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HOUSE BILL 1377

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Bergquist, Buys, Hunt, Fitzgibbon, Van De Wege, and Carlyle; by request of Public Disclosure Commission

Read first time 01/24/13. Referred to Committee on Government Operations & Elections.

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

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~~) twenty-four hours of the time, or on the first  
22 working day after: The contribution of one thousand dollars or more is  
23 received by the candidate or treasurer; the aggregate received by the  
24 candidate or treasurer first equals one thousand dollars or more; or  
25 any subsequent contribution from the same source is received by the  
26 candidate or 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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