limited to, the  
10 amount of a contribution, when a contribution should be given, and what  
11 assistance, services or independent expenditures, or electioneering  
12 communications, if any, will be made or should be made in support of or  
13 opposition to a candidate.

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

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

24 (38) "Political advertising" includes any advertising displays,  
25 newspaper ads, billboards, signs, brochures, articles, tabloids,  
26 flyers, letters, radio or television presentations, or other means of  
27 mass communication, used for the purpose of appealing, directly or  
28 indirectly, for votes or for financial or other support or opposition  
29 in any election campaign.

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

34 (40) "Primary" for the purposes of RCW 42.17.640 means the  
35 procedure for nominating a candidate to state office under chapter  
36 29A.52 RCW or any other primary for an election that uses, in large  
37 measure, the procedures established in chapter 29A.52 RCW.

1 (41) "Public office" means any federal, state, judicial, county,  
2 city, town, school district, port district, special district, or other  
3 state political subdivision elective office.

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

16 (43) "Recall campaign" means the period of time beginning on the  
17 date of the filing of recall charges under RCW 29A.56.120 and ending  
18 thirty days after the recall election.

19 (44) "Sponsor of an electioneering communications, independent  
20 expenditures, or political advertising" means the person paying for the  
21 electioneering communication, independent expenditure, or political  
22 advertising. If a person acts as an agent for another or is reimbursed  
23 by another for the payment, the original source of the payment is the  
24 sponsor.

25 (45) "State legislative office" means the office of a member of the  
26 state house of representatives or the office of a member of the state  
27 senate.

28 (46) "State office" means state legislative office or the office of  
29 governor, lieutenant governor, secretary of state, attorney general,  
30 commissioner of public lands, insurance commissioner, superintendent of  
31 public instruction, state auditor, or state treasurer.

32 (47) "State official" means a person who holds a state office.

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

1 political committee, "surplus funds" mean those contributions remaining  
2 in the possession or control of the committee that are in excess of the  
3 amount necessary to pay all remaining debts when it makes its final  
4 report under RCW 42.17.065.

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

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

16 **Sec. 102.** RCW 42.17.020 and 2008 c 6 s 201 are each amended to  
17 read as follows:

18 The definitions in this section apply throughout this chapter  
19 unless the context clearly requires otherwise.

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

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

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

33 (4) "Ballot proposition" means any "measure" as defined by RCW  
34 29A.04.091, or any initiative, recall, or referendum proposition  
35 proposed to be submitted to the voters of the state or any municipal  
36 corporation, political subdivision, or other voting constituency from

1 and after the time when the proposition has been initially filed with  
2 the appropriate election officer of that constituency (~~(prior to)~~)  
3 before its circulation for signatures.

4 (5) "Benefit" means a commercial, proprietary, financial, economic,  
5 or monetary advantage, or the avoidance of a commercial, proprietary,  
6 financial, economic, or monetary disadvantage.

7 (6) "Bona fide political party" means:

8 (a) (~~(An organization that has filed a valid certificate of~~  
9 ~~nomination with the secretary of state under chapter 29A.20 RCW)) A  
10 minor political party as defined in RCW 29A.04.097;~~

11 (b) The governing body of the state organization of a major  
12 political party, as defined in RCW 29A.04.086, that is the body  
13 authorized by the charter or bylaws of the party to exercise authority  
14 on behalf of the state party; or

15 (c) The county central committee or legislative district committee  
16 of a major political party as defined in RCW 29A.04.086. There may be  
17 only one legislative district committee for each party in each  
18 legislative district.

19 (7) "Depository" means a bank (~~(designated by a candidate or~~  
20 ~~political committee pursuant to RCW 42.17.050)), mutual savings bank,  
21 savings and loan association, or credit union doing business in this  
22 state.~~

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

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

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

32 (b) Announces publicly or files for office;

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

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

37 (10) "Caucus political committee" means a political committee

1 organized and maintained by the members of a major political party in  
2 the state senate or state house of representatives.

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

9 (12) "Commission" means the agency established under RCW 42.17.350  
10 (as recodified by this act).

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

19 (14) "Continuing political committee" means a political committee  
20 that is an organization of continuing existence not established in  
21 anticipation of any particular election campaign.

22 (15)(a) "Contribution" includes:

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

27 (ii) An expenditure made by a person in cooperation, consultation,  
28 or concert with, or at the request or suggestion of, a candidate, a  
29 political committee, the person or persons named on the candidate's or  
30 committee's registration form who direct expenditures on behalf of the  
31 candidate or committee, or their agents;

32 (iii) The financing by a person of the dissemination, distribution,  
33 or republication, in whole or in part, of broadcast, written, graphic,  
34 or other form of political advertising or electioneering communication  
35 prepared by a candidate, a political committee, or its authorized  
36 agent;

37 (iv) Sums paid for tickets to fund-raising events such as dinners

1 and parties, except for the actual cost of the consumables furnished at  
2 the event.

3 (b) "Contribution" does not include:

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

6 (ii) Ordinary home hospitality;

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

10 (iv) A news item, feature, commentary, or editorial in a regularly  
11 scheduled news medium that is of primary interest to the general  
12 public, that is in a news medium controlled by a person whose business  
13 is that news medium, and that is not controlled by a candidate or a  
14 political committee;

15 (v) An internal political communication primarily limited to the  
16 members of or contributors to a political party organization or  
17 political committee, or to the officers, management staff, or  
18 stockholders of a corporation or similar enterprise, or to the members  
19 of a labor organization or other membership organization;

20 (vi) The rendering of personal services of the sort commonly  
21 performed by volunteer campaign workers, or incidental expenses  
22 personally incurred by volunteer campaign workers not in excess of  
23 fifty dollars personally paid for by the worker. "Volunteer services,"  
24 for the purposes of this (~~section~~) subsection, means services or  
25 labor for which the individual is not compensated by any person;

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

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

33 (A) A political party or caucus political committee if the person  
34 paying for the services is the regular employer of the person rendering  
35 such services; or

36 (B) A candidate or an authorized committee if the person paying for  
37 the services is the regular employer of the individual rendering the



1 services and if the services are solely for the purpose of ensuring  
2 compliance with state election or public disclosure laws; or

3 (ix) The performance of ministerial functions by a person on behalf  
4 of two or more candidates or political committees either as volunteer  
5 services defined in (b)(vi) of this subsection or for payment by the  
6 candidate or political committee for whom the services are performed as  
7 long as:

8 (A) The person performs solely ministerial functions;

9 (B) A person who is paid by two or more candidates or political  
10 committees is identified by the candidates and political committees on  
11 whose behalf services are performed as part of their respective  
12 statements of organization under RCW 42.17.040 (as recodified by this  
13 act); and

14 (C) The person does not disclose, except as required by law, any  
15 information regarding a candidate's or committee's plans, projects,  
16 activities, or needs, or regarding a candidate's or committee's  
17 contributions or expenditures that is not already publicly available  
18 from campaign reports filed with the commission, or otherwise engage in  
19 activity that constitutes a contribution under (a)(ii) of this  
20 subsection.

21 A person who performs ministerial functions under this subsection  
22 (15)(b)(ix) is not considered an agent of the candidate or committee as  
23 long as he or she has no authority to authorize expenditures or make  
24 decisions on behalf of the candidate or committee.

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

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

35 (17) "Election" includes any primary, general, or special election  
36 for public office and any election in which a ballot proposition is  
37 submitted to the voters(~~(- PROVIDED, That)~~). An election in which the  
38 qualifications for voting include other than those requirements set

1 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
2 the state of Washington shall not be considered an election for  
3 purposes of this chapter.

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

7 (19) "Election cycle" means the period beginning on the first day  
8 of January after the date of the last previous general election for the  
9 office that the candidate seeks and ending on December 31st after the  
10 next election for the office. In the case of a special election to  
11 fill a vacancy in an office, "election cycle" means the period  
12 beginning on the day the vacancy occurs and ending on December 31st  
13 after the special election.

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

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

20 (b) Is broadcast, transmitted, mailed, erected, distributed, or  
21 otherwise published within sixty days before any election for that  
22 office in the jurisdiction in which the candidate is seeking election;  
23 and

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

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

29 (a) Usual and customary advertising of a business owned by a  
30 candidate, even if the candidate is mentioned in the advertising when  
31 the candidate has been regularly mentioned in that advertising  
32 appearing at least twelve months preceding his or her becoming a  
33 candidate;

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

1 (c) A news item, feature, commentary, or editorial in a regularly  
2 scheduled news medium that is:  
3 (i) Of primary interest to the general public;  
4 (ii) In a news medium controlled by a person whose business is that  
5 news medium; and  
6 (iii) Not a medium controlled by a candidate or a political  
7 committee;  
8 (d) Slate cards and sample ballots;  
9 (e) Advertising for books, films, dissertations, or similar works  
10 (i) written by a candidate when the candidate entered into a contract  
11 for such publications or media at least twelve months before becoming  
12 a candidate, or (ii) written about a candidate;  
13 (f) Public service announcements;  
14 (g) A mailed internal political communication primarily limited to  
15 the members of or contributors to a political party organization or  
16 political committee, or to the officers, management staff, or  
17 stockholders of a corporation or similar enterprise, or to the members  
18 of a labor organization or other membership organization;  
19 (h) An expenditure by or contribution to the authorized committee  
20 of a candidate for state, local, or judicial office; or  
21 (i) Any other communication exempted by the commission through rule  
22 consistent with the intent of this chapter.  
23 (22) "Expenditure" includes a payment, contribution, subscription,  
24 distribution, loan, advance, deposit, or gift of money or anything of  
25 value, and includes a contract, promise, or agreement, whether or not  
26 legally enforceable, to make an expenditure. ((The—term))  
27 "Expenditure" also includes a promise to pay, a payment, or a transfer  
28 of anything of value in exchange for goods, services, property,  
29 facilities, or anything of value for the purpose of assisting,  
30 benefiting, or honoring any public official or candidate, or assisting  
31 in furthering or opposing any election campaign. For the purposes of  
32 this chapter, agreements to make expenditures, contracts, and promises  
33 to pay may be reported as estimated obligations until actual payment is  
34 made. ((The—term)) "Expenditure" shall not include the partial or  
35 complete repayment by a candidate or political committee of the  
36 principal of a loan, the receipt of which loan has been properly  
37 reported.

1 (23) "Final report" means the report described as a final report in  
2 RCW 42.17.080(2) (as recodified by this act).

3 (24) "General election" for the purposes of RCW 42.17.640 (as  
4 recodified by this act) means the election that results in the election  
5 of a person to a state or local office. It does not include a primary.

6 (25) "Gift(~~(, " is as defined)~~)" has the definition in RCW  
7 42.52.010.

8 (26) "Immediate family" includes the spouse or domestic partner,  
9 dependent children, and other dependent relatives, if living in the  
10 household. For the purposes of ~~((RCW 42.17.640 through 42.17.790))~~ the  
11 definition of "intermediary" in this section, "immediate family" means  
12 an individual's spouse or domestic partner, and child, stepchild,  
13 grandchild, parent, stepparent, grandparent, brother, half brother,  
14 sister, or half sister of the individual and the spouse or the domestic  
15 partner of any such person and a child, stepchild, grandchild, parent,  
16 stepparent, grandparent, brother, half brother, sister, or half sister  
17 of the individual's spouse or domestic partner and the spouse or the  
18 domestic partner of any such person.

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

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

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

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

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

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

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

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

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

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

25 (31) "Lobby" and "lobbying" each mean attempting to influence the  
26 passage or defeat of any legislation by the legislature of the state of  
27 Washington, or the adoption or rejection of any rule, standard, rate,  
28 or other legislative enactment of any state agency under the state  
29 administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor  
30 "lobbying" includes an association's or other organization's act of  
31 communicating with the members of that association or organization.

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

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

37 (34) "Ministerial functions" means an act or duty carried out as

1 part of the duties of an administrative office without exercise of  
2 personal judgment or discretion.

3 (35) "Participate" means that, with respect to a particular  
4 election, an entity:

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

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

8 (c) Endorses a candidate (~~((prior to))~~) before contributions  
9 (~~((being))~~) are made by a subsidiary corporation or local unit with  
10 respect to that candidate or that candidate's opponent;

11 (d) Makes a recommendation regarding whether a candidate should be  
12 supported or opposed (~~((prior to))~~) before a contribution (~~((being))~~) is  
13 made by a subsidiary corporation or local unit with respect to that  
14 candidate or that candidate's opponent; or

15 (e) Directly or indirectly collaborates or consults with a  
16 subsidiary corporation or local unit on matters relating to the support  
17 of or opposition to a candidate, including, but not limited to, the  
18 amount of a contribution, when a contribution should be given, and what  
19 assistance, services or independent expenditures, or electioneering  
20 communications, if any, will be made or should be made in support of or  
21 opposition to a candidate.

22 (36) "Person" includes an individual, partnership, joint venture,  
23 public or private corporation, association, federal, state, or local  
24 governmental entity or agency however constituted, candidate,  
25 committee, political committee, political party, executive committee  
26 thereof, or any other organization or group of persons, however  
27 organized.

28 ~~((37) ("Person in interest" means the person who is the subject of  
29 a record or any representative designated by that person, except that  
30 if that person is under a legal disability, the term "person in  
31 interest" means and includes the parent or duly appointed legal  
32 representative.~~

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

1        ~~((+39+))~~ (38) "Political committee" means any person (except a  
2 candidate or an individual dealing with his or her own funds or  
3 property) having the expectation of receiving contributions or making  
4 expenditures in support of, or opposition to, any candidate or any  
5 ballot proposition.

6        ~~((+40+))~~ (39) "Primary" for the purposes of RCW 42.17.640 (as  
7 recodified by this act) means the procedure for nominating a candidate  
8 to state or local office under chapter 29A.52 RCW or any other primary  
9 for an election that uses, in large measure, the procedures established  
10 in chapter 29A.52 RCW.

11        ~~((+41+))~~ (40) "Public office" means any federal, state, judicial,  
12 county, city, town, school district, port district, special district,  
13 or other state political subdivision elective office.

14        ~~((+42+))~~ (41) "Public record" ~~((includes any writing containing~~  
15 ~~information relating to the conduct of government or the performance of~~  
16 ~~any governmental or proprietary function prepared, owned, used, or~~  
17 ~~retained by any state or local agency regardless of physical form or~~  
18 ~~characteristics. For the office of the secretary of the senate and the~~  
19 ~~office of the chief clerk of the house of representatives, public~~  
20 ~~records means legislative records as defined in RCW 40.14.100 and also~~  
21 ~~means the following: All budget and financial records; personnel~~  
22 ~~leave, travel, and payroll records; records of legislative sessions;~~  
23 ~~reports submitted to the legislature; and any other record designated~~  
24 ~~a public record by any official action of the senate or the house of~~  
25 ~~representatives)) has the definition in RCW 42.56.010.~~

26        ~~((+43+))~~ (42) "Recall campaign" means the period of time beginning  
27 on the date of the filing of recall charges under RCW 29A.56.120 and  
28 ending thirty days after the recall election.

29        ~~((+44+))~~ (43) "Sponsor of an electioneering communications,  
30 independent expenditures, or political advertising" means the person  
31 paying for the electioneering communication, independent expenditure,  
32 or political advertising. If a person acts as an agent for another or  
33 is reimbursed by another for the payment, the original source of the  
34 payment is the sponsor.

35        ~~((+45—"State"))~~ (44) "Legislative office" means the office of a  
36 member of the state house of representatives or the office of a member  
37 of the state senate.





1 reports, filed with the commission under RCW 42.17.040, 42.17.065,  
2 42.17.080, 42.17.100, (~~and~~) 42.17.105, 42.17.150, 42.17.170,  
3 42.17.175, and 42.17.180 (as recodified by this act). (~~By January 1,~~  
4 ~~2001, the web site shall allow access to reports, copies of reports, or~~  
5 ~~copies of data and information submitted in reports, filed with the~~  
6 ~~commission under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180.~~))  
7 In addition, the commission shall attempt to make available via the web  
8 site other public records submitted to or generated by the commission  
9 that are required by this chapter to be available for public use or  
10 inspection.

11 **Sec. 202.** RCW 42.17.369 and 2000 c 237 s 3 are each amended to  
12 read as follows:

13 (1) (~~By July 1, 1999,~~) The commission shall make available to  
14 candidates, public officials, and political committees that are  
15 required to file reports under this chapter an electronic filing  
16 alternative for submitting financial affairs reports, contribution  
17 reports, and expenditure reports(~~(, including but not limited to filing~~  
18 ~~by diskette, modem, satellite, or the Internet)~~)).

19 (2) (~~By January 1, 2002,~~) The commission shall make available to  
20 lobbyists and lobbyists' employers required to file reports under RCW  
21 42.17.150, 42.17.170, 42.17.175, or 42.17.180 (as recodified by this  
22 act) an electronic filing alternative for submitting these reports  
23 (~~(including but not limited to filing by diskette, modem, satellite, or~~  
24 ~~the Internet)~~)).

25 (3) The commission shall make available to candidates, public  
26 officials, political committees, lobbyists, and lobbyists' employers an  
27 electronic copy of the appropriate reporting forms at no charge.

28 **Sec. 203.** RCW 42.17.461 and 2000 c 237 s 5 are each amended to  
29 read as follows:

30 (~~(1)~~) The commission shall establish goals that all reports,  
31 copies of reports, or copies of the data or information included in  
32 reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100,  
33 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180 (as  
34 recodified by this act), that are:

35 (~~(a) Submitted using the commission's electronic filing system~~  
36 ~~shall be accessible in the commission's office within two business days~~

1 of the commission's receipt of the report and shall be accessible on  
2 the commission's web site within seven business days of the  
3 commission's receipt of the report; and

4 (b) Submitted in any format or using any method other than as  
5 described in (a) of this subsection, shall be accessible in the  
6 commission's office within four business days of the actual physical  
7 receipt of the report, and not the technical date of filing as provided  
8 under RCW 42.17.420, and shall be accessible on the commission's web  
9 site within fourteen business days of the actual physical receipt of  
10 the report, and not the technical date of filing as provided under RCW  
11 42.17.420, as specified in rule adopted by the commission.

12 (2) On January 1, 2001, or shortly thereafter, the commission shall  
13 revise these goals to reflect that all reports, copies of reports, or  
14 copies of the data or information included in reports, filed under RCW  
15 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150,  
16 42.17.170, 42.17.175, and 42.17.180, that are:

17 (a) Submitted using the commission's electronic filing system shall  
18 be accessible in the commission's office within two business days of  
19 the commission's receipt of the report and on the commission's web site  
20 within four business days of the commission's receipt of the report;  
21 and

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

30 (3) On January 1, 2002, or shortly thereafter, the commission shall  
31 revise these goals to reflect that all reports, copies of reports, or  
32 copies of the data or information included in reports, filed under RCW  
33 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150,  
34 42.17.170, 42.17.175, and 42.17.180, that are:

35 (a)) (1) Submitted using the commission's electronic filing system  
36 must be accessible in the commission's office and on the commission's  
37 web site within two business days of the commission's receipt of the  
38 report; and

1        ~~((b))~~ (2) Submitted ~~((in any format or using any method other~~  
2 ~~than as described in (a) of this subsection,))~~ on paper must be  
3 accessible in the commission's office and on the commission's web site  
4 within four business days of the actual physical receipt of the report,  
5 and not the technical date of filing as provided under RCW 42.17.420  
6 (as recodified by this act), as specified in rule adopted by the  
7 commission.

8        **Sec. 204.** RCW 42.17.463 and 1999 c 401 s 3 are each amended to  
9 read as follows:

10        By July 1st of each year ~~((beginning in 2000))~~, the commission  
11 shall calculate the following performance measures, provide a copy of  
12 the performance measures to the governor and appropriate legislative  
13 committees, and make the performance measures available to the public:

14        (1) The average number of days that elapse between the commission's  
15 receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and  
16 42.17.100 (as recodified by this act) and the time that the report, a  
17 copy of the report, or a copy of the data or information included in  
18 the report, is first accessible to the general public (a) in the  
19 commission's office, and (b) via the commission's web site;

20        (2) The average number of days that elapse between the commission's  
21 receipt of reports filed under RCW 42.17.105 (as recodified by this  
22 act) and the time that the report, a copy of the report, or a copy of  
23 the data or information included in the report, is first accessible to  
24 the general public (a) in the commission's office, and (b) via the  
25 commission's web site;

26        (3) The average number of days that elapse between the commission's  
27 receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and  
28 42.17.180 (as recodified by this act) and the time that the report, a  
29 copy of the report, or a copy of the data or information included in  
30 the report, is first accessible to the general public (a) in the  
31 commission's office, and (b) via the commission's web site;

32        (4) The percentage of candidates, categorized as statewide,  
33 ~~((state))~~ legislative, or local, that have used each of the following  
34 methods to file reports under RCW 42.17.080 or 42.17.105 (as recodified  
35 by this act): (a) Hard copy paper format; ~~((b) electronic format via~~  
36 ~~diskette; (c) electronic format via modem or satellite; (d))~~ or (b)

1 electronic format via the Internet; (~~and (e) any other format or~~  
2 ~~method;~~)

3 (5) The percentage of continuing political committees that have  
4 used each of the following methods to file reports under RCW 42.17.065  
5 or 42.17.105 (as recodified by this act): (a) Hard copy paper format;  
6 (~~(b) electronic format via diskette; (c) electronic format via modem~~  
7 ~~or satellite; (d)~~) or (b) electronic format via the Internet; (~~and~~  
8 ~~(e) any other format or method;~~) and

9 (6) The percentage of lobbyists and lobbyists' employers that have  
10 used each of the following methods to file reports under RCW 42.17.150,  
11 42.17.170, 42.17.175, or 42.17.180 (as recodified by this act): (a)  
12 Hard copy paper format; (~~(b) electronic format via diskette; (c)~~  
13 ~~electronic format via modem or satellite; (d)~~) or (b) electronic  
14 format via the Internet(~~;~~ ~~and (e) any other format or method~~)).

15 **PART 3**  
16 **ADMINISTRATION**

17 **Sec. 301.** RCW 42.17.350 and 1998 c 30 s 1 are each amended to read  
18 as follows:

19 (1) (~~There is hereby established a "~~) The public disclosure  
20 commission(" which) is established. The commission shall be composed  
21 of five members (~~who shall be~~) appointed by the governor, with the  
22 consent of the senate. All appointees shall be persons of the highest  
23 integrity and qualifications. No more than three members shall have an  
24 identification with the same political party.

25 (2) The term of each member shall be five years. No member is  
26 eligible for appointment to more than one full term. Any member may be  
27 removed by the governor, but only upon grounds of neglect of duty or  
28 misconduct in office.

29 (3) During his or her tenure, a member of the commission is  
30 prohibited from engaging in any of the following activities, either  
31 within or outside the state of Washington:

- 32 (a) Holding or campaigning for elective office;
- 33 (b) Serving as an officer of any political party or political  
34 committee;
- 35 (c) Permitting his or her name to be used in support of or in  
36 opposition to a candidate or proposition;

1 (d) Soliciting or making contributions to a candidate or in support  
2 of or in opposition to any candidate or proposition;

3 (e) Participating in any way in any election campaign; or

4 (f) Lobbying, employing, or assisting a lobbyist, except that a  
5 member or the staff of the commission may lobby to the limited extent  
6 permitted by RCW 42.17.190 (as recodified by this act) on matters  
7 directly affecting this chapter.

8 (4) A vacancy on the commission shall be filled within thirty days  
9 of the vacancy by the governor, with the consent of the senate, and the  
10 appointee shall serve for the remaining term of his or her predecessor.  
11 A vacancy shall not impair the powers of the remaining members to  
12 exercise all of the powers of the commission.

13 (5) Three members of the commission shall constitute a quorum. The  
14 commission shall elect its own chair and adopt its own rules of  
15 procedure in the manner provided in chapter 34.05 RCW.

16 (6) Members shall be compensated in accordance with RCW 43.03.250  
17 and ~~((in addition))~~ shall be reimbursed for travel expenses incurred  
18 while engaged in the business of the commission as provided in RCW  
19 43.03.050 and 43.03.060. The compensation provided pursuant to this  
20 section shall not be considered salary for purposes of the provisions  
21 of any retirement system created ~~((pursuant to))~~ under the ~~((general))~~  
22 laws of this state.

23 **Sec. 302.** RCW 42.17.360 and 1973 c 1 s 36 are each amended to read  
24 as follows:

25 The commission shall:

26 (1) Develop and provide forms for the reports and statements  
27 required to be made under this chapter;

28 (2) Prepare and publish a manual setting forth recommended uniform  
29 methods of bookkeeping and reporting for use by persons required to  
30 make reports and statements under this chapter;

31 (3) Compile and maintain a current list of all filed reports and  
32 statements;

33 (4) Investigate whether properly completed statements and reports  
34 have been filed within the times required by this chapter;

35 (5) Upon complaint or upon its own motion, investigate and report  
36 apparent violations of this chapter to the appropriate law enforcement  
37 authorities;

1       (6) Conduct a sufficient number of audits and field investigations  
2 to provide a statistically valid finding regarding the degree of  
3 compliance with the provisions of this chapter by all required filers.  
4 Any documents, records, reports, computer files, papers, or materials  
5 provided to the commission for use in conducting audits and  
6 investigations must be returned to the candidate, campaign, or  
7 political committee from which they were received within one week of  
8 the commission's completion of an audit or field investigation;

9       (7) Prepare and publish an annual report to the governor as to the  
10 effectiveness of this chapter and its enforcement by appropriate law  
11 enforcement authorities; (~~and~~

12 (~~7~~)) (8) Enforce this chapter according to the powers granted it  
13 by law;

14       (9) Adopt rules governing the arrangement, handling, indexing, and  
15 disclosing of those reports required by this chapter to be filed with  
16 a county auditor or county elections official. The rules shall:

17       (a) Ensure ease of access by the public to the reports; and

18       (b) Include, but not be limited to, requirements for indexing the  
19 reports by the names of candidates or political committees and by the  
20 ballot proposition for or against which a political committee is  
21 receiving contributions or making expenditures;

22       (10) Adopt rules to carry out the policies of chapter 348, Laws of  
23 2006. The adoption of these rules is not subject to the time  
24 restrictions of RCW 42.17.370(1) (as recodified by this act);

25       (11) Adopt administrative rules establishing requirements for filer  
26 participation in any system designed and implemented by the commission  
27 for the electronic filing of reports; and

28       (12) Maintain and make available to the public and political  
29 committees of this state a toll-free telephone number.

30       **Sec. 303.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to  
31 read as follows:

32       The commission (~~is empowered to~~) may:

33       (1) Adopt, (~~promulgate,~~) amend, and rescind suitable  
34 administrative rules to carry out the policies and purposes of this  
35 chapter, which rules shall be adopted under chapter 34.05 RCW. Any  
36 rule relating to campaign finance, political advertising, or related

1 forms that would otherwise take effect after June 30th of a general  
2 election year shall take effect no earlier than the day following the  
3 general election in that year;

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

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

19 (4) (~~Make from time to time, on its own motion~~) Conduct, as it  
20 deems appropriate, audits and field investigations;

21 (5) Make public the time and date of any formal hearing set to  
22 determine whether a violation has occurred, the question or questions  
23 to be considered, and the results thereof;

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

29 (7) Adopt (~~and promulgate~~) a code of fair campaign practices;

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

36 (9) Adopt rules prescribing reasonable requirements for keeping  
37 accounts of, and reporting on a quarterly basis, costs incurred by  
38 state agencies, counties, cities, and other municipalities and

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

12 (10) ~~((After hearing, by order approved and ratified by a majority~~  
13 ~~of the membership of the commission, suspend or modify any of the~~  
14 ~~reporting requirements of this chapter in a particular case if it finds~~  
15 ~~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~~



1 citizen has standing to bring an action in Thurston county superior  
2 court to contest the propriety of any order entered under this section  
3 within one year from the date of the entry of the order; and

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

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

24 NEW SECTION. **Sec. 304.** SUSPENSION OR MODIFICATION OF REPORTING  
25 REQUIREMENTS. (1) The commission may suspend or modify any of the  
26 reporting requirements of this chapter if it finds that literal  
27 application of this chapter works a manifestly unreasonable hardship in  
28 a particular case and the suspension or modification will not frustrate  
29 the purposes of this chapter. The commission may suspend or modify  
30 reporting requirements only after a hearing is held and the suspension  
31 or modification receives approval from a majority of the commission.  
32 The commission shall act to suspend or modify any reporting  
33 requirements:

34 (a) Only if it determines that facts exist that are clear and  
35 convincing proof of the findings required under this section; and

36 (b) Only to the extent necessary to substantially relieve the  
37 hardship.

1 (2) A manifestly unreasonable hardship exists if reporting the name  
2 of an entity required to be reported under RCW 42.17.241(1)(g)(ii) (as  
3 recodified by this act) would be likely to adversely affect the  
4 competitive position of any entity in which the person filing the  
5 report, or any member of his or her immediate family, holds any office,  
6 directorship, general partnership interest, or an ownership interest of  
7 ten percent or more.

8 (3) Requests for renewals of reporting modifications may be heard  
9 in a brief adjudicative proceeding as set forth in RCW 34.05.482  
10 through 34.05.494 and in accordance with the standards established in  
11 this section. No initial request may be heard in a brief adjudicative  
12 proceeding. No request for renewal may be heard in a brief  
13 adjudicative proceeding if the initial request was granted more than  
14 three years previously or if the applicant is holding an office or  
15 position of employment different from the office or position held when  
16 the initial request was granted.

17 (4) Any citizen has standing to bring an action in Thurston county  
18 superior court to contest the propriety of any order entered under this  
19 section within one year from the date of the entry of the order.

20 (5) The commission shall adopt rules governing the proceedings.

21 **Sec. 305.** RCW 42.17.690 and 1993 c 2 s 9 are each amended to read  
22 as follows:

23 (1) At the beginning of each even-numbered calendar year, the  
24 commission shall increase or decrease ~~((all))~~ the dollar amounts in  
25 ~~((this chapter))~~ RCW 42.17.020(28), 42.17.125(3), 42.17.180(1),  
26 42.17.640, 42.17.645, and 42.17.740 (as recodified by this act) based  
27 on changes in economic conditions as reflected in the inflationary  
28 index ~~((used by the commission under RCW 42.17.370))~~ recommended by the  
29 office of financial management. The new dollar amounts established by  
30 the commission under this section shall be rounded off ~~((by the~~  
31 ~~commission))~~ to amounts as judged most convenient for public  
32 understanding and so as to be within ten percent of the target amount  
33 equal to the base amount provided in this chapter multiplied by the  
34 increase in the inflationary index since ~~((December 3, 1992))~~ July  
35 2008.

36 (2) The commission may revise, at least once every five years but  
37 no more often than every two years, the monetary reporting thresholds

1 and reporting code values of this chapter. The revisions shall be only  
2 for the purpose of recognizing economic changes as reflected by an  
3 inflationary index recommended by the office of financial management.  
4 The revisions shall be guided by the change in the index for the period  
5 commencing with the month of December preceding the last revision and  
6 concluding with the month of December preceding the month the revision  
7 is adopted. As to each of the three general categories of this  
8 chapter, reports of campaign finance, reports of lobbyist activity, and  
9 reports of the financial affairs of elected and appointed officials,  
10 the revisions shall equally affect all thresholds within each category.  
11 The revisions authorized by this subsection shall reflect economic  
12 changes from the time of the last legislative enactment affecting the  
13 respective code or threshold.

14 (3) Revisions made in accordance with subsections (1) and (2) of  
15 this section shall be adopted as rules under chapter 34.05 RCW.

16 **Sec. 306.** RCW 42.17.380 and 1982 c 35 s 196 are each amended to  
17 read as follows:

18 ~~((1) The office of the secretary of state shall be designated as~~  
19 ~~a place where the public may file papers or correspond with the~~  
20 ~~commission and receive any form or instruction from the commission.~~

21 ~~(2))~~ The attorney general, through his or her office, shall  
22 ~~((supply such))~~ provide assistance as ~~((the commission may require in~~  
23 ~~order))~~ required by the commission to carry out its responsibilities  
24 under this chapter. The commission may employ attorneys who are  
25 neither the attorney general nor an assistant attorney general to carry  
26 out any function of the attorney general prescribed in this chapter.

27 **Sec. 307.** RCW 42.17.405 and 2006 c 240 s 2 are each amended to  
28 read as follows:

29 (1) Except as provided in subsections (2), (3), and (7) of this  
30 section, the reporting provisions of this chapter do not apply to:

31 (a) Candidates, elected officials, and agencies in political  
32 subdivisions with less than one thousand registered voters as of the  
33 date of the most recent general election in the jurisdiction~~((~~τ~~τ))~~;

34 (b) Political committees formed to support or oppose candidates or  
35 ballot propositions in such political subdivisions~~((~~τ~~))~~; or ~~((~~τ~~))~~

1       (c) Persons making independent expenditures in support of or  
2 opposition to such ballot propositions.

3       (2) The reporting provisions of this chapter apply in any exempt  
4 political subdivision from which a "petition for disclosure" containing  
5 the valid signatures of fifteen percent of the number of registered  
6 voters, as of the date of the most recent general election in the  
7 political subdivision, is filed with the commission. The commission  
8 shall by rule prescribe the form of the petition. After the signatures  
9 are gathered, the petition shall be presented to the auditor or  
10 elections officer of the county, or counties, in which the political  
11 subdivision is located. The auditor or elections officer shall verify  
12 the signatures and certify to the commission that the petition contains  
13 no less than the required number of valid signatures. The commission,  
14 upon receipt of a valid petition, shall order every known affected  
15 person in the political subdivision to file the initially required  
16 statement and reports within fourteen days of the date of the order.

17       (3) The reporting provisions of this chapter apply in any exempt  
18 political subdivision that by ordinance, resolution, or other official  
19 action has petitioned the commission to make the provisions applicable  
20 to elected officials and candidates of the exempt political  
21 subdivision. A copy of the action shall be sent to the commission. If  
22 the commission finds the petition to be a valid action of the  
23 appropriate governing body or authority, the commission shall order  
24 every known affected person in the political subdivision to file the  
25 initially required statement and reports within fourteen days of the  
26 date of the order.

27       (4) The commission shall void any order issued by it pursuant to  
28 subsection (2) or (3) of this section when, at least four years after  
29 issuing the order, the commission is presented a petition or official  
30 action so requesting from the affected political subdivision. Such  
31 petition or official action shall meet the respective requirements of  
32 subsection (2) or (3) of this section.

33       (5) Any petition for disclosure, ordinance, resolution, or official  
34 action of an agency petitioning the commission to void the exemption in  
35 RCW 42.17.030(3) (as recodified by this act) shall not be considered  
36 unless it has been filed with the commission:

37       (a) In the case of a ballot measure, at least sixty days before the

1 date of any election in which campaign finance reporting is to be  
2 required;

3 (b) In the case of a candidate, at least sixty days before the  
4 first day on which a person may file a declaration of candidacy for any  
5 election in which campaign finance reporting is to be required.

6 (6) Any person exempted from reporting under this chapter may at  
7 his or her option file the statement and reports.

8 (7) The reporting provisions of this chapter apply to a candidate  
9 in any political subdivision if the candidate receives or expects to  
10 receive five thousand dollars or more in contributions.

11 **Sec. 308.** RCW 42.17.420 and 1999 c 401 s 10 are each amended to  
12 read as follows:

13 (1) Except as provided in subsection (2) of this section, (~~when~~)  
14 the date of receipt of any properly addressed application, report,  
15 statement, notice, or payment required to be made under the provisions  
16 of this chapter (~~has been deposited postpaid in the United States mail~~  
17 ~~properly addressed, it shall be deemed to have been received on the~~  
18 ~~date of mailing. It shall be presumed that~~) is the date shown by the  
19 post office cancellation mark on the envelope (~~is the date of~~  
20 ~~mailing~~) of the submitted material. The provisions of this section do  
21 not apply to reports required to be delivered under RCW 42.17.105 and  
22 42.17.175 (as recodified by this act).

23 (2) When a report is filed electronically with the commission, it  
24 is deemed to have been received on the file transfer date. The  
25 commission shall notify the filer of receipt of the electronically  
26 filed report. Such notification may be sent by mail, facsimile, or  
27 electronic mail. If the notification of receipt of the electronically  
28 filed report is not received by the filer, the filer may offer his or  
29 her own proof of sending the report, and such proof shall be treated as  
30 if it were a receipt sent by the commission. Electronic filing may be  
31 used for purposes of filing the special reports required to be  
32 delivered under RCW 42.17.105 and 42.17.175 (as recodified by this  
33 act).

34 **Sec. 309.** RCW 42.17.450 and 1973 c 1 s 45 are each amended to read  
35 as follows:

36 (~~Persons with whom statements or reports or copies of statements~~

1 ~~or reports are required to be filed under this chapter))~~ (1) County  
2 auditors and county elections officials shall preserve ((them)) filed  
3 statements or reports for not less than six years.

4 (2) The commission((, however,)) shall preserve ((such)) filed  
5 statements or reports for not less than ten years.

6 **PART 4**  
7 **CAMPAIGN FINANCE REPORTING**

8 **Sec. 401.** RCW 42.17.030 and 2006 c 240 s 1 are each amended to  
9 read as follows:

10 The provisions of this chapter relating to the financing of  
11 election campaigns shall apply in all election campaigns other than (1)  
12 for precinct committee officer; (2) for a federal elective office; and  
13 (3) for an office of a political subdivision of the state that does not  
14 encompass a whole county and that contains fewer than five thousand  
15 registered voters as of the date of the most recent general election in  
16 the subdivision, unless required by RCW 42.17.405 (2) through (5) and  
17 (7) (as recodified by this act).

18 **Sec. 402.** RCW 42.17.040 and 2007 c 358 s 2 are each amended to  
19 read as follows:

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

1 the expectation of receiving contributions or making expenditures in  
2 the election campaign.

3 (2) The statement of organization shall include but not be limited  
4 to:

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

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

8 (c) The names, addresses, and titles of its officers; or if it has  
9 no officers, the names, addresses, and titles of its responsible  
10 leaders;

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

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

13 (f) The name, office sought, and party affiliation of each  
14 candidate whom the committee is supporting or opposing, and, if the  
15 committee is supporting the entire ticket of any party, the name of the  
16 party;

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

19 (h) What distribution of surplus funds will be made, in accordance  
20 with RCW 42.17.095 (as recodified by this act), in the event of  
21 dissolution;

22 (i) The street address of the place and the hours during which the  
23 committee will make available for public inspection its books of  
24 account and all reports filed in accordance with RCW 42.17.080 (as  
25 recodified by this act);

26 (j) Such other information as the commission may by regulation  
27 prescribe, in keeping with the policies and purposes of this chapter;

28 (k) The name, address, and title of any person who authorizes  
29 expenditures or makes decisions on behalf of the candidate or  
30 committee; and

31 (l) The name, address, and title of any person who is paid by or is  
32 a volunteer for a candidate or political committee to perform  
33 ministerial functions and who performs ministerial functions on behalf  
34 of two or more candidates or committees.

35 (3) Any material change in information previously submitted in a  
36 statement of organization shall be reported to the commission and to  
37 the appropriate county elections officer within the ten days following  
38 the change.

1       **Sec. 403.** RCW 42.17.050 and 1989 c 280 s 3 are each amended to  
2 read as follows:

3       (1) Each candidate, within two weeks after becoming a candidate,  
4 and each political committee, at the time it is required to file a  
5 statement of organization, shall designate and file with the commission  
6 and the appropriate county elections officer the name(~~(s)~~) and  
7 address(~~(es)~~) of(~~(+)~~

8       ~~(a))~~ one legally competent individual, who may be the candidate,  
9 to serve as a treasurer(~~(+)~~ and

10       ~~(b) A bank, mutual savings bank, savings and loan association, or~~  
11 ~~credit union doing business in this state to serve as depository and~~  
12 ~~the name of the account or accounts maintained in it)).~~

13       (2) A candidate, a political committee, or a treasurer may appoint  
14 as many deputy treasurers as is considered necessary and (~~may~~  
15 ~~designate not more than one additional depository in each other county~~  
16 ~~in which the campaign is conducted. The candidate or political~~  
17 ~~committee)) shall file the names and addresses of the deputy treasurers~~  
18 ~~((and additional depositories))~~ with the commission and the appropriate  
19 county elections officer.

20       ~~(3) ((A candidate may not knowingly establish, use, direct, or~~  
21 ~~control more than one political committee for the purpose of supporting~~  
22 ~~that candidate during a particular election campaign. This does not~~  
23 ~~prohibit: (a) In addition to a candidate's having his or her own~~  
24 ~~political committee, the candidate's participation in a political~~  
25 ~~committee established to support a slate of candidates which includes~~  
26 ~~the candidate; or (b) joint fund raising efforts by candidates when a~~  
27 ~~separate political committee is established for that purpose and all~~  
28 ~~contributions are disbursed to and accounted for on a pro rata basis by~~  
29 ~~the benefiting candidates.~~

30       ~~(4))~~ (a) A candidate or political committee may at any time remove  
31 a treasurer or deputy treasurer (~~(or change a designated depository))~~.

32       (b) In the event of the death, resignation, removal, or change of  
33 a treasurer(~~(7)~~) or deputy treasurer, (~~(or depository7)~~) the candidate  
34 or political committee shall designate and file with the commission and  
35 the appropriate county elections officer the name and address of any  
36 successor.

37       ~~((+5))~~ (4) No treasurer(~~(7)~~) or deputy treasurer(~~(7)~~ ~~or~~



1 depository)) may be deemed to be in compliance with the provisions of  
2 this chapter until his or her name and address is filed with the  
3 commission and the appropriate county elections officer.

4 NEW SECTION. Sec. 404. DEPOSITORIES. Each candidate and each  
5 political committee shall designate and file with the commission and  
6 the appropriate county elections officer the name and address of not  
7 more than one depository for each county in which the campaign is  
8 conducted in which the candidate's or political committee's accounts  
9 are maintained and the name of the account or accounts maintained in  
10 that depository on behalf of the candidate or political committee. The  
11 candidate or political committee may at any time change the designated  
12 depository and shall file with the commission and the appropriate  
13 county elections officer the same information for the successor  
14 depository as for the original depository. The candidate or political  
15 committee may not be deemed in compliance with the provisions of this  
16 chapter until the information required for the depository is filed with  
17 the commission and the appropriate county elections officer.

18 **Sec. 405.** RCW 42.17.060 and 1989 c 280 s 4 are each amended to  
19 read as follows:

20 (1) All monetary contributions received by a candidate or political  
21 committee shall be deposited by the treasurer or deputy treasurer in a  
22 depository in an account established and designated for that purpose.  
23 Such deposits shall be made within five business days of receipt of the  
24 contribution.

25 (2) Political committees (~~which~~) that support or oppose more than  
26 one candidate or ballot proposition, or exist for more than one  
27 purpose, may maintain multiple separate bank accounts within the same  
28 designated depository for such purpose(~~(:—PROVIDED, That)~~) only if:

29 (a) Each such account (~~shall~~) bears the same name;

30 (b) Each such account is followed by an appropriate designation  
31 (~~which~~) that accurately identifies its separate purpose(~~(:—AND~~  
32 PROVIDED FURTHER, That)); and

33 (c) Transfers of funds (~~which~~) that must be reported under RCW  
34 42.17.090(1)(~~(d) may~~) (e) (as recodified by this act) are not (~~be~~)  
35 made from more than one such account.

1 (3) Nothing in this section prohibits a candidate or political  
2 committee from investing funds on hand in a depository in bonds,  
3 certificates, or tax-exempt securities, or in savings accounts or other  
4 similar instruments in financial institutions, or in mutual funds other  
5 than the depository(~~(:-PROVIDED, That))~~) but only if:

6 (a) The commission and the appropriate county elections officer  
7 (~~(is))~~) are notified in writing of the initiation and the termination of  
8 the investment(~~(:-PROVIDED FURTHER, That))~~); and

9 (b) The principal of such investment, when terminated together with  
10 all interest, dividends, and income derived from the investment  
11 (~~(are))~~), is deposited in the depository in the account from which the  
12 investment was made and properly reported to the commission and the  
13 appropriate county elections officer (~~(prior to))~~) before any further  
14 disposition or expenditure (~~(thereof))~~).

15 (4) Accumulated unidentified contributions, other than those made  
16 by persons whose names must be maintained on a separate and private  
17 list by a political committee's treasurer pursuant to RCW  
18 42.17.090(1)(b) (as recodified by this act), (~~(which total))~~) in excess  
19 of one percent of the total accumulated contributions received in the  
20 current calendar year, or three hundred dollars (~~(+))~~), whichever is  
21 more(+)), may not be deposited, used, or expended, but shall be  
22 returned to the donor(~~(-))~~) if his or her identity can be ascertained.  
23 If the donor cannot be ascertained, the contribution shall escheat to  
24 the state(~~(-))~~) and shall be paid to the state treasurer for deposit in  
25 the state general fund.

26 (~~(5) A contribution of more than fifty dollars in currency may not~~  
27 ~~be accepted unless a receipt, signed by the contributor and by the~~  
28 ~~candidate, treasurer, or deputy treasurer, is prepared and made a part~~  
29 ~~of the campaign's or political committee's financial records.))~~)

30 **Sec. 406.** RCW 42.17.065 and 2000 c 237 s 1 are each amended to  
31 read as follows:

32 (1) In addition to the provisions of this section, a continuing  
33 political committee shall file and report on the same conditions and at  
34 the same times as any other committee in accordance with the provisions  
35 of RCW 42.17.040, 42.17.050, and 42.17.060 (as recodified by this act).

36 (2) A continuing political committee shall file (~~(with the~~  
37 ~~commission and the auditor or elections officer of the county in which~~

1 ~~the committee maintains its office or headquarters and if there is no~~  
2 ~~such office or headquarters then in the county in which the committee~~  
3 ~~treasurer resides)) a report on the tenth day of ((the)) each month~~  
4 ~~detailing ((its activities)) expenditures made and contributions~~  
5 ~~received for the preceding calendar month ((in which the committee has~~  
6 ~~received a contribution or made an expenditure: PROVIDED, That such)).~~  
7 This report ((shall)) need only be filed if either the total  
8 contributions received or total expenditures made since the last such  
9 report exceed two hundred dollars( (: ~~PROVIDED FURTHER, That after~~  
10 ~~January 1, 2002, if the committee files with the commission~~  
11 ~~electronically, it need not also file with the county auditor or~~  
12 ~~elections officer)). The report must be filed with the commission and~~  
13 ~~the auditor or elections officer of the county in which the committee~~  
14 ~~maintains its office or headquarters. If the committee does not have~~  
15 ~~an office or headquarters, the report must be filed in the county where~~  
16 ~~the committee treasurer resides. However, if the committee files with~~  
17 ~~the commission electronically, it need not also file with the county~~  
18 ~~auditor or elections officer. The report shall be on a form supplied~~  
19 ~~by the commission and shall include the following information:~~

20 (a) The information required by RCW 42.17.090 (as recodified by  
21 this act);

22 (b) Each expenditure made to retire previously accumulated debts of  
23 the committee((+)) identified by recipient, amount, and date of  
24 payments;

25 (c) ((Such)) Other information ((as)) the commission shall  
26 prescribe by rule ((prescribe)).

27 (3) If a continuing political committee ((shall)) makes a  
28 contribution in support of or in opposition to a candidate or ballot  
29 proposition within sixty days ((prior to)) before the date ((on which  
30 ~~such~~)) that the candidate or ballot proposition will be voted upon,  
31 ((~~such continuing political~~)) the committee shall report pursuant to  
32 RCW 42.17.080 (as recodified by this act).

33 (4) A continuing political committee shall file reports as required  
34 by this chapter until it is dissolved, at which time a final report  
35 shall be filed. Upon submitting a final report, the duties of the  
36 ((~~campaign~~)) treasurer shall cease and there shall be no obligation to  
37 make any further reports.

1       (5) The (~~campaign~~) treasurer shall maintain books of account,  
2 current within five business days, that accurately (~~reflecting~~)  
3 reflect all contributions and expenditures (~~on a current basis within~~  
4 ~~five business days of receipt or expenditure~~). During the eight days  
5 immediately preceding the date of any election(~~, for which~~) that the  
6 committee has received any contributions or made any expenditures, the  
7 books of account shall be kept current within one business day and  
8 shall be open for public inspection in the same manner as provided for  
9 candidates and other political committees in RCW 42.17.080(5) (as  
10 recodified by this act).

11       (6) All reports filed pursuant to this section shall be certified  
12 as correct by the (~~campaign~~) treasurer.

13       (7) The (~~campaign~~) treasurer shall preserve books of account,  
14 bills, receipts, and all other financial records of the campaign or  
15 political committee for not less than five calendar years following the  
16 year during which the transaction occurred.

17       **Sec. 407.** RCW 42.17.067 and 1989 c 280 s 6 are each amended to  
18 read as follows:

19       (1) Fund-raising activities (~~which meet~~) meeting the standards of  
20 subsection (2) of this section may be reported in accordance with the  
21 provisions of this section in lieu of reporting in accordance with RCW  
22 42.17.080 (as recodified by this act).

23       (2) Standards:

24       (a) The activity consists of one or more of the following:

25       (i) (~~The retail~~) A sale of goods or services sold at a reasonable  
26 approximation of the fair market value of each item or service (~~sold~~  
27 ~~at the activity~~); or

28       (ii) A gambling operation (~~which~~) that is licensed, conducted, or  
29 operated in accordance with the provisions of chapter 9.46 RCW; or

30       (iii) A gathering where food and beverages are purchased(~~, where~~)  
31 and the price of admission or the per person charge for the food and  
32 beverages is no more than twenty-five dollars; or

33       (iv) A concert, dance, theater performance, or similar  
34 entertainment event (~~where~~) and the price of admission is no more  
35 than twenty-five dollars; or

36       (v) An auction or similar sale (~~where~~) for which the total fair

1 market value of items donated by any person (~~((for sale))~~) is no more  
2 than fifty dollars; and

3 (b) No person responsible for receiving money at (~~((such))~~) the fund-  
4 raising activity knowingly accepts payments from a single person at or  
5 from such an activity to the candidate or committee aggregating more  
6 than fifty dollars unless the name and address of the person making  
7 (~~((such))~~) the payment, together with the amount paid to the candidate or  
8 committee, are disclosed in the report filed pursuant to subsection (6)  
9 of this section; and

10 (c) (~~((Such))~~) Any other standards (~~((as shall be))~~) established by  
11 rule of the commission to prevent frustration of the purposes of this  
12 chapter.

13 (3) All funds received from a fund-raising activity (~~((which))~~) that  
14 conforms with subsection (2) of this section (~~((shall))~~) must be  
15 deposited in the depository within five business days of receipt by the  
16 treasurer or deputy treasurer (~~((in the depository))~~).

17 (4) At the time reports are required under RCW 42.17.080 (as  
18 recodified by this act), the treasurer or deputy treasurer making the  
19 deposit shall file with the commission and the appropriate county  
20 elections officer a report of the fund-raising activity which (~~((shall))~~)  
21 must contain the following information:

22 (a) The date of the activity;

23 (b) A precise description of the fund-raising methods used in the  
24 activity; and

25 (c) The total amount of cash receipts from persons, each of whom  
26 paid no more than fifty dollars.

27 (5) The treasurer or deputy treasurer shall certify the report is  
28 correct.

29 (6) The treasurer shall report pursuant to RCW 42.17.080 and  
30 42.17.090 (as recodified by this act):

31 (a) The name and address and the amount contributed (~~((of))~~) by each  
32 person (~~((who contributes))~~) contributing goods or services with a fair  
33 market value of more than fifty dollars to a fund-raising activity  
34 reported under subsection (4) of this section(~~((7))~~); and

35 (b) The name and address (~~((of))~~) and the amount paid by each person  
36 whose identity can be ascertained, (~~((and the amount paid, from whom~~  
37 ~~were knowingly received payments))~~) who made a contribution to the

1 candidate or committee aggregating more than fifty dollars at or from  
2 such a fund-raising activity.

3 **Sec. 408.** RCW 42.17.080 and 2008 c 73 s 1 are each amended to read  
4 as follows:

5 (1) In addition to the information required under RCW 42.17.040 and  
6 42.17.050 (as recodified by this act), on the day the treasurer is  
7 designated, each candidate or political committee (~~(shall)~~) must file  
8 with the commission and the county auditor or elections officer of the  
9 county in which the candidate resides, or in the case of a political  
10 committee, the county in which the treasurer resides, (~~(in addition to~~  
11 ~~any statement of organization required under RCW 42.17.040 or~~  
12 ~~42.17.050,)) a report of all contributions received and expenditures  
13 made prior to that date, if any.~~

14 (2) (~~(At the following intervals)~~) Each treasurer shall file with  
15 the commission and the county auditor or elections officer of the  
16 county in which the candidate resides, or in the case of a political  
17 committee, the county in which the committee maintains its office or  
18 headquarters, (~~(and if there is no office or headquarters then)~~) or in  
19 the county in which the treasurer resides if there is no office or  
20 headquarters, a report containing the information required by RCW  
21 42.17.090 (as recodified by this act) at the following intervals:

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

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

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

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

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

10 (3) For the period beginning the first day of the fourth month  
11 preceding the date (~~on which~~) of the special election (~~is held~~), or  
12 for the period beginning the first day of the fifth month before the  
13 date (~~on which~~) of the general election (~~is held~~), and ending on  
14 the date of that special or general election, each Monday the treasurer  
15 shall file with the commission and the appropriate county elections  
16 officer a report of each bank deposit made during the previous seven  
17 calendar days. The report shall contain the name of each person  
18 contributing the funds (~~so deposited~~) and the amount contributed by  
19 each person. However, (~~contributions of~~) persons who contribute no  
20 more than twenty-five dollars in the aggregate (~~from any one person~~  
21 ~~may be deposited without identifying the contributor~~) are not required  
22 to be identified in the report. A copy of the report shall be retained  
23 by the treasurer for his or her records. In the event of deposits made  
24 by a deputy treasurer, the copy shall be forwarded to the treasurer for  
25 his or her records. Each report shall be certified as correct by the  
26 treasurer or deputy treasurer making the deposit.

27 (4) If a city requires that candidates or committees for city  
28 offices file reports with a city agency, the candidate or treasurer  
29 (~~so filing need not also~~) complying with the requirement does not  
30 need to file the report with the county auditor or elections officer.

31 (5) The treasurer or candidate shall maintain books of account  
32 accurately reflecting all contributions and expenditures on a current  
33 basis within five business days of receipt or expenditure. During the  
34 eight days immediately preceding the date of the election the books of  
35 account shall be kept current within one business day. As specified in  
36 the committee's statement of organization filed under RCW 42.17.040 (as  
37 recodified by this act), the books of account must be open for public  
38 inspection by appointment at the designated place for inspections

1 between 8:00 a.m. and 8:00 p.m. on any day from the eighth day  
2 immediately before the election through the day immediately before the  
3 election, other than Saturday, Sunday, or a legal holiday. It is a  
4 violation of this chapter for a candidate or political committee to  
5 refuse to allow and keep an appointment for an inspection to be  
6 conducted during these authorized times and days. The appointment must  
7 be allowed at an authorized time and day for such inspections that is  
8 within twenty-four hours of the time and day that is requested for the  
9 inspection.

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

14 ~~(7) All reports filed pursuant to subsection (1) or (2) of this~~  
15 ~~section shall be certified as correct by the candidate and the~~  
16 ~~treasurer.~~

17 ~~(8))~~ Copies of all reports filed pursuant to this section shall be  
18 readily available for public inspection ~~((for at least two consecutive~~  
19 ~~hours Monday through Friday, excluding legal holidays, between 8:00~~  
20 ~~a.m. and 8:00 p.m., as specified in the committee's statement of~~  
21 ~~organization filed pursuant to RCW 42.17.040))~~ by appointment, pursuant  
22 to subsection (5) of this section, at the principal headquarters or, if  
23 there is no headquarters, at the address of the treasurer or such other  
24 place as may be authorized by the commission.

25 ~~((9) After January 1, 2002,))~~ (7) A report that is filed with the  
26 commission electronically need not also be filed with the county  
27 auditor or elections officer.

28 ~~((10) The commission shall adopt administrative rules establishing~~  
29 ~~requirements for filer participation in any system designed and~~  
30 ~~implemented by the commission for the electronic filing of reports.))~~

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

35 (9) All reports filed pursuant to subsection (1) or (2) of this  
36 section shall be certified as correct by the candidate and the  
37 treasurer.



1 (10) When there is no outstanding debt or obligation, the campaign  
2 fund is closed, and the campaign is concluded in all respects or in the  
3 case of a political committee, the committee has ceased to function and  
4 has dissolved, the treasurer shall file a final report. Upon  
5 submitting a final report, the duties of the treasurer shall cease and  
6 there is no obligation to make any further reports.

7 **Sec. 409.** RCW 42.17.090 and 2003 c 123 s 1 are each amended to  
8 read as follows:

9 ~~((+1))~~ Each report required under RCW 42.17.080 (1) and (2) (as  
10 recodified by this act) must be certified as correct by the treasurer  
11 and the candidate and shall disclose the following:

- 12 ~~((+a))~~ (1) The funds on hand at the beginning of the period;
- 13 ~~((+b))~~ (2) The name and address of each person who has made one or  
14 more contributions during the period, together with the money value and  
15 date of ~~((such))~~ each contribution~~((s))~~ and the aggregate value of all  
16 contributions received from each ~~((such))~~ person during the campaign,  
17 or in the case of a continuing political committee, the current  
18 calendar year~~((:—PROVIDED, That))~~, with the following exceptions:

19 (a) Pledges in the aggregate of less than one hundred dollars from  
20 any one person need not be reported~~((:—PROVIDED FURTHER, That the))~~;

21 (b) Income ~~((which))~~ that results from a fund-raising activity  
22 conducted in accordance with RCW 42.17.067 (as recodified by this act)  
23 may be reported as one lump sum, with the exception of that portion  
24 ~~((of such income which was))~~ received from persons whose names and  
25 addresses are required to be included in the report required by RCW  
26 42.17.067~~((:—PROVIDED FURTHER, That))~~ (as recodified by this act);

27 (c) Contributions of no more than twenty-five dollars in the  
28 aggregate from any one person during the election campaign may be  
29 reported as one lump sum ~~((so long as))~~ if the ~~((campaign))~~ treasurer  
30 maintains a separate and private list of the name, address, and amount  
31 of each such contributor~~((:—PROVIDED FURTHER, That))~~; and

32 (d) The money value of contributions of postage shall be the face  
33 value of ~~((such))~~ the postage;

34 ~~((+e))~~ (3) Each loan, promissory note, or security instrument to  
35 be used by or for the benefit of the candidate or political committee  
36 made by any person, ~~((together with))~~ including the names and addresses

1 of the lender and each person liable directly, indirectly or  
2 contingently and the date and amount of each such loan, promissory  
3 note, or security instrument;

4 ~~((d))~~ (4) All other contributions not otherwise listed or  
5 exempted;

6 ~~((e))~~ (5) The name and address of each candidate or political  
7 committee to which any transfer of funds was made, ~~((together with))~~  
8 including the amounts and dates of ~~((such))~~ the transfers;

9 ~~((f))~~ (6) The name and address of each person to whom an  
10 expenditure was made in the aggregate amount of more than fifty dollars  
11 during the period covered by this report, ~~((and))~~ the amount, date, and  
12 purpose of each ~~((such))~~ expenditure~~((—A candidate for state  
13 executive or state legislative office or the political committee of  
14 such a candidate shall report this information for an expenditure under  
15 one of the following categories, whichever is appropriate:—(i)  
16 Expenditures for the election of the candidate; (ii) expenditures for  
17 nonreimbursed public office related expenses; (iii) expenditures  
18 required to be reported under (e) of this subsection; or (iv)  
19 expenditures of surplus funds and other expenditures. The report of  
20 such a candidate or committee shall contain a separate total of  
21 expenditures for each category and a total sum of all expenditures.  
22 Other candidates and political committees need not report information  
23 regarding expenditures under the categories listed in (i) through (iv)  
24 of this subsection or under similar such categories unless required to  
25 do so by the commission by rule. The report of such an other candidate  
26 or committee shall also contain)), and the total sum of all  
27 expenditures;~~

28 ~~((g))~~ (7) The name and address of each person ~~((to whom any  
29 expenditure was made directly or indirectly to compensate the person))  
30 directly compensated for soliciting or procuring signatures on an  
31 initiative or referendum petition, the amount of ~~((such))~~ the  
32 compensation to each ~~((such))~~ person, and the total ~~((of the))~~  
33 expenditures made for this purpose. Such expenditures shall be  
34 reported under this subsection ~~((1)(g) whether the expenditures are or  
35 are not also))~~ in addition to what is required to be reported under  
36 ~~((f) of this))~~ subsection (6) of this section;~~

37 ~~((h))~~ (8) The name and address of any person and the amount owed

1 for any debt, obligation, note, unpaid loan, or other liability in the  
2 amount of more than two hundred fifty dollars or in the amount of more  
3 than fifty dollars that has been outstanding for over thirty days;

4 ~~((+i))~~ (9) The surplus or deficit of contributions over  
5 expenditures;

6 ~~((+j))~~ (10) The disposition made in accordance with RCW 42.17.095  
7 (as recodified by this act) of any surplus funds; and

8 ~~((+k) Such)~~ (11) Any other information ~~((as shall be))~~ required by  
9 the commission by rule in conformance with the policies and purposes of  
10 this chapter.

11 ~~((+2) The treasurer and the candidate shall certify the correctness  
12 of each report.))~~

13 **Sec. 410.** RCW 42.17.3691 and 2000 c 237 s 4 are each amended to  
14 read as follows:

15 (1) ~~((Beginning January 1, 2002, each candidate or political  
16 committee that expended twenty five thousand dollars or more in the  
17 preceding year or expects to expend twenty five thousand dollars or  
18 more in the current year shall file all contribution reports and  
19 expenditure reports required by this chapter by the electronic  
20 alternative provided by the commission under RCW 42.17.369. The  
21 commission may make exceptions on a case-by-case basis for candidates  
22 whose authorized committees lack the technological ability to file  
23 reports using the electronic alternative provided by the commission.~~

24 ~~(2) Beginning January 1, 2004,~~) Each candidate or political  
25 committee that expended ten thousand dollars or more in the preceding  
26 year or expects to expend ten thousand dollars or more in the current  
27 year shall file all contribution reports and expenditure reports  
28 required by this chapter by the electronic alternative provided by the  
29 commission under RCW 42.17.369 (as recodified by this act). The  
30 commission may make exceptions on a case-by-case basis for candidates  
31 whose authorized committees lack the technological ability to file  
32 reports using the electronic alternative provided by the commission.

33 ~~((+3))~~ (2) Failure by a candidate or political committee to comply  
34 with this section is a violation of this chapter.

35 **Sec. 411.** RCW 42.17.093 and 2006 c 348 s 6 are each amended to  
36 read as follows:

1 (1) An out-of-state political committee organized for the purpose  
2 of supporting or opposing candidates or ballot propositions in another  
3 state that is not otherwise required to report under RCW 42.17.040  
4 through 42.17.090 (as recodified by this act) shall report as required  
5 in this section when it makes an expenditure supporting or opposing a  
6 Washington state candidate or political committee. The committee shall  
7 file with the commission a statement disclosing:

8 (a) Its name and address;

9 (b) The purposes of the out-of-state committee;

10 (c) The names, addresses, and titles of its officers or, if it has  
11 no officers, the names, addresses, and the titles of its responsible  
12 leaders;

13 (d) The name, office sought, and party affiliation of each  
14 candidate in the state of Washington whom the out-of-state committee is  
15 supporting or opposing and, if ((~~such~~)) the committee is supporting or  
16 opposing the entire ticket of any party, the name of the party;

17 (e) The ballot proposition supported or opposed in the state of  
18 Washington, if any, and whether ((~~such~~)) the committee is in favor of  
19 or opposed to ((~~such~~)) that proposition;

20 (f) The name and address of each person residing in the state of  
21 Washington or corporation ((~~which~~)) that has a place of business in the  
22 state of Washington who has made one or more contributions in the  
23 aggregate of more than twenty-five dollars to the out-of-state  
24 committee during the current calendar year, together with the money  
25 value and date of ((~~such~~)) the contributions;

26 (g) The name, address, and employer of each person or corporation  
27 residing outside the state of Washington who has made one or more  
28 contributions in the aggregate of more than two thousand five hundred  
29 fifty dollars to the out-of-state committee during the current calendar  
30 year, together with the money value and date of ((~~such~~)) the  
31 contributions. Annually, the commission must modify the two thousand  
32 five hundred fifty dollar limit in this subsection based on percentage  
33 change in the implicit price deflator for personal consumption  
34 expenditures for the United States as published for the most recent  
35 twelve-month period by the bureau of economic analysis of the federal  
36 department of commerce;

37 (h) The name and address of each person in the state of Washington  
38 to whom an expenditure was made by the out-of-state committee with

1 respect to a candidate or political committee in the aggregate amount  
2 of more than fifty dollars, the amount, date, and purpose of ((such))  
3 the expenditure, and the total sum of ((such)) the expenditures; and

4 (i) ((Such)) Any other information as the commission may prescribe  
5 by rule in keeping with the policies and purposes of this chapter.

6 (2) Each statement shall be filed no later than the tenth day of  
7 the month following any month in which a contribution or other  
8 expenditure reportable under subsection (1) of this section is made.  
9 An out-of-state committee incurring an obligation to file additional  
10 statements in a calendar year may satisfy the obligation by timely  
11 filing reports that supplement previously filed information.

12 **Sec. 412.** RCW 42.17.100 and 1995 c 397 s 28 are each amended to  
13 read as follows:

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

31 (2) Within five days after the date of making an independent  
32 expenditure that by itself or when added to all other ((such))  
33 independent expenditures made during the same election campaign by the  
34 same person equals one hundred dollars or more, or within five days  
35 after the date of making an independent expenditure for which no  
36 reasonable estimate of monetary value is practicable, whichever occurs  
37 first, the person who made the independent expenditure shall file with

1 the commission and the county elections officer of the county of  
2 residence for the candidate supported or opposed by the independent  
3 expenditure (or in the case of an expenditure made in support of or in  
4 opposition to a local ballot proposition, the county of residence for  
5 the person making the expenditure) an initial report of all independent  
6 expenditures made during the campaign (~~((prior to))~~) before and including  
7 such date.

8 (3) At the following intervals each person who is required to file  
9 an initial report pursuant to subsection (2) of this section shall file  
10 with the commission and the county elections officer of the county of  
11 residence for the candidate supported or opposed by the independent  
12 expenditure (or in the case of an expenditure made in support of or in  
13 opposition to a ballot proposition, the county of residence for the  
14 person making the expenditure) a further report of the independent  
15 expenditures made since the date of the last report:

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

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

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

24 (4) The report filed pursuant to (~~((paragraph (a) of this))~~)  
25 subsection (3)(a) of this section shall be the final report, and upon  
26 submitting such final report the duties of the reporting person shall  
27 cease, and there shall be no obligation to make any further reports.

28 (~~((+4))~~) (5) All reports filed pursuant to this section shall be  
29 certified as correct by the reporting person.

30 (~~((+5))~~) (6) Each report required by subsections (2) and (3) of this  
31 section shall disclose for the period beginning at the end of the  
32 period for the last previous report filed or, in the case of an initial  
33 report, beginning at the time of the first independent expenditure, and  
34 ending not more than one business day before the date the report is  
35 due:

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

37 (b) The name and address of each person to whom an independent  
38 expenditure was made in the aggregate amount of more than fifty

1 dollars, and the amount, date, and purpose of each (~~such~~)  
2 expenditure. If no reasonable estimate of the monetary value of a  
3 particular independent expenditure is practicable, it is sufficient to  
4 report instead a precise description of services, property, or rights  
5 furnished through the expenditure, and where appropriate, to attach a  
6 copy of the item produced or distributed by the expenditure;

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

9 (d) (~~Such~~) Any other information (~~(as shall be required by)~~) the  
10 commission may require by rule (~~(in conformance with the policies and~~  
11 ~~purposes of this chapter)~~).

12 **Sec. 413.** RCW 42.17.103 and 2005 c 445 s 7 are each amended to  
13 read as follows:

14 (1) The sponsor of political advertising who, within twenty-one  
15 days of an election, publishes, mails, or otherwise presents to the  
16 public political advertising supporting or opposing a candidate or  
17 ballot proposition that qualifies as an independent expenditure with a  
18 fair market value of one thousand dollars or more shall deliver, either  
19 electronically or in written form, a special report to the commission  
20 within twenty-four hours of, or on the first working day after, the  
21 date the political advertising is first published, mailed, or otherwise  
22 presented to the public.

23 (2) If a sponsor is required to file a special report under this  
24 section, the sponsor shall also deliver to the commission within the  
25 delivery period established in subsection (1) of this section a special  
26 report for each subsequent independent expenditure of any size  
27 supporting or opposing the same candidate who was the subject of the  
28 previous independent expenditure, supporting or opposing that  
29 candidate's opponent, or supporting or opposing the same ballot  
30 proposition that was the subject of the previous independent  
31 expenditure.

32 (3) The special report must include (~~(at least)~~):

33 (a) The name and address of the person making the expenditure;

34 (b) The name and address of the person to whom the expenditure was  
35 made;

36 (c) A detailed description of the expenditure;

1 (d) The date the expenditure was made and the date the political  
2 advertising was first published or otherwise presented to the public;

3 (e) The amount of the expenditure;

4 (f) The name of the candidate supported or opposed by the  
5 expenditure, the office being sought by the candidate, and whether the  
6 expenditure supports or opposes the candidate; or the name of the  
7 ballot proposition supported or opposed by the expenditure and whether  
8 the expenditure supports or opposes the ballot proposition; and

9 (g) Any other information the commission may require by rule.

10 (4) All persons required to report under RCW 42.17.065, 42.17.080,  
11 42.17.090, 42.17.100, and 42.17.565 (as recodified by this act) are  
12 subject to the requirements of this section. The commission may  
13 determine that reports filed pursuant to this section also satisfy the  
14 requirements of RCW 42.17.100 (as recodified by this act).

15 (5) The sponsor of independent expenditures supporting a candidate  
16 or opposing that candidate's opponent required to report under this  
17 section shall file with each required report an affidavit or  
18 declaration of the person responsible for making the independent  
19 expenditure that the expenditure was not made in cooperation,  
20 consultation, or concert with, or at the request or suggestion of, the  
21 candidate, the candidate's authorized committee, or the candidate's  
22 agent, or with the encouragement or approval of the candidate, the  
23 candidate's authorized committee, or the candidate's agent.

24 **Sec. 414.** RCW 42.17.105 and 2001 c 54 s 2 are each amended to read  
25 as follows:

26 (1) ~~((Campaign))~~ Treasurers shall prepare and deliver to the  
27 commission a special report ~~((regarding any))~~ when a contribution or  
28 aggregate of contributions ~~((which:—Is))~~ totals one thousand dollars  
29 or more~~((+))~~, is from a single person or entity~~((+))~~, and is received  
30 during a special reporting period.

31 ~~((Any))~~ (2) A political committee ~~((making))~~ shall prepare and  
32 deliver to the commission a special report when it makes a contribution  
33 or an aggregate of contributions to a single entity ~~((which is))~~ that  
34 totals one thousand dollars or more ~~((shall also prepare and deliver to~~  
35 ~~the commission the special report if the contribution or aggregate of~~  
36 ~~contributions is made))~~ during a special reporting period.

37 ~~((For the purposes of subsections (1) through (7) of this section:~~



1 ~~(a) Each of the following intervals is a)~~ (3) An aggregate of  
2 contributions includes only those contributions made to or received  
3 from a single entity during any one special reporting period. Any  
4 subsequent contribution of any size made to or received from the same  
5 person or entity during the special reporting period must also be  
6 reported.

7 (4) Special reporting periods, for purposes of this section,  
8 include: ((+i))

9 (a) The ((interval beginning after the)) period ((covered by))  
10 beginning on the day after the last report required by RCW 42.17.080  
11 and 42.17.090 (as recodified by this act) to be filed before a primary  
12 and concluding on the end of the day before that primary; ((and (ii))

13 (b) The ((interval composed of the)) period twenty-one days  
14 preceding a general election; and

15 ((+b)) (c) An aggregate of contributions includes only those  
16 contributions received from a single entity during any one special  
17 reporting period or made by the contributing political committee to a  
18 single entity during any one special reporting period.

19 ((+2)) (5) If a campaign treasurer files a special report under  
20 this section for one or more contributions received from a single  
21 entity during a special reporting period, the treasurer shall also file  
22 a special report under this section for each subsequent contribution of  
23 any size which is received from that entity during the special  
24 reporting period. If a political committee files a special report  
25 under this section for a contribution or contributions made to a single  
26 entity during a special reporting period, the political committee shall  
27 also file a special report for each subsequent contribution of any size  
28 which is made to that entity during the special reporting period.

29 ~~((3) Except as provided in subsection (4) of this section, the))~~  
30 (6) Special reports required by this section shall be delivered  
31 electronically or in written form, including but not limited to  
32 mailgram, telegram, or nightletter. The special report may be  
33 transmitted orally by telephone to the commission if the written form  
34 of the report is postmarked and mailed to the commission or the  
35 electronic filing is transferred to the commission within the delivery  
36 periods established in (a) and (b) of this subsection.

37 (a) The special report required of a contribution recipient ((by))  
38 under subsection (1) of this section shall be delivered to the

1 commission within forty-eight hours of the time, or on the first  
2 working day after: The contribution of one thousand dollars or more is  
3 received by the candidate or treasurer; the aggregate received by the  
4 candidate or treasurer first equals one thousand dollars or more; or  
5 ~~((the))~~ any subsequent contribution ~~((that must be reported under~~  
6 ~~subsection (2) of this section))~~ from the same source is received by  
7 the candidate or treasurer.

8 (b) The special report required of a contributor ~~((by))~~ under  
9 subsection ~~((+1))~~ (2) of this section or RCW 42.17.175 (as recodified  
10 by this act) shall be delivered to the commission, and the candidate or  
11 political committee to whom the contribution or contributions are made,  
12 within twenty-four hours of the time, or on the first working day  
13 after: The contribution is made; the aggregate of contributions made  
14 first equals one thousand dollars or more; or ~~((the))~~ any subsequent  
15 contribution ~~((that must be reported under subsection (2) of this~~  
16 ~~section))~~ to the same person or entity is made.

17 ~~((4))~~ ~~The special report may be transmitted orally by telephone to~~  
18 ~~the commission to satisfy the delivery period required by subsection~~  
19 ~~(3) of this section if the written form of the report is also mailed to~~  
20 ~~the commission and postmarked within the delivery period established in~~  
21 ~~subsection (3) of this section or the file transfer date of the~~  
22 ~~electronic filing is within the delivery period established in~~  
23 ~~subsection (3) of this section.~~

24 ~~(+5))~~ (7) The special report shall include ~~((at least))~~:

- 25 (a) The amount of the contribution or contributions;
- 26 (b) The date or dates of receipt;
- 27 (c) The name and address of the donor;
- 28 (d) The name and address of the recipient; and
- 29 (e) Any other information the commission may by rule require.

30 ~~((6))~~ (8) Contributions reported under this section shall also be  
31 reported as required by other provisions of this chapter.

32 ~~((7))~~ (9) The commission shall prepare daily a summary of the  
33 special reports made under this section and RCW 42.17.175 (as  
34 recodified by this act).

35 ~~((8))~~ ~~It is a violation of this chapter for any person to make, or~~  
36 ~~for any candidate or political committee to accept from any one person,~~  
37 ~~contributions reportable under RCW 42.17.090 in the aggregate exceeding~~  
38 ~~fifty thousand dollars for any campaign for statewide office or~~

1 ~~exceeding five thousand dollars for any other campaign subject to the~~  
2 ~~provisions of this chapter within twenty one days of a general~~  
3 ~~election. This subsection does not apply to contributions made by, or~~  
4 ~~accepted from, a bona fide political party as defined in this chapter,~~  
5 ~~excluding the county central committee or legislative district~~  
6 ~~committee.~~

7 (9)) (10) Contributions governed by this section include, but are  
8 not limited to, contributions made or received indirectly through a  
9 third party or entity whether the contributions are or are not reported  
10 to the commission as earmarked contributions under RCW 42.17.135 (as  
11 recodified by this act).

12 **Sec. 415.** RCW 42.17.550 and 1993 c 2 s 23 are each amended to read  
13 as follows:

14 A person or entity, other than a party organization making an  
15 independent expenditure ((by)) that consists of mailing one thousand or  
16 more identical or nearly identical cumulative pieces of political  
17 advertising in a single calendar year shall((~~τ~~))report that activity.  
18 The report must be made within two working days after the date of the  
19 mailing, ((file a statement)) disclosing the number of pieces in the  
20 mailing and an example of the mailed political advertising ((with)).  
21 The report must be sent to the election officer of the county ((~~or~~)) of  
22 residence ((~~for~~)) of the candidate supported or opposed by the  
23 independent campaign expenditure ((~~or~~)). In the case of an  
24 expenditure made in support of or in opposition to a ballot  
25 proposition, the report must be sent to the county of residence ((~~for~~))  
26 of the person making the expenditure.

27 **Sec. 416.** RCW 42.17.135 and 1989 c 280 s 13 are each amended to  
28 read as follows:

29 A ((~~candidate or~~)) political committee receiving a contribution  
30 earmarked for the benefit of ((~~another~~)) a candidate or another  
31 political committee shall:

32 (1) Report the contribution as required in RCW 42.17.080 and  
33 42.17.090 (as recodified by this act);

34 (2) Complete a report, entitled "Earmarked contributions," on a  
35 form prescribed by the commission ((~~by rule, which~~)) that identifies  
36 the name and address of the person who made the contribution, the

1 candidate or political committee for whose benefit the contribution is  
2 earmarked, the amount of the contribution, and the date (~~on which~~)  
3 that the contribution was received; and

4 (3) (~~Notify~~) Mail or deliver to the commission and the candidate  
5 or political committee (for whose benefit) benefiting from the  
6 contribution (is earmarked regarding the receipt of the contribution  
7 by mailing or delivering to the commission and to the candidate or  
8 committee)) a copy of the "Earmarked contributions" report within two  
9 working days of receipt of the contribution. (Such notice shall be  
10 given within two working days of receipt of the contribution.)

11 (4) A candidate or political committee receiving notification of an  
12 earmarked contribution under subsection (3) of this section shall  
13 report the contribution, once notification of the contribution is  
14 received by the candidate or committee, in the same manner as (~~the~~  
15 ~~receipt of~~) any other contribution (~~is disclosed in reports~~), as  
16 required by RCW 42.17.080 and 42.17.090 (as recodified by this act).

## 17 PART 5

### 18 POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS

19 **Sec. 501.** RCW 42.17.561 and 2005 c 445 s 1 are each amended to  
20 read as follows:

21 (1) The legislature finds that:

22 (~~(1)~~) (a) Timely disclosure to voters of the identity and sources  
23 of funding for electioneering communications is vitally important to  
24 the integrity of state, local, and judicial elections.

25 (~~(2)~~) (b) Electioneering communications that identify political  
26 candidates for state, local, or judicial office and that are  
27 distributed sixty days before an election for those offices are  
28 intended to influence voters and the outcome of those elections.

29 (~~(3)~~) (c) The state has a compelling interest in providing voters  
30 information about electioneering communications in political campaigns  
31 concerning candidates for state, local, or judicial office so that  
32 voters can be fully informed as to the: (~~(a)~~) (i) Source of support  
33 or opposition to those candidates; and (~~(b)~~) (ii) identity of persons  
34 attempting to influence the outcome of state, local, and judicial  
35 candidate elections.

1 ((+4)) (d) Nondisclosure of financial information about  
2 advertising that masquerades as relating only to issues and not to  
3 candidate campaigns fosters corruption or the appearance of corruption.  
4 These consequences can be substantially avoided by full disclosure of  
5 the identity and funding of those persons paying for such advertising.

6 ((+5)) (e) The United States supreme court held in *McConnell et*  
7 *al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157  
8 L.Ed.2d 491 (2003) that speakers seeking to influence elections do not  
9 possess an inviolable free speech right to engage in electioneering  
10 communications regarding elections, including when issue advocacy is  
11 the functional equivalent of express advocacy. Therefore, such  
12 election campaign communications can be regulated and the source of  
13 funding disclosed.

14 ((+6)) (f) The state ((also)) has a sufficiently compelling  
15 interest in preventing corruption in political campaigns to justify and  
16 restore contribution limits and restrictions on the use of soft money  
17 in RCW 42.17.640 (as recodified by this act). Those interests include  
18 restoring restrictions on the use of such funds for electioneering  
19 communications, as well as the laws preventing circumvention of those  
20 limits and restrictions.

21 (2) Based upon the findings in this section, chapter 445, Laws of  
22 2005 is narrowly tailored to accomplish the following and is intended  
23 to:

24 (a) Improve the disclosure to voters of information concerning  
25 persons and entities seeking to influence state, local, and judicial  
26 campaigns through reasonable and effective mechanisms, including  
27 improving disclosure of the source, identity, and funding of  
28 electioneering communications concerning state, local, and judicial  
29 candidate campaigns;

30 (b) Regulate electioneering communications that mention state,  
31 local, and judicial candidates and that are broadcast, mailed, erected,  
32 distributed, or otherwise published right before the election so that  
33 the public knows who is paying for such communications;

34 (c) Reenact and amend the contribution limits in RCW 42.17.640 (7)  
35 and (15) (as recodified by this act) and the restrictions on the use of  
36 soft money, including as applied to electioneering communications, as  
37 those limits and restrictions were in effect following the passage of  
38 chapter 2, Laws of 1993 (Initiative Measure No. 134) and before the

1 state supreme court decision in *Washington State Republican Party v.*  
2 *Washington State Public Disclosure Commission*, 141 Wn.2d 245, 4 P.3d  
3 808 (2000). The commission is authorized to fully restore the  
4 implementation of the limits and restrictions of RCW 42.17.640 (7) and  
5 (15) (as recodified by this act) in light of *McConnell et al. v.*  
6 *Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d  
7 491 (2003). The United States supreme court upheld the disclosure and  
8 regulation of electioneering communications in political campaigns,  
9 including but not limited to issue advocacy that is the functional  
10 equivalent of express advocacy; and

11 (d) Authorize the commission to adopt rules to implement chapter  
12 445, Laws of 2005.

13 **Sec. 502.** RCW 42.17.565 and 2005 c 445 s 3 are each amended to  
14 read as follows:

15 (1) A payment for or promise to pay for any electioneering  
16 communication shall be reported to the commission by the sponsor on  
17 forms the commission shall develop by rule to include, at a minimum,  
18 the following information:

19 (a) Name and address of the sponsor;

20 (b) Source of funds for the communication, including:

21 (i) General treasury funds. The name and address of businesses,  
22 unions, groups, associations, or other organizations using general  
23 treasury funds for the communication, however, if a business, union,  
24 group, association, or other organization undertakes a special  
25 solicitation of its members or other persons for an electioneering  
26 communication, or it otherwise receives funds for an electioneering  
27 communication, that entity shall report pursuant to (b)(ii) of this  
28 subsection;

29 (ii) Special solicitations and other funds. The name, address,  
30 and, for individuals, occupation and employer, of a person whose funds  
31 were used to pay for the electioneering communication, along with the  
32 amount, if such funds from the person have exceeded two hundred fifty  
33 dollars in the aggregate for the electioneering communication; and

34 (iii) Any other source information required or exempted by the  
35 commission by rule;

36 (c) Name and address of the person to whom an electioneering  
37 communication related expenditure was made;

1 (d) A detailed description of each expenditure of more than one  
2 hundred dollars;

3 (e) The date the expenditure was made and the date the  
4 electioneering communication was first broadcast, transmitted, mailed,  
5 erected, distributed, or otherwise published;

6 (f) The amount of the expenditure;

7 (g) The name of each candidate clearly identified in the  
8 electioneering communication, the office being sought by each  
9 candidate, and the amount of the expenditure attributable to each  
10 candidate; and

11 (h) Any other information the commission may require or exempt by  
12 rule.

13 (2) Electioneering communications shall be reported as follows:  
14 The sponsor of an electioneering communication shall report to the  
15 commission within twenty-four hours of, or on the first working day  
16 after, the date the electioneering communication is broadcast,  
17 transmitted, mailed, erected, distributed, or otherwise published.

18 (3) Electioneering communications shall be reported electronically  
19 by the sponsor using software provided or approved by the commission.  
20 The commission may make exceptions on a case-by-case basis for a  
21 sponsor who lacks the technological ability to file reports using the  
22 electronic means provided or approved by the commission.

23 (4) All persons required to report under RCW 42.17.065, 42.17.080,  
24 42.17.090, and 42.17.100 (as recodified by this act) are subject to the  
25 requirements of this section, although the commission may determine by  
26 rule that persons filing according to those sections may be exempt from  
27 reporting some of the information otherwise required by this section.  
28 The commission may determine that reports filed pursuant to this  
29 section also satisfy the requirements of RCW 42.17.100 and 42.17.103  
30 (as recodified by this act).

31 (5) Failure of any sponsor to report electronically under this  
32 section shall be a violation of this chapter.

33 **Sec. 503.** RCW 42.17.570 and 2005 c 445 s 4 are each amended to  
34 read as follows:

35 (1) An electioneering communication made by a person in  
36 cooperation, consultation, or concert with, or at the request or

1 suggestion of, a candidate, a candidate's authorized committee, or  
2 their agents is a contribution to the candidate.

3 (2) An electioneering communication made by a person in  
4 cooperation, consultation, or concert with, or at the request or  
5 suggestion of, a political committee or its agents is a contribution to  
6 the political committee.

7 (3) If an electioneering communication is not a contribution  
8 pursuant to subsection (1) or (2) of this section, the sponsor shall  
9 file an affidavit or declaration so stating at the time the sponsor is  
10 required to report the electioneering communication expense under RCW  
11 42.17.565 (as recodified by this act).

12 **Sec. 504.** RCW 42.17.575 and 2005 c 445 s 5 are each amended to  
13 read as follows:

14 (1) The sponsor of an electioneering communication shall preserve  
15 all financial records relating to the communication, including books of  
16 account, bills, receipts, contributor information, and ledgers, for not  
17 less than five calendar years following the year in which the  
18 communication was broadcast, transmitted, mailed, erected, or otherwise  
19 published.

20 (2) All reports filed under RCW 42.17.565 (as recodified by this  
21 act) shall be certified as correct by the sponsor. If the sponsor is  
22 an individual using his or her own funds to pay for the communication,  
23 the certification shall be signed by the individual. If the sponsor is  
24 a political committee, the certification shall be signed by the  
25 committee treasurer. If the sponsor is another entity, the  
26 certification shall be signed by the individual responsible for  
27 authorizing the expenditure on the entity's behalf.

28 **Sec. 505.** RCW 42.17.510 and 2005 c 445 s 9 are each amended to  
29 read as follows:

30 (1) All written political advertising, whether relating to  
31 candidates or ballot propositions, shall include the sponsor's name and  
32 address. All radio and television political advertising, whether  
33 relating to candidates or ballot propositions, shall include the  
34 sponsor's name. The use of an assumed name for the sponsor of  
35 electioneering communications, independent expenditures, or political  
36 advertising shall be unlawful. For partisan office, if a candidate has



1 expressed a party or independent preference on the declaration of  
2 candidacy, that party or independent designation shall be clearly  
3 identified in electioneering communications, independent expenditures,  
4 or political advertising.

5 (2) In addition to the ~~((materials))~~ information required by  
6 subsection (1) of this section, except as specifically addressed in  
7 subsections (4) and (5) of this section, all political advertising  
8 undertaken as an independent expenditure or an electioneering  
9 communication by a person or entity other than a bona fide political  
10 party ~~((organization, and all electioneering communications,))~~ must  
11 include as part of the communication:

12 (a) ~~The ((following)) statement ((as part of the communication~~  
13 ~~"NOTICE TO VOTERS (Required by law): This advertisement is not~~  
14 ~~authorized or approved by any candidate)):~~ "No candidate authorized  
15 this ad. It is paid for by (name, address, city, state)((-))";

16 (b) ~~If the ((advertisement undertaken as an independent expenditure~~  
17 ~~or electioneering communication is undertaken by a nonindividual other~~  
18 ~~than a party organization, then the following notation must also be~~  
19 ~~included))~~ sponsor is a political committee, the statement: "Top Five  
20 Contributors," followed by a listing of the names of the five persons  
21 or entities making the largest contributions in excess of seven hundred  
22 dollars reportable under this chapter during the twelve-month period  
23 before the date of the advertisement or communication; and

24 (c) If the sponsor is a political committee established,  
25 maintained, or controlled directly, or indirectly through the formation  
26 of one or more political committees, by an individual, corporation,  
27 union, association, or other entity, the full name of that individual  
28 or entity.

29 (3) ~~The ((statements and listings of contributors))~~ information  
30 required by subsections (1) and (2) of this section shall:

31 (a) Appear on the first page or fold of the written advertisement  
32 or communication in at least ten-point type, or in type at least ten  
33 percent of the largest size type used in a written advertisement or  
34 communication directed at more than one voter, such as a billboard or  
35 poster, whichever is larger;

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

37 (c) Be set apart from any other printed matter.

1 (4) In an independent expenditure or electioneering communication  
2 transmitted via television or other medium that includes a visual  
3 image, the following statement must either be clearly spoken, or appear  
4 in print and be visible for at least four seconds, appear in letters  
5 greater than four percent of the visual screen height, and have a  
6 reasonable color contrast with the background: "No candidate  
7 authorized this ad. Paid for by (name, city, state)." If the  
8 advertisement or communication is undertaken by a nonindividual other  
9 than a party organization, then the following notation must also be  
10 included: "Top Five Contributors" followed by a listing of the names  
11 of the five persons or entities making the largest contributions in  
12 excess of seven hundred dollars reportable under this chapter during  
13 the twelve-month period before the date of the advertisement.  
14 Abbreviations may be used to describe contributing entities if the full  
15 name of the entity has been clearly spoken previously during the  
16 broadcast advertisement.

17 (5) The following statement shall be clearly spoken in an  
18 independent expenditure or electioneering communication transmitted by  
19 a method that does not include a visual image: "No candidate  
20 authorized this ad. Paid for by (name, city, state)." If the  
21 independent expenditure or electioneering communication is undertaken  
22 by a nonindividual other than a party organization, then the following  
23 statement must also be included: "Top Five Contributors" followed by  
24 a listing of the names of the five persons or entities making the  
25 largest contributions in excess of seven hundred dollars reportable  
26 under this chapter during the twelve-month period before the date of  
27 the advertisement. Abbreviations may be used to describe contributing  
28 entities if the full name of the entity has been clearly spoken  
29 previously during the broadcast advertisement.

30 (6) Political yard signs are exempt from the requirement of  
31 subsections (1) and (2) of this section that the name and address of  
32 the sponsor of political advertising be listed on the advertising. In  
33 addition, the public disclosure commission shall, by rule, exempt from  
34 the identification requirements of subsections (1) and (2) of this  
35 section forms of political advertising such as campaign buttons,  
36 balloons, pens, pencils, sky-writing, inscriptions, and other forms of  
37 advertising where identification is impractical.

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

3 **Sec. 506.** RCW 42.17.520 and 1984 c 216 s 2 are each amended to  
4 read as follows:

5 At least one picture of the candidate used in any political  
6 advertising shall have been taken within the last five years and shall  
7 be no smaller than (~~the largest~~) any other picture of the same  
8 candidate used in the same advertisement.

9 **Sec. 507.** RCW 42.17.540 and 1984 c 216 s 4 are each amended to  
10 read as follows:

11 (1) Except as provided in subsection (2) of this section, the  
12 responsibility for compliance with RCW 42.17.510 through 42.17.530 (as  
13 recodified by this act) shall (~~rest~~) be with the sponsor of the  
14 political advertising and not with the broadcasting station or other  
15 medium.

16 (2) If a broadcasting station or other medium changes the content  
17 of a political advertisement, the station or medium shall be  
18 responsible for any failure of the advertisement to comply with RCW  
19 42.17.510 through 42.17.530 (as recodified by this act) that results  
20 from that change.

21 **Sec. 508.** RCW 42.17.110 and 2005 c 445 s 8 are each amended to  
22 read as follows:

23 (1) Each commercial advertiser who has accepted or provided  
24 political advertising or electioneering communications during the  
25 election campaign shall maintain documents and books of account that  
26 shall be open for public inspection during normal business hours during  
27 the campaign and for a period of no less than three years after the  
28 date of the applicable election(~~, during normal business hours,~~).  
29 The documents and books of account (~~which~~) shall specify:

30 (a) The names and addresses of persons from whom it accepted  
31 political advertising or electioneering communications;

32 (b) The exact nature and extent of the services rendered; and

33 (c) The (~~consideration~~) total cost and the manner of (~~paying~~  
34 ~~that consideration for such~~) payment for the services.

1 (2) At the request of the commission, each commercial advertiser  
2 ~~((which must))~~ required to comply with subsection (1) of this section  
3 shall deliver to the commission~~((, upon its request,))~~ copies of  
4 ~~((such))~~ the information ~~((as))~~ that must be maintained and be open for  
5 public inspection pursuant to subsection (1) of this section.

6 **PART 6**

7 **CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS**

8 **Sec. 601.** RCW 42.17.610 and 1993 c 2 s 1 are each amended to read  
9 as follows:

10 (1) The people of the state of Washington find and declare that:

11 ~~((+1))~~ (a) The financial strength of certain individuals or  
12 organizations should not permit them to exercise a disproportionate or  
13 controlling influence on the election of candidates.

14 ~~((+2))~~ (b) Rapidly increasing political campaign costs have led  
15 many candidates to raise larger percentages of money from special  
16 interests with a specific financial stake in matters before state  
17 government. This has caused the public perception that decisions of  
18 elected officials are being improperly influenced by monetary  
19 contributions.

20 ~~((+3))~~ (c) Candidates are raising less money in small  
21 contributions from individuals and more money from special interests.  
22 This has created the public perception that individuals have an  
23 insignificant role to play in the political process.

24 (2) By limiting campaign contributions, the people intend to:

25 (a) Ensure that individuals and interest groups have fair and equal  
26 opportunity to influence elective and governmental processes;

27 (b) Reduce the influence of large organizational contributors; and

28 (c) Restore public trust in governmental institutions and the  
29 electoral process.

30 **Sec. 602.** RCW 42.17.640 and 2006 c 348 s 1 are each amended to  
31 read as follows:

32 (1) The contribution limits in this section apply to:

33 (a) Candidates for state legislative office;

34 (b) Candidates for state office other than state legislative  
35 office;

1 (c) Candidates for county office in a county that has over two  
2 hundred thousand registered voters;

3 (d) Candidates for special purpose district office if that district  
4 is authorized to provide freight and passenger transfer and terminal  
5 facilities and that district has over two hundred thousand registered  
6 voters;

7 (e) Persons holding an office in (a) through (d) of this subsection  
8 against whom recall charges have been filed or to a political committee  
9 having the expectation of making expenditures in support of the recall  
10 of a person holding the office;

11 (f) Caucus political committees;

12 (g) Bona fide political parties.

13 (2) No person, other than a bona fide political party or a caucus  
14 political committee, may make contributions to a candidate for a state  
15 legislative office or county office that in the aggregate exceed  
16 (~~seven~~) eight hundred dollars or to a candidate for a public office  
17 in a special purpose district or a state office other than a state  
18 legislative office that in the aggregate exceed one thousand (~~four~~)  
19 six hundred dollars for each election in which the candidate is on the  
20 ballot or appears as a write-in candidate. Contributions to candidates  
21 subject to the limits in this section made with respect to a primary  
22 may not be made after the date of the primary. However, contributions  
23 to a candidate or a candidate's authorized committee may be made with  
24 respect to a primary until thirty days after the primary, subject to  
25 the following limitations: (a) The candidate lost the primary; (b) the  
26 candidate's authorized committee has insufficient funds to pay debts  
27 outstanding as of the date of the primary; and (c) the contributions  
28 may only be raised and spent to satisfy the outstanding debt.  
29 Contributions to candidates subject to the limits in this section made  
30 with respect to a general election may not be made after the final day  
31 of the applicable election cycle.

32 (3) No person, other than a bona fide political party or a caucus  
33 political committee, may make contributions to a state official, a  
34 county official, or a public official in a special purpose district  
35 against whom recall charges have been filed, or to a political  
36 committee having the expectation of making expenditures in support of  
37 the recall of the state official, county official, or public official  
38 in a special purpose district during a recall campaign that in the

1 aggregate exceed (~~seven~~) eight hundred dollars if for a state  
2 legislative office or county office or one thousand (~~four~~) six  
3 hundred dollars if for a special purpose district office or a state  
4 office other than a state legislative office.

5 (4)(a) Notwithstanding subsection (2) of this section, no bona fide  
6 political party or caucus political committee may make contributions to  
7 a candidate during an election cycle that in the aggregate exceed (i)  
8 (~~seventy~~) eighty cents multiplied by the number of eligible  
9 registered voters in the jurisdiction from which the candidate is  
10 elected if the contributor is a caucus political committee or the  
11 governing body of a state organization, or (ii) (~~thirty-five~~) forty  
12 cents multiplied by the number of registered voters in the jurisdiction  
13 from which the candidate is elected if the contributor is a county  
14 central committee or a legislative district committee.

15 (b) No candidate may accept contributions from a county central  
16 committee or a legislative district committee during an election cycle  
17 that when combined with contributions from other county central  
18 committees or legislative district committees would in the aggregate  
19 exceed (~~thirty-five~~) forty cents times the number of registered  
20 voters in the jurisdiction from which the candidate is elected.

21 (5)(a) Notwithstanding subsection (3) of this section, no bona fide  
22 political party or caucus political committee may make contributions to  
23 a state official, county official, or a public official in a special  
24 purpose district against whom recall charges have been filed, or to a  
25 political committee having the expectation of making expenditures in  
26 support of the state official, county official, or a public official in  
27 a special purpose district during a recall campaign that in the  
28 aggregate exceed (i) (~~seventy~~) eighty cents multiplied by the number  
29 of eligible registered voters in the jurisdiction entitled to recall  
30 the state official if the contributor is a caucus political committee  
31 or the governing body of a state organization, or (ii) (~~thirty-five~~)  
32 forty cents multiplied by the number of registered voters in the  
33 jurisdiction from which the candidate is elected if the contributor is  
34 a county central committee or a legislative district committee.

35 (b) No official holding an office specified in subsection (1) of  
36 this section against whom recall charges have been filed, no authorized  
37 committee of the official, and no political committee having the  
38 expectation of making expenditures in support of the recall of the

1 official may accept contributions from a county central committee or a  
2 legislative district committee during an election cycle that when  
3 combined with contributions from other county central committees or  
4 legislative district committees would in the aggregate exceed (~~thirty-~~  
5 ~~five~~) forty cents multiplied by the number of registered voters in the  
6 jurisdiction from which the candidate is elected.

7 (6) For purposes of determining contribution limits under  
8 subsections (4) and (5) of this section, the number of eligible  
9 registered voters in a jurisdiction is the number at the time of the  
10 most recent general election in the jurisdiction.

11 (7) Notwithstanding subsections (2) through (5) of this section, no  
12 person other than an individual, bona fide political party, or caucus  
13 political committee may make contributions reportable under this  
14 chapter to a caucus political committee that in the aggregate exceed  
15 (~~seven~~) eight hundred dollars in a calendar year or to a bona fide  
16 political party that in the aggregate exceed (~~three~~) four thousand  
17 (~~five-hundred~~) dollars in a calendar year. This subsection does not  
18 apply to loans made in the ordinary course of business.

19 (8) For the purposes of RCW 42.17.640 through 42.17.790, a  
20 contribution to the authorized political committee of a candidate or of  
21 an official specified in subsection (1) of this section against whom  
22 recall charges have been filed is considered to be a contribution to  
23 the candidate or official.

24 (9) A contribution received within the twelve-month period after a  
25 recall election concerning an office specified in subsection (1) of  
26 this section is considered to be a contribution during that recall  
27 campaign if the contribution is used to pay a debt or obligation  
28 incurred to influence the outcome of that recall campaign.

29 (10) The contributions allowed by subsection (3) of this section  
30 are in addition to those allowed by subsection (2) of this section, and  
31 the contributions allowed by subsection (5) of this section are in  
32 addition to those allowed by subsection (4) of this section.

33 (11) RCW 42.17.640 through 42.17.790 apply to a special election  
34 conducted to fill a vacancy in an office specified in subsection (1) of  
35 this section. However, the contributions made to a candidate or  
36 received by a candidate for a primary or special election conducted to  
37 fill such a vacancy shall not be counted toward any of the limitations

1 that apply to the candidate or to contributions made to the candidate  
2 for any other primary or election.

3 (12) Notwithstanding the other subsections of this section, no  
4 corporation or business entity not doing business in Washington state,  
5 no labor union with fewer than ten members who reside in Washington  
6 state, and no political committee that has not received contributions  
7 of ten dollars or more from at least ten persons registered to vote in  
8 Washington state during the preceding one hundred eighty days may make  
9 contributions reportable under this chapter to a candidate, to a state  
10 official against whom recall charges have been filed, or to a political  
11 committee having the expectation of making expenditures in support of  
12 the recall of the official. This subsection does not apply to loans  
13 made in the ordinary course of business.

14 (13) Notwithstanding the other subsections of this section, no  
15 county central committee or legislative district committee may make  
16 contributions reportable under this chapter to a candidate specified in  
17 subsection (1) of this section, or an official specified in subsection  
18 (1) of this section against whom recall charges have been filed, or  
19 political committee having the expectation of making expenditures in  
20 support of the recall of an official specified in subsection (1) of  
21 this section if the county central committee or legislative district  
22 committee is outside of the jurisdiction entitled to elect the  
23 candidate or recall the official.

24 (14) No person may accept contributions that exceed the  
25 contribution limitations provided in this section.

26 (15) The following contributions are exempt from the contribution  
27 limits of this section:

28 (a) An expenditure or contribution earmarked for voter  
29 registration, for absentee ballot information, for precinct caucuses,  
30 for get-out-the-vote campaigns, for precinct judges or inspectors, for  
31 sample ballots, or for ballot counting, all without promotion of or  
32 political advertising for individual candidates; ~~((or))~~

33 (b) An expenditure by a political committee for its own internal  
34 organization or fund raising without direct association with individual  
35 candidates; or

36 (c) An expenditure or contribution for independent expenditures as  
37 defined in RCW 42.17.020 or electioneering communications as defined in  
38 RCW 42.17.020.



1       **Sec. 603.** RCW 42.17.640 and 2006 c 348 s 1 are each amended to  
2 read as follows:

3       (1) The contribution limits in this section apply to:

4       (a) Candidates for (~~state~~) legislative office;

5       (b) Candidates for state office other than (~~state~~) legislative  
6 office;

7       (c) Candidates for county office in a county that has over two  
8 hundred thousand registered voters;

9       (d) Candidates for special purpose district office if that district  
10 is authorized to provide freight and passenger transfer and terminal  
11 facilities and that district has over two hundred thousand registered  
12 voters;

13       (e) Persons holding an office in (a) through (d) of this subsection  
14 against whom recall charges have been filed or to a political committee  
15 having the expectation of making expenditures in support of the recall  
16 of a person holding the office;

17       (f) Caucus political committees;

18       (g) Bona fide political parties.

19       (2) No person, other than a bona fide political party or a caucus  
20 political committee, may make contributions to a candidate for a  
21 (~~state~~) legislative office or county office that in the aggregate  
22 exceed (~~seven~~) eight hundred dollars or to a candidate for a public  
23 office in a special purpose district or a state office other than a  
24 (~~state~~) legislative office that in the aggregate exceed one thousand  
25 (~~four~~) six hundred dollars for each election in which the candidate  
26 is on the ballot or appears as a write-in candidate. Contributions to  
27 candidates subject to the limits in this section made with respect to  
28 a primary may not be made after the date of the primary. However,  
29 contributions to a candidate or a candidate's authorized committee may  
30 be made with respect to a primary until thirty days after the primary,  
31 subject to the following limitations: (a) The candidate lost the  
32 primary; (b) the candidate's authorized committee has insufficient  
33 funds to pay debts outstanding as of the date of the primary; and (c)  
34 the contributions may only be raised and spent to satisfy the  
35 outstanding debt. Contributions to candidates subject to the limits in  
36 this section made with respect to a general election may not be made  
37 after the final day of the applicable election cycle.

1 (3) No person, other than a bona fide political party or a caucus  
2 political committee, may make contributions to a state official, a  
3 county official, or a public official in a special purpose district  
4 against whom recall charges have been filed, or to a political  
5 committee having the expectation of making expenditures in support of  
6 the recall of the state official, county official, or public official  
7 in a special purpose district during a recall campaign that in the  
8 aggregate exceed (~~seven~~) eight hundred dollars if for a (~~state~~)  
9 legislative office or county office or one thousand (~~four~~) six  
10 hundred dollars if for a special purpose district office or a state  
11 office other than a (~~state~~) legislative office.

12 (4)(a) Notwithstanding subsection (2) of this section, no bona fide  
13 political party or caucus political committee may make contributions to  
14 a candidate during an election cycle that in the aggregate exceed (i)  
15 (~~seventy~~) eighty cents multiplied by the number of eligible  
16 registered voters in the jurisdiction from which the candidate is  
17 elected if the contributor is a caucus political committee or the  
18 governing body of a state organization, or (ii) (~~thirty-five~~) forty  
19 cents multiplied by the number of registered voters in the jurisdiction  
20 from which the candidate is elected if the contributor is a county  
21 central committee or a legislative district committee.

22 (b) No candidate may accept contributions from a county central  
23 committee or a legislative district committee during an election cycle  
24 that when combined with contributions from other county central  
25 committees or legislative district committees would in the aggregate  
26 exceed (~~thirty-five~~) forty cents times the number of registered  
27 voters in the jurisdiction from which the candidate is elected.

28 (5)(a) Notwithstanding subsection (3) of this section, no bona fide  
29 political party or caucus political committee may make contributions to  
30 a state official, county official, or a public official in a special  
31 purpose district against whom recall charges have been filed, or to a  
32 political committee having the expectation of making expenditures in  
33 support of the state official, county official, or a public official in  
34 a special purpose district during a recall campaign that in the  
35 aggregate exceed (i) (~~seventy~~) eighty cents multiplied by the number  
36 of eligible registered voters in the jurisdiction entitled to recall  
37 the state official if the contributor is a caucus political committee  
38 or the governing body of a state organization, or (ii) (~~thirty-five~~)

1 forty cents multiplied by the number of registered voters in the  
2 jurisdiction from which the candidate is elected if the contributor is  
3 a county central committee or a legislative district committee.

4 (b) No official holding an office specified in subsection (1) of  
5 this section against whom recall charges have been filed, no authorized  
6 committee of the official, and no political committee having the  
7 expectation of making expenditures in support of the recall of the  
8 official may accept contributions from a county central committee or a  
9 legislative district committee during an election cycle that when  
10 combined with contributions from other county central committees or  
11 legislative district committees would in the aggregate exceed (~~thirty-~~  
12 ~~five~~) forty cents multiplied by the number of registered voters in the  
13 jurisdiction from which the candidate is elected.

14 (6) For purposes of determining contribution limits under  
15 subsections (4) and (5) of this section, the number of eligible  
16 registered voters in a jurisdiction is the number at the time of the  
17 most recent general election in the jurisdiction.

18 (7) Notwithstanding subsections (2) through (5) of this section, no  
19 person other than an individual, bona fide political party, or caucus  
20 political committee may make contributions reportable under this  
21 chapter to a caucus political committee that in the aggregate exceed  
22 (~~seven~~) eight hundred dollars in a calendar year or to a bona fide  
23 political party that in the aggregate exceed (~~three~~) four thousand  
24 (~~five hundred~~) dollars in a calendar year. This subsection does not  
25 apply to loans made in the ordinary course of business.

26 (8) For the purposes of RCW 42.17.640 through 42.17.790 (as  
27 recodified by this act), a contribution to the authorized political  
28 committee of a candidate or of an official specified in subsection (1)  
29 of this section against whom recall charges have been filed is  
30 considered to be a contribution to the candidate or official.

31 (9) A contribution received within the twelve-month period after a  
32 recall election concerning an office specified in subsection (1) of  
33 this section is considered to be a contribution during that recall  
34 campaign if the contribution is used to pay a debt or obligation  
35 incurred to influence the outcome of that recall campaign.

36 (10) The contributions allowed by subsection (3) of this section  
37 are in addition to those allowed by subsection (2) of this section, and

1 the contributions allowed by subsection (5) of this section are in  
2 addition to those allowed by subsection (4) of this section.

3 (11) RCW 42.17.640 through 42.17.790 (as recodified by this act)  
4 apply to a special election conducted to fill a vacancy in an office  
5 specified in subsection (1) of this section. However, the  
6 contributions made to a candidate or received by a candidate for a  
7 primary or special election conducted to fill such a vacancy shall not  
8 be counted toward any of the limitations that apply to the candidate or  
9 to contributions made to the candidate for any other primary or  
10 election.

11 (12) Notwithstanding the other subsections of this section, no  
12 corporation or business entity not doing business in Washington state,  
13 no labor union with fewer than ten members who reside in Washington  
14 state, and no political committee that has not received contributions  
15 of ten dollars or more from at least ten persons registered to vote in  
16 Washington state during the preceding one hundred eighty days may make  
17 contributions reportable under this chapter to a state office  
18 candidate, to a state official against whom recall charges have been  
19 filed, or to a political committee having the expectation of making  
20 expenditures in support of the recall of the official. This subsection  
21 does not apply to loans made in the ordinary course of business.

22 (13) Notwithstanding the other subsections of this section, no  
23 county central committee or legislative district committee may make  
24 contributions reportable under this chapter to a candidate specified in  
25 subsection (1) of this section, or an official specified in subsection  
26 (1) of this section against whom recall charges have been filed, or  
27 political committee having the expectation of making expenditures in  
28 support of the recall of an official specified in subsection (1) of  
29 this section if the county central committee or legislative district  
30 committee is outside of the jurisdiction entitled to elect the  
31 candidate or recall the official.

32 (14) No person may accept contributions that exceed the  
33 contribution limitations provided in this section.

34 (15) The following contributions are exempt from the contribution  
35 limits of this section:

36 (a) An expenditure or contribution earmarked for voter  
37 registration, for absentee ballot information, for precinct caucuses,

1 for get-out-the-vote campaigns, for precinct judges or inspectors, for  
2 sample ballots, or for ballot counting, all without promotion of or  
3 political advertising for individual candidates; (~~or~~)

4 (b) An expenditure by a political committee for its own internal  
5 organization or fund-raising without direct association with individual  
6 candidates; or

7 (c) An expenditure or contribution for independent expenditures as  
8 defined in RCW 42.17.020 or electioneering communications as defined in  
9 RCW 42.17.020.

10 **Sec. 604.** RCW 42.17.645 and 2006 c 348 s 2 are each amended to  
11 read as follows:

12 (1) No person may make contributions to a candidate for judicial  
13 office that in the aggregate exceed one thousand (~~four~~) six hundred  
14 dollars for each election in which the candidate is on the ballot or  
15 appears as a write-in candidate. Contributions made with respect to a  
16 primary may not be made after the date of the primary. However,  
17 contributions to a candidate or a candidate's authorized committee may  
18 be made with respect to a primary until thirty days after the primary,  
19 subject to the following limitations: (a) The candidate lost the  
20 primary; (b) the candidate's authorized committee has insufficient  
21 funds to pay debts outstanding as of the date of the primary; and (c)  
22 the contributions may only be raised and spent to satisfy the  
23 outstanding debt. Contributions made with respect to a general  
24 election may not be made after the final day of the applicable election  
25 cycle.

26 (2) This section through RCW 42.17.790 (as recodified by this act)  
27 apply to a special election conducted to fill a vacancy in an office.  
28 However, the contributions made to a candidate or received by a  
29 candidate for a primary or special election conducted to fill such a  
30 vacancy will not be counted toward any of the limitations that apply to  
31 the candidate or to contributions made to the candidate for any other  
32 primary or election.

33 (3) No person may accept contributions that exceed the contribution  
34 limitations provided in this section.

35 (4) The dollar limits in this section must be adjusted according to  
36 RCW 42.17.690 (as recodified by this act).

1            NEW SECTION.    **Sec. 605.**    REPORTABLE CONTRIBUTIONS--PREELECTION  
2 LIMITATIONS. (1) It is a violation of this chapter for any person to  
3 make, or for any candidate or political committee to accept from any  
4 one person, contributions reportable under RCW 42.17.090 (as recodified  
5 by this act) in the aggregate exceeding fifty thousand dollars for any  
6 campaign for statewide office or exceeding five thousand dollars for  
7 any other campaign subject to the provisions of this chapter within  
8 twenty-one days of a general election. This subsection does not apply  
9 to contributions made by, or accepted from, a bona fide political party  
10 as defined in this chapter, excluding the county central committee or  
11 legislative district committee.

12            (2) Contributions governed by this section include, but are not  
13 limited to, contributions made or received indirectly through a third  
14 party or entity whether the contributions are or are not reported to  
15 the commission as earmarked contributions under RCW 42.17.135 (as  
16 recodified by this act).

17            **Sec. 606.**    RCW 42.17.070 and 2007 c 358 s 3 are each amended to  
18 read as follows:

19            No expenditures may be made or incurred by any candidate or  
20 political committee (~~(except on the authority of)~~) unless authorized by  
21 the candidate or the person or persons named on the candidate's or  
22 committee's registration form(~~(, and)~~). A record of all such  
23 expenditures shall be maintained by the treasurer.

24            No expenditure of more than fifty dollars may be made in currency  
25 unless a receipt, signed by the recipient and by the candidate or  
26 treasurer, is prepared and made a part of the campaign's or political  
27 committee's financial records.

28            **Sec. 607.**    RCW 42.17.095 and 2005 c 467 s 1 are each amended to  
29 read as follows:

30            The surplus funds of a candidate(~~(,)~~) or (~~(of a political committee~~  
31 ~~supporting or opposing a candidate,)~~) a candidate's authorized  
32 committee may only be disposed of in any one or more of the following  
33 ways:

34            (1) Return the surplus to a contributor in an amount not to exceed  
35 that contributor's original contribution;

1           (2) (~~Transfer the surplus to the candidate's personal account as~~  
2 ~~reimbursement~~) Using surplus, reimburse the candidate for lost  
3 earnings incurred as a result of that candidate's election campaign.  
4 (~~Such~~) Lost earnings shall be verifiable as unpaid salary or, when  
5 the candidate is not salaried, as an amount not to exceed income  
6 received by the candidate for services rendered during an appropriate,  
7 corresponding time period. All lost earnings incurred shall be  
8 documented and a record thereof shall be maintained by the candidate or  
9 the candidate's (~~political~~) authorized committee. The committee  
10 shall (~~include~~) maintain a copy of (~~such~~) this record (~~when its~~  
11 ~~expenditure for such reimbursement is reported pursuant to RCW~~  
12 ~~42.17.090)~~ in accordance with RCW 42.17.080(6) (as recodified by this  
13 act);

14           (3) Transfer the surplus without limit to a political party or to  
15 a caucus political committee;

16           (4) Donate the surplus to a charitable organization registered in  
17 accordance with chapter 19.09 RCW;

18           (5) Transmit the surplus to the state treasurer for deposit in the  
19 general fund, the (~~oral history~~) Washington state legacy project,  
20 state library, and archives account under RCW 43.07.380, or the  
21 legislative international trade account under RCW (~~44.04.270~~)  
22 43.15.050, as specified by the candidate or political committee; or

23           (6) Hold the surplus in the (~~campaign~~) depository or depositories  
24 designated in accordance with (~~RCW 42.17.050~~) section 404 of this act  
25 for possible use in a future election campaign for the same office last  
26 sought by the candidate and report any such disposition in accordance  
27 with RCW 42.17.090(~~:- PROVIDED, That~~) (as recodified by this act).  
28 If the candidate subsequently announces or publicly files for office,  
29 the appropriate information (~~as appropriate is~~) must be reported to  
30 the commission in accordance with RCW 42.17.040 through 42.17.090 (as  
31 recodified by this act). If a subsequent office is not sought the  
32 surplus held shall be disposed of in accordance with the requirements  
33 of this section.

34           (7) Hold the surplus campaign funds in a separate account for  
35 nonreimbursed public office-related expenses or as provided in this  
36 section, and report any such disposition in accordance with RCW  
37 42.17.090 (as recodified by this act). The separate account required

1 under this subsection shall not be used for deposits of campaign funds  
2 that are not surplus.

3 (8) No candidate or authorized committee may transfer funds to any  
4 other candidate or other political committee.

5 The disposal of surplus funds under this section shall not be  
6 considered a contribution for purposes of this chapter.

7 NEW SECTION. **Sec. 608.** CANDIDATES' POLITICAL COMMITTEES--  
8 LIMITATIONS. A candidate may not knowingly establish, use, direct, or  
9 control more than one political committee for the purpose of supporting  
10 that candidate during a particular election campaign. This does not  
11 prohibit: (1) In addition to a candidate's having his or her own  
12 political committee, the candidate's participation in a political  
13 committee established to support a slate of candidates that includes  
14 the candidate; or (2) joint fund-raising efforts by candidates when a  
15 separate political committee is established for that purpose and all  
16 contributions are disbursed to and accounted for on a pro rata basis by  
17 the benefiting candidates.

18 **Sec. 609.** RCW 42.17.125 and 1995 c 397 s 29 are each amended to  
19 read as follows:

20 Contributions received and reported in accordance with RCW  
21 42.17.060 through 42.17.090 (as recodified by this act) may only be  
22 ~~((transferred))~~ paid to ~~((the personal account of))~~ a candidate, or  
23 ~~((of))~~ a treasurer or other individual or expended for such  
24 individual's personal use under the following circumstances:

25 (1) Reimbursement for or ~~((loans))~~ payments to cover lost earnings  
26 incurred as a result of campaigning or services performed for the  
27 political committee. ~~((Such))~~ Lost earnings shall be verifiable as  
28 unpaid salary, or when the individual is not salaried, as an amount not  
29 to exceed income received by the individual for services rendered  
30 during an appropriate, corresponding time period. All lost earnings  
31 incurred shall be documented and a record ~~((thereof))~~ shall be  
32 maintained by the ~~((individual))~~ candidate or the ~~((individual's~~  
33 ~~political))~~ candidate's authorized committee in accordance with RCW  
34 42.17.080 (as recodified by this act). ~~((The political committee shall~~  
35 ~~include a copy of such record when its expenditure for such~~  
36 ~~reimbursement is reported pursuant to RCW 42.17.090.))~~



1 (2) Reimbursement for direct out-of-pocket election campaign and  
2 postelection campaign related expenses made by the individual. To  
3 receive reimbursement from the political committee, the individual  
4 shall provide the political committee with written documentation as to  
5 the amount, date, and description of each expense, and the political  
6 committee shall include a copy of such information when its expenditure  
7 for such reimbursement is reported pursuant to RCW 42.17.090 (as  
8 recodified by this act).

9 (3) Repayment of loans made by the individual to political  
10 committees(~~(, which repayment)~~) shall be reported pursuant to RCW  
11 42.17.090 (as recodified by this act). However, contributions may not  
12 be used to reimburse a candidate for loans totaling more than (~~(three)~~)  
13 four thousand seven hundred dollars made by the candidate to the  
14 candidate's own (~~(political)~~) authorized committee (~~(or campaign)~~).

15 **Sec. 610.** RCW 42.17.660 and 2005 c 445 s 12 are each amended to  
16 read as follows:

17 For purposes of this chapter:

18 (1) A contribution by a political committee with funds that have  
19 all been contributed by one person who exercises exclusive control over  
20 the distribution of the funds of the political committee is a  
21 contribution by the controlling person.

22 (2) Two or more entities are treated as a single entity if one of  
23 the two or more entities is a subsidiary, branch, or department of a  
24 corporation that is participating in an election campaign or making  
25 contributions, or a local unit or branch of a trade association, labor  
26 union, or collective bargaining association that is participating in an  
27 election campaign or making contributions. All contributions made by  
28 a person or political committee whose contribution or expenditure  
29 activity is financed, maintained, or controlled by a trade association,  
30 labor union, collective bargaining organization, or the local unit of  
31 a trade association, labor union, or collective bargaining organization  
32 are considered made by the trade association, labor union, collective  
33 bargaining organization, or local unit of a trade association, labor  
34 union, or collective bargaining organization.

35 (3) The commission shall adopt rules to carry out this section and  
36 is not subject to the time restrictions of RCW 42.17.370(1) (as  
37 recodified by this act).

1           **Sec. 611.** RCW 42.17.720 and 1995 c 397 s 22 are each amended to  
2 read as follows:

3           (1) A loan is considered to be a contribution from the lender and  
4 any guarantor of the loan and is subject to the contribution  
5 limitations of this chapter. The full amount of the loan shall be  
6 attributed to the lender and to each guarantor.

7           (2) A loan to a candidate for public office or the candidate's  
8 (~~political~~) authorized committee must be by written agreement.

9           (3) The proceeds of a loan made to a candidate for public office:

10           (a) By a commercial lending institution;

11           (b) Made in the regular course of business; and

12           (c) On the same terms ordinarily available to members of the  
13 public, are not subject to the contribution limits of this chapter.

14           **Sec. 612.** RCW 42.17.740 and 1995 c 397 s 23 are each amended to  
15 read as follows:

16           (1) A person may not make a contribution of more than (~~fifty~~)  
17 eighty dollars, other than an in-kind contribution, except by a written  
18 instrument containing the name of the donor and the name of the payee.

19           (2) A political committee may not make a contribution, other than  
20 in-kind, except by a written instrument containing the name of the  
21 donor and the name of the payee.

22           **Sec. 613.** RCW 42.17.790 and 1995 c 397 s 27 are each amended to  
23 read as follows:

24           (1) Except as provided in subsection (2) of this section, a  
25 candidate for public office or the candidate's (~~political~~) authorized  
26 committee may not use or permit the use of contributions, whether or  
27 not surplus, solicited for or received by the candidate (~~for public~~  
28 ~~office~~) or the candidate's (~~political~~) authorized committee to  
29 further the candidacy of the individual for an office other than the  
30 office designated on the statement of organization. A contribution  
31 solicited for or received on behalf of the candidate (~~for public~~  
32 ~~office~~) is considered solicited or received for the candidacy for  
33 which the individual is then a candidate if the contribution is  
34 solicited or received before the general election(~~s~~) for which the  
35 candidate (~~for public office~~) is a nominee or is unopposed.

1 (2) With the written approval of the contributor, a candidate ((~~for~~  
2 ~~public office~~)) or the candidate's ((~~political~~)) authorized committee  
3 may use or permit the use of contributions, whether or not surplus,  
4 solicited for or received by the candidate ((~~for public office~~)) or the  
5 candidate's ((~~political~~)) authorized committee from that contributor to  
6 further the candidacy of the individual for an office other than the  
7 office designated on the statement of organization. If the contributor  
8 does not approve the use of his or her contribution to further the  
9 candidacy of the individual for an office other than the office  
10 designated on the statement of organization at the time of the  
11 contribution, the contribution must be considered surplus funds and  
12 disposed of in accordance with RCW 42.17.095 (as recodified by this  
13 act).

14 **Sec. 614.** RCW 42.17.680 and 2002 c 156 s 1 are each amended to  
15 read as follows:

16 (1) No employer or labor organization may increase the salary of an  
17 officer or employee, or ((~~give an emolument to~~)) compensate an officer,  
18 employee, or other person or entity, with the intention that the  
19 increase in salary, or the ((~~emolument~~)) compensation, or a part of it,  
20 be contributed or spent to support or oppose a candidate, state  
21 official against whom recall charges have been filed, political party,  
22 or political committee.

23 (2) No employer or labor organization may discriminate against an  
24 officer or employee in the terms or conditions of employment for (a)  
25 the failure to contribute to, (b) the failure in any way to support or  
26 oppose, or (c) in any way supporting or opposing a candidate, ballot  
27 proposition, political party, or political committee. At least  
28 annually, an employee from whom wages or salary are withheld under  
29 subsection (3) of this section shall be notified of the provisions of  
30 this subsection.

31 (3) No employer or other person or entity responsible for the  
32 disbursement of funds in payment of wages or salaries may withhold or  
33 divert a portion of an employee's wages or salaries for contributions  
34 to political committees or for use as political contributions except  
35 upon the written request of the employee. The request must be made on  
36 a form prescribed by the commission informing the employee of the  
37 prohibition against employer and labor organization discrimination

1 described in subsection (2) of this section. The employee may revoke  
2 the request at any time. At least annually, the employee shall be  
3 notified about the right to revoke the request.

4 (4) Each person or entity who withholds contributions under  
5 subsection (3) of this section shall maintain open for public  
6 inspection for a period of no less than three years, during normal  
7 business hours, documents and books of accounts that shall include a  
8 copy of each employee's request, the amounts and dates funds were  
9 actually withheld, and the amounts and dates funds were transferred to  
10 a political committee. Copies of such information shall be delivered  
11 to the commission upon request.

12 **PART 7**

13 **PUBLIC OFFICIALS', EMPLOYEES', AND AGENCIES' CAMPAIGN**  
14 **RESTRICTIONS, PROHIBITIONS, AND REPORTING**

15 **Sec. 701.** RCW 42.17.130 and 2006 c 215 s 2 are each amended to  
16 read as follows:

17 No elective official nor any employee of his (~~(for her)~~) or her  
18 office nor any person appointed to or employed by any public office or  
19 agency may use or authorize the use of any of the facilities of a  
20 public office or agency, directly or indirectly, for the purpose of  
21 assisting a campaign for election of any person to any office or for  
22 the promotion of or opposition to any ballot proposition. Facilities  
23 of a public office or agency include, but are not limited to, use of  
24 stationery, postage, machines, and equipment, use of employees of the  
25 office or agency during working hours, vehicles, office space,  
26 publications of the office or agency, and clientele lists of persons  
27 served by the office or agency. However, this does not apply to the  
28 following activities:

29 (1) Action taken at an open public meeting by members of an elected  
30 legislative body or by an elected board, council, or commission of a  
31 special purpose district including, but not limited to, fire districts,  
32 public hospital districts, library districts, park districts, port  
33 districts, public utility districts, school districts, sewer districts,  
34 and water districts, to express a collective decision, or to actually  
35 vote upon a motion, proposal, resolution, order, or ordinance, or to  
36 support or oppose a ballot proposition so long as (a) any required

1 notice of the meeting includes the title and number of the ballot  
2 proposition, and (b) members of the legislative body, members of the  
3 board, council, or commission of the special purpose district, or  
4 members of the public are afforded an approximately equal opportunity  
5 for the expression of an opposing view;

6 (2) A statement by an elected official in support of or in  
7 opposition to any ballot proposition at an open press conference or in  
8 response to a specific inquiry;

9 (3) Activities which are part of the normal and regular conduct of  
10 the office or agency.

11 (4) This section does not apply to any person who is a state  
12 officer or state employee as defined in RCW 42.52.010.

13 **Sec. 702.** RCW 42.17.245 and 2005 c 274 s 282 are each amended to  
14 read as follows:

15 After January 1st and before April 15th of each calendar year, the  
16 state treasurer, each county, public utility district, and port  
17 district treasurer, and each treasurer of an incorporated city or town  
18 whose population exceeds one thousand shall file with the commission:

19 (1) A statement under oath that no public funds under that  
20 treasurer's control were invested in any institution where the  
21 treasurer or, in the case of a county, a member of the county finance  
22 committee, held during the reporting period an office, directorship,  
23 partnership interest, or ownership interest; or

24 (2) A report disclosing for the previous calendar year: (a) The  
25 name and address of each financial institution in which the treasurer  
26 or, in the case of a county, a member of the county finance committee,  
27 held during the reporting period an office, directorship, partnership  
28 interest, or ownership interest which holds or has held during the  
29 reporting period public accounts of the governmental entity for which  
30 the treasurer is responsible; (b) the aggregate sum of time and demand  
31 deposits held in each such financial institution on December 31; and  
32 (c) the highest balance held at any time during such reporting  
33 period(~~(+—PROVIDED, That)~~). The state treasurer shall disclose the  
34 highest balance information only upon a public records request under  
35 chapter 42.56 RCW. The statement or report required by this section  
36 shall be filed either with the statement required under RCW 42.17.240  
37 (as recodified by this act) or separately.

PART 8

LOBBYING DISCLOSURE AND RESTRICTIONS

Sec. 801. RCW 42.17.150 and 1987 c 201 s 1 are each amended to read as follows:

(1) Before (~~doing any~~) lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, (~~showing~~) that includes the following information:

(a) (~~His~~) The lobbyist's name, permanent business address, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of (~~his~~) the lobbyist's employment;

(d) (~~His~~) The compensation to be received for lobbying(~~or how much he is~~), the amount to be paid for expenses, and what expenses are to be reimbursed;

(e) Whether the (~~person from whom he receives said compensation employs him~~) lobbyist is employed solely as a lobbyist or whether (~~he~~) the lobbyist is a regular employee performing services for his or her employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects (~~of his legislative interest~~) to be lobbied;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations, or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments, or other consideration paid to such entity during either of the prior two years have exceeded five hundred

1 dollars or who is obligated to or has agreed to pay fees, dues,  
2 payments, or other consideration exceeding five hundred dollars to such  
3 entity during the current year.

4 (2) Any lobbyist who receives or is to receive compensation from  
5 more than one person for (~~his services as a lobbyist~~) lobbying shall  
6 file a separate notice of representation (~~with respect to~~) for each  
7 (~~such~~) person(~~; except that where a lobbyist whose fee for acting as~~  
8 ~~such in respect to the same legislation or type of legislation is, or~~  
9 ~~is to be, paid or contributed to by more than one person then such~~  
10 ~~lobbyist may file a single statement, in which he shall detail the~~  
11 ~~name, business address and occupation of each person so paying or~~  
12 ~~contributing, and the amount of the respective payments or~~  
13 ~~contributions made by each such person~~). However, if two or more  
14 persons are jointly paying or contributing to the payment of the  
15 lobbyist, the lobbyist may file a single statement detailing the name,  
16 business address, and occupation of each person paying or contributing  
17 and the respective amounts to be paid or contributed.

18 (3) Whenever a change, modification, or termination of the  
19 lobbyist's employment occurs, the lobbyist shall(~~;~~) file with the  
20 commission an amended registration statement within one week of  
21 (~~such~~) the change, modification, or termination(~~;~~ ~~furnish full~~  
22 ~~information regarding the same by filing with the commission an amended~~  
23 ~~registration statement~~)).

24 (4) Each registered lobbyist (~~who has registered~~) shall file a  
25 new registration statement, revised as appropriate, on the second  
26 Monday in January of each odd-numbered year(~~;~~ ~~and~~). Failure to do so  
27 (~~shall~~) terminates (~~his~~) the lobbyist's registration.

28 **Sec. 802.** RCW 42.17.155 and 1995 c 397 s 6 are each amended to  
29 read as follows:

30 Each lobbyist shall at the time he or she registers submit to the  
31 commission a recent photograph of himself or herself of a size and  
32 format as determined by rule of the commission, together with the name  
33 of the lobbyist's employer, the length of his or her employment as a  
34 lobbyist before the legislature, a brief biographical description, and  
35 any other information he or she may wish to submit not to exceed fifty  
36 words in length. (~~Such~~) The photograph and information shall be

1 published by the commission at least biennially in a booklet form (~~by~~  
2 ~~the commission~~) for distribution to legislators and the public.

3 **Sec. 803.** RCW 42.17.160 and 1998 c 55 s 3 are each amended to read  
4 as follows:

5 The following persons and activities (~~shall be~~) are exempt from  
6 registration and reporting under RCW 42.17.150, 42.17.170, and  
7 42.17.200 (as recodified by this act):

8 (1) Persons who limit their lobbying activities to appearing before  
9 public sessions of committees of the legislature, or public hearings of  
10 state agencies;

11 (2) Activities by lobbyists or other persons whose participation  
12 has been solicited by an agency under RCW 34.05.310(2);

13 (3) News or feature reporting activities and editorial comment by  
14 working members of the press, radio, or television and the publication  
15 or dissemination thereof by a newspaper, book publisher, regularly  
16 published periodical, radio station, or television station;

17 (4) Persons who lobby without compensation or other consideration  
18 for acting as a lobbyist(~~(:—PROVIDED, Such)~~), if the person makes no  
19 expenditure for or on behalf of any member of the legislature or  
20 elected official or public officer or employee of the state of  
21 Washington in connection with such lobbying. The exemption contained  
22 in this subsection is intended to permit and encourage citizens of this  
23 state to lobby any legislator, public official, or state agency without  
24 incurring any registration or reporting obligation provided they do not  
25 exceed the limits stated above. Any person exempt under this  
26 subsection (4) may at his or her option register and report under this  
27 chapter;

28 (5) Persons who restrict their lobbying activities to no more than  
29 four days or parts (~~thereof~~) of four days during any three-month  
30 period and whose total expenditures during such three-month period for  
31 or on behalf of any one or more members of the legislature or state  
32 elected officials or public officers or employees of the state of  
33 Washington in connection with such lobbying do not exceed twenty-five  
34 dollars(~~(:—PROVIDED, That)~~). The commission shall (~~promulgate~~  
35 ~~regulations~~) adopt rules to require disclosure by persons exempt under  
36 this subsection or their employers or entities which sponsor or  
37 coordinate the lobbying activities of such persons if it determines



1 that such regulations are necessary to prevent frustration of the  
2 purposes of this chapter. Any person exempt under this subsection (5)  
3 may at his or her option register and report under this chapter;

4 (6) The governor;

5 (7) The lieutenant governor;

6 (8) Except as provided by RCW 42.17.190(1) (as recodified by this  
7 act), members of the legislature;

8 (9) Except as provided by RCW 42.17.190(1) (as recodified by this  
9 act), persons employed by the legislature for the purpose of aiding in  
10 the preparation or enactment of legislation or the performance of  
11 legislative duties;

12 (10) Elected officials, and officers and employees of any agency  
13 reporting under RCW 42.17.190(5) (as recodified by this act).

14 **Sec. 804.** RCW 42.17.170 and 1995 c 397 s 33 are each amended to  
15 read as follows:

16 (1) Any lobbyist registered under RCW 42.17.150 (as recodified by  
17 this act) and any person who lobbies shall file with the commission  
18 ~~((periodic))~~ monthly reports of his or her lobbying activities ~~((signed~~  
19 ~~by the lobbyist))~~. The reports shall be made in the form and manner  
20 prescribed by the commission and must be signed by the lobbyist.  
21 ~~((They shall be due monthly and))~~ The monthly report shall be filed  
22 within fifteen days after the last day of the calendar month covered by  
23 the report.

24 (2) ~~((Each such))~~ The monthly ~~((periodic))~~ report shall contain:

25 (a) The totals of all expenditures for lobbying activities made or  
26 incurred by ~~((such))~~ the lobbyist or on behalf of ~~((such))~~ the lobbyist  
27 by the lobbyist's employer during the period covered by the report.  
28 ~~((Such))~~ Expenditure totals for lobbying activities shall be segregated  
29 according to financial category, including compensation; food and  
30 refreshments; living accommodations; advertising; travel;  
31 contributions; and other expenses or services. Each individual  
32 expenditure of more than twenty-five dollars for entertainment shall be  
33 identified by date, place, amount, and the names of all persons ~~((in~~  
34 ~~the group partaking in or of such))~~ taking part in the entertainment,  
35 along with the dollar amount attributable to each person, including  
36 ~~((any portion thereof attributable to))~~ the lobbyist's ~~((participation~~

1 ~~therein, and shall include amounts actually expended on each person~~  
2 ~~where calculable, or allocating any portion of the expenditure to~~  
3 ~~individual participants.~~

4 ~~Notwithstanding the foregoing, lobbyists are not required to report~~  
5 ~~the following:~~

6 ~~(i) Unreimbursed personal living and travel expenses not incurred~~  
7 ~~directly for lobbying;~~

8 ~~(ii) Any expenses incurred for his or her own living~~  
9 ~~accommodations;~~

10 ~~(iii) Any expenses incurred for his or her own travel to and from~~  
11 ~~hearings of the legislature;~~

12 ~~(iv) Any expenses incurred for telephone, and any office expenses,~~  
13 ~~including rent and salaries and wages paid for staff and secretarial~~  
14 ~~assistance)) portion.~~

15 (b) In the case of a lobbyist employed by more than one employer,  
16 the proportionate amount of ((such)) expenditures in each category  
17 incurred on behalf of each of ((his)) the lobbyist's employers.

18 (c) An itemized listing of each ((such expenditure)) contribution  
19 of money or of tangible or intangible personal property, whether  
20 contributed by the lobbyist personally or delivered or transmitted by  
21 the lobbyist, ((in the nature of a contribution of money or of tangible  
22 or intangible personal property)) to any candidate, elected official,  
23 or officer or employee of any agency, or any political committee  
24 supporting or opposing any ballot proposition, or for or on behalf of  
25 any candidate, elected official, or officer or employee of any agency,  
26 or any political committee supporting or opposing any ballot  
27 proposition. All contributions made to, or for the benefit of, any  
28 candidate, elected official, or officer or employee of any agency, or  
29 any political committee supporting or opposing any ballot proposition  
30 shall be identified by date, amount, and the name of the candidate,  
31 elected official, or officer or employee of any agency, or any  
32 political committee supporting or opposing any ballot proposition  
33 receiving, or to be benefited by each such contribution.

34 (d) The subject matter of proposed legislation or other legislative  
35 activity or rule((-)) making under chapter 34.05 RCW, the state  
36 administrative procedure act, and the state agency considering the  
37 same, which the lobbyist has been engaged in supporting or opposing

1 during the reporting period, unless exempt under RCW 42.17.160(2) (as  
2 recodified by this act).

3 ~~(e) ((Such other information relevant to lobbying activities as the~~  
4 ~~commission shall by rule prescribe. Information supporting such~~  
5 ~~activities as are required to be reported is subject to audit by the~~  
6 ~~commission.~~

7 ~~(f))~~ A listing of each payment for an item specified in RCW  
8 42.52.150(5) in excess of fifty dollars and each item specified in RCW  
9 42.52.010(~~(+9))~~ (10) (d) and (f) made to a state elected official,  
10 state officer, or state employee. Each item shall be identified by  
11 recipient, date, and approximate value of the item.

12 ~~((+g))~~ (f) The total expenditures ~~((made))~~ paid or incurred during  
13 the reporting period by the lobbyist for lobbying purposes, whether  
14 through or on behalf of a lobbyist or otherwise~~((As used in this~~  
15 ~~subsection, "expenditures" includes amounts paid or incurred during the~~  
16 ~~reporting period))~~, for (i) political advertising as defined in RCW  
17 42.17.020 (as recodified by this act); and (ii) public relations,  
18 telemarketing, polling, or similar activities if ~~((such))~~ the  
19 activities, directly or indirectly, are intended, designed, or  
20 calculated to influence legislation or the adoption or rejection of a  
21 rule, standard, or rate by an agency under the administrative procedure  
22 act. The report shall specify the amount, the person to whom the  
23 amount was paid, and a brief description of the activity.

24 (3) ~~((If a state elected official or a member of such an official's~~  
25 ~~immediate family is identified by a lobbyist in such a report as having~~  
26 ~~received from the lobbyist an item specified in RCW 42.52.150(5) or~~  
27 ~~42.52.010(9) (d) or (f), the lobbyist shall transmit to the official a~~  
28 ~~copy of the completed form used to identify the item in the report at~~  
29 ~~the same time the report is filed with the commission))~~ Lobbyists are  
30 not required to report the following:

31 (a) Unreimbursed personal living and travel expenses not incurred  
32 directly for lobbying;

33 (b) Any expenses incurred for his or her own living accommodations;

34 (c) Any expenses incurred for his or her own travel to and from  
35 hearings of the legislature;

36 (d) Any expenses incurred for telephone, and any office expenses,  
37 including rent and salaries and wages paid for staff and secretarial  
38 assistance.

1 (4) The commission may adopt rules to vary the content of lobbyist  
2 reports to address specific circumstances, consistent with this  
3 section. Lobbyist reports are subject to audit by the commission.

4 **Sec. 805.** RCW 42.17.172 and 1993 c 2 s 32 are each amended to read  
5 as follows:

6 (1) When a listing or a report of contributions is made to the  
7 commission under RCW 42.17.170(2)(c) (as recodified by this act), a  
8 copy of the listing or report must be given to the candidate, elected  
9 official, professional staff member of the legislature, or officer or  
10 employee of an agency, or a political committee supporting or opposing  
11 a ballot proposition named in the listing or report.

12 (2) If a state elected official or a member of the official's  
13 immediate family is identified by a lobbyist in a lobbyist report as  
14 having received from the lobbyist an item specified in RCW 42.52.150(5)  
15 or 42.52.010(10) (d) or (f), the lobbyist shall transmit to the  
16 official a copy of the completed form used to identify the item in the  
17 report at the same time the report is filed with the commission.

18 **Sec. 806.** RCW 42.17.175 and 2001 c 54 s 3 are each amended to read  
19 as follows:

20 Any lobbyist registered under RCW 42.17.150 (as recodified by this  
21 act), any person who lobbies, and any lobbyist's employer making a  
22 contribution or an aggregate of contributions to a single entity that  
23 is one thousand dollars or more during a special reporting period, as  
24 specified in RCW 42.17.105 (as recodified by this act), before a  
25 primary or general election(~~(, as such period is specified in RCW~~  
26 ~~42.17.105(1),)~~) shall file one or more special reports (~~(for the~~  
27 ~~contribution or aggregate of contributions and for subsequent~~  
28 ~~contributions made during that period under the same circumstances)) in~~  
29 the same manner and to the same extent that a contributing political  
30 committee must file (~~(such a report or reports))~~ under RCW 42.17.105  
31 (as recodified by this act). (~~(Such a special report shall be filed in~~  
32 ~~the same manner provided under RCW 42.17.105 for a special report of a~~  
33 ~~contributing political committee.)~~)

34 **Sec. 807.** RCW 42.17.180 and 1993 c 2 s 27 are each amended to read  
35 as follows:

1 (1) Every employer of a lobbyist registered under this chapter  
2 during the preceding calendar year and every person other than an  
3 individual that made contributions aggregating to more than ((~~ten~~)  
4 sixteen thousand dollars or independent expenditures aggregating to  
5 more than ((~~five~~) eight hundred dollars during the preceding calendar  
6 year shall file with the commission on or before the last day of  
7 February of each year a statement disclosing for the preceding calendar  
8 year the following information:

9 (a) The name of each state elected official and the name of each  
10 candidate for state office who was elected to the office and any member  
11 of the immediate family of those persons to whom the person reporting  
12 has paid any compensation in the amount of ((~~five~~) eight hundred  
13 dollars or more during the preceding calendar year for personal  
14 employment or professional services, including professional services  
15 rendered by a corporation, partnership, joint venture, association,  
16 union, or other entity in which the person holds any office,  
17 directorship, or any general partnership interest, or an ownership  
18 interest of ten percent or more, the value of the compensation in  
19 accordance with the reporting provisions set out in RCW 42.17.241(2)  
20 (as recodified by this act), and the consideration given or performed  
21 in exchange for the compensation.

22 (b) The name of each state elected official, successful candidate  
23 for state office, or members of his or her immediate family to whom the  
24 person reporting made expenditures, directly or indirectly, either  
25 through a lobbyist or otherwise, the amount of the expenditures and the  
26 purpose for the expenditures. For the purposes of this subsection,  
27 ((~~the term~~)) "expenditure" shall not include any expenditure made by  
28 the employer in the ordinary course of business if the expenditure is  
29 not made for the purpose of influencing, honoring, or benefiting the  
30 elected official, successful candidate, or member of his immediate  
31 family, as an elected official or candidate.

32 (c) The total expenditures made by the person reporting for  
33 lobbying purposes, whether through or on behalf of a registered  
34 lobbyist or otherwise.

35 (d) All contributions made to a political committee supporting or  
36 opposing a candidate for state office, or to a political committee  
37 supporting or opposing a statewide ballot proposition. Such

1 contributions shall be identified by the name and the address of the  
2 recipient and the aggregate amount contributed to each such recipient.

3 (e) The name and address of each registered lobbyist employed by  
4 the person reporting and the total expenditures made by (~~such~~) the  
5 person reporting for each (~~such~~) lobbyist for lobbying purposes.

6 (f) The names, offices sought, and party affiliations of candidates  
7 for state offices supported or opposed by independent expenditures of  
8 the person reporting and the amount of each such expenditure.

9 (g) The identifying proposition number and a brief description of  
10 any statewide ballot proposition supported or opposed by expenditures  
11 not reported under (d) of this subsection and the amount of each such  
12 expenditure.

13 (h) (~~Such~~) Any other information (~~as~~) the commission prescribes  
14 by rule.

15 (2)(a) Except as provided in (b) of this subsection, an employer of  
16 a lobbyist registered under this chapter shall file a special report  
17 with the commission if the employer makes a contribution or  
18 contributions aggregating more than one hundred dollars in a calendar  
19 month to any one of the following: A candidate, elected official,  
20 officer or employee of an agency, or political committee. The report  
21 shall identify the date and amount of each such contribution and the  
22 name of the candidate, elected official, agency officer or employee, or  
23 political committee receiving the contribution or to be benefited by  
24 the contribution. The report shall be filed on a form prescribed by  
25 the commission and shall be filed within fifteen days after the last  
26 day of the calendar month during which the contribution was made.

27 (b) The provisions of (a) of this subsection do not apply to a  
28 contribution (~~which~~) that is made through a registered lobbyist and  
29 reportable under RCW 42.17.170 (as recodified by this act).

30 **Sec. 808.** RCW 42.17.190 and 1995 c 397 s 7 are each amended to  
31 read as follows:

32 (1) The house of representatives and the senate shall report  
33 annually: The total budget; the portion of the total attributed to  
34 staff; and the number of full-time and part-time staff positions by  
35 assignment, with dollar figures as well as number of positions.

36 (2) Unless authorized by subsection (3) of this section or  
37 otherwise expressly authorized by law, no public funds may be used

1 directly or indirectly for lobbying(~~(+PROVIDED)~~). However, this does  
2 not prevent officers or employees of an agency from communicating with  
3 a member of the legislature on the request of that member; or  
4 communicating to the legislature, through the proper official channels,  
5 requests for legislative action or appropriations (~~(which)~~) that are  
6 deemed necessary for the efficient conduct of the public business or  
7 actually made in the proper performance of their official duties(~~(+  
8 PROVIDED FURTHER, That)~~). This subsection does not apply to the  
9 legislative branch.

10 (3) Any agency, not otherwise expressly authorized by law, may  
11 expend public funds for lobbying, but such lobbying activity shall be  
12 limited to (a) providing information or communicating on matters  
13 pertaining to official agency business to any elected official or  
14 officer or employee of any agency or (b) advocating the official  
15 position or interests of the agency to any elected official or officer  
16 or employee of any agency(~~(+PROVIDED, That)~~). Public funds may not  
17 be expended as a direct or indirect gift or campaign contribution to  
18 any elected official or officer or employee of any agency. For the  
19 purposes of this subsection, (~~(the term)~~) "gift" means a voluntary  
20 transfer of any thing of value without consideration of equal or  
21 greater value, but does not include informational material transferred  
22 for the sole purpose of informing the recipient about matters  
23 pertaining to official agency business. This section does not permit  
24 the printing of a state publication (~~(which)~~) that has been otherwise  
25 prohibited by law.

26 (4) No elective official or any employee of his or her office or  
27 any person appointed to or employed by any public office or agency may  
28 use or authorize the use of any of the facilities of a public office or  
29 agency, directly or indirectly, in any effort to support or oppose an  
30 initiative to the legislature. "Facilities of a public office or  
31 agency" has the same meaning as in RCW 42.17.130 (as recodified by this  
32 act) and 42.52.180. The provisions of this subsection shall not apply  
33 to the following activities:

34 (a) Action taken at an open public meeting by members of an elected  
35 legislative body to express a collective decision, or to actually vote  
36 upon a motion, proposal, resolution, order, or ordinance, or to support  
37 or oppose an initiative to the legislature so long as (i) any required  
38 notice of the meeting includes the title and number of the initiative

1 to the legislature, and (ii) members of the legislative body or members  
2 of the public are afforded an approximately equal opportunity for the  
3 expression of an opposing view;

4 (b) A statement by an elected official in support of or in  
5 opposition to any initiative to the legislature at an open press  
6 conference or in response to a specific inquiry;

7 (c) Activities (~~(which)~~) that are part of the normal and regular  
8 conduct of the office or agency;

9 (d) Activities conducted regarding an initiative to the legislature  
10 that would be permitted under RCW 42.17.130 (as recodified by this act)  
11 and 42.52.180 if conducted regarding other ballot measures.

12 (5) Each state agency, county, city, town, municipal corporation,  
13 quasi-municipal corporation, or special purpose district (~~(which)~~) that  
14 expends public funds for lobbying shall file with the commission,  
15 except as exempted by (d) of this subsection, quarterly statements  
16 providing the following information for the quarter just completed:

17 (a) The name of the agency filing the statement;

18 (b) The name, title, and job description and salary of each elected  
19 official, officer, or employee who lobbied, a general description of  
20 the nature of the lobbying, and the proportionate amount of time spent  
21 on the lobbying;

22 (c) A listing of expenditures incurred by the agency for lobbying  
23 including but not limited to travel, consultant or other special  
24 contractual services, and brochures and other publications, the  
25 principal purpose of which is to influence legislation;

26 (d) For purposes of this subsection (~~(the term)~~), "lobbying" does  
27 not include:

28 (i) Requests for appropriations by a state agency to the office of  
29 financial management pursuant to chapter 43.88 RCW nor requests by the  
30 office of financial management to the legislature for appropriations  
31 other than its own agency budget requests;

32 (ii) Recommendations or reports to the legislature in response to  
33 a legislative request expressly requesting or directing a specific  
34 study, recommendation, or report by an agency on a particular subject;

35 (iii) Official reports including recommendations submitted to the  
36 legislature on an annual or biennial basis by a state agency as  
37 required by law;



1 (iv) Requests, recommendations, or other communication between or  
2 within state agencies or between or within local agencies;

3 (v) Any other lobbying to the extent that it includes:

4 (A) Telephone conversations or preparation of written  
5 correspondence;

6 (B) In-person lobbying on behalf of an agency of no more than four  
7 days or parts thereof during any three-month period by officers or  
8 employees of that agency and in-person lobbying by any elected official  
9 of such agency on behalf of such agency or in connection with the  
10 powers, duties, or compensation of such official(~~(:—PROVIDED, That)~~).  
11 The total expenditures of nonpublic funds made in connection with such  
12 lobbying for or on behalf of any one or more members of the legislature  
13 or state elected officials or public officers or employees of the state  
14 of Washington ((~~de~~)) may not exceed fifteen dollars for any three-month  
15 period((:—PROVIDED FURTHER, That)). The exemption under this  
16 subsection (5)(d)(v)(B) is in addition to the exemption provided in  
17 (d)(v)(A) of this subsection;

18 (C) Preparation or adoption of policy positions.

19 The statements shall be in the form and the manner prescribed by  
20 the commission and shall be filed within one month after the end of the  
21 quarter covered by the report.

22 (6) In lieu of reporting under subsection (5) of this section, any  
23 county, city, town, municipal corporation, quasi municipal corporation,  
24 or special purpose district may determine and so notify the public  
25 disclosure commission(~~(7)~~) that elected officials, officers, or  
26 employees who, on behalf of any such local agency, engage in lobbying  
27 reportable under subsection (5) of this section shall register and  
28 report such reportable lobbying in the same manner as a lobbyist who is  
29 required to register and report under RCW 42.17.150 and 42.17.170 (as  
30 recodified by this act). Each such local agency shall report as a  
31 lobbyist employer pursuant to RCW 42.17.180 (as recodified by this  
32 act).

33 (7) The provisions of this section do not relieve any elected  
34 official or officer or employee of an agency from complying with other  
35 provisions of this chapter, if such elected official, officer, or  
36 employee is not otherwise exempted.

37 (8) The purpose of this section is to require each state agency and  
38 certain local agencies to report the identities of those persons who

1 lobby on behalf of the agency for compensation, together with certain  
2 separately identifiable and measurable expenditures of an agency's  
3 funds for that purpose. This section shall be reasonably construed to  
4 accomplish that purpose and not to require any agency to report any of  
5 its general overhead cost or any other costs (~~(which)~~) that relate only  
6 indirectly or incidentally to lobbying or (~~(which)~~) that are equally  
7 attributable to or inseparable from nonlobbying activities of the  
8 agency.

9 The public disclosure commission may adopt rules clarifying and  
10 implementing this legislative interpretation and policy.

11 **Sec. 809.** RCW 42.17.200 and 1990 c 139 s 5 are each amended to  
12 read as follows:

13 (1) Any person who has made expenditures, not reported by a  
14 registered lobbyist under RCW 42.17.170 (as recodified by this act) or  
15 by a candidate or political committee under RCW 42.17.065 or 42.17.080  
16 (as recodified by this act), exceeding (~~(five hundred)~~) one thousand  
17 dollars in the aggregate within any three-month period or exceeding  
18 (~~(two)~~) five hundred dollars in the aggregate within any one-month  
19 period in presenting a program (~~(addressed)~~) to the public, a  
20 substantial portion of which is intended, designed, or calculated  
21 primarily to influence legislation shall (~~(be required to)~~) register  
22 and report, as provided in subsection (2) of this section, as a sponsor  
23 of a grass roots lobbying campaign.

24 (2) Within thirty days after becoming a sponsor of a grass roots  
25 lobbying campaign, the sponsor shall register by filing with the  
26 commission a registration statement, in such detail as the commission  
27 shall prescribe, showing:

28 (a) The sponsor's name, address, and business or occupation, and,  
29 if the sponsor is not an individual, the names, addresses, and titles  
30 of the controlling persons responsible for managing the sponsor's  
31 affairs;

32 (b) The names, addresses, and business or occupation of all persons  
33 organizing and managing the campaign, or hired to assist the campaign,  
34 including any public relations or advertising firms participating in  
35 the campaign, and the terms of compensation for all such persons;

36 (c) The names and addresses of each person contributing twenty-five  
37 dollars or more to the campaign, and the aggregate amount contributed;

1 (d) The purpose of the campaign, including the specific  
2 legislation, rules, rates, standards, or proposals that are the subject  
3 matter of the campaign;

4 (e) The totals of all expenditures made or incurred to date on  
5 behalf of the campaign(~~(, which totals shall be)~~) segregated according  
6 to financial category, including but not limited to the following:  
7 Advertising, segregated by media, and in the case of large expenditures  
8 (as provided by rule of the commission), by outlet; contributions;  
9 entertainment, including food and refreshments; office expenses  
10 including rent and the salaries and wages paid for staff and  
11 secretarial assistance, or the proportionate amount (~~(thereof)~~) paid or  
12 incurred for lobbying campaign activities; consultants; and printing  
13 and mailing expenses.

14 (3) Every sponsor who has registered under this section shall file  
15 monthly reports with the commission(~~(, which reports shall be filed)~~)  
16 by the tenth day of the month for the activity during the preceding  
17 month. The reports shall update the information contained in the  
18 sponsor's registration statement and in prior reports and shall show  
19 contributions received and totals of expenditures made during the  
20 month, in the same manner as provided for in the registration  
21 statement.

22 (4) When the campaign has been terminated, the sponsor shall file  
23 a notice of termination with the final monthly report(~~(, which~~  
24 ~~notice)~~). The final report shall state the totals of all contributions  
25 and expenditures made on behalf of the campaign, in the same manner as  
26 provided for in the registration statement.

27 **Sec. 810.** RCW 42.17.210 and 1973 c 1 s 21 are each amended to read  
28 as follows:

29 If any person registered or required to be registered as a lobbyist  
30 (~~(under this chapter employs)~~), or ((if)) any employer of any person  
31 registered or required to be registered as a lobbyist (~~(under this~~  
32 ~~chapter)~~), employs ((any)) a member or an employee of the legislature,  
33 ((~~or any~~)) a member of ((any)) a state board or commission, ((~~or any~~  
34 ~~employee of the legislature,~~)) or ((any)) a full-time state employee,  
35 ((if such)) and that new employee ((shall)) remains in the partial  
36 employ of the state ((~~or any agency thereof, then~~)), the new employer  
37 ((shall)) must file within fifteen days after employment a statement

1 (~~under oath~~) with the commission, signed under oath, setting out the  
2 nature of the employment, the name of the person (~~to be paid~~  
3 ~~thereunder~~) employed, and the amount of pay or consideration (~~to be~~  
4 ~~paid thereunder~~. ~~The statement shall be filed within fifteen days~~  
5 ~~after the commencement of such employment~~)).

6 **Sec. 811.** RCW 42.17.220 and 1973 c 1 s 22 are each amended to read  
7 as follows:

8 It (~~shall be~~) is a violation of this chapter for any person to  
9 employ for pay or any consideration, or pay or agree to pay any  
10 consideration to, a person to lobby who is not registered under this  
11 chapter except upon the condition that such a person must register as  
12 a lobbyist as provided by this chapter(~~, and such person does in fact~~  
13 ~~so register as soon as practicable~~)).

14 **Sec. 812.** RCW 42.17.230 and 1987 c 201 s 2 are each amended to  
15 read as follows:

16 (1) A person required to register as a lobbyist under (~~this~~  
17 ~~chapter shall also have the following obligations, the violation of~~  
18 ~~which shall constitute cause for revocation of his registration, and~~  
19 ~~may subject such person, and such person's employer, if such employer~~  
20 ~~aids, abets, ratifies, or confirms any such act, to other civil~~  
21 ~~liabilities, as provided by this chapter:~~

22 ~~(1) Such persons shall obtain and preserve all~~) RCW 42.17.150 (as  
23 recodified by this act) shall substantiate financial reports required  
24 to be made under this chapter with accounts, bills, receipts, books,  
25 papers, and other necessary documents (~~necessary to substantiate the~~  
26 ~~financial reports required to be made under this chapter~~). All such  
27 documents must be obtained and preserved for a period of at least five  
28 years from the date of (~~the~~) filing (~~of~~) the statement containing  
29 such items(~~, which accounts, bills, receipts, books, papers, and~~  
30 ~~documents~~) and shall be made available for inspection by the  
31 commission at any time(~~: PROVIDED, That if a lobbyist is required~~  
32 ~~under~~). If the terms of (~~his~~) the lobbyist's employment contract  
33 (~~to turn any~~) require that these records be turned over to his or her  
34 employer, responsibility for the preservation and inspection of  
35 (~~such~~) these records under this subsection shall (~~rest~~) be with  
36 such employer.

1 (2) ~~((In addition,))~~ A person required to register as a lobbyist  
2 under RCW 42.17.150 (as recodified by this act) shall not:

3 (a) Engage in any lobbying activity ~~((as a lobbyist))~~ before  
4 registering as ~~((such))~~ a lobbyist;

5 (b) Knowingly deceive or attempt to deceive ~~((any))~~ a legislator  
6 ~~((as to any fact))~~ regarding the facts pertaining to any pending or  
7 proposed legislation;

8 (c) Cause or influence the introduction of ~~((any))~~ a bill or  
9 amendment ~~((thereto))~~ to that bill for the purpose of ~~((thereafter))~~  
10 later being employed to secure its defeat;

11 (d) Knowingly represent an interest adverse to ~~((any of))~~ his or  
12 her employer~~((s))~~ without ~~((first))~~ full disclosure of the adverse  
13 interest to the employer and obtaining ~~((such))~~ the employer's written  
14 consent ~~((thereto after full disclosure to such employer of such~~  
15 ~~adverse interest))~~;

16 (e) Exercise any undue influence, extortion, or unlawful  
17 retaliation upon any legislator ~~((by reason of such))~~ due to the  
18 legislator's position ~~((with respect to, or his vote upon,))~~ or vote on  
19 any pending or proposed legislation;

20 (f) Enter into any agreement, arrangement, or understanding  
21 ~~((according to which his or her))~~ in which any portion of his or her  
22 compensation~~((, or any portion thereof,))~~ is or will be contingent upon  
23 ~~((the))~~ his or her success ~~((of any attempt to influence))~~ in  
24 influencing legislation.

25 (3) A violation by a lobbyist of this section shall be cause for  
26 revocation of his or her registration, and may subject the lobbyist and  
27 the lobbyist's employer, if the employer aids, abets, ratifies, or  
28 confirms the violation, to other civil liabilities as provided by this  
29 chapter.

30 **PART 9**

31 **PERSONAL FINANCIAL AFFAIRS REPORTING**

32 **BY CANDIDATES AND PUBLIC OFFICIALS**

33 **Sec. 901.** RCW 42.17.240 and 1995 c 397 s 8 are each amended to  
34 read as follows:

35 (1) After January 1st and before April 15th of each year, every  
36 elected official and every executive state officer shall ((after

1 January 1st and before April 15th of each year)) file with the  
2 commission a statement of financial affairs for the preceding calendar  
3 year. However, any local elected official whose term of office  
4 (~~(expires immediately after)~~) ends on December 31st shall file the  
5 statement required to be filed by this section for the final year  
6 (~~(that ended on that December 31st)~~) of his or her term.

7 (2) Within two weeks of becoming a candidate, every candidate shall  
8 (~~(within two weeks of becoming a candidate)~~) file with the commission  
9 a statement of financial affairs for the preceding twelve months.

10 (3) Within two weeks of appointment, every person appointed to a  
11 vacancy in an elective office or executive state officer position shall  
12 (~~(within two weeks of being so appointed)~~) file with the commission a  
13 statement of financial affairs for the preceding twelve months.

14 (4) A statement of a candidate or appointee filed during the period  
15 from January 1st to April 15th shall cover the period from January 1st  
16 of the preceding calendar year to the time of candidacy or appointment  
17 if the filing of the statement would relieve the individual of a prior  
18 obligation to file a statement covering the entire preceding calendar  
19 year.

20 (5) No individual may be required to file more than once in any  
21 calendar year.

22 (6) Each statement of financial affairs filed under this section  
23 shall be sworn as to its truth and accuracy.

24 (7) Every elected official and every executive state officer shall  
25 file with their statement of financial affairs a statement certifying  
26 that they have read and are familiar with RCW 42.17.130 (as recodified  
27 by this act) or 42.52.180, whichever is applicable.

28 (8) For the purposes of this section, the term "executive state  
29 officer" includes those listed in RCW 42.17.2401.

30 (9) This section does not apply to incumbents or candidates for a  
31 federal office or the office of precinct committee officer.

32 **Sec. 902.** RCW 42.17.2401 and 2007 c 341 s 48, 2007 c 241 s 2, and  
33 2007 c 15 s 1 are each reenacted and amended to read as follows:

34 For the purposes of RCW 42.17.240 (as recodified by this act),  
35 (~~(the term)~~) "executive state officer" includes:

36 (1) The chief administrative law judge, the director of  
37 agriculture, (~~(the administrator of the Washington basic health plan,)~~)

1 the director of the department of services for the blind, the director  
2 of the state system of community and technical colleges, the director  
3 of community, trade, and economic development, the secretary of  
4 corrections, the director of early learning, the director of ecology,  
5 the commissioner of employment security, the chair of the energy  
6 facility site evaluation council, the secretary of the state finance  
7 committee, the director of financial management, the director of fish  
8 and wildlife, the executive secretary of the forest practices appeals  
9 board, the director of the gambling commission, the director of general  
10 administration, the secretary of health, the administrator of the  
11 Washington state health care authority, the executive secretary of the  
12 health care facilities authority, the executive secretary of the higher  
13 education facilities authority, the executive secretary of the horse  
14 racing commission, the executive secretary of the human rights  
15 commission, the executive secretary of the indeterminate sentence  
16 review board, the director of the department of information services,  
17 the executive director of the state investment board, the director of  
18 labor and industries, the director of licensing, the director of the  
19 lottery commission, the director of the office of minority and women's  
20 business enterprises, the director of parks and recreation, the  
21 director of personnel, the executive director of the public disclosure  
22 commission, the executive director of the Puget Sound partnership, the  
23 director of the recreation and conservation office, the director of  
24 retirement systems, the director of revenue, the secretary of social  
25 and health services, the chief of the Washington state patrol, the  
26 executive secretary of the board of tax appeals, the secretary of  
27 transportation, the secretary of the utilities and transportation  
28 commission, the director of veterans affairs, the president of each of  
29 the regional and state universities and the president of The Evergreen  
30 State College, and each district and each campus president of each  
31 state community college;

32 (2) Each professional staff member of the office of the governor;

33 (3) Each professional staff member of the legislature; and

34 (4) Central Washington University board of trustees, the boards of  
35 trustees of each community college and each technical college, each  
36 member of the state board for community and technical colleges, state  
37 convention and trade center board of directors, (~~(committee for~~  
38 ~~deferred compensation,)~~) Eastern Washington University board of

1 trustees, Washington economic development finance authority, The  
2 Evergreen State College board of trustees, executive ethics board,  
3 forest practices appeals board, forest practices board, gambling  
4 commission, life sciences discovery fund authority board of trustees,  
5 Washington health care facilities authority, (~~each member of the~~  
6 ~~Washington health services commission,~~) higher education coordinating  
7 board, higher education facilities authority, horse racing commission,  
8 state housing finance commission, human rights commission,  
9 indeterminate sentence review board, board of industrial insurance  
10 appeals, information services board, (~~recreation and conservation~~  
11 ~~funding board,~~) state investment board, commission on judicial  
12 conduct, legislative ethics board, liquor control board, lottery  
13 commission, (~~marine oversight board,~~) Pacific Northwest electric  
14 power and conservation planning council, parks and recreation  
15 commission, board of pilotage commissioners, pollution control hearings  
16 board, public disclosure commission, (~~public pension commission,~~)  
17 shorelines (~~hearing[s]~~) hearings board, public employees' benefits  
18 board, recreation and conservation funding board, salmon recovery  
19 funding board, board of tax appeals, transportation commission,  
20 University of Washington board of regents, utilities and transportation  
21 commission, (~~Washington state maritime commission,~~) Washington  
22 personnel resources board, Washington (~~public power supply system~~)  
23 energy northwest executive board, Washington State University board of  
24 regents, Western Washington University board of trustees, and fish and  
25 wildlife commission.

26 **Sec. 903.** RCW 42.17.241 and 2008 c 6 s 202 are each amended to  
27 read as follows:

28 (1) The statement of financial affairs required by RCW 42.17.240  
29 (as recodified by this act) shall disclose the following information  
30 for the reporting individual and each member of his or her immediate  
31 family:

32 (a) Occupation, name of employer, and business address; (~~and~~)

33 (b) Each bank (~~or~~) account, savings account (~~or~~), and insurance  
34 policy in which (~~any such person or persons owned~~) a direct financial  
35 interest (~~that exceeded five~~) was held that exceeds twenty thousand  
36 dollars at any time during the reporting period; each other item of  
37 intangible personal property in which (~~any such person or persons~~



1 owned)) a direct financial interest(~~(, the value of which exceeded five~~  
2 ~~hundred))~~ was held that exceeds two thousand dollars during the  
3 reporting period; the name, address, and nature of the entity; and the  
4 nature and highest value of each ((~~such~~)) direct financial interest  
5 during the reporting period; ((~~and~~))

6 (c) The name and address of each creditor to whom the value of  
7 ((~~five hundred~~)) two thousand dollars or more was owed; the original  
8 amount of each debt to each ((~~such~~)) creditor; the amount of each debt  
9 owed to each creditor as of the date of filing; the terms of repayment  
10 of each ((~~such~~)) debt; and the security given, if any, for each such  
11 debt(~~(: PROVIDED, That)~~). Debts arising ((out of)) from a "retail  
12 installment transaction" as defined in chapter 63.14 RCW (retail  
13 installment sales act) need not be reported; ((~~and~~))

14 (d) Every public or private office, directorship, and position held  
15 as trustee; ((~~and~~))

16 (e) All persons for whom any legislation, rule, rate, or standard  
17 has been prepared, promoted, or opposed for current or deferred  
18 compensation(~~(: PROVIDED, That)~~). For the purposes of this  
19 subsection, "compensation" does not include payments made to the person  
20 reporting by the governmental entity for which ((~~such~~)) the person  
21 serves as an elected official or state executive officer or  
22 professional staff member for his or her service in office; the  
23 description of such actual or proposed legislation, rules, rates, or  
24 standards; and the amount of current or deferred compensation paid or  
25 promised to be paid; ((~~and~~))

26 (f) The name and address of each governmental entity, corporation,  
27 partnership, joint venture, sole proprietorship, association, union, or  
28 other business or commercial entity from whom compensation has been  
29 received in any form of a total value of ((~~five hundred~~)) two thousand  
30 dollars or more; the value of the compensation; and the consideration  
31 given or performed in exchange for the compensation; ((~~and~~))

32 (g) The name of any corporation, partnership, joint venture,  
33 association, union, or other entity in which is held any office,  
34 directorship, or any general partnership interest, or an ownership  
35 interest of ten percent or more; the name or title of that office,  
36 directorship, or partnership; the nature of ownership interest; and  
37 ((~~with respect to each such entity~~)): (i) With respect to a  
38 governmental unit in which the official seeks or holds any office or

1 position, if the entity has received compensation in any form during  
2 the preceding twelve months from the governmental unit, the value of  
3 the compensation and the consideration given or performed in exchange  
4 for the compensation; and (ii) the name of each governmental unit,  
5 corporation, partnership, joint venture, sole proprietorship,  
6 association, union, or other business or commercial entity from which  
7 the entity has received compensation in any form in the amount of (~~two~~  
8 ~~thousand five hundred~~) ten thousand dollars or more during the  
9 preceding twelve months and the consideration given or performed in  
10 exchange for the compensation(~~(:—PROVIDED, That the term)~~). As used  
11 in (g)(ii) of this subsection, "compensation" (~~for purposes of this~~  
12 ~~subsection (1)(g)(ii)~~) does not include payment for water and other  
13 utility services at rates approved by the Washington state utilities  
14 and transportation commission or the legislative authority of the  
15 public entity providing the service(~~(:—PROVIDED, FURTHER, That)~~).  
16 With respect to any bank or commercial lending institution in which is  
17 held any office, directorship, partnership interest, or ownership  
18 interest, it shall only be necessary to report either the name,  
19 address, and occupation of every director and officer of the bank or  
20 commercial lending institution and the average monthly balance of each  
21 account held during the preceding twelve months by the bank or  
22 commercial lending institution from the governmental entity for which  
23 the individual is an official or candidate or professional staff  
24 member, or all interest paid by a borrower on loans from and all  
25 interest paid to a depositor by the bank or commercial lending  
26 institution if the interest exceeds (~~(six)~~) two thousand four  
27 dollars; (~~and~~)

28 (h) A list, including legal or other sufficient descriptions as  
29 prescribed by the commission, of all real property in the state of  
30 Washington, the assessed valuation of which exceeds (~~two thousand five~~  
31 ~~hundred~~) ten thousand dollars in which any direct financial interest  
32 was acquired during the preceding calendar year, and a statement of the  
33 amount and nature of the financial interest and of the consideration  
34 given in exchange for that interest; (~~and~~)

35 (i) A list, including legal or other sufficient descriptions as  
36 prescribed by the commission, of all real property in the state of  
37 Washington, the assessed valuation of which exceeds (~~two thousand five~~  
38 ~~hundred~~) ten thousand dollars in which any direct financial interest

1 was divested during the preceding calendar year, and a statement of the  
2 amount and nature of the consideration received in exchange for that  
3 interest, and the name and address of the person furnishing the  
4 consideration; ((and))

5 (j) A list, including legal or other sufficient descriptions as  
6 prescribed by the commission, of all real property in the state of  
7 Washington, the assessed valuation of which exceeds ((two thousand five  
8 hundred)) ten thousand dollars in which a direct financial interest was  
9 held((:—PROVIDED, That)). If a description of the property has been  
10 included in a report previously filed, the property may be listed, for  
11 purposes of this ((provision)) subsection (1)(j), by reference to the  
12 previously filed report; ((and))

13 (k) A list, including legal or other sufficient descriptions as  
14 prescribed by the commission, of all real property in the state of  
15 Washington, the assessed valuation of which exceeds ((five)) twenty  
16 thousand dollars, in which a corporation, partnership, firm,  
17 enterprise, or other entity had a direct financial interest, in which  
18 corporation, partnership, firm, or enterprise a ten percent or greater  
19 ownership interest was held; ((and))

20 (l) A list of each occasion, specifying date, donor, and amount, at  
21 which food and beverage in excess of fifty dollars was accepted under  
22 RCW 42.52.150(5); ((and))

23 (m) A list of each occasion, specifying date, donor, and amount, at  
24 which items specified in RCW 42.52.010(10) (d) and (f) were accepted;  
25 and

26 (n) Such other information as the commission may deem necessary in  
27 order to properly carry out the purposes and policies of this chapter,  
28 as the commission shall prescribe by rule.

29 (2) Where an amount is required to be reported under subsection  
30 (1)(a) through (m) of this section, it shall be sufficient to comply  
31 with the requirement to report whether the amount is less than ((one))  
32 four thousand dollars, at least ((one)) four thousand dollars but less  
33 than ((five)) twenty thousand dollars, at least ((five)) twenty  
34 thousand dollars but less than ((ten)) forty thousand dollars, at least  
35 ((ten)) forty thousand dollars but less than ((twenty-five)) one  
36 hundred thousand dollars, or ((twenty-five)) one hundred thousand  
37 dollars or more. An amount of stock may be reported by number of

1 shares instead of by market value. No provision of this subsection may  
2 be interpreted to prevent any person from filing more information or  
3 more detailed information than required.

4 (3) Items of value given to an official's or employee's spouse,  
5 domestic partner, or family member are attributable to the official or  
6 employee, except the item is not attributable if an independent  
7 business, family, or social relationship exists between the donor and  
8 the spouse, domestic partner, or family member.

9 **Sec. 904.** RCW 42.17.242 and 1977 ex.s. c 336 s 4 are each amended  
10 to read as follows:

11 No payment shall be made to any person required to report under RCW  
12 42.17.240 (as recodified by this act) and no payment shall be accepted  
13 by any such person, directly or indirectly, in a fictitious name,  
14 anonymously, or by one person through an agent, relative, or other  
15 person in such a manner as to conceal the identity of the source of the  
16 payment or in any other manner so as to effect concealment (~~except~~  
17 ~~that~~). The commission may issue categorical and specific exemptions  
18 to the reporting of the actual source when there is an undisclosed  
19 principal for recognized legitimate business purposes.

20 **PART 10**  
21 **ENFORCEMENT**

22 **Sec. 1001.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to  
23 read as follows:

24 One or more of the following civil remedies and sanctions may be  
25 imposed by court order in addition to any other remedies provided by  
26 law:

27 (1) If the court finds that the violation of any provision of this  
28 chapter by any candidate or political committee probably affected the  
29 outcome of any election, the result of (~~said~~) that election may be  
30 held void and a special election held within sixty days of (~~such~~) the  
31 finding. Any action to void an election shall be commenced within one  
32 year of the date of the election in question. It is intended that this  
33 remedy be imposed freely in all appropriate cases to protect the right  
34 of the electorate to an informed and knowledgeable vote.

1 (2) If any lobbyist or sponsor of any grass roots lobbying campaign  
2 violates any of the provisions of this chapter, his or her registration  
3 may be revoked or suspended and he or she may be enjoined from  
4 receiving compensation or making expenditures for lobbying(~~(+~~  
5 ~~PROVIDED, HOWEVER, That~~)). The imposition of (~~(such)~~) a sanction shall  
6 not excuse (~~(said)~~) the lobbyist from filing statements and reports  
7 required by this chapter.

8 (3) (~~(Any)~~) A person who violates any of the provisions of this  
9 chapter may be subject to a civil penalty of not more than ten thousand  
10 dollars for each (~~(such)~~) violation. However, a person or entity who  
11 violates RCW 42.17.640 (as recodified by this act) may be subject to a  
12 civil penalty of ten thousand dollars or three times the amount of the  
13 contribution illegally made or accepted, whichever is greater.

14 (4) (~~(Any)~~) A person who fails to file a properly completed  
15 statement or report within the time required by this chapter may be  
16 subject to a civil penalty of ten dollars per day for each day each  
17 (~~(such)~~) delinquency continues.

18 (5) (~~(Any)~~) A person who fails to report a contribution or  
19 expenditure as required by this chapter may be subject to a civil  
20 penalty equivalent to the amount not reported as required.

21 (6) The court may enjoin any person to prevent the doing of any act  
22 herein prohibited, or to compel the performance of any act required  
23 herein.

24 **Sec. 1002.** RCW 42.17.395 and 2006 c 315 s 3 are each amended to  
25 read as follows:

26 (1) The commission may (a) determine whether an actual violation of  
27 this chapter has occurred; and (b) issue and enforce an appropriate  
28 order following such a determination.

29 (2) The commission, in cases where it chooses to determine whether  
30 an actual violation has occurred, shall hold a hearing pursuant to the  
31 administrative procedure act, chapter 34.05 RCW, to make (~~(such)~~) a  
32 determination. Any order that the commission issues under this section  
33 shall be pursuant to such a hearing.

34 (3) In lieu of holding a hearing or issuing an order under this  
35 section, the commission may refer the matter to the attorney general or  
36 other enforcement agency as provided in RCW 42.17.360 (as recodified by  
37 this act).

1 (4) The person against whom an order is directed under this section  
2 shall be designated as the respondent. The order may require the  
3 respondent to cease and desist from the activity that constitutes a  
4 violation and in addition, or alternatively, may impose one or more of  
5 the remedies provided in RCW 42.17.390 (2) through (5) (as recodified  
6 by this act). No individual penalty assessed by the commission may  
7 exceed one thousand seven hundred dollars, and in any case where  
8 multiple violations are involved in a single complaint or hearing, the  
9 maximum aggregate penalty may not exceed four thousand two hundred  
10 dollars.

11 (5) An order issued by the commission under this section shall be  
12 subject to judicial review under the administrative procedure act,  
13 chapter 34.05 RCW. If the commission's order is not satisfied and no  
14 petition for review is filed within thirty days (~~(as provided in RCW~~  
15 ~~34.05.542)~~), the commission may petition a court of competent  
16 jurisdiction of any county in which a petition for review could be  
17 filed under that section, for an order of enforcement. Proceedings in  
18 connection with the commission's petition shall be in accordance with  
19 RCW 42.17.397 (as recodified by this act).

20 **Sec. 1003.** RCW 42.17.397 and 1989 c 175 s 92 are each amended to  
21 read as follows:

22 The following procedure shall apply in all cases where the  
23 commission has petitioned a court of competent jurisdiction for  
24 enforcement of any order it has issued pursuant to this chapter:

25 (1) A copy of the petition shall be served by certified mail  
26 directed to the respondent at his or her last known address. The court  
27 shall issue an order directing the respondent to appear at a time  
28 designated in the order, not less than five days from the date thereof,  
29 and show cause why the commission's order should not be enforced  
30 according to its terms.

31 (2) The commission's order shall be enforced by the court if the  
32 respondent does not appear, or if the respondent appears and the court  
33 finds, pursuant to a hearing held for that purpose:

- 34 (a) That the commission's order is unsatisfied; ~~((and))~~
- 35 (b) That the order is regular on its face; and
- 36 (c) That the respondent's answer discloses no valid reason why the

1 commission's order should not be enforced or that the respondent had an  
2 appropriate remedy by review under RCW 34.05.570(3) and failed to avail  
3 himself or herself of that remedy without valid excuse.

4 (3) Upon appropriate application by the respondent, the court may,  
5 after hearing and for good cause, alter, amend, revise, suspend, or  
6 postpone all or part of the commission's order. In any case where the  
7 order is not enforced by the court according to its terms, the reasons  
8 for the court's actions shall be clearly stated in writing, and  
9 (~~such~~) the action shall be subject to review by the appellate courts  
10 by certiorari or other appropriate proceeding.

11 (4) The court's order of enforcement, when entered, shall have the  
12 same force and effect as a civil judgment.

13 (5) Notwithstanding RCW 34.05.578 through 34.05.590, this section  
14 is the exclusive method for enforcing an order of the commission.

15 **Sec. 1004.** RCW 42.17.400 and 2007 c 455 s 1 are each amended to  
16 read as follows:

17 (1) The attorney general and the prosecuting authorities of  
18 political subdivisions of this state may bring civil actions in the  
19 name of the state for any appropriate civil remedy, including but not  
20 limited to the special remedies provided in RCW 42.17.390 (as  
21 recodified by this act).

22 (2) The attorney general and the prosecuting authorities of  
23 political subdivisions of this state may investigate or cause to be  
24 investigated the activities of any person who there is reason to  
25 believe is or has been acting in violation of this chapter, and may  
26 require any such person or any other person reasonably believed to have  
27 information concerning the activities of such person to appear at a  
28 time and place designated in the county in which such person resides or  
29 is found, to give such information under oath and to produce all  
30 accounts, bills, receipts, books, paper and documents which may be  
31 relevant or material to any investigation authorized under this  
32 chapter.

33 (3) When the attorney general or the prosecuting authority of any  
34 political subdivision of this state requires the attendance of any  
35 person to obtain such information or (~~the production of~~) produce the  
36 accounts, bills, receipts, books, papers, and documents (~~which~~) that  
37 may be relevant or material to any investigation authorized under this

1 chapter, he or she shall issue an order setting forth the time when and  
2 the place where attendance is required and shall cause the same to be  
3 delivered to or sent by registered mail to the person at least fourteen  
4 days before the date fixed for attendance. (~~Such~~) The order shall  
5 have the same force and effect as a subpoena, shall be effective  
6 statewide, and, upon application of the attorney general or (~~said~~)  
7 the prosecuting authority, obedience to the order may be enforced by  
8 any superior court judge in the county where the person receiving it  
9 resides or is found, in the same manner as though the order were a  
10 subpoena. The court, after hearing, for good cause, and upon  
11 application of any person aggrieved by the order, shall have the right  
12 to alter, amend, revise, suspend, or postpone all or any part of its  
13 provisions. In any case where the order is not enforced by the court  
14 according to its terms, the reasons for the court's actions shall be  
15 clearly stated in writing, and (~~such~~) the action shall be subject to  
16 review by the appellate courts by certiorari or other appropriate  
17 proceeding.

18 (4) (~~Any~~) A person who has notified the attorney general and the  
19 prosecuting attorney in the county in which the violation occurred in  
20 writing that there is reason to believe that some provision of this  
21 chapter is being or has been violated may himself or herself bring in  
22 the name of the state any of the actions (hereinafter referred to as a  
23 citizen's action) authorized under this chapter.

24 (a) This citizen action may be brought only if:

25 (i) The attorney general and the prosecuting attorney have failed  
26 to commence an action hereunder within forty-five days after (~~such~~)  
27 the notice;

28 (ii) (~~Such~~) The person has thereafter further notified the  
29 attorney general and prosecuting attorney that (~~said~~) the person will  
30 commence a citizen's action within ten days upon their failure (~~so~~)  
31 to do so;

32 (iii) The attorney general and the prosecuting attorney have in  
33 fact failed to bring such action within ten days of receipt of said  
34 second notice; and

35 (iv) The citizen's action is filed within two years after the date  
36 when the alleged violation occurred.

37 (b) If the person who brings the citizen's action prevails, the  
38 judgment awarded shall escheat to the state, but he or she shall be



1 entitled to be reimbursed by the state of Washington for costs and  
2 ((attorney's)) attorneys' fees he or she has incurred(~~(:—PROVIDED,~~  
3 ~~That))~~. In the case of a citizen's action ((which)) that is dismissed  
4 and ((which)) that the court also finds was brought without reasonable  
5 cause, the court may order the person commencing the action to pay all  
6 costs of trial and reasonable ((attorney's)) attorneys' fees incurred  
7 by the defendant.

8 (5) In any action brought under this section, the court may award  
9 to the state all costs of investigation and trial, including ((a))  
10 reasonable ((attorney's)) attorneys' fees to be fixed by the court. If  
11 the violation is found to have been intentional, the amount of the  
12 judgment, which shall for this purpose include the costs, may be  
13 trebled as punitive damages. If damages or trebled damages are awarded  
14 in such an action brought against a lobbyist, the judgment may be  
15 awarded against the lobbyist, and the lobbyist's employer or employers  
16 joined as defendants, jointly, severally, or both. If the defendant  
17 prevails, he or she shall be awarded all costs of trial, and may be  
18 awarded ((a)) reasonable ((attorney's)) attorneys' fees to be fixed by  
19 the court to be paid by the state of Washington.

20 **Sec. 1005.** RCW 42.56.010 and 2007 c 197 s 1 are each amended to  
21 read as follows:

22 The definitions in this section apply throughout this chapter  
23 unless the context clearly requires otherwise.

24 (1) "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 (2) "Person in interest" means the person who is the subject of a  
32 record or any representative designated by that person, except that if  
33 that person is under a legal disability, "person in interest" means and  
34 includes the parent or duly appointed legal representative.

35 (3) "Public record" includes any writing containing information  
36 relating to the conduct of government or the performance of any  
37 governmental or proprietary function prepared, owned, used, or retained

1 by any state or local agency regardless of physical form or  
2 characteristics. For the office of the secretary of the senate and the  
3 office of the chief clerk of the house of representatives, public  
4 records means legislative records as defined in RCW 40.14.100 and also  
5 means the following: All budget and financial records; personnel  
6 leave, travel, and payroll records; records of legislative sessions;  
7 reports submitted to the legislature; and any other record designated  
8 a public record by any official action of the senate or the house of  
9 representatives.

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

19 **PART 11**

20 **MISCELLANEOUS PROVISIONS**

21 NEW SECTION. **Sec. 1101.** When RCW 42.17.020 (as recodified by this  
22 act) is codified, the code reviser shall alphabetize and renumber the  
23 definitions.

24 NEW SECTION. **Sec. 1102.** When RCW 42.17.2401 (as recodified by  
25 this act) is codified, the code reviser shall arrange the names of the  
26 agencies in each subsection in alphabetical order, arranged according  
27 to the first distinctive word of each agency's name.

28 NEW SECTION. **Sec. 1103.** PART HEADINGS AND CAPTIONS NOT LAW. Part  
29 headings and captions used in this act are not any part of the law.

30 NEW SECTION. **Sec. 1104.** The following sections are recodified as  
31 a new chapter in Title 42 RCW, to be codified as chapter 42.17A RCW, in  
32 the following order with the following subchapter headings:

33 GENERAL PROVISIONS

1 RCW 42.17.010  
2 RCW 42.17.020  
3 RCW 42.17.035  
4 RCW 42.17.440  
5 ELECTRONIC ACCESS  
6 RCW 42.17.367  
7 RCW 42.17.369  
8 RCW 42.17.460  
9 RCW 42.17.461  
10 RCW 42.17.463  
11 ADMINISTRATION  
12 RCW 42.17.350  
13 RCW 42.17.360  
14 RCW 42.17.370  
15 Section 304 of this act  
16 RCW 42.17.690  
17 RCW 42.17.380  
18 RCW 42.17.405  
19 RCW 42.17.420  
20 RCW 42.17.430  
21 RCW 42.17.450  
22 CAMPAIGN FINANCE REPORTING  
23 RCW 42.17.030  
24 RCW 42.17.040  
25 RCW 42.17.050  
26 Section 404 of this act  
27 RCW 42.17.060  
28 RCW 42.17.065  
29 RCW 42.17.067  
30 RCW 42.17.080  
31 RCW 42.17.090  
32 RCW 42.17.3691  
33 RCW 42.17.093  
34 RCW 42.17.100  
35 RCW 42.17.103  
36 RCW 42.17.105  
37 RCW 42.17.550  
38 RCW 42.17.135

1 POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS

2 RCW 42.17.561

3 RCW 42.17.565

4 RCW 42.17.570

5 RCW 42.17.575

6 RCW 42.17.510

7 RCW 42.17.520

8 RCW 42.17.530

9 RCW 42.17.540

10 RCW 42.17.110

11 CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS

12 RCW 42.17.610

13 RCW 42.17.640

14 RCW 42.17.645

15 RCW 42.17.700

16 Section 605 of this act

17 RCW 42.17.070

18 RCW 42.17.095

19 RCW 42.17.120

20 Section 608 of this act

21 RCW 42.17.125

22 RCW 42.17.650

23 RCW 42.17.660

24 RCW 42.17.670

25 RCW 42.17.720

26 RCW 42.17.730

27 RCW 42.17.740

28 RCW 42.17.770

29 RCW 42.17.780

30 RCW 42.17.790

31 RCW 42.17.680

32 RCW 42.17.760

33 PUBLIC OFFICIALS, EMPLOYEES, AND AGENCIES CAMPAIGN RESTRICTIONS AND

34 PROHIBITIONS--REPORTING

35 RCW 42.17.128

36 RCW 42.17.130

37 RCW 42.17.710

38 RCW 42.17.750

1 RCW 42.17.245  
2 LOBBYING DISCLOSURE AND RESTRICTIONS  
3 RCW 42.17.150  
4 RCW 42.17.155  
5 RCW 42.17.160  
6 RCW 42.17.170  
7 RCW 42.17.172  
8 RCW 42.17.175  
9 RCW 42.17.180  
10 RCW 42.17.190  
11 RCW 42.17.200  
12 RCW 42.17.210  
13 RCW 42.17.220  
14 RCW 42.17.230  
15 PERSONAL FINANCIAL AFFAIRS REPORTING BY CANDIDATES AND PUBLIC OFFICIALS  
16 RCW 42.17.240  
17 RCW 42.17.2401  
18 RCW 42.17.241  
19 RCW 42.17.242  
20 ENFORCEMENT  
21 RCW 42.17.390  
22 RCW 42.17.395  
23 RCW 42.17.397  
24 RCW 42.17.400  
25 RCW 42.17.410  
26 TECHNICAL PROVISIONS  
27 RCW 42.17.900  
28 RCW 42.17.910  
29 RCW 42.17.911  
30 RCW 42.17.912  
31 RCW 42.17.920  
32 RCW 42.17.930  
33 RCW 42.17.940  
34 RCW 42.17.945  
35 RCW 42.17.950  
36 RCW 42.17.955  
37 RCW 42.17.960  
38 RCW 42.17.961

- 1 RCW 42.17.962
- 2 RCW 42.17.963
- 3 RCW 42.17.964
- 4 RCW 42.17.965
- 5 RCW 42.17.966

6 NEW SECTION. **Sec. 1105.** The following acts or parts of acts are  
7 each repealed:

8 (1) RCW 42.17.131 (Exemption from RCW 42.17.130) and 1994 c 154 s  
9 317;

10 (2) RCW 42.17.362 (Toll-free telephone number) and 2000 c 237 s 6;

11 (3) RCW 42.17.365 (Audits and investigations) and 1999 c 401 s 8 &  
12 1993 c 2 s 29;

13 (4) RCW 42.17.375 (Reports filed with county elections official--  
14 Rules governing) and 1983 c 294 s 1;

15 (5) RCW 42.17.465 (Information technology plan--Contents) and 1999  
16 c 401 s 4;

17 (6) RCW 42.17.467 (Information technology plan--Consultation) and  
18 1999 c 401 s 5;

19 (7) RCW 42.17.469 (Information technology plan--Submission) and  
20 1999 c 401 s 6;

21 (8) RCW 42.17.471 (Access performance reports) and 1999 c 401 s 7;

22 (9) RCW 42.17.562 (Intent) and 2005 c 445 s 2;

23 (10) RCW 42.17.620 (Intent) and 1993 c 2 s 2; and

24 (11) RCW 42.17.647 (Rules) and 2006 c 348 s 3.

25 NEW SECTION. **Sec. 1106.** Sections 101 and 602 of this act expire  
26 January 1, 2011.

27 NEW SECTION. **Sec. 1107.** Section 505 of this act is necessary for  
28 the immediate preservation of the public peace, health, or safety, or  
29 support of the state government and its existing public institutions,  
30 and take effect immediately.

31 NEW SECTION. **Sec. 1108.** Sections 102 through 504, 506 through  
32 601, and 603 through 1105 of this act take effect January 1, 2011.

--- END ---