
SUBSTITUTE HOUSE BILL 1377

State of Washington

63rd Legislature

2013 Regular Session

By House Government Operations & Elections (originally sponsored by Representatives Bergquist, Buys, Hunt, Fitzgibbon, Van De Wege, and Carlyle; by request of Public Disclosure Commission)

READ FIRST TIME 02/18/13.

1 AN ACT Relating to modifying time frames applicable to certain
2 public disclosure commission requirements; amending RCW 42.17A.120 and
3 42.17A.265; reenacting and amending RCW 42.17A.110; and repealing RCW
4 42.17A.420.

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

6 **Sec. 1.** RCW 42.17A.110 and 2011 1st sp.s. c 43 s 448 and 2011 c 60
7 s 20 are each reenacted and amended to read as follows:

8 The commission may:

9 (1) Adopt, amend, and rescind suitable administrative rules to
10 carry out the policies and purposes of this chapter, which rules shall
11 be adopted under chapter 34.05 RCW. Any rule relating to campaign
12 finance, political advertising, or related forms that would otherwise
13 take effect after June 30th of a general election year shall take
14 effect no earlier than the day following the general election in that
15 year, except that: (a) The commission may readopt an emergency rule
16 adopted prior to June 30th when necessary to enable the rule to remain
17 in effect through the next general election and when done in accordance
18 with the requirements of RCW 34.05.350(2); and (b) the commission may

1 adopt emergency rules to implement legislation that takes effect after
2 June 30th in a general election year;

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

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

17 (4) Conduct, as it deems appropriate, audits and field
18 investigations;

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

22 (6) Administer oaths and affirmations, issue subpoenas, and compel
23 attendance, take evidence, and require the production of any records
24 relevant to any investigation authorized under this chapter, or any
25 other proceeding under this chapter;

26 (7) Adopt a code of fair campaign practices;

27 (8) Adopt rules relieving candidates or political committees of
28 obligations to comply with the election campaign provisions of this
29 chapter, if they have not received contributions nor made expenditures
30 in connection with any election campaign of more than five thousand
31 dollars;

32 (9) Adopt rules prescribing reasonable requirements for keeping
33 accounts of, and reporting on a quarterly basis, costs incurred by
34 state agencies, counties, cities, and other municipalities and
35 political subdivisions in preparing, publishing, and distributing
36 legislative information. For the purposes of this subsection,
37 "legislative information" means books, pamphlets, reports, and other
38 materials prepared, published, or distributed at substantial cost, a

1 substantial purpose of which is to influence the passage or defeat of
2 any legislation. The state auditor in his or her regular examination
3 of each agency under chapter 43.09 RCW shall review the rules,
4 accounts, and reports and make appropriate findings, comments, and
5 recommendations concerning those agencies; and

6 (10) Develop and provide to filers a system for certification of
7 reports required under this chapter which are transmitted by facsimile
8 or electronically to the commission. Implementation of the program is
9 contingent on the availability of funds.

10 **Sec. 2.** RCW 42.17A.120 and 2010 c 204 s 304 are each amended to
11 read as follows:

12 (1) The commission may suspend or modify any of the reporting
13 requirements of this chapter if it finds that literal application of
14 this chapter works a manifestly unreasonable hardship in a particular
15 case and the suspension or modification will not frustrate the purposes
16 of this chapter. The commission may suspend or modify reporting
17 requirements only after a hearing is held and the suspension or
18 modification receives approval from a majority of the commission. A
19 suspension or modification of the financial affairs reporting
20 requirements contained in RCW 42.17A.710 may be approved for an elected
21 official's term of office, or for up to three years for an executive
22 state officer, where no material change in the applicant's
23 circumstances is anticipated. The commission shall act to suspend or
24 modify any reporting requirements:

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

27 (b) Only to the extent necessary to substantially relieve the
28 hardship.

29 (2) A manifestly unreasonable hardship exists if reporting the name
30 of an entity required to be reported under RCW 42.17A.710(1)(g)(ii)
31 would be likely to adversely affect the competitive position of any
32 entity in which the person filing the report, or any member of his or
33 her immediate family, holds any office, directorship, general
34 partnership interest, or an ownership interest of ten percent or more.

35 (3) Requests for renewals of reporting modifications may be heard
36 in a brief adjudicative proceeding as set forth in RCW 34.05.482
37 through 34.05.494 and in accordance with the standards established in

1 this section. No initial request may be heard in a brief adjudicative
2 proceeding. No request for renewal may be heard in a brief
3 adjudicative proceeding if the initial request was granted more than
4 three years previously or if the applicant is holding an office or
5 position of employment different from the office or position held when
6 the initial request was granted.

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

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

11 **Sec. 3.** RCW 42.17A.265 and 2010 c 204 s 414 are each amended to
12 read as follows:

13 (1) Treasurers shall prepare and deliver to the commission a
14 special report when a contribution or aggregate of contributions totals
15 one thousand dollars or more, is from a single person or entity, and is
16 received during a special reporting period.

17 (2) A political committee shall prepare and deliver to the
18 commission a special report when it makes a contribution or an
19 aggregate of contributions to a single entity that totals one thousand
20 dollars or more during a special reporting period.

21 (3) An aggregate of contributions includes only those contributions
22 made to or received from a single entity during any one special
23 reporting period. Any subsequent contribution of any size made to or
24 received from the same person or entity during the special reporting
25 period must also be reported.

26 (4) Special reporting periods, for purposes of this section,
27 include:

28 (a) The period (~~beginning on the day after the last report~~
29 ~~required by RCW 42.17A.235 and 42.17A.240 to be filed before a primary~~
30 ~~and concluding on the end of the day before that~~) twenty-one days
31 preceding a primary election;

32 (b) The period twenty-one days preceding a general election; and

33 (c) An aggregate of contributions includes only those contributions
34 received from a single entity during any one special reporting period
35 or made by the contributing political committee to a single entity
36 during any one special reporting period.

1 (5) If a campaign treasurer files a special report under this
2 section for one or more contributions received from a single entity
3 during a special reporting period, the treasurer shall also file a
4 special report under this section for each subsequent contribution of
5 any size which is received from that entity during the special
6 reporting period. If a political committee files a special report
7 under this section for a contribution or contributions made to a single
8 entity during a special reporting period, the political committee shall
9 also file a special report for each subsequent contribution of any size
10 which is made to that entity during the special reporting period.

11 (6) Special reports required by this section shall be delivered
12 electronically, by electronic mail or facsimile, or in written form(~~(-~~
13 ~~including but not limited to mailgram, telegram, or nightletter)~~). The
14 special report may be transmitted orally by telephone to the commission
15 if the written form of the report is postmarked and mailed to the
16 commission or the electronic (~~(filing)~~) form is transferred to the
17 commission within the delivery periods established in (a) and (b) of
18 this subsection.

19 (a) The special report required of a contribution recipient under
20 subsection (1) of this section shall be delivered to the commission
21 within forty-eight hours of the time, or on the first working day
22 after: The contribution of one thousand dollars or more is received by
23 the candidate or treasurer; the aggregate received by the candidate or
24 treasurer first equals one thousand dollars or more; or any subsequent
25 contribution from the same source is received by the candidate or
26 treasurer.

27 (b) The special report required of a contributor under subsection
28 (2) of this section or RCW 42.17A.625 shall be delivered to the
29 commission, and the candidate or political committee to whom the
30 contribution or contributions are made, within twenty-four hours of the
31 time, or on the first working day after: The contribution is made; the
32 aggregate of contributions made first equals one thousand dollars or
33 more; or any subsequent contribution to the same person or entity is
34 made.

35 (7) The special report shall include:

36 (a) The amount of the contribution or contributions;

37 (b) The date or dates of receipt;

38 (c) The name and address of the donor;

- 1 (d) The name and address of the recipient; and
2 (e) Any other information the commission may by rule require.
3 (8) Contributions reported under this section shall also be
4 reported as required by other provisions of this chapter.
5 (9) The commission shall prepare daily a summary of the special
6 reports made under this section and RCW 42.17A.625.
7 (10) Contributions governed by this section include, but are not
8 limited to, contributions made or received indirectly through a third
9 party or entity whether the contributions are or are not reported to
10 the commission as earmarked contributions under RCW 42.17A.270.

11 NEW SECTION. **Sec. 4.** RCW 42.17A.420 (Reportable contributions--
12 Preelection limitations) and 2010 c 204 s 604 are each repealed.

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