

SSB 5857 - H COMM AMD

By Committee on State Government & Tribal Relations

ADOPTED 02/27/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 **"PART I**

4 **NEW TITLE CREATED**

5 NEW SECTION. **Sec. 101.** This act is intended to make technical
6 amendments to certain codified statutes that involve campaign
7 disclosure and contribution. Any statutory changes made by this act
8 should be interpreted as technical in nature and not interpreted to
9 have any substantive, policy implications.

10 NEW SECTION. **Sec. 102.** A rule adopted under authority provided
11 in chapter 42.17A RCW remains valid and is not affected by the
12 recodification in this act.

13 NEW SECTION. **Sec. 103.** A new title is added to the Revised Code
14 of Washington to be codified as Title 29B RCW.

15 **PART II**

16 **DEFINITIONS SPLIT**

17 NEW SECTION. **Sec. 201.** Words and phrases as defined in this
18 chapter, wherever used in this title, shall have the meaning as in
19 this chapter ascribed to them, unless where used the context thereof
20 shall clearly indicate to the contrary or unless otherwise defined in
21 the chapter of which they are a part.

22 NEW SECTION. **Sec. 202.** "Actual malice" means to act with
23 knowledge of falsity or with reckless disregard as to truth or
24 falsity.

1 NEW SECTION. **Sec. 203.** "Agency" includes all state agencies and
2 all local agencies. "State agency" includes every state office,
3 department, division, bureau, board, commission, or other state
4 agency. "Local agency" includes every county, city, town, municipal
5 corporation, quasi-municipal corporation, or special purpose
6 district, or any office, department, division, bureau, board,
7 commission, or agency thereof, or other local public agency. "Agency"
8 does not include a comprehensive cancer center participating in a
9 collaborative arrangement as defined in RCW 28B.10.930 that is
10 operated in conformance with RCW 28B.10.930.

11 NEW SECTION. **Sec. 204.** "Authorized committee" means the
12 political committee authorized by a candidate, or by the public
13 official against whom recall charges have been filed, to accept
14 contributions or make expenditures on behalf of the candidate or
15 public official.

16 NEW SECTION. **Sec. 205.** "Ballot proposition" means any "measure"
17 as defined by RCW 29A.04.091, or any initiative, recall, or
18 referendum proposition proposed to be submitted to the voters of the
19 state or any municipal corporation, political subdivision, or other
20 voting constituency from and after the time when the proposition has
21 been initially filed with the appropriate election officer of that
22 constituency before its circulation for signatures.

23 NEW SECTION. **Sec. 206.** "Benefit" means a commercial,
24 proprietary, financial, economic, or monetary advantage, or the
25 avoidance of a commercial, proprietary, financial, economic, or
26 monetary disadvantage.

27 NEW SECTION. **Sec. 207.** "Bona fide political party" means:

28 (1) An organization that has been recognized as a minor political
29 party by the secretary of state;

30 (2) The governing body of the state organization of a major
31 political party, as defined in RCW 29A.04.086, that is the body
32 authorized by the charter or bylaws of the party to exercise
33 authority on behalf of the state party; or

34 (3) The county central committee or legislative district
35 committee of a major political party. There may be only one

1 legislative district committee for each party in each legislative
2 district.

3 NEW SECTION. **Sec. 208.** "Books of account" means:

4 (1) In the case of a campaign or political committee, a ledger or
5 similar listing of contributions, expenditures, and debts, such as a
6 campaign or committee is required to file regularly with the
7 commission, current as of the most recent business day; or

8 (2) In the case of a commercial advertiser, details of political
9 advertising or electioneering communications provided by the
10 advertiser, including the names and addresses of persons from whom it
11 accepted political advertising or electioneering communications, the
12 exact nature and extent of the services rendered, and the total cost
13 and the manner of payment for the services.

14 NEW SECTION. **Sec. 209.** "Candidate" means any individual who
15 seeks nomination for election or election to public office. An
16 individual seeks nomination or election when the individual first:

17 (1) Receives contributions or makes expenditures or reserves
18 space or facilities with intent to promote the individual's candidacy
19 for office;

20 (2) Announces publicly or files for office;

21 (3) Purchases commercial advertising space or broadcast time to
22 promote the individual's candidacy; or

23 (4) Gives consent to another person to take on behalf of the
24 individual any of the actions in subsection (1) or (3) of this
25 section.

26 NEW SECTION. **Sec. 210.** "Caucus political committee" means a
27 political committee organized and maintained by the members of a
28 major political party in the state senate or state house of
29 representatives.

30 NEW SECTION. **Sec. 211.** "Commercial advertiser" means any person
31 that sells the service of communicating messages or producing
32 material for broadcast or distribution to the general public or
33 segments of the general public whether through brochures, fliers,
34 newspapers, magazines, television, radio, billboards, direct mail
35 advertising, printing, paid internet or digital communications, or
36 any other means of mass communication used for the purpose of

1 appealing, directly or indirectly, for votes or for financial or
2 other support in any election campaign.

3 NEW SECTION. **Sec. 212.** "Commission" means the agency
4 established under RCW 42.17A.100 (as recodified by this act).

5 NEW SECTION. **Sec. 213.** "Committee" unless the context indicates
6 otherwise, includes a political committee such as a candidate, ballot
7 proposition, recall, political, or continuing political committee.

8 NEW SECTION. **Sec. 214.** "Compensation" unless the context
9 requires a narrower meaning, includes payment in any form for real or
10 personal property or services of any kind. For the purpose of
11 compliance with RCW 42.17A.710 (as recodified by this act),
12 "compensation" does not include per diem allowances or other payments
13 made by a governmental entity to reimburse a public official for
14 expenses incurred while the official is engaged in the official
15 business of the governmental entity.

16 NEW SECTION. **Sec. 215.** "Continuing political committee" means a
17 political committee that is an organization of continuing existence
18 not limited to participation in any particular election campaign or
19 election cycle.

20 NEW SECTION. **Sec. 216.** (1) "Contribution" includes:

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

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

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

1 (d) Sums paid for tickets to fund-raising events such as dinners
2 and parties, except for the actual cost of the consumables furnished
3 at the event.

4 (2) "Contribution" does not include:

5 (a) Accrued interest on money deposited in a political or
6 incidental committee's account;

7 (b) Ordinary home hospitality;

8 (c) A contribution received by a candidate or political or
9 incidental committee that is returned to the contributor within 10
10 business days of the date on which it is received by the candidate or
11 political or incidental committee;

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

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

22 (f) The rendering of personal services of the sort commonly
23 performed by volunteer campaign workers, or incidental expenses
24 personally incurred by volunteer campaign workers not in excess of
25 \$50 personally paid for by the worker. "Volunteer services," for the
26 purposes of this section, means services or labor for which the
27 individual is not compensated by any person;

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

34 (h) Legal or accounting services rendered to or on behalf of:

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

38 (ii) A candidate or an authorized committee if the person paying
39 for the services is the regular employer of the individual rendering

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

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

8 (i) The person performs solely ministerial functions;

9 (ii) A person who is paid by two or more candidates or political
10 or incidental committees is identified by the candidates and
11 political committees on whose behalf services are performed as part
12 of their respective statements of organization under RCW 42.17A.205
13 (as recodified by this act); and

14 (iii) The person does not disclose, except as required by law,
15 any information regarding a candidate's or committee's plans,
16 projects, activities, or needs, or regarding a candidate's or
17 committee's contributions or expenditures that is not already
18 publicly available from campaign reports filed with the commission,
19 or otherwise engage in activity that constitutes a contribution under
20 subsection (1)(b) of this section.

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

25 (3) Contributions other than money or its equivalent are deemed
26 to 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 NEW SECTION. **Sec. 217.** "Depository" means a bank, mutual
33 savings bank, savings and loan association, or credit union doing
34 business in this state.

35 NEW SECTION. **Sec. 218.** "Elected official" means any person
36 elected at a general or special election to any public office, and
37 any person appointed to fill a vacancy in any such office.

1 NEW SECTION. **Sec. 219.** "Election" includes any primary,
2 general, or special election for public office and any election in
3 which a ballot proposition is submitted to the voters. An election in
4 which the qualifications for voting include other than those
5 requirements set forth in Article VI, section 1 (Amendment 63) of the
6 Constitution of the state of Washington shall not be considered an
7 election for purposes of this title.

8 NEW SECTION. **Sec. 220.** "Election campaign" means any campaign
9 in support of or in opposition to a candidate for election to public
10 office and any campaign in support of, or in opposition to, a ballot
11 proposition.

12 NEW SECTION. **Sec. 221.** "Election cycle" means the period
13 beginning on the first day of January after the date of the last
14 previous general election for the office that the candidate seeks and
15 ending on December 31st after the next election for the office. In
16 the case of a special election to fill a vacancy in an office,
17 "election cycle" means the period beginning on the day the vacancy
18 occurs and ending on December 31st after the special election.

19 NEW SECTION. **Sec. 222.** (1) "Electioneering communication" means
20 any broadcast, cable, or satellite television, radio transmission,
21 digital communication, United States postal service mailing,
22 billboard, newspaper, or periodical that:

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

26 (b) Is broadcast, transmitted electronically or by other means,
27 mailed, erected, distributed, or otherwise published within 60 days
28 before any election for that office in the jurisdiction in which the
29 candidate is seeking election; and

30 (c) Either alone, or in combination with one or more
31 communications identifying the candidate by the same sponsor during
32 the 60 days before an election, has a fair market value or cost of
33 \$1,000 or more.

34 (2) "Electioneering communication" does not include:

35 (a) Usual and customary advertising of a business owned by a
36 candidate, even if the candidate is mentioned in the advertising when
37 the candidate has been regularly mentioned in that advertising

1 appearing at least 12 months preceding the candidate becoming a
2 candidate;

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

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

9 (i) Of interest to the public;

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

12 (iii) Not a medium controlled by a candidate or a political or
13 incidental committee;

14 (d) Slate cards and sample ballots;

15 (e) Advertising for books, films, dissertations, or similar works
16 (i) written by a candidate when the candidate entered into a contract
17 for such publications or media at least 12 months before becoming a
18 candidate, or (ii) written about a candidate;

19 (f) Public service announcements;

20 (g) An internal political communication primarily limited to the
21 members of or contributors to a political party organization or
22 political or incidental committee, or to the officers, management
23 staff, or stockholders of a corporation or similar enterprise, or to
24 the members of a labor organization or other membership organization;

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

27 (i) Any other communication exempted by the commission through
28 rule consistent with the intent of this title.

29 NEW SECTION. **Sec. 223.** "Expenditure" includes a payment,
30 contribution, subscription, distribution, loan, advance, deposit, or
31 gift of money or anything of value, and includes a contract, promise,
32 or agreement, whether or not legally enforceable, to make an
33 expenditure. "Expenditure" also includes a promise to pay, a payment,
34 or a transfer of anything of value in exchange for goods, services,
35 property, facilities, or anything of value for the purpose of
36 assisting, benefiting, or honoring any public official or candidate,
37 or assisting in furthering or opposing any election campaign. For the
38 purposes of this title, agreements to make expenditures, contracts,
39 and promises to pay may be reported as estimated obligations until

1 actual payment is made. "Expenditure" shall not include the partial
2 or complete repayment by a candidate or political or incidental
3 committee of the principal of a loan, the receipt of which loan has
4 been properly reported.

5 NEW SECTION. **Sec. 224.** "Final report" means the report
6 described as a final report in RCW 42.17A.235(11)(a) (as recodified
7 by this act).

8 NEW SECTION. **Sec. 225.** "Foreign national" means:

- 9 (1) An individual who is not a citizen of the United States and
10 is not lawfully admitted for permanent residence;
11 (2) A government, or subdivision, of a foreign country;
12 (3) A foreign political party; and
13 (4) Any entity, such as a partnership, association, corporation,
14 organization, or other combination of persons, that is organized
15 under the laws of or has its principal place of business in a foreign
16 country.

17 NEW SECTION. **Sec. 226.** "General election," for the purposes of
18 RCW 42.17A.405 (as recodified by this act), means the election that
19 results in the election of a person to a state or local office. It
20 does not include a primary.

21 NEW SECTION. **Sec. 227.** "Gift" has the definition in RCW
22 42.52.010.

23 NEW SECTION. **Sec. 228.** "Immediate family" includes the spouse
24 or domestic partner, dependent children, and other dependent
25 relatives, if living in the household. For the purposes of the
26 definition of "intermediary" in section 232 of this act, "immediate
27 family" means an individual's spouse or domestic partner, and child,
28 stepchild, grandchild, parent, stepparent, grandparent, brother, half
29 brother, sister, or half sister of the individual and the spouse or
30 the domestic partner of any such person and a child, stepchild,
31 grandchild, parent, stepparent, grandparent, brother, half brother,
32 sister, or half sister of the individual's spouse or domestic partner
33 and the spouse or the domestic partner of any such person.

1 NEW SECTION. **Sec. 229.** "Incidental committee" means any
2 nonprofit organization not otherwise defined as a political committee
3 but that may incidentally make a contribution or an expenditure in
4 excess of the reporting thresholds in RCW 42.17A.235 (as recodified
5 by this act), directly or through a political committee. Any
6 nonprofit organization is not an incidental committee if it is only
7 remitting payments through the nonprofit organization in an
8 aggregated form and the nonprofit organization is not required to
9 report those payments in accordance with this title.

10 NEW SECTION. **Sec. 230.** "Incumbent" means a person who is in
11 present possession of an elected office.

12 NEW SECTION. **Sec. 231.** (1) "Independent expenditure" means an
13 expenditure that has each of the following elements:

14 (a) It is made in support of or in opposition to a candidate for
15 office by a person who is not:

16 (i) A candidate for that office;

17 (ii) An authorized committee of that candidate for that office;

18 and

19 (iii) A person who has received the candidate's encouragement or
20 approval to make the expenditure, if the expenditure pays in whole or
21 in part for political advertising supporting that candidate or
22 promoting the defeat of any other candidate or candidates for that
23 office;

24 (b) It is made in support of or in opposition to a candidate for
25 office by a person with whom the candidate has not collaborated for
26 the purpose of making the expenditure, if the expenditure pays in
27 whole or in part for political advertising supporting that candidate
28 or promoting the defeat of any other candidate or candidates for that
29 office;

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

34 (d) The expenditure, alone or in conjunction with another
35 expenditure or other expenditures of the same person in support of or
36 opposition to that candidate, has a value of \$1,000 or more. A series
37 of expenditures, each of which is under \$1,000, constitutes one
38 independent expenditure if their cumulative value is \$1,000 or more.

1 (2) "Independent expenditure" does not include: Ordinary home
2 hospitality; communications with journalists or editorial staff
3 designed to elicit a news item, feature, commentary, or editorial in
4 a regularly scheduled news medium that is of primary interest to the
5 general public, controlled by a person whose business is that news
6 medium, and not controlled by a candidate or a political committee;
7 participation in the creation of a publicly funded voters' pamphlet
8 statement in written or video form; an internal political
9 communication primarily limited to contributors to a political party
10 organization or political action committee, the officers, management
11 staff, and stockholders of a corporation or similar enterprise, or
12 the members of a labor organization or other membership organization;
13 or the rendering of personal services of the sort commonly performed
14 by volunteer campaign workers or incidental expenses personally
15 incurred by volunteer campaign workers not in excess of \$250
16 personally paid for by the worker.

17 NEW SECTION. **Sec. 232.** (1) "Intermediary" means an individual
18 who transmits a contribution to a candidate or committee from another
19 person unless the contribution is from the individual's employer,
20 immediate family, or an association to which the individual belongs.

21 (2) A treasurer or a candidate is not an intermediary for
22 purposes of the committee that the treasurer or candidate serves.

23 (3) A professional fund-raiser is not an intermediary if the
24 fund-raiser is compensated for fund-raising services at the usual and
25 customary rate.

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

28 NEW SECTION. **Sec. 233.** "Legislation" means bills, resolutions,
29 motions, amendments, nominations, and other matters pending or
30 proposed in either house of the state legislature, and includes any
31 other matter that may be the subject of action by either house or any
32 committee of the legislature and all bills and resolutions that,
33 having passed both houses, are pending approval by the governor.

34 NEW SECTION. **Sec. 234.** "Legislative office" means the office of
35 a member of the state house of representatives or the office of a
36 member of the state senate.

1 NEW SECTION. **Sec. 235.** "Lobby" and "lobbying" each mean
2 attempting to influence the passage or defeat of any legislation by
3 the legislature of the state of Washington, or the adoption or
4 rejection of any rule, standard, rate, or other legislative enactment
5 of any state agency under the state administrative procedure act,
6 chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an
7 association's or other organization's act of communicating with the
8 members of that association or organization.

9 NEW SECTION. **Sec. 236.** "Lobbyist" includes any person who
10 lobbies either on the person's own or another's behalf.

11 NEW SECTION. **Sec. 237.** "Lobbyist's employer" means the person
12 or persons by whom a lobbyist is employed and all persons by whom the
13 lobbyist is compensated for acting as a lobbyist.

14 NEW SECTION. **Sec. 238.** "Ministerial functions" means an act or
15 duty carried out as part of the duties of an administrative office
16 without exercise of personal judgment or discretion.

17 NEW SECTION. **Sec. 239.** "Participate" means that, with respect
18 to a particular election, an entity:

19 (1) Makes either a monetary or in-kind contribution to a
20 candidate;

21 (2) Makes an independent expenditure or electioneering
22 communication in support of or opposition to a candidate;

23 (3) Endorses a candidate before contributions are made by a
24 subsidiary corporation or local unit with respect to that candidate
25 or that candidate's opponent;

26 (4) Makes a recommendation regarding whether a candidate should
27 be supported or opposed before a contribution is made by a subsidiary
28 corporation or local unit with respect to that candidate or that
29 candidate's opponent; or

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

1 NEW SECTION. **Sec. 240.** "Person" includes an individual,
2 partnership, joint venture, public or private corporation,
3 association, federal, state, or local governmental entity or agency
4 however constituted, candidate, committee, political committee,
5 political party, executive committee thereof, or any other
6 organization or group of persons, however organized.

7 NEW SECTION. **Sec. 241.** "Political advertising" includes any
8 advertising displays, newspaper ads, billboards, signs, brochures,
9 articles, tabloids, flyers, letters, radio or television
10 presentations, digital communication, or other means of mass
11 communication, used for the purpose of appealing, directly or
12 indirectly, for votes or for financial or other support or opposition
13 in any election campaign.

14 NEW SECTION. **Sec. 242.** "Political committee" means any person
15 (except a candidate or an individual dealing with the candidate's or
16 individual's own funds or property) having the expectation of
17 receiving contributions or making expenditures in support of, or
18 opposition to, any candidate or any ballot proposition.

19 NEW SECTION. **Sec. 243.** "Primary," for the purposes of RCW
20 42.17A.405 (as recodified by this act), means the procedure for
21 nominating a candidate to state or local office under chapter 29A.52
22 RCW or any other primary for an election that uses, in large measure,
23 the procedures established in chapter 29A.52 RCW.

24 NEW SECTION. **Sec. 244.** "Public office" means any federal,
25 state, judicial, county, city, town, school district, port district,
26 special district, or other state political subdivision elective
27 office.

28 NEW SECTION. **Sec. 245.** "Public record" has the definition in
29 RCW 42.56.010.

30 NEW SECTION. **Sec. 246.** "Recall campaign" means the period of
31 time beginning on the date of the filing of recall charges under RCW
32 29A.56.120 and ending 30 days after the recall election.

1 NEW SECTION. **Sec. 247.** "Remediable violation" means any
2 violation of this title that:

3 (1) Involved expenditures or contributions totaling no more than
4 the contribution limits set out under RCW 42.17A.405(2) (as
5 recodified by this act) per election, or \$1,000 if there is no
6 statutory limit;

7 (2) Occurred:

8 (a) More than 30 days before an election, where the commission
9 entered into an agreement to resolve the matter; or

10 (b) At any time where the violation did not constitute a material
11 violation because it was inadvertent and minor or otherwise has been
12 cured and, after consideration of all the circumstances, further
13 proceedings would not serve the purposes of this title;

14 (3) Does not materially harm the public interest, beyond the harm
15 to the policy of this title inherent in any violation; and

16 (4) Involved:

17 (a) A person who:

18 (i) Took corrective action within five business days after the
19 commission first notified the person of noncompliance, or where the
20 commission did not provide notice and filed a required report within
21 21 days after the report was due to be filed; and

22 (ii) Substantially met the filing deadline for all other required
23 reports within the immediately preceding 12-month period; or

24 (b) A candidate who:

25 (i) Lost the election in question; and

26 (ii) Did not receive contributions over 100 times the
27 contribution limit in aggregate per election during the campaign in
28 question.

29 NEW SECTION. **Sec. 248.** (1) "Sponsor," for purposes of an
30 electioneering communications, independent expenditures, or political
31 advertising, means the person paying for the electioneering
32 communication, independent expenditure, or political advertising. If
33 a person acts as an agent for another or is reimbursed by another for
34 the payment, the original source of the payment is the sponsor.

35 (2) "Sponsor," for purposes of a political or incidental
36 committee, means any person, except an authorized committee, to whom
37 any of the following applies:

1 (a) The committee receives 80 percent or more of its
2 contributions either from the person or from the person's members,
3 officers, employees, or shareholders;

4 (b) The person collects contributions for the committee by use of
5 payroll deductions or dues from its members, officers, or employees.

6 NEW SECTION. **Sec. 249.** "Sponsored committee" means a committee,
7 other than an authorized committee, that has one or more sponsors.

8 NEW SECTION. **Sec. 250.** "State office" means state legislative
9 office or the office of governor, lieutenant governor, secretary of
10 state, attorney general, commissioner of public lands, insurance
11 commissioner, superintendent of public instruction, state auditor, or
12 state treasurer.

13 NEW SECTION. **Sec. 251.** "State official" means a person who
14 holds a state office.

15 NEW SECTION. **Sec. 252.** "Surplus funds" mean, in the case of a
16 political committee or candidate, the balance of contributions that
17 remain in the possession or control of that committee or candidate
18 subsequent to the election for which the contributions were received,
19 and that are in excess of the amount necessary to pay remaining debts
20 or expenses incurred by the committee or candidate with respect to
21 that election. In the case of a continuing political committee,
22 "surplus funds" mean those contributions remaining in the possession
23 or control of the committee that are in excess of the amount
24 necessary to pay all remaining debts or expenses when it makes its
25 final report under RCW 42.17A.255 (as recodified by this act).

26 NEW SECTION. **Sec. 253.** "Technical correction" means the
27 correction of a minor or ministerial error in a required report that
28 does not materially harm the public interest and needs to be
29 corrected for the report to be in full compliance with the
30 requirements of this title.

31 NEW SECTION. **Sec. 254.** "Treasurer" and "deputy treasurer" mean
32 the individuals appointed by a candidate or political or incidental
33 committee, pursuant to RCW 42.17A.210 (as recodified by this act), to
34 perform the duties specified in that section.

1 42.17A.350 are recodified as a new chapter in the new title created
2 in section 103 of this act.

3 NEW SECTION. **Sec. 306.** CAMPAIGN CONTRIBUTION LIMITS AND OTHER
4 RESTRICTIONS. RCW 42.17A.400, 42.17A.405, 42.17A.410, 42.17A.415,
5 42.17A.417, 42.17A.418, 42.17A.420, 42.17A.425, 42.17A.430,
6 42.17A.435, 42.17A.440, 42.17A.442, 42.17A.445, 42.17A.450,
7 42.17A.455, 42.17A.460, 42.17A.465, 42.17A.470, 42.17A.475,
8 42.17A.480, 42.17A.485, 42.17A.490, 42.17A.495, 42.17A.500, and
9 42.17A.550 are recodified as a new chapter in the new title created
10 in section 103 of this act.

11 NEW SECTION. **Sec. 307.** PUBLIC OFFICIALS', EMPLOYEES', AND
12 AGENCIES' CAMPAIGN RESTRICTIONS AND PROHIBITIONS—REPORTING.
13 RCW 42.17A.555, 42.17A.560, 42.17A.565, 42.17A.570, and 42.17A.575
14 are recodified as a new chapter in the new title created in section
15 103 of this act.

16 NEW SECTION. **Sec. 308.** LOBBYING DISCLOSURE AND RESTRICTIONS.
17 RCW 42.17A.600, 42.17A.603, 42.17A.605, 42.17A.610, 42.17A.615,
18 42.17A.620, 42.17A.625, 42.17A.630, 42.17A.635, 42.17A.640,
19 42.17A.645, 42.17A.650, and 42.17A.655 are recodified as a new
20 chapter in the new title created in section 103 of this act.

21 NEW SECTION. **Sec. 309.** PERSONAL FINANCIAL AFFAIRS REPORTING BY
22 CANDIDATES AND PUBLIC OFFICIALS. RCW 42.17A.700, 42.17A.705,
23 42.17A.710, and 42.17A.715 are recodified as a new chapter in the new
24 title created in section 103 of this act.

25 NEW SECTION. **Sec. 310.** ENFORCEMENT. RCW 42.17A.750, 42.17A.755,
26 42.17A.760, 42.17A.765, 42.17A.770, 42.17A.775, 42.17A.780, and
27 42.17A.785 are recodified as a new chapter in the new title created
28 in section 103 of this act.

29 NEW SECTION. **Sec. 311.** RCW 42.62.020, 42.62.030, and 42.62.040
30 are recodified as a new chapter in the new title created in section
31 103 of this act.

32 NEW SECTION. **Sec. 312.** RCW 42.62.010 and 2023 c 360 s 1 are
33 each repealed.

PART IV
CONFORMING AMENDMENTS

Sec. 401. RCW 42.17A.001 and 2019 c 428 s 2 are each amended to read as follows:

It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the Congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

1 (10) That the public's right to know of the financing of
2 political campaigns and lobbying and the financial affairs of elected
3 officials and candidates far outweighs any right that these matters
4 remain secret and private.

5 (11) That, mindful of the right of individuals to privacy and of
6 the desirability of the efficient administration of government, full
7 access to information concerning the conduct of government on every
8 level must be assured as a fundamental and necessary precondition to
9 the sound governance of a free society.

10 The provisions of this (~~chapter~~) title shall be liberally
11 construed to promote complete disclosure of all information
12 respecting the financing of political campaigns and lobbying, and the
13 financial affairs of elected officials and candidates, and full
14 access to public records so as to assure continuing public confidence
15 of fairness of elections and governmental processes, and so as to
16 assure that the public interest will be fully protected. In promoting
17 such complete disclosure, however, this (~~chapter~~) title shall be
18 enforced so as to ensure that the information disclosed will not be
19 misused for arbitrary and capricious purposes and to ensure that all
20 persons reporting under this (~~chapter~~) title will be protected from
21 harassment and unfounded allegations based on information they have
22 freely disclosed.

23 **Sec. 402.** RCW 42.17A.010 and 2002 c 43 s 4 are each amended to
24 read as follows:

25 Elections of conservation district supervisors held pursuant to
26 chapter 89.08 RCW shall not be considered general or special
27 elections for purposes of the campaign disclosure and personal
28 financial affairs reporting requirements of this (~~chapter~~) title.
29 Elected conservation district supervisors are not considered elected
30 officials for purposes of the annual personal financial affairs
31 reporting requirement of this (~~chapter~~) title.

32 **Sec. 403.** RCW 42.17A.020 and 1973 c 1 s 44 are each amended to
33 read as follows:

34 All statements and reports filed under this (~~chapter~~) title
35 shall be public records of the agency where they are filed, and shall
36 be available for public inspection and copying during normal business
37 hours at the expense of the person requesting copies, provided that

1 the charge for such copies shall not exceed actual cost to the
2 agency.

3 **Sec. 404.** RCW 42.17A.055 and 2019 c 428 s 4 are each amended to
4 read as follows:

5 (1) For each required report, as technology permits, the
6 commission shall make an electronic reporting tool available to all
7 those who are required to file that report under this ((chapter))
8 title.

9 (2) All persons required to file reports under this ((chapter))
10 title must file them electronically where the commission has provided
11 an electronic option. The executive director may make exceptions on a
12 case-by-case basis for persons who lack the technological ability to
13 file reports electronically.

14 (3) If the electronic filing system provided by the commission is
15 inoperable for any period of time, the commission must keep a record
16 of the date and time of each instance and post outages on its
17 website. If a report is due on a day the electronic filing system is
18 inoperable, it is not late if filed the first business day the system
19 is back in operation. The commission must provide notice to all
20 reporting entities when the system is back in operation.

21 (4) All persons required to file reports under this ((chapter))
22 title shall, at the time of initial filing, provide the commission an
23 email address, or other electronic contact information, that shall
24 constitute the official address for purposes of all communications
25 from the commission. The person required to file one or more reports
26 must provide any new electronic contact information to the commission
27 within ((ten)) 10 days, if the address has changed from that listed
28 on the most recent report. Committees must provide the committee
29 treasurer's electronic contact information to the commission.
30 Committees must also provide any new electronic contact information
31 for the committee's treasurer to the commission within ((ten)) 10
32 days of the change. The executive director may waive the electronic
33 contact information requirement and allow use of a postal address,
34 upon the showing of hardship.

35 **Sec. 405.** RCW 42.17A.060 and 2011 1st sp.s. c 43 s 732 are each
36 amended to read as follows:

37 It is the intent of the legislature to ensure that the commission
38 provide the general public timely access to all contribution and

1 expenditure reports submitted by candidates, continuing political
2 committees, bona fide political parties, lobbyists, and lobbyists'
3 employers. The legislature finds that failure to meet goals for full
4 and timely disclosure threatens to undermine our electoral process.

5 Furthermore, the legislature intends for the commission to
6 consult with the office of the chief information officer as it seeks
7 to implement chapter 401, Laws of 1999, and that the commission
8 follow the standards and procedures established by the office of the
9 chief information officer in chapter 43.105 RCW as they relate to
10 information technology.

11 **Sec. 406.** RCW 42.17A.065 and 2019 c 428 s 5 are each amended to
12 read as follows:

13 By July 1st of each year, the commission shall calculate the
14 following performance measures, provide a copy of the performance
15 measures to the governor and appropriate legislative committees, and
16 make the performance measures available to the public:

17 (1) The average number of days that elapse between the
18 commission's receipt of reports filed under RCW 42.17A.205 (as
19 recodified by this act), 42.17A.225 (as recodified by this act),
20 42.17A.235 (as recodified by this act), 42.17A.255 (as recodified by
21 this act), 42.17A.265 (as recodified by this act), 42.17A.600 (as
22 recodified by this act), 42.17A.615 (as recodified by this act),
23 42.17A.625 (as recodified by this act), and 42.17A.630 (as recodified
24 by this act) and the time that the report, a copy of the report, or a
25 copy of the data or information included in the report, is first
26 accessible to the general public (a) in the commission's office, and
27 (b) via the commission's website;

28 (2) The percentage of filers pursuant to RCW 42.17A.055 (as
29 recodified by this act) who have used: (a) Hard copy paper format; or
30 (b) electronic format.

31 **Sec. 407.** RCW 42.17A.100 and 2019 c 428 s 6 are each amended to
32 read as follows:

33 (1) The public disclosure commission is established. The
34 commission shall be composed of five commissioners appointed by the
35 governor, with the consent of the senate. The commission shall have
36 the authority and duties as set forth in this (~~chapter~~) title. All
37 appointees shall be persons of the highest integrity and

1 qualifications. No more than three commissioners shall have an
2 identification with the same political party.

3 (2) The term of each commissioner shall be five years, which may
4 continue until a successor is appointed, but may not exceed an
5 additional (~~twelve~~) 12 months. No commissioner is eligible for
6 appointment to more than one full term. Any commissioner may be
7 removed by the governor, but only upon grounds of neglect of duty or
8 misconduct in office.

9 (3)(a) During a commissioner's tenure, the commissioner is
10 prohibited from engaging in any of the following activities, either
11 within or outside the state of Washington:

12 (i) Holding or campaigning for elective office;

13 (ii) Serving as an officer of any political party or political
14 committee;

15 (iii) Permitting the commissioner's name to be used in support of
16 or in opposition to a candidate or proposition;

17 (iv) Soliciting or making contributions to a candidate or in
18 support of or in opposition to any candidate or proposition;

19 (v) Participating in any way in any election campaign; or

20 (vi) Lobbying, employing, or assisting a lobbyist, except that a
21 commissioner or the staff of the commission may lobby to the limited
22 extent permitted by RCW 42.17A.635 (as recodified by this act) on
23 matters directly affecting this (~~chapter~~) title.

24 (b) This subsection is not intended to prohibit a commissioner
25 from participating in or supporting nonprofit or other organizations,
26 in the commissioner's private capacity, to the extent such
27 participation is not prohibited under (a) of this subsection.

28 (c) The provisions of this subsection do not relieve a
29 commissioner of any applicable disqualification and recusal
30 requirements.

31 (4) A vacancy on the commission shall be filled within (~~thirty~~)
32 30 days of the vacancy by the governor, with the consent of the
33 senate, and the appointee shall serve for the remaining term of the
34 appointee's predecessor. A vacancy shall not impair the powers of the
35 remaining commissioners to exercise all of the powers of the
36 commission.

37 (5) Three commissioners shall constitute a quorum. The commission
38 shall elect its own chair and adopt its own rules of procedure in the
39 manner provided in chapter 34.05 RCW.

1 (6) Commissioners shall be compensated in accordance with RCW
2 43.03.250 and shall be reimbursed for travel expenses incurred while
3 engaged in the business of the commission as provided in RCW
4 43.03.050 and 43.03.060. The compensation provided pursuant to this
5 section shall not be considered salary for purposes of the provisions
6 of any retirement system created under the laws of this state.

7 **Sec. 408.** RCW 42.17A.105 and 2010 c 204 s 302 are each amended
8 to read as follows:

9 The commission shall:

10 (1) Develop and provide forms for the reports and statements
11 required to be made under this ((chapter)) title;

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

15 (3) Compile and maintain a current list of all filed reports and
16 statements;

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

19 (5) Upon complaint or upon its own motion, investigate and report
20 apparent violations of this ((chapter)) title to the appropriate law
21 enforcement authorities;

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

31 (7) Prepare and publish an annual report to the governor as to
32 the effectiveness of this ((chapter)) title and its enforcement by
33 appropriate law enforcement authorities;

34 (8) Enforce this ((chapter)) title according to the powers
35 granted it by law;

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

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

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

6 (10) Adopt rules to carry out the policies of chapter 348, Laws
7 of 2006. The adoption of these rules is not subject to the time
8 restrictions of RCW 42.17A.110(1) (as recodified by this act);

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

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

14 **Sec. 409.** RCW 42.17A.110 and 2019 c 428 s 8 are each amended to
15 read as follows:

16 In addition to the duties in RCW 42.17A.105 (as recodified by
17 this act), the commission may:

18 (1) Adopt, amend, and rescind suitable administrative rules to
19 carry out the policies and purposes of this (~~chapter~~) title, which
20 rules shall be adopted under chapter 34.05 RCW. Any rule relating to
21 campaign finance, political advertising, or related forms that would
22 otherwise take effect after June 30th of a general election year
23 shall take effect no earlier than the day following the general
24 election in that year;

25 (2) Appoint an executive director and set, within the limits
26 established by the office of financial management under RCW
27 43.03.028, the executive director's compensation. The executive
28 director shall perform such duties and have such powers as the
29 commission may prescribe and delegate to implement and enforce this
30 (~~chapter~~) title efficiently and effectively. The commission shall
31 not delegate its authority to adopt, amend, or rescind rules nor may
32 it delegate authority to determine that a violation of this
33 (~~chapter~~) title has occurred or to assess penalties for such
34 violations;

35 (3) Prepare and publish reports and technical studies as in its
36 judgment will tend to promote the purposes of this (~~chapter~~) title,
37 including reports and statistics concerning campaign financing,
38 lobbying, financial interests of elected officials, and enforcement
39 of this (~~chapter~~) title;

1 (4) Conduct, as it deems appropriate, audits and field
2 investigations;

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

6 (6) Administer oaths and affirmations, issue subpoenas, and
7 compel attendance, take evidence, and require the production of any
8 records relevant to any investigation authorized under this
9 ((chapter)) title, or any other proceeding under this ((chapter))
10 title;

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

12 (8) Adopt rules relieving candidates or political committees of
13 obligations to comply with election campaign provisions of this
14 ((chapter)) title, if they have not received contributions nor made
15 expenditures in connection with any election campaign of more than
16 five thousand dollars;

17 (9) Develop and provide to filers a system for certification of
18 reports required under this ((chapter)) title which are transmitted
19 electronically to the commission. Implementation of the program is
20 contingent on the availability of funds; and

21 (10) Make available and keep current on its website a glossary of
22 all defined terms in this ((chapter)) title and in rules adopted by
23 the commission.

24 **Sec. 410.** RCW 42.17A.120 and 2019 c 428 s 10 are each amended to
25 read as follows:

26 (1) The commission may suspend or modify any of the reporting
27 requirements of this ((chapter)) title if it finds that literal
28 application of this ((chapter)) title works a manifestly unreasonable
29 hardship in a particular case and the suspension or modification will
30 not frustrate the purposes of this ((chapter)) title. The commission
31 may suspend or modify reporting requirements only to the extent
32 necessary to substantially relieve the hardship and only after a
33 hearing is held and the suspension or modification receives approval.
34 A suspension or modification of the financial affairs reporting
35 requirements in RCW 42.17A.710 (as recodified by this act) may be
36 approved for an elected official's term of office or for up to three
37 years for an executive state officer. If a material change in the
38 applicant's circumstances or relevant information occurs or has
39 occurred, the applicant must request a modification at least one

1 month prior to the next filing deadline rather than at the conclusion
2 of the term.

3 (2) A manifestly unreasonable hardship exists if reporting the
4 name of an entity required to be reported under RCW
5 42.17A.710(1)(g)(ii) (as recodified by this act) would be likely to
6 adversely affect the competitive position of any entity in which the
7 person filing the report, or any member of the person's immediate
8 family, holds any office, directorship, general partnership interest,
9 or an ownership interest of (~~ten~~) 10 percent or more.

10 (3) Requests for reporting modifications may be heard in a brief
11 adjudicative proceeding as set forth in RCW 34.05.482 through
12 34.05.494 and in accordance with the standards established in this
13 section. The commission, the commission chair acting as presiding
14 officer, or another commissioner appointed by the chair to serve as
15 presiding officer, may preside over a brief adjudicatory proceeding.
16 If a modification is requested by a filer because of a concern for
17 personal safety, the information submitted regarding that safety
18 concern shall not be made public prior to, or at, the hearing on the
19 request. Any information provided or prepared for the modification
20 hearing shall remain exempt from public disclosure under this
21 (~~chapter~~) title and chapter 42.56 RCW to the extent it is
22 determined at the hearing that disclosure of such information would
23 present a personal safety risk to a reasonable person.

24 (4) If the commission, or presiding officer, grants a
25 modification request, the commission or presiding officer may apply
26 the modification retroactively to previously filed reports. In that
27 event, previously reported information of the kind that is no longer
28 being reported is confidential and exempt from public disclosure
29 under this (~~chapter~~) title and chapter 42.56 RCW.

30 (5) Any citizen has standing to bring an action in Thurston
31 county superior court to contest the propriety of any order entered
32 under this section within one year from the date of the entry of the
33 order.

34 (6) The commission shall adopt rules governing the proceedings.

35 **Sec. 411.** RCW 42.17A.125 and 2019 c 428 s 11 are each amended to
36 read as follows:

37 At least once every five years, but no more often than every two
38 years, the commission must consider whether to revise the monetary
39 contribution limits and reporting thresholds and code values of this

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

16 Revisions made in accordance with this section shall be adopted
17 as rules in accordance with chapter 34.05 RCW.

18 **Sec. 412.** RCW 42.17A.130 and 2010 c 205 s 8 and 2010 c 204 s 306
19 are each reenacted and amended to read as follows:

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

26 **Sec. 413.** RCW 42.17A.135 and 2019 c 428 s 12 are each amended to
27 read as follows:

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

31 (a) Candidates, elected officials, and agencies in political
32 subdivisions with fewer than ((two thousand)) 2,000 registered voters
33 as of the date of the most recent general election in the
34 jurisdiction;

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

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

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

16 (3) The reporting provisions of this (~~chapter~~) title apply in
17 any exempt political subdivision that by ordinance, resolution, or
18 other official action has petitioned the commission to make the
19 provisions applicable to elected officials and candidates of the
20 exempt political subdivision. A copy of the action shall be sent to
21 the commission. If the commission finds the petition to be a valid
22 action of the appropriate governing body or authority, the commission
23 shall order every known affected person in the political subdivision
24 to file the initially required statement and reports within
25 (~~fourteen~~) 14 days of the date of the order.

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

32 (5) Any petition for disclosure, ordinance, resolution, or
33 official action of an agency petitioning the commission to void the
34 exemption in RCW 42.17A.200(3) (as recodified by this act) shall not
35 be considered unless it has been filed with the commission:

36 (a) In the case of a ballot proposition, at least (~~sixty~~) 60
37 days before the date of any election in which campaign finance
38 reporting is to be required;

39 (b) In the case of a candidate, at least (~~sixty~~) 60 days before
40 the first day on which a person may file a declaration of candidacy

1 for any election in which campaign finance reporting is to be
2 required.

3 (6) Any person exempted from reporting under this (~~chapter~~)
4 title may at the person's option file the statement and reports.

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

8 **Sec. 414.** RCW 42.17A.140 and 2019 c 428 s 13 are each amended to
9 read as follows:

10 (1) Except as provided in subsection (2) of this section, the
11 date of receipt of any properly addressed application, report,
12 statement, notice, or payment required to be made under the
13 provisions of this (~~chapter~~) title is the date shown by the post
14 office cancellation mark on the envelope of the submitted material.
15 The provisions of this section do not apply to reports required to be
16 delivered under RCW 42.17A.265 (as recodified by this act) and
17 42.17A.625 (as recodified by this act).

18 (2) When a report is filed electronically with the commission, it
19 is deemed to have been received on the file transfer date. The
20 commission shall notify the filer of receipt of the electronically
21 filed report. Such notification may be sent by mail or
22 electronically. If the notification of receipt of the electronically
23 filed report is not received by the filer, the filer may offer proof
24 of sending the report, and such proof shall be treated as if it were
25 a receipt sent by the commission. Electronic filing may be used for
26 purposes of filing the special reports required to be delivered under
27 RCW 42.17A.265 (as recodified by this act) and 42.17A.625 (as
28 recodified by this act).

29 **Sec. 415.** RCW 42.17A.145 and 1973 c 1 s 43 are each amended to
30 read as follows:

31 Every report and statement required to be filed under this
32 (~~chapter~~) title shall identify the person preparing it, and shall
33 be certified as complete and correct, both by the person preparing it
34 and by the person on whose behalf it is filed.

35 **Sec. 416.** RCW 42.17A.150 and 2010 c 205 s 9 are each amended to
36 read as follows:

1 The commission must preserve statements or reports required to be
2 filed under this (~~chapter~~) title for not less than (~~ten~~) 10
3 years.

4 **Sec. 417.** RCW 42.17A.160 and 2019 c 428 s 9 are each amended to
5 read as follows:

6 (1) The commission may apply for and obtain a superior court
7 order approving and authorizing a subpoena in advance of its
8 issuance. The application may be made in Thurston county, the county
9 where the subpoenaed person resides or is found, or the county where
10 the subpoenaed documents, records, or evidence are located. The
11 application must:

12 (a) State that an order is sought under this section;

13 (b) Adequately specify the documents, records, evidence, or
14 testimony; and

15 (c) Include a declaration made under oath that an investigation
16 is being conducted for a lawfully authorized purpose related to an
17 investigation within the commission's authority and that the
18 subpoenaed documents, records, evidence, or testimony are reasonably
19 related to an investigation within the commission's authority.

20 (2) When an application under this section is made to the
21 satisfaction of the court, the court must issue an order approving
22 the subpoena. An order under this subsection constitutes authority of
23 law for the agency to subpoena the documents, records, evidence, or
24 testimony.

25 (3) The commission may seek approval and a court may issue an
26 order under this section without prior notice to any person,
27 including the person to whom the subpoena is directed and the person
28 who is the subject of an investigation. An application for court
29 approval is subject to the fee and process set forth in RCW
30 36.18.012(3).

31 **Sec. 418.** RCW 42.17A.200 and 2010 c 204 s 401 are each amended
32 to read as follows:

33 The provisions of this (~~chapter~~) title relating to the
34 financing of election campaigns shall apply in all election campaigns
35 other than (1) for precinct committee officer; (2) for a federal
36 elective office; and (3) for an office of a political subdivision of
37 the state that does not encompass a whole county and that contains
38 fewer than (~~five thousand~~) 5,000 registered voters as of the date

1 of the most recent general election in the subdivision, unless
2 required by RCW 42.17A.135 (2) through (5) and (7) (as recodified by
3 this act).

4 **Sec. 419.** RCW 42.17A.205 and 2019 c 428 s 14 are each amended to
5 read as follows:

6 (1) Every political committee shall file a statement of
7 organization with the commission. The statement must be filed within
8 two weeks after organization or within two weeks after the date the
9 committee first has the expectation of receiving contributions or
10 making expenditures in any election campaign, whichever is earlier. A
11 political committee organized within the last three weeks before an
12 election and having the expectation of receiving contributions or
13 making expenditures during and for that election campaign shall file
14 a statement of organization within three business days after its
15 organization or when it first has the expectation of receiving
16 contributions or making expenditures in the election campaign.

17 (2) The statement of organization shall include but not be
18 limited to:

19 (a) The name, address, and electronic contact information of the
20 committee;

21 (b) The names, addresses, and electronic contact information of
22 all related or affiliated committees or other persons, and the nature
23 of the relationship or affiliation;

24 (c) The names, addresses, and titles of its officers; or if it
25 has no officers, the names, addresses, and titles of its responsible
26 leaders;

27 (d) The name, address, and electronic contact information of its
28 treasurer and depository;

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

30 (f) The name, office sought, and party affiliation of each
31 candidate whom the committee is supporting or opposing, and, if the
32 committee is supporting the entire ticket of any party, the name of
33 the party;

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

36 (h) What distribution of surplus funds will be made, in
37 accordance with RCW 42.17A.430 (as recodified by this act), in the
38 event of dissolution;

1 (i) Such other information as the commission may by rule
2 prescribe, in keeping with the policies and purposes of this
3 (~~chapter~~) title;

4 (j) The name, address, and title of any person who authorizes
5 expenditures or makes decisions on behalf of the candidate or
6 committee; and

7 (k) The name, address, and title of any person who is paid by or
8 is a volunteer for a candidate or political committee to perform
9 ministerial functions and who performs ministerial functions on
10 behalf of two or more candidates or committees.

11 (3) No two political committees may have the same name.

12 (4) Any material change in information previously submitted in a
13 statement of organization shall be reported to the commission within
14 the (~~ten~~) 10 days following the change.

15 (5) As used in this section, the "name" of a sponsored committee
16 must include the name of the person who is the sponsor of the
17 committee. If more than one person meets the definition of sponsor,
18 the name of the committee must include the name of at least one
19 sponsor, but may include the names of other sponsors. A person may
20 sponsor only one political committee for the same elected office or
21 same ballot proposition per election cycle.

22 **Sec. 420.** RCW 42.17A.207 and 2019 c 428 s 15 are each amended to
23 read as follows:

24 (1)(a) An incidental committee must file a statement of
25 organization with the commission within two weeks after the date the
26 committee first:

27 (i) Has the expectation of making any expenditures aggregating at
28 least twenty-five thousand dollars in a calendar year in any election
29 campaign, or to a political committee; and

30 (ii) Is required to disclose a payment received under RCW
31 42.17A.240(2)(d) (as recodified by this act).

32 (b) If an incidental committee first meets the criteria requiring
33 filing a statement of organization as specified in (a) of this
34 subsection in the last three weeks before an election, then it must
35 file the statement of organization within three business days.

36 (2) The statement of organization must include but is not limited
37 to:

38 (a) The name, address, and electronic contact information of the
39 committee;

1 (b) The names and addresses of all related or affiliated
2 political or incidental committees or other persons, and the nature
3 of the relationship or affiliation;

4 (c) The names, addresses, and titles of its officers; or if it
5 has no officers, the names, addresses, and titles of its responsible
6 leaders and the name of the person designated as the treasurer of the
7 incidental committee;

8 (d) The name, office sought, and party affiliation of each
9 candidate whom the committee is supporting or opposing if the
10 committee contributes directly to a candidate and, if donating to a
11 political committee, the name and address of that political
12 committee;

13 (e) The ballot proposition concerned, if any, and whether the
14 committee is in favor of or opposed to such proposition; and

15 (f) Such other information as the commission may by rule
16 prescribe, in keeping with the policies and purposes of this
17 (~~chapter~~) title.

18 (3) Any material change in information previously submitted in a
19 statement of organization must be reported to the commission within
20 the (~~ten~~) 10 days following the change.

21 **Sec. 421.** RCW 42.17A.210 and 2019 c 428 s 16 are each amended to
22 read as follows:

23 (1) Each candidate, within two weeks after becoming a candidate,
24 and each political committee, at the time it is required to file a
25 statement of organization, shall designate and file with the
26 commission the name and address of one legally competent individual,
27 who may be the candidate, to serve as a treasurer.

28 (2) A candidate, a political committee, or a treasurer may
29 appoint as many deputy treasurers as is considered necessary and
30 shall file the names and addresses of the deputy treasurers with the
31 commission.

32 (3) (a) A candidate or political committee may at any time remove
33 a treasurer or deputy treasurer.

34 (b) In the event of the death, resignation, removal, or change of
35 a treasurer or deputy treasurer, the candidate or political committee
36 shall designate and file with the commission the name and address of
37 any successor.

38 (4) No treasurer or deputy treasurer may be deemed to be in
39 compliance with the provisions of this (~~chapter~~) title until the

1 treasurer's or deputy treasurer's name, address, and electronic
2 contact information is filed with the commission.

3 **Sec. 422.** RCW 42.17A.215 and 2019 c 428 s 17 are each amended to
4 read as follows:

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

17 **Sec. 423.** RCW 42.17A.220 and 2018 c 304 s 5 are each amended to
18 read as follows:

19 (1) All monetary contributions received by a candidate or
20 political committee shall be deposited by candidates, political
21 committee members, paid staff, or treasurers in a depository in an
22 account established and designated for that purpose. Such deposits
23 shall be made within five business days of receipt of the
24 contribution. For online or credit card contributions, the
25 contribution is considered received at the time the transfer is made
26 from the merchant account to a candidate or political committee
27 account, except that a contribution made to a candidate who is a
28 state official or legislator outside the restriction period
29 established in RCW 42.17A.560 (as recodified by this act), but
30 transferred to the candidate's account within the restricted period,
31 is considered received outside of the restriction period.

32 (2) Political committees that support or oppose more than one
33 candidate or ballot proposition, or exist for more than one purpose,
34 may maintain multiple separate bank accounts within the same
35 designated depository for such purpose only if:

36 (a) Each such account bears the same name;

37 (b) Each such account is followed by an appropriate designation
38 that accurately identifies its separate purpose; and

1 (c) Transfers of funds that must be reported under RCW
2 42.17A.240(~~(5)~~) (6) as recodified by this act are not made from
3 more than one such account.

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

9 (a) The commission is notified in writing of the initiation and
10 the termination of the investment; and

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

16 (4) Accumulated unidentified contributions, other than those made
17 by persons whose names must be maintained on a separate and private
18 list by a political committee's treasurer pursuant to RCW
19 42.17A.240(2) (as recodified by this act), in excess of one percent
20 of the total accumulated contributions received in the current
21 calendar year, or three hundred dollars, whichever is more, may not
22 be deposited, used, or expended, but shall be returned to the donor
23 if his or her identity can be ascertained. If the donor cannot be
24 ascertained, the contribution shall escheat to the state and shall be
25 paid to the state treasurer for deposit in the state general fund.

26 **Sec. 424.** RCW 42.17A.225 and 2019 c 428 s 18 are each amended to
27 read as follows:

28 (1) In addition to the provisions of this section, a continuing
29 political committee shall file and report on the same conditions and
30 at the same times as any other committee in accordance with the
31 provisions of RCW 42.17A.205 (as recodified by this act), 42.17A.210
32 (as recodified by this act), and 42.17A.220 (as recodified by this
33 act).

34 (2) A continuing political committee shall file with the
35 commission a report on the tenth day of each month detailing
36 expenditures made and contributions received for the preceding
37 calendar month. This report need only be filed if either the total
38 contributions received or total expenditures made since the last such
39 report exceed two hundred dollars. The report shall be on a form

1 supplied by the commission and shall include the following
2 information:

3 (a) The information required by RCW 42.17A.240 (as recodified by
4 this act);

5 (b) Each expenditure made to retire previously accumulated debts
6 of the committee identified by recipient, amount, and date of
7 payments;

8 (c) Other information the commission shall prescribe by rule.

9 (3) If a continuing political committee makes a contribution in
10 support of or in opposition to a candidate or ballot proposition
11 within ~~((sixty))~~ 60 days before the date that the candidate or ballot
12 proposition will be voted upon, the committee shall report pursuant
13 to RCW 42.17A.235 (as recodified by this act).

14 (4)(a) A continuing political committee shall file reports as
15 required by this ~~((chapter))~~ title until the committee has ceased to
16 function and intends to dissolve, at which time, when there is no
17 outstanding debt or obligation and the committee is concluded in all
18 respects, a final report shall be filed. Upon submitting a final
19 report, the continuing political committee so intending to dissolve
20 must file notice of intent to dissolve with the commission and the
21 commission must post the notice on its website.

22 (b) The continuing political committee may dissolve ~~((sixty))~~ 60
23 days after it files its notice to dissolve, only if:

24 (i) The continuing political committee does not make any
25 expenditures other than those related to the dissolution process or
26 engage in any political activity or any other activities that
27 generate additional reporting requirements under this ~~((chapter))~~
28 title after filing such notice;

29 (ii) No complaint or court action, pursuant to this ~~((chapter))~~
30 title, is pending against the continuing political committee; and

31 (iii) All penalties assessed by the commission or court order
32 have been paid by the continuing political committee.

33 (c) The continuing political committee must continue to report
34 regularly as required under this ~~((chapter))~~ title until all the
35 conditions under (b) of this subsection are resolved.

36 (d) Upon dissolution, the commission must issue an acknowledgment
37 of dissolution, the duties of the treasurer shall cease, and there
38 shall be no further obligations under this ~~((chapter))~~ title.
39 Dissolution does not absolve the candidate or board of the committee
40 from responsibility for any future obligations resulting from the

1 finding after dissolution of a violation committed prior to
2 dissolution.

3 (5) The treasurer shall maintain books of account, current within
4 five business days, that accurately reflect all contributions and
5 expenditures. During the (~~ten~~) 10 calendar days immediately
6 preceding the date of any election that the committee has received
7 any contributions or made any expenditures, the books of account
8 shall be kept current within one business day and shall be open for
9 public inspection in the same manner as provided for candidates and
10 other political committees in RCW 42.17A.235(6) (as recodified by
11 this act).

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

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

18 **Sec. 425.** RCW 42.17A.230 and 2019 c 428 s 19 are each amended to
19 read as follows:

20 (1) Fund-raising activities meeting the standards of subsection
21 (2) of this section may be reported in accordance with the provisions
22 of this section in lieu of reporting in accordance with RCW
23 42.17A.235 (as recodified by this act).

24 (2) Standards:

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

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

28 (ii) A gambling operation 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 and the
31 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 and the price of admission is no more than
35 twenty-five dollars; or

36 (v) An auction or similar sale for which the total fair market
37 value or cost of items donated by any person is no more than fifty
38 dollars; and

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

8 (c) Any other standards established by rule of the commission to
9 prevent frustration of the purposes of this (~~chapter~~) title.

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

14 (4) At the time reports are required under RCW 42.17A.235 (as
15 recodified by this act), the treasurer or deputy treasurer making the
16 deposit shall file with the commission a report of the fund-raising
17 activity which must contain the following information:

18 (a) The date of the activity;

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

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

23 (5) The treasurer or deputy treasurer shall certify the report is
24 correct.

25 (6) The treasurer shall report pursuant to RCW 42.17A.235 (as
26 recodified by this act) and 42.17A.240 (as recodified by this act):

27 (a) The name and address and the amount contributed by each
28 person contributing goods or services with a fair market value of
29 more than fifty dollars to a fund-raising activity reported under
30 subsection (4) of this section; and

31 (b) The name and address and the amount paid by each person whose
32 identity can be ascertained, who made a contribution to the candidate
33 or committee aggregating more than fifty dollars at or from such a
34 fund-raising activity.

35 **Sec. 426.** RCW 42.17A.235 and 2019 c 428 s 20 are each amended to
36 read as follows:

37 (1)(a) In addition to the information required under RCW
38 42.17A.205 (as recodified by this act) and 42.17A.210 (as recodified
39 by this act), each candidate or political committee must file with

1 the commission a report of all contributions received and
2 expenditures made as a political committee on the next reporting date
3 pursuant to the timeline established in this section.

4 (b) In addition to the information required under RCW 42.17A.207
5 (as recodified by this act) and 42.17A.210 (as recodified by this
6 act), on the day an incidental committee files a statement of
7 organization with the commission, each incidental committee must file
8 with the commission a report of any election campaign expenditures
9 under RCW 42.17A.240(~~(+6+)~~) (7) (as recodified by this act), as well
10 as the source of the (~~(ten)~~) 10 largest cumulative payments of ten
11 thousand dollars or greater it received in the current calendar year
12 from a single person, including any persons tied as the (~~(tenth)~~)
13 10th largest source of payments it received, if any.

14 (2) Each treasurer of a candidate or political committee, or an
15 incidental committee, required to file a statement of organization
16 under this (~~(chapter)~~) title, shall file with the commission a
17 report, for each election in which a candidate, political committee,
18 or incidental committee is participating, containing the information
19 required by RCW 42.17A.240 (as recodified by this act) at the
20 following intervals:

21 (a) On the (~~(twenty-first)~~) 21st day and the seventh day
22 immediately preceding the date on which the election is held; and

23 (b) On the (~~(tenth)~~) 10th day of the first full month after the
24 election.

25 (3)(a) Each treasurer of a candidate or political committee shall
26 file with the commission a report on the (~~(tenth)~~) 10th day of each
27 month during which the candidate or political committee is not
28 participating in an election campaign, only if the committee has
29 received a contribution or made an expenditure in the preceding
30 calendar month and either the total contributions received or total
31 expenditures made since the last such report exceed two hundred
32 dollars.

33 (b) Each incidental committee shall file with the commission a
34 report on the (~~(tenth)~~) 10th day of each month during which the
35 incidental committee is not otherwise required to report under this
36 section only if the committee has:

37 (i) Received a payment that would change the information required
38 under RCW 42.17A.240(2)(d) (as recodified by this act) as included in
39 its last report; or

1 (ii) Made any election campaign expenditure reportable under RCW
2 42.17A.240(~~((6))~~) (7) (as recodified by this act) since its last
3 report, and the total election campaign expenditures made since the
4 last report exceed two hundred dollars.

5 (4) The report filed (~~(twenty-one)~~) 21 days before the election
6 shall report all contributions received and expenditures made as of
7 the end of one business day before the date of the report. The report
8 filed seven days before the election shall report all contributions
9 received and expenditures made as of the end of one business day
10 before the date of the report. Reports filed on the (~~(tenth)~~) 10th
11 day of the month shall report all contributions received and
12 expenditures made from the closing date of the last report filed
13 through the last day of the month preceding the date of the current
14 report.

15 (5) For the period beginning the first day of the fourth month
16 preceding the date of the special election, or for the period
17 beginning the first day of the fifth month before the date of the
18 general election, and ending on the date of that special or general
19 election, each Monday the treasurer for a candidate or a political
20 committee shall file with the commission a report of each bank
21 deposit made during the previous seven calendar days. The report
22 shall contain the name of each person contributing the funds and the
23 amount contributed by each person. However, persons who contribute no
24 more than twenty-five dollars in the aggregate are not required to be
25 identified in the report. A copy of the report shall be retained by
26 the treasurer for the treasurer's records. In the event of deposits
27 made by candidates, political committee members, or paid staff other
28 than the treasurer, the copy shall be immediately provided to the
29 treasurer for the treasurer's records. Each report shall be certified
30 as correct by the treasurer.

31 (6) (a) The treasurer for a candidate or a political committee
32 shall maintain books of account accurately reflecting all
33 contributions and expenditures on a current basis within five
34 business days of receipt or expenditure. During the (~~(ten)~~) 10
35 calendar days immediately preceding the date of the election the
36 books of account shall be kept current within one business day. As
37 specified in the political committee's statement of organization
38 filed under RCW 42.17A.205 (as recodified by this act), the books of
39 account must be open for public inspection by appointment at a place
40 agreed upon by both the treasurer and the requestor, for inspections

1 between 9:00 a.m. and 5:00 p.m. on any day from the (~~tenth~~) 10th
2 calendar day immediately before the election through the day
3 immediately before the election, other than Saturday, Sunday, or a
4 legal holiday. It is a violation of this (~~chapter~~) title for a
5 candidate or political committee to refuse to allow and keep an
6 appointment for an inspection to be conducted during these authorized
7 times and days. The appointment must be allowed at an authorized time
8 and day for such inspections that is within (~~forty-eight~~) 48 hours
9 of the time and day that is requested for the inspection. The
10 treasurer may provide digital access or copies of the books of
11 account in lieu of scheduling an appointment at a designated place
12 for inspection. If the treasurer and requestor are unable to agree on
13 a location and the treasurer has not provided digital access to the
14 books of account, the default location for an appointment shall be a
15 place of public accommodation selected by the treasurer within a
16 reasonable distance from the treasurer's office.

17 (b) At the time of making the appointment, a person wishing to
18 inspect the books of account must provide the treasurer the name and
19 telephone number of the person wishing to inspect the books of
20 account. The person inspecting the books of account must show photo
21 identification before the inspection begins.

22 (c) A treasurer may refuse to show the books of account to any
23 person who does not make an appointment or provide the required
24 identification. The commission may issue limited rules to modify the
25 requirements set forth in this section in consideration of other
26 technology and best practices.

27 (7) Copies of all reports filed pursuant to this section shall be
28 readily available for public inspection by appointment, pursuant to
29 subsection (6) of this section.

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

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.

38 (10) Where there is not a pending complaint concerning a report,
39 it is not evidence of a violation of this section to submit an

1 amended report within (~~twenty-one~~) 21 days of filing an initial
2 report if:

3 (a) The report is accurately amended;

4 (b) The amended report is filed more than (~~thirty~~) 30 days
5 before an election;

6 (c) The total aggregate dollar amount of the adjustment for the
7 amended report is within three times the contribution limit per
8 election or two hundred dollars, whichever is greater; and

9 (d) The committee reported all information that was available to
10 it at the time of filing, or made a good faith effort to do so, or if
11 a refund of a contribution or expenditure is being reported.

12 (11)(a) When there is no outstanding debt or obligation, the
13 campaign fund is closed, the campaign is concluded in all respects,
14 and the political committee has ceased to function and intends to
15 dissolve, the treasurer shall file a final report. Upon submitting a
16 final report, the political committee so intending to dissolve must
17 file notice of intent to dissolve with the commission and the
18 commission must post the notice on its website.

19 (b) Any political committee may dissolve (~~sixty~~) 60 days after
20 it files its notice to dissolve, only if:

21 (i) The political committee does not make any expenditures other
22 than those related to the dissolution process or engage in any
23 political activity or any other activities that generate additional
24 reporting requirements under this (~~chapter~~) title after filing such
25 notice;

26 (ii) No complaint or court action under this (~~chapter~~) title is
27 pending against the political committee; and

28 (iii) All penalties assessed by the commission or court order
29 have been paid by the political committee.

30 (c) The political committee must continue to report regularly as
31 required under this (~~chapter~~) title until all the conditions under
32 (b) of this subsection are resolved.

33 (d) Upon dissolution, the commission must issue an acknowledgment
34 of dissolution, the duties of the treasurer shall cease, and there
35 shall be no further obligations under this (~~chapter~~) title.
36 Dissolution does not absolve the candidate or board of the committee
37 from responsibility for any future obligations resulting from the
38 finding after dissolution of a violation committed prior to
39 dissolution.

1 (12) The commission must adopt rules for the dissolution of
2 incidental committees.

3 **Sec. 427.** RCW 42.17A.240 and 2020 c 152 s 3 are each amended to
4 read as follows:

5 Each report required under RCW 42.17A.235 (1) through (4) (as
6 recodified by this act) must be certified as correct by the treasurer
7 and the candidate and shall disclose the following, except an
8 incidental committee only must disclose and certify as correct the
9 information required under subsections (2)(d) and (7) of this
10 section:

11 (1) The funds on hand at the beginning of the period;

12 (2) The name and address of each person who has made one or more
13 contributions during the period, together with the money value and
14 date of each contribution and the aggregate value of all
15 contributions received from each person during the campaign, or in
16 the case of a continuing political committee, the current calendar
17 year, with the following exceptions:

18 (a) Pledges in the aggregate of less than one hundred dollars
19 from any one person need not be reported;

20 (b) Income that results from a fund-raising activity conducted in
21 accordance with RCW 42.17A.230 (as recodified by this act) may be
22 reported as one lump sum, with the exception of that portion received
23 from persons whose names and addresses are required to be included in
24 the report required by RCW 42.17A.230 (as recodified by this act);

25 (c) Contributions of no more than twenty-five dollars in the
26 aggregate from any one person during the election campaign may be
27 reported as one lump sum if the treasurer maintains a separate and
28 private list of the name, address, and amount of each such
29 contributor;

30 (d) Payments received by an incidental committee from any one
31 person need not be reported unless the person is one of the
32 committee's ~~((ten))~~ 10 largest sources of payments received,
33 including any persons tied as the ~~((tenth))~~ 10th largest source of
34 payments received, during the current calendar year, and the value of
35 the cumulative payments received from that person during the current
36 calendar year is ten thousand dollars or greater. For payments to
37 incidental committees from multiple persons received in aggregated
38 form, any payment of more than ten thousand dollars from any single
39 person must be reported, but the aggregated payment itself may not be

1 reported. The commission may suspend or modify reporting requirements
2 for payments received by an incidental committee in cases of
3 manifestly unreasonable hardship under this (~~chapter~~) title;

4 (e) Payments from private foundations organized under section
5 501(c)(3) of the internal revenue code to an incidental committee do
6 not have to be reported if:

7 (i) The private foundation is contracting with the incidental
8 committee for a specific purpose other than election campaign
9 purposes;

10 (ii) Use of the funds for election campaign purposes is
11 explicitly prohibited by contract; and

12 (iii) Funding from the private foundation represents less than
13 (~~twenty-five~~) 25 percent of the incidental committee's total
14 budget;

15 (f) Commentary or analysis on a ballot proposition by an
16 incidental committee is not considered a contribution if it does not
17 advocate specifically to vote for or against the ballot proposition;
18 and

19 (g) The money value of contributions of postage is the face value
20 of the postage;

21 (3) Each loan, promissory note, or security instrument to be used
22 by or for the benefit of the candidate or political committee made by
23 any person, including the names and addresses of the lender and each
24 person liable directly, indirectly or contingently and the date and
25 amount of each such loan, promissory note, or security instrument;

26 (4) All other contributions not otherwise listed or exempted;

27 (5) A statement that the candidate or political committee has
28 received a certification from any partnership, association,
29 corporation, organization, or other combination of persons making a
30 contribution to the candidate or political committee that:

31 (a) The contribution is not financed in any part by a foreign
32 national; and

33 (b) Foreign nationals are not involved in making decisions
34 regarding the contribution in any way;

35 (6) The name and address of each candidate or political committee
36 to which any transfer of funds was made, including the amounts and
37 dates of the transfers;

38 (7) The name and address of each person to whom an expenditure
39 was made in the aggregate amount of more than fifty dollars during
40 the period covered by this report, the amount, date, and purpose of

1 each expenditure, and the total sum of all expenditures. An
2 incidental committee only must report on expenditures, made and
3 reportable as contributions as defined in (~~RCW 42.17A.005~~) section
4 216 of this act, to election campaigns. For purposes of this
5 subsection, commentary or analysis on a ballot proposition by an
6 incidental committee is not considered an expenditure if it does not
7 advocate specifically to vote for or against the ballot proposition;

8 (8) The name, address, and electronic contact information of each
9 person to whom an expenditure was made for soliciting or procuring
10 signatures on an initiative or referendum petition, the amount of the
11 compensation to each person, and the total expenditures made for this
12 purpose. Such expenditures shall be reported under this subsection in
13 addition to what is required to be reported under subsection (7) of
14 this section;

15 (9) (a) The name and address of any person and the amount owed for
16 any debt with a value of more than seven hundred fifty dollars that
17 has not been paid for any invoices submitted, goods received, or
18 services performed, within five business days during the period
19 within (~~thirty~~) 30 days before an election, or within (~~ten~~) 10
20 business days during any other period.

21 (b) For purposes of this subsection, debt does not include
22 regularly recurring expenditures of the same amount that have already
23 been reported at least once and that are not late or outstanding;

24 (10) The surplus or deficit of contributions over expenditures;

25 (11) The disposition made in accordance with RCW 42.17A.430 (as
26 recodified by this act) of any surplus funds; and

27 (12) Any other information required by the commission by rule in
28 conformance with the policies and purposes of this (~~chapter~~) title.

29 **Sec. 428.** RCW 42.17A.250 and 2020 c 152 s 4 are each amended to
30 read as follows:

31 (1) An out-of-state political committee organized for the purpose
32 of supporting or opposing candidates or ballot propositions in
33 another state that is not otherwise required to report under RCW
34 42.17A.205 (as recodified by this act) through 42.17A.240 (as
35 recodified by this act) shall report as required in this section when
36 it makes an expenditure supporting or opposing a Washington state
37 candidate or political committee. The committee shall file with the
38 commission a statement disclosing:

39 (a) Its name and address;

- 1 (b) The purposes of the out-of-state committee;
- 2 (c) The names, addresses, and titles of its officers or, if it
3 has no officers, the names, addresses, and the titles of its
4 responsible leaders;
- 5 (d) The name, office sought, and party affiliation of each
6 candidate in the state of Washington whom the out-of-state committee
7 is supporting or opposing and, if the committee is supporting or
8 opposing the entire ticket of any party, the name of the party;
- 9 (e) The ballot proposition supported or opposed in the state of
10 Washington, if any, and whether the committee is in favor of or
11 opposed to that proposition;
- 12 (f) The name and address of each person residing in the state of
13 Washington or corporation that has a place of business in the state
14 of Washington who has made one or more contributions in the aggregate
15 of more than twenty-five dollars to the out-of-state committee during
16 the current calendar year, together with the money value and date of
17 the contributions;
- 18 (g) The name, address, and employer of each person or corporation
19 residing outside the state of Washington who has made one or more
20 contributions in the aggregate of more than two thousand five hundred
21 fifty dollars to the out-of-state committee during the current
22 calendar year, together with the money value and date of the
23 contributions. Annually, the commission must modify the two thousand
24 five hundred fifty dollar limit in this subsection based on
25 percentage change in the implicit price deflator for personal
26 consumption expenditures for the United States as published for the
27 most recent (~~twelve~~) 12-month period by the bureau of economic
28 analysis of the federal department of commerce;
- 29 (h) The name and address of each person in the state of
30 Washington to whom an expenditure was made by the out-of-state
31 committee with respect to a candidate or political committee in the
32 aggregate amount of more than fifty dollars, the amount, date, and
33 purpose of the expenditure, and the total sum of the expenditures;
- 34 (i) A statement that the out-of-state committee has received a
35 certification from any partnership, association, corporation,
36 organization, or other combination of persons making a contribution
37 reportable under this section that:
- 38 (i) The contribution is not financed in any part by a foreign
39 national; and

1 (ii) Foreign nationals are not involved in making decisions
2 regarding the contribution in any way; and

3 (j) Any other information as the commission may prescribe by rule
4 in keeping with the policies and purposes of this (~~chapter~~) title.

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

12 **Sec. 429.** RCW 42.17A.255 and 2020 c 152 s 5 are each amended to
13 read as follows:

14 (1) For the purposes of this section the term "independent
15 expenditure" means any expenditure that is made in support of or in
16 opposition to any candidate or ballot proposition and is not
17 otherwise required to be reported pursuant to RCW 42.17A.225 (as
18 recodified by this act), 42.17A.235 (as recodified by this act), and
19 42.17A.240 (as recodified by this act). "Independent expenditure"
20 does not include: An internal political communication primarily
21 limited to the contributors to a political party organization or
22 political action committee, or the officers, management staff, and
23 stockholders of a corporation or similar enterprise, or the members
24 of a labor organization or other membership organization; or the
25 rendering of personal services of the sort commonly performed by
26 volunteer campaign workers, or incidental expenses personally
27 incurred by volunteer campaign workers not in excess of fifty dollars
28 personally paid for by the worker. "Volunteer services," for the
29 purposes of this section, means services or labor for which the
30 individual is not compensated by 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
34 the same person equals one hundred dollars or more, or within five
35 days after the date of making an independent expenditure for which no
36 reasonable estimate of monetary value is practicable, whichever
37 occurs first, the person who made the independent expenditure shall
38 file with the commission an initial report of all independent

1 expenditures made during the campaign prior to and including such
2 date.

3 (3) At the following intervals each person who is required to
4 file an initial report pursuant to subsection (2) of this section
5 shall file with the commission a further report of the independent
6 expenditures made since the date of the last report:

7 (a) On the (~~twenty-first~~) 21st day and the seventh day
8 preceding the date on which the election is held; and

9 (b) On the (~~tenth~~) 10th day of the first month after the
10 election; and

11 (c) On the (~~tenth~~) 10th day of each month in which no other
12 reports are required to be filed pursuant to this section. However,
13 the further reports required by this subsection (3) shall only be
14 filed if the reporting person has made an independent expenditure
15 since the date of the last previous report filed.

16 The report filed pursuant to (a) of this subsection (3) shall be
17 the final report, and upon submitting such final report the duties of
18 the reporting person shall cease, and there shall be no obligation to
19 make any further reports.

20 (4) All reports filed pursuant to this section shall be certified
21 as correct by the reporting person.

22 (5) Each report required by subsections (2) and (3) of this
23 section shall disclose for the period beginning at the end of the
24 period for the last previous report filed or, in the case of an
25 initial report, beginning at the time of the first independent
26 expenditure, and ending not more than one business day before the
27 date the report is due:

28 (a) The name, address, and electronic contact information of the
29 person filing the report;

30 (b) The name and address of each person to whom an independent
31 expenditure was made in the aggregate amount of more than fifty
32 dollars, and the amount, date, and purpose of each such expenditure.
33 If no reasonable estimate of the monetary value of a particular
34 independent expenditure is practicable, it is sufficient to report
35 instead a precise description of services, property, or rights
36 furnished through the expenditure and where appropriate to attach a
37 copy of the item produced or distributed by the expenditure;

38 (c) The total sum of all independent expenditures made during the
39 campaign to date;

1 (d) A statement from the person making an independent expenditure
2 that:

3 (i) The expenditure is not financed in any part by a foreign
4 national; and

5 (ii) Foreign nationals are not involved in making decisions
6 regarding the expenditure in any way; and

7 (e) Such other information as shall be required by the commission
8 by rule in conformance with the policies and purposes of this
9 (~~chapter~~) title.

10 **Sec. 430.** RCW 42.17A.260 and 2020 c 152 s 6 are each amended to
11 read as follows:

12 (1) The sponsor of political advertising shall file a special
13 report to the commission within (~~twenty-four~~) 24 hours of, or on
14 the first working day after, the date the political advertising is
15 first published, mailed, or otherwise presented to the public, if the
16 political advertising:

17 (a) Is published, mailed, or otherwise presented to the public
18 within (~~twenty-one~~) 21 days of an election; and

19 (b) Either:

20 (i) Qualifies as an independent expenditure with a fair market
21 value or actual cost of one thousand dollars or more, for political
22 advertising supporting or opposing a candidate; or

23 (ii) Has a fair market value or actual cost of one thousand
24 dollars or more, for political advertising supporting or opposing a
25 ballot proposition.

26 (2) If a sponsor is required to file a special report under this
27 section, the sponsor shall also deliver to the commission within the
28 delivery period established in subsection (1) of this section a
29 special report for each subsequent independent expenditure of any
30 size supporting or opposing the same candidate who was the subject of
31 the previous independent expenditure, supporting or opposing that
32 candidate's opponent, or, in the case of a subsequent expenditure of
33 any size made in support of or in opposition to a ballot proposition
34 not otherwise required to be reported pursuant to RCW 42.17A.225 (as
35 recodified by this act), 42.17A.235 (as recodified by this act), or
36 42.17A.240 (as recodified by this act), supporting or opposing the
37 same ballot proposition that was the subject of the previous
38 expenditure.

39 (3) The special report must include:

- 1 (a) The name and address of the person making the expenditure;
2 (b) The name and address of the person to whom the expenditure
3 was made;
4 (c) A detailed description of the expenditure;
5 (d) The date the expenditure was made and the date the political
6 advertising was first published or otherwise presented to the public;
7 (e) The amount of the expenditure;
8 (f) The name of the candidate supported or opposed by the
9 expenditure, the office being sought by the candidate, and whether
10 the expenditure supports or opposes the candidate; or the name of the
11 ballot proposition supported or opposed by the expenditure and
12 whether the expenditure supports or opposes the ballot proposition;
13 (g) A statement from the sponsor that:
14 (i) The political advertising is not financed in any part by a
15 foreign national; and
16 (ii) Foreign nationals are not involved in making decisions
17 regarding the political advertising in any way; and
18 (h) Any other information the commission may require by rule.
19 (4) All persons required to report under RCW 42.17A.225 (as
20 recodified by this act), 42.17A.235 (as recodified by this act),
21 42.17A.240 (as recodified by this act), 42.17A.255 (as recodified by
22 this act), and 42.17A.305 (as recodified by this act) are subject to
23 the requirements of this section. The commission may determine that
24 reports filed pursuant to this section also satisfy the requirements
25 of RCW 42.17A.255 (as recodified by this act).
26 (5) The sponsor of independent expenditures supporting a
27 candidate or opposing that candidate's opponent required to report
28 under this section shall file with each required report an affidavit
29 or declaration of the person responsible for making the independent
30 expenditure that the expenditure was not made in cooperation,
31 consultation, or concert with, or at the request or suggestion of,
32 the candidate, the candidate's authorized committee, or the
33 candidate's agent, or with the encouragement or approval of the
34 candidate, the candidate's authorized committee, or the candidate's
35 agent.

36 **Sec. 431.** RCW 42.17A.265 and 2020 c 152 s 7 are each amended to
37 read as follows:

- 38 (1) Treasurers shall prepare and deliver to the commission a
39 special report when a contribution or aggregate of contributions

1 totals one thousand dollars or more, is from a single person or
2 entity, and is received during a special reporting period.

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

7 (3) An aggregate of contributions includes only those
8 contributions made to or received from a single entity during any one
9 special reporting period. Any subsequent contribution of any size
10 made to or received from the same person or entity during the special
11 reporting period must also be reported.

12 (4) Special reporting periods, for purposes of this section,
13 include:

14 (a) The period beginning on the day after the last report
15 required by RCW 42.17A.235 (as recodified by this act) and 42.17A.240
16 (as recodified by this act) to be filed before a primary and
17 concluding on the end of the day before that primary;

18 (b) The period (~~(twenty-one)~~) 21 days preceding a general
19 election; and

20 (c) An aggregate of contributions includes only those
21 contributions received from a single entity during any one special
22 reporting period or made by the contributing political committee to a
23 single entity during any one special reporting period.

24 (5) If a campaign treasurer files a special report under this
25 section for one or more contributions received from a single entity
26 during a special reporting period, the treasurer shall also file a
27 special report under this section for each subsequent contribution of
28 any size which is received from that entity during the special
29 reporting period. If a political committee files a special report
30 under this section for a contribution or contributions made to a
31 single entity during a special reporting period, the political
32 committee shall also file a special report for each subsequent
33 contribution of any size which is made to that entity during the
34 special reporting period.

35 (6) Special reports required by this section shall be delivered
36 electronically, or in written form if an electronic alternative is
37 not available.

38 (a) The special report required of a contribution recipient under
39 subsection (1) of this section shall be delivered to the commission
40 within (~~(forty-eight)~~) 48 hours of the time, or on the first working

1 day after: The contribution of one thousand dollars or more is
2 received by the candidate or treasurer; the aggregate received by the
3 candidate or treasurer first equals one thousand dollars or more; or
4 any subsequent contribution from the same source is received by the
5 candidate or treasurer.

6 (b) The special report required of a contributor under subsection
7 (2) of this section or RCW 42.17A.625 (as recodified by this act)
8 shall be delivered to the commission, and the candidate or political
9 committee to whom the contribution or contributions are made, within
10 ~~((twenty-four))~~ 24 hours of the time, or on the first working day
11 after: The contribution is made; the aggregate of contributions made
12 first equals one thousand dollars or more; or any subsequent
13 contribution to the same person or entity is made.

14 (7) The special report shall include:

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

16 (b) The date or dates of receipt;

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

18 (d) The name and address of the recipient;

19 (e) A statement that the candidate or political committee has
20 received a certification from any partnership, association,
21 corporation, organization, or other combination of persons making a
22 contribution reportable under this section that:

23 (i) The contribution is not financed in any part by a foreign
24 national; and

25 (ii) Foreign nationals are not involved in making decisions
26 regarding the contribution in any way; and

27 (f) Any other information the commission may by rule require.

28 (8) Contributions reported under this section shall also be
29 reported as required by other provisions of this ~~((chapter))~~ title.

30 (9) The commission shall prepare daily a summary of the special
31 reports made under this section and RCW 42.17A.625 (as recodified by
32 this act).

33 (10) Contributions governed by this section include, but are not
34 limited to, contributions made or received indirectly through a third
35 party or entity whether the contributions are or are not reported to
36 the commission as earmarked contributions under RCW 42.17A.270 (as
37 recodified by this act).

38 **Sec. 432.** RCW 42.17A.270 and 2010 c 204 s 416 are each amended
39 to read as follows:

1 A political committee receiving a contribution earmarked for the
2 benefit of a candidate or another political committee shall:

3 (1) Report the contribution as required in RCW 42.17A.235 (as
4 recodified by this act) and 42.17A.240 (as recodified by this act);

5 (2) Complete a report, entitled "Earmarked contributions," on a
6 form prescribed by the commission that identifies the name and
7 address of the person who made the contribution, the candidate or
8 political committee for whose benefit the contribution is earmarked,
9 the amount of the contribution, and the date that the contribution
10 was received; and

11 (3) Mail or deliver to the commission and the candidate or
12 political committee benefiting from the contribution a copy of the
13 "Earmarked contributions" report within two working days of receipt
14 of the contribution.

15 (4) A candidate or political committee receiving notification of
16 an earmarked contribution under subsection (3) of this section shall
17 report the contribution, once notification of the contribution is
18 received by the candidate or committee, in the same manner as any
19 other contribution, as required by RCW 42.17A.235 (as recodified by
20 this act) and 42.17A.240 (as recodified by this act).

21 **Sec. 433.** RCW 42.17A.300 and 2010 c 204 s 501 are each amended
22 to read as follows:

23 (1) The legislature finds that:

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

27 (b) Electioneering communications that identify political
28 candidates for state, local, or judicial office and that are
29 distributed (~~(sixty)~~) 60 days before an election for those offices
30 are intended to influence voters and the outcome of those elections.

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

38 (d) Nondisclosure of financial information about advertising that
39 masquerades as relating only to issues and not to candidate campaigns

1 fosters corruption or the appearance of corruption. These
2 consequences can be substantially avoided by full disclosure of the
3 identity and funding of those persons paying for such advertising.

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

12 (f) The state has a sufficiently compelling interest in
13 preventing corruption in political campaigns to justify and restore
14 contribution limits and restrictions on the use of soft money in RCW
15 42.17A.405 (as recodified by this act). Those interests include
16 restoring restrictions on the use of such funds for electioneering
17 communications, as well as the laws preventing circumvention of those
18 limits and restrictions.

19 (2) Based upon the findings in this section, chapter 445, Laws of
20 2005 is narrowly tailored to accomplish the following and is intended
21 to:

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

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

33 (c) Reenact and amend the contribution limits in RCW 42.17A.405
34 (7) and (15) (as recodified by this act) and the restrictions on the
35 use of soft money, including as applied to electioneering
36 communications, as those limits and restrictions were in effect
37 following the passage of chapter 2, Laws of 1993 (Initiative Measure
38 No. 134) and before the state supreme court decision in *Washington*
39 *State Republican Party v. Washington State Public Disclosure*
40 *Commission*, 141 Wn.2d 245, 4 P.3d 808 (2000). The commission is

1 authorized to fully restore the implementation of the limits and
2 restrictions of RCW 42.17A.405 (7) and (15) (as recodified by this
3 act) in light of *McConnell et al. v. Federal Elections Commission*,
4 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003). The United States
5 supreme court upheld the disclosure and regulation of electioneering
6 communications in political campaigns, including but not limited to
7 issue advocacy that is the functional equivalent of express advocacy;
8 and

9 (d) Authorize the commission to adopt rules to implement chapter
10 445, Laws of 2005.

11 **Sec. 434.** RCW 42.17A.305 and 2020 c 152 s 8 are each amended to
12 read as follows:

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

17 (a) Name and address of the sponsor;

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

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

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

33 (iii) A statement from the sponsor that:

34 (A) The electioneering communication is not financed in any part
35 by a foreign national; and

36 (B) Foreign nationals are not involved in making decisions
37 regarding the electioneering communication in any way; and

38 (iv) Any other source information required or exempted by the
39 commission by rule;

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

3 (d) A detailed description of each expenditure of more than one
4 hundred dollars;

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

8 (f) The amount of the expenditure;

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

13 (h) Any other information the commission may require or exempt by
14 rule.

15 (2) Electioneering communications shall be reported as follows:
16 The sponsor of an electioneering communication shall report to the
17 commission within (~~twenty-four~~) 24 hours of, or on the first
18 working day after, the date the electioneering communication is
19 broadcast, transmitted, mailed, erected, distributed, digitally or
20 otherwise, or otherwise published.

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

27 (4) All persons required to report under RCW 42.17A.225 (as
28 recodified by this act), 42.17A.235 (as recodified by this act),
29 42.17A.240 (as recodified by this act), and 42.17A.255 (as recodified
30 by this act) are subject to the requirements of this section,
31 although the commission may determine by rule that persons filing
32 according to those sections may be exempt from reporting some of the
33 information otherwise required by this section. The commission may
34 determine that reports filed pursuant to this section also satisfy
35 the requirements of RCW 42.17A.255 (as recodified by this act) and
36 42.17A.260 (as recodified by this act).

37 (5) Failure of any sponsor to report electronically under this
38 section shall be a violation of this (~~chapter~~) title.

1 **Sec. 435.** RCW 42.17A.310 and 2010 c 204 s 503 are each amended
2 to read as follows:

3 (1) An electioneering communication made by a person in
4 cooperation, consultation, or concert with, or at the request or
5 suggestion of, a candidate, a candidate's authorized committee, or
6 their agents is a contribution to the candidate.

7 (2) An electioneering communication made by a person in
8 cooperation, consultation, or concert with, or at the request or
9 suggestion of, a political committee or its agents is a contribution
10 to the political committee.

11 (3) If an electioneering communication is not a contribution
12 pursuant to subsection (1) or (2) of this section, the sponsor shall
13 file an affidavit or declaration so stating at the time the sponsor
14 is required to report the electioneering communication expense under
15 RCW 42.17A.305 (as recodified by this act).

16 **Sec. 436.** RCW 42.17A.315 and 2010 c 204 s 504 are each amended
17 to read as follows:

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

24 (2) All reports filed under RCW 42.17A.305 (as recodified by this
25 act) shall be certified as correct by the sponsor. If the sponsor is
26 an individual using his or her own funds to pay for the
27 communication, the certification shall be signed by the individual.
28 If the sponsor is a political committee, the certification shall be
29 signed by the committee treasurer. If the sponsor is another entity,
30 the certification shall be signed by the individual responsible for
31 authorizing the expenditure on the entity's behalf.

32 **Sec. 437.** RCW 42.17A.320 and 2019 c 261 s 3 are each amended to
33 read as follows:

34 (1) All written political advertising, whether relating to
35 candidates or ballot propositions, shall include the sponsor's name
36 and address. All radio and television political advertising, whether
37 relating to candidates or ballot propositions, shall include the
38 sponsor's name. The use of an assumed name for the sponsor of

1 electioneering communications, independent expenditures, or political
2 advertising shall be unlawful. For partisan office, if a candidate
3 has expressed a party or independent preference on the declaration of
4 candidacy, that party or independent designation shall be clearly
5 identified in electioneering communications, independent
6 expenditures, or political advertising.

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

13 (a) The statement: "No candidate authorized this ad. It is paid
14 for by (name, address, city, state)";

15 (b) If the sponsor is a political committee, the statement: "Top
16 Five Contributors," followed by a listing of the names of the five
17 persons making the largest contributions as determined by RCW
18 42.17A.350(1) (as recodified by this act); and if necessary, the
19 statement "Top Three Donors to PAC Contributors," followed by a
20 listing of the names of the three individuals or entities, other than
21 political committees, making the largest aggregated contributions as
22 determined by RCW 42.17A.350(2) (as recodified by this act); and

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

28 (3) The information required by subsections (1) and (2) of this
29 section shall:

30 (a) Appear on the first page or fold of the written advertisement
31 or communication in at least (~~ten~~) 10-point type, or in type at
32 least ten percent of the largest size type used in a written
33 advertisement or communication directed at more than one voter, such
34 as a billboard or poster, whichever is larger;

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

36 (c) Be set apart from any other printed matter. No text may be
37 before, after, or immediately adjacent to the information required by
38 subsections (1) and (2) of this section.

39 (4) In an independent expenditure or electioneering communication
40 transmitted via television or other medium that includes a visual

1 image, the following statement must either be clearly spoken, or
2 appear in print and be visible for at least four seconds, appear in
3 letters greater than four percent of the visual screen height on a
4 solid black background on the entire bottom one-third of the
5 television or visual display screen, or bottom one-fourth of the
6 screen if the sponsor does not have or is otherwise not required to
7 list its top five contributors, and have a reasonable color contrast
8 with the background: "No candidate authorized this ad. Paid for by
9 (name, city, state)." If the advertisement or communication is
10 undertaken by a nonindividual other than a party organization, then
11 the following notation must also be included: "Top Five Contributors"
12 followed by a listing of the names of the five persons making the
13 largest aggregate contributions as determined by RCW 42.17A.350(1)
14 (as recodified by this act); and if necessary, the statement "Top
15 Three Donors to PAC Contributors," followed by a listing of the names
16 of the three individuals or entities other than political committees
17 making the largest aggregate contributions to political committees as
18 determined by RCW 42.17A.350(2) (as recodified by this act).
19 Abbreviations may be used to describe contributing entities if the
20 full name of the entity has been clearly spoken previously during the
21 broadcast advertisement.

22 (5) The following statement shall be clearly spoken in an
23 independent expenditure or electioneering communication transmitted
24 by a method that does not include a visual image: "No candidate
25 authorized this ad. Paid for by (name, city, state)." If the
26 independent expenditure or electioneering communication is undertaken
27 by a nonindividual other than a party organization, then the
28 following statement must also be included: "Top Five Contributors"
29 followed by a listing of the names of the five persons making the
30 largest contributions as determined by RCW 42.17A.350(1) (as
31 recodified by this act); and if necessary, the statement "Top Three
32 Donors to PAC Contributors," followed by a listing of the names of
33 the three individuals or entities, other than political committees,
34 making the largest aggregate contributions to political committees as
35 determined by RCW 42.17A.350(2) (as recodified by this act).
36 Abbreviations may be used to describe contributing entities if the
37 full name of the entity has been clearly spoken previously during the
38 broadcast advertisement.

39 (6) Political advertising costing one thousand dollars or more
40 supporting or opposing ballot measures sponsored by a political

1 committee must include the information on the top five contributors
2 and top three contributors, other than political committees, as
3 required by RCW 42.17A.350 (as recodified by this act). A series of
4 political advertising sponsored by the same political committee, each
5 of which is under one thousand dollars, must include the top five
6 contributors and top three contributors, other than political
7 committees, as required by RCW 42.17A.350 (as recodified by this act)
8 once their cumulative value reaches one thousand dollars or more.

9 (7) Political yard signs are exempt from the requirements of this
10 section that the sponsor's name and address, and the top five
11 contributors and top three PAC contributors as required by RCW
12 42.17A.350 (as recodified by this act), be listed on the advertising.
13 In addition, the public disclosure commission shall, by rule, exempt
14 from the identification requirements of this section forms of
15 political advertising such as campaign buttons, balloons, pens,
16 pencils, sky-writing, inscriptions, and other forms of advertising
17 where identification is impractical.

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

20 **Sec. 438.** RCW 42.17A.330 and 2010 c 204 s 506 are each amended
21 to read as follows:

22 At least one picture of the candidate used in any political
23 advertising shall have been taken within the last five years and
24 shall be no smaller than any other picture of the same candidate used
25 in the same advertisement.

26 **Sec. 439.** RCW 42.17A.335 and 2009 c 222 s 2 are each amended to
27 read as follows:

28 (1) It is a violation of this (~~chapter~~) title for a person to
29 sponsor with actual malice a statement constituting libel or
30 defamation per se under the following circumstances:

31 (a) Political advertising or an electioneering communication that
32 contains a false statement of material fact about a candidate for
33 public office;

34 (b) Political advertising or an electioneering communication that
35 falsely represents that a candidate is the incumbent for the office
36 sought when in fact the candidate is not the incumbent;

37 (c) Political advertising or an electioneering communication that
38 makes either directly or indirectly, a false claim stating or

1 implying the support or endorsement of any person or organization
2 when in fact the candidate does not have such support or endorsement.

3 (2) For the purposes of this section, "libel or defamation per
4 se" means statements that tend (a) to expose a living person to
5 hatred, contempt, ridicule, or obloquy, or to deprive him or her of
6 the benefit of public confidence or social intercourse, or to injure
7 him or her in his or her business or occupation, or (b) to injure any
8 person, corporation, or association in his, her, or its business or
9 occupation.

10 (3) It is not a violation of this section for a candidate or his
11 or her agent to make statements described in subsection (1)(a) or (b)
12 of this section about the candidate himself or herself because a
13 person cannot defame himself or herself. It is not a violation of
14 this section for a person or organization referenced in subsection
15 (1)(c) of this section to make a statement about that person or
16 organization because such persons and organizations cannot defame
17 themselves.

18 (4) Any violation of this section shall be proven by clear and
19 convincing evidence. If a violation is proven, damages are presumed
20 and do not need to be proven.

21 **Sec. 440.** RCW 42.17A.340 and 2010 c 204 s 507 are each amended
22 to read as follows:

23 (1) Except as provided in subsection (2) of this section, the
24 responsibility for compliance with RCW 42.17A.320 (as recodified by
25 this act) through 42.17A.335 (as recodified by this act) shall be
26 with the sponsor of the political advertising and not with the
27 broadcasting station or other medium.

28 (2) If a broadcasting station or other medium changes the content
29 of a political advertisement, the station or medium shall be
30 responsible for any failure of the advertisement to comply with RCW
31 42.17A.320 (as recodified by this act) through 42.17A.335 (as
32 recodified by this act) that results from that change.

33 **Sec. 441.** RCW 42.17A.345 and 2019 c 428 s 26 are each amended to
34 read as follows:

35 (1) Each commercial advertiser who has accepted or provided
36 political advertising or electioneering communications during the
37 election campaign shall maintain current books of account and related
38 materials as provided by rule that shall be open for public

1 inspection during normal business hours during the campaign and for a
2 period of no less than five years after the date of the applicable
3 election. The documents and books of account shall specify:

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

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

7 (c) The total cost and the manner of payment for the services.

8 (2) At the request of the commission, each commercial advertiser
9 required to comply with subsection (1) of this section shall provide
10 to the commission copies of the information that must be maintained
11 and be open for public inspection pursuant to subsection (1) of this
12 section.

13 **Sec. 442.** RCW 42.17A.350 and 2019 c 261 s 2 are each amended to
14 read as follows:

15 (1) For any requirement to include the top five contributors
16 under RCW 42.17A.320 (as recodified by this act) or any other
17 provision of this ~~((chapter))~~ title, the sponsor must identify the
18 five persons or entities making the largest contributions to the
19 sponsor in excess of the threshold aggregate value to be considered
20 an independent expenditure in an election for public office under
21 ~~((RCW 42.17A.005(29)(a)(iv)))~~ section 231(1)(d) of this act
22 reportable under this ~~((chapter))~~ title during the ~~((twelve))~~ 12-
23 month period preceding the date on which the advertisement is
24 initially to be published or otherwise presented to the public.

25 (2) If one or more of the top five contributors identified under
26 subsection (1) of this section is a political committee, the top
27 three contributors to each of those political committees during the
28 same period must then be identified, and so on, until the individuals
29 or entities other than political committees with the largest
30 aggregate contributions to each political committee identified under
31 subsection (1) of this section have also been identified. The sponsor
32 must identify the three individuals or entities, not including
33 political committees, who made the largest aggregate contributions to
34 any political committee identified under subsection (1) of this
35 section in excess of the threshold aggregate value to be considered
36 an independent expenditure in an election for public office under
37 ~~((RCW 42.17A.005(29)(a)(iv)))~~ section 231(1)(d) of this act
38 reportable under this ~~((chapter))~~ title during the same period, and
39 the names of those individuals or entities must be displayed in the

1 advertisement alongside the statement "Top Three Donors to PAC
2 Contributors."

3 (3) Contributions to the sponsor or a political committee that
4 are earmarked, tracked, and used for purposes other than the
5 advertisement in question should not be counted in identifying the
6 top five contributors under subsection (1) of this section or the top
7 three contributors under subsection (2) of this section.

8 (4) The sponsor shall not be liable for a violation of this
9 section that occurs because a contribution to any political committee
10 identified under subsection (1) of this section has not been reported
11 to the commission.

12 (5) The commission is authorized to adopt rules, as needed, to
13 prevent ways to circumvent the purposes of the required disclosures
14 in this section to inform voters about the individuals and entities
15 sponsoring political advertisements.

16 **Sec. 443.** RCW 42.17A.400 and 2010 c 204 s 601 are each amended
17 to read as follows:

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

19 (a) The financial strength of certain individuals or
20 organizations should not permit them to exercise a disproportionate
21 or controlling influence on the election of candidates.

22 (b) Rapidly increasing political campaign costs have led many
23 candidates to raise larger percentages of money from special
24 interests with a specific financial stake in matters before state
25 government. This has caused the public perception that decisions of
26 elected officials are being improperly influenced by monetary
27 contributions.

28 (c) Candidates are raising less money in small contributions from
29 individuals and more money from special interests. This has created
30 the public perception that individuals have an insignificant role to
31 play in the political process.

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

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

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

37 (c) Restore public trust in governmental institutions and the
38 electoral process.

1 **Sec. 444.** RCW 42.17A.405 and 2019 c 100 s 1 are each amended to
2 read as follows:

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

4 (a) Candidates for legislative office;

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

6 (c) Candidates for county office;

7 (d) Candidates for port district office;

8 (e) Candidates for city council office;

9 (f) Candidates for mayoral office;

10 (g) Candidates for school board office;

11 (h) Candidates for public hospital district board of
12 commissioners in districts with a population over (~~one hundred fifty~~
13 ~~thousand~~) 150,000;

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

18 (j) Caucus political committees;

19 (k) Bona fide political parties.

20 (2) No person, other than a bona fide political party or a caucus
21 political committee, may make contributions to a candidate for a
22 legislative office, county office, city council office, mayoral
23 office, school board office, or public hospital district board of
24 commissioners that in the aggregate exceed eight hundred dollars or
25 to a candidate for a public office in a port district or a state
26 office other than a legislative office that in the aggregate exceed
27 one thousand six hundred dollars for each election in which the
28 candidate is on the ballot or appears as a write-in candidate.
29 Contributions to candidates subject to the limits in this section
30 made with respect to a primary may not be made after the date of the
31 primary. However, contributions to a candidate or a candidate's
32 authorized committee may be made with respect to a primary until
33 (~~thirty~~) 30 days after the primary, subject to the following
34 limitations: (a) The candidate lost the primary; (b) the candidate's
35 authorized committee has insufficient funds to pay debts outstanding
36 as of the date of the primary; and (c) the contributions may only be
37 raised and spent to satisfy the outstanding debt. Contributions to
38 candidates subject to the limits in this section made with respect to
39 a general election may not be made after the final day of the
40 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, a city official, a school board member, a public
4 hospital district commissioner, or a public official in a port
5 district against whom recall charges have been filed, or to a
6 political committee having the expectation of making expenditures in
7 support of the recall of the state official, county official, city
8 official, school board member, public hospital district commissioner,
9 or public official in a port district during a recall campaign that
10 in the aggregate exceed eight hundred dollars if for a legislative
11 office, county office, school board office, public hospital district
12 office, or city office, or one thousand six hundred dollars if for a
13 port district office or a state office other than a legislative
14 office.

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

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

31 (5)(a) Notwithstanding subsection (3) of this section, no bona
32 fide political party or caucus political committee may make
33 contributions to a state official, county official, city official,
34 school board member, public hospital district commissioner, or a
35 public official in a port district against whom recall charges have
36 been filed, or to a political committee having the expectation of
37 making expenditures in support of the state official, county
38 official, city official, school board member, public hospital
39 district commissioner, or a public official in a port district during
40 a recall campaign that in the aggregate exceed (i) eighty cents

1 multiplied by the number of eligible registered voters in the
2 jurisdiction entitled to recall the state official if the contributor
3 is a caucus political committee or the governing body of a state
4 organization, or (ii) forty cents multiplied by the number of
5 registered voters in the jurisdiction from which the candidate is
6 elected if the contributor is a county central committee or a
7 legislative district committee.

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

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

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

30 (8) For the purposes of RCW 42.17A.125 (as recodified by this
31 act), 42.17A.405 (as recodified by this act) through 42.17A.415 (as
32 recodified by this act), 42.17A.450 (as recodified by this act)
33 through 42.17A.495 (as recodified by this act), 42.17A.500 (as
34 recodified by this act), 42.17A.560 (as recodified by this act), and
35 42.17A.565 (as recodified by this act), a contribution to the
36 authorized political committee of a candidate or of an official
37 specified in subsection (1) of this section against whom recall
38 charges have been filed is considered to be a contribution to the
39 candidate or official.

1 (9) A contribution received within the (~~twelve~~) 12-month period
2 after a recall election concerning an office specified in subsection
3 (1) of this section is considered to be a contribution during that
4 recall campaign if the contribution is used to pay a debt or
5 obligation incurred to influence the outcome of that recall campaign.

6 (10) The contributions allowed by subsection (3) of this section
7 are in addition to those allowed by subsection (2) of this section,
8 and the contributions allowed by subsection (5) of this section are
9 in addition to those allowed by subsection (4) of this section.

10 (11) RCW 42.17A.125 (as recodified by this act), 42.17A.405 (as
11 recodified by this act) through 42.17A.415 (as recodified by this
12 act), 42.17A.450 (as recodified by this act) through 42.17A.495 (as
13 recodified by this act), 42.17A.500 (as recodified by this act),
14 42.17A.560 (as recodified by this act), and 42.17A.565 (as recodified
15 by this act) apply to a special election conducted to fill a vacancy
16 in an office specified in subsection (1) of this section. However,
17 the contributions made to a candidate or received by a candidate for
18 a primary or special election conducted to fill such a vacancy shall
19 not be counted toward any of the limitations that apply to the
20 candidate or to contributions made to the candidate for any other
21 primary or election.

22 (12) Notwithstanding the other subsections of this section, no
23 corporation or business entity not doing business in Washington
24 state, no labor union with fewer than (~~ten~~) 10 members who reside
25 in Washington state, and no political committee that has not received
26 contributions of ten dollars or more from at least (~~ten~~) 10 persons
27 registered to vote in Washington state during the preceding (~~one~~
28 ~~hundred eighty~~) 180 days may make contributions reportable under
29 this (~~chapter~~) title to a state office candidate, to a state
30 official against whom recall charges have been filed, or to a
31 political committee having the expectation of making expenditures in
32 support of the recall of the official. This subsection does not apply
33 to loans made in the ordinary course of business.

34 (13) Notwithstanding the other subsections of this section, no
35 county central committee or legislative district committee may make
36 contributions reportable under this (~~chapter~~) title to a candidate
37 specified in subsection (1) of this section, or an official specified
38 in subsection (1) of this section against whom recall charges have
39 been filed, or political committee having the expectation of making
40 expenditures in support of the recall of an official specified in

1 subsection (1) of this section if the county central committee or
2 legislative district committee is outside of the jurisdiction
3 entitled to elect the candidate or recall the official.

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

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

8 (a) An expenditure or contribution earmarked for voter
9 registration, for absentee ballot information, for precinct caucuses,
10 for get-out-the-vote campaigns, for precinct judges or inspectors,
11 for sample ballots, or for ballot counting, all without promotion of
12 or political advertising for individual candidates;

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

16 (c) An expenditure or contribution for independent expenditures
17 as defined in ((RCW 42.17A.005)) section 231 of this act or
18 electioneering communications as defined in ((RCW 42.17A.005))
19 section 222 of this act.

20 **Sec. 445.** RCW 42.17A.410 and 2010 c 204 s 603 are each amended
21 to read as follows:

22 (1) No person may make contributions to a candidate for judicial
23 office that in the aggregate exceed one thousand six hundred dollars
24 for each election in which the candidate is on the ballot or appears
25 as a write-in candidate. Contributions made with respect to a primary
26 may not be made after the date of the primary. However, contributions
27 to a candidate or a candidate's authorized committee may be made with
28 respect to a primary until ((thirty)) 30 days after the primary,
29 subject to the following limitations: (a) The candidate lost the
30 primary; (b) the candidate's authorized committee has insufficient
31 funds to pay debts outstanding as of the date of the primary; and (c)
32 the contributions may only be raised and spent to satisfy the
33 outstanding debt. Contributions made with respect to a general
34 election may not be made after the final day of the applicable
35 election cycle.

36 (2) This section through RCW 42.17A.490 (as recodified by this
37 act) apply to a special election conducted to fill a vacancy in an
38 office. However, the contributions made to a candidate or received by
39 a candidate for a primary or special election conducted to fill such

1 a vacancy will not be counted toward any of the limitations that
2 apply to the candidate or to contributions made to the candidate for
3 any other primary or election.

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

6 (4) The dollar limits in this section must be adjusted according
7 to RCW 42.17A.125 (as recodified by this act).

8 **Sec. 446.** RCW 42.17A.415 and 2011 c 60 s 25 are each amended to
9 read as follows:

10 (1) Contributions to candidates for state office made and
11 received before December 3, 1992, are considered to be contributions
12 under ((RCW 42.17.640 through 42.17.790)) RCW 42.17A.125 (as
13 recodified by this act), 42.17A.405 (as recodified by this act)
14 through 42.17A.415 (as recodified by this act), 42.17A.450 (as
15 recodified by this act) through 42.17A.495 (as recodified by this
16 act), 42.17A.500 (as recodified by this act), 42.17A.560 (as
17 recodified by this act), and 42.17A.565 (as recodified by this act).
18 Monetary contributions that exceed the contribution limitations and
19 that have not been spent by the recipient of the contribution by
20 December 3, 1992, must be disposed of in accordance with RCW
21 42.17A.430 (as recodified by this act).

22 (2) Contributions to other candidates subject to the contribution
23 limits of this ~~(chapter)~~ title made and received before June 7,
24 2006, are considered to be contributions under ((RCW 42.17.640
25 through 42.17.790)) RCW 42.17A.125 (as recodified by this act),
26 42.17A.405 (as recodified by this act) through 42.17A.415 (as
27 recodified by this act), 42.17A.450 (as recodified by this act)
28 through 42.17A.495 (as recodified by this act), 42.17A.500 (as
29 recodified by this act), 42.17A.560 (as recodified by this act), and
30 42.17A.565 (as recodified by this act). Contributions that exceed the
31 contribution limitations and that have not been spent by the
32 recipient of the contribution by June 7, 2006, must be disposed of in
33 accordance with RCW 42.17A.430 (as recodified by this act) except for
34 subsections (6) and (7) of that section.

35 **Sec. 447.** RCW 42.17A.417 and 2020 c 152 s 9 are each amended to
36 read as follows:

37 (1) A foreign national may not make a contribution to any
38 candidate or political committee, make an expenditure in support of

1 or in opposition to any candidate or ballot measure, or sponsor
2 political advertising or an electioneering communication.

3 (2) A person may not make a contribution to any candidate or
4 political committee, make an expenditure in support of or in
5 opposition to any candidate or ballot measure, or sponsor political
6 advertising or an electioneering communication, if:

7 (a) The contribution, expenditure, political advertising, or
8 electioneering communication is financed in any part by a foreign
9 national; or

10 (b) Foreign nationals are involved in making decisions regarding
11 the contribution, expenditure, political advertising, or
12 electioneering communication in any way.

13 **Sec. 448.** RCW 42.17A.418 and 2020 c 152 s 10 are each amended to
14 read as follows:

15 (1) Each candidate or political committee that has accepted a
16 contribution, and each out-of-state committee that has accepted a
17 contribution reportable under RCW 42.17A.250 (as recodified by this
18 act), from a partnership, association, corporation, organization, or
19 other combination of persons must receive a certification from each
20 contributor that:

21 (a) The contribution is not financed in any part by a foreign
22 national; and

23 (b) Foreign nationals are not involved in making decisions
24 regarding the contribution in any way.

25 (2) The certifications must be maintained for a period of no less
26 than three years after the date of the applicable election.

27 (3) At the request of the commission, each candidate or committee
28 required to comply with subsection (1) of this section must provide
29 to the commission copies of the certifications maintained under this
30 section.

31 **Sec. 449.** RCW 42.17A.420 and 2019 c 428 s 27 are each amended to
32 read as follows:

33 (1) It is a violation of this (~~chapter~~) title for any person to
34 make, or for any candidate or political committee to accept from any
35 one person, contributions reportable under RCW 42.17A.240 (as
36 recodified by this act) in the aggregate exceeding fifty thousand
37 dollars for any campaign for statewide office or exceeding five
38 thousand dollars for any other campaign subject to the provisions of

1 this (~~chapter~~) title within (~~twenty-one~~) 21 days of a general
2 election. This subsection does not apply to:

3 (a) Contributions made by, or accepted from, a bona fide
4 political party as defined in this (~~chapter~~) title, excluding the
5 county central committee or legislative district committee;

6 (b) Contributions made to, or received by, a ballot proposition
7 committee; or

8 (c) Payments received by an incidental committee.

9 (2) Contributions governed by this section include, but are not
10 limited to, contributions made or received indirectly through a third
11 party or entity whether the contributions are or are not reported to
12 the commission as earmarked contributions under RCW 42.17A.270 (as
13 recodified by this act).

14 **Sec. 450.** RCW 42.17A.425 and 2010 c 204 s 605 are each amended
15 to read as follows:

16 No expenditures may be made or incurred by any candidate or
17 political committee unless authorized by the candidate or the person
18 or persons named on the candidate's or committee's registration form.
19 A record of all such expenditures shall be maintained by the
20 treasurer.

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

25 **Sec. 451.** RCW 42.17A.430 and 2010 c 204 s 606 are each amended
26 to read as follows:

27 The surplus funds of a candidate or a candidate's authorized
28 committee may only be disposed of in any one or more of the following
29 ways:

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

32 (2) Using surplus, reimburse the candidate for lost earnings
33 incurred as a result of that candidate's election campaign. Lost
34 earnings shall be verifiable as unpaid salary or, when the candidate
35 is not salaried, as an amount not to exceed income received by the
36 candidate for services rendered during an appropriate, corresponding
37 time period. All lost earnings incurred shall be documented and a
38 record thereof shall be maintained by the candidate or the

1 candidate's authorized committee. The committee shall maintain a copy
2 of this record in accordance with RCW 42.17A.235(6) (as recodified by
3 this act);

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

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

8 (5) Transmit the surplus to the state treasurer for deposit in
9 the general fund, the Washington state legacy project, state library,
10 and archives account under RCW 43.07.380, or the legislative
11 international trade account under RCW 43.15.050, as specified by the
12 candidate or political committee; or

13 (6) Hold the surplus in the depository or depositories designated
14 in accordance with RCW 42.17A.215 (as recodified by this act) for
15 possible use in a future election campaign for the same office last
16 sought by the candidate and report any such disposition in accordance
17 with RCW 42.17A.240 (as recodified by this act). If the candidate
18 subsequently announces or publicly files for office, the appropriate
19 information must be reported to the commission in accordance with RCW
20 42.17A.205 (as recodified by this act) through 42.17A.240 (as
21 recodified by this act). If a subsequent office is not sought the
22 surplus held shall be disposed of in accordance with the requirements
23 of this section.

24 (7) Hold the surplus campaign funds in a separate account for
25 nonreimbursed public office-related expenses or as provided in this
26 section, and report any such disposition in accordance with RCW
27 42.17A.240 (as recodified by this act). The separate account required
28 under this subsection shall not be used for deposits of campaign
29 funds that are not surplus.

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

32 The disposal of surplus funds under this section shall not be
33 considered a contribution for purposes of this ~~(chapter)~~ title.

34 **Sec. 452.** RCW 42.17A.435 and 1975 1st ex.s. c 294 s 8 are each
35 amended to read as follows:

36 No contribution shall be made and no expenditure shall be
37 incurred, directly or indirectly, in a fictitious name, anonymously,
38 or by one person through an agent, relative, or other person in such

1 a manner as to conceal the identity of the source of the contribution
2 or in any other manner so as to effect concealment.

3 **Sec. 453.** RCW 42.17A.440 and 2010 c 204 s 607 are each amended
4 to read as follows:

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

15 **Sec. 454.** RCW 42.17A.442 and 2011 c 145 s 5 are each amended to
16 read as follows:

17 A political committee may make a contribution to another
18 political committee only when the contributing political committee
19 has received contributions of ten dollars or more each from at least
20 (~~ten~~) 10 persons registered to vote in Washington state.

21 **Sec. 455.** RCW 42.17A.445 and 2022 c 174 s 1 are each amended to
22 read as follows:

23 Contributions received and reported in accordance with RCW
24 42.17A.220 (as recodified by this act) through 42.17A.240 (as
25 recodified by this act) and 42.17A.425 (as recodified by this act)
26 may only be paid to a candidate, or a treasurer or other individual
27 or expended for such individual's personal use under the following
28 circumstances:

29 (1) Reimbursement for or payments to cover lost earnings incurred
30 as a result of campaigning or services performed for the political
31 committee. Lost earnings shall be verifiable as unpaid salary, or
32 when the individual is not salaried, as an amount not to exceed
33 income received by the individual for services rendered during an
34 appropriate, corresponding time period. All lost earnings incurred
35 shall be documented and a record shall be maintained by the candidate
36 or the candidate's authorized committee in accordance with RCW
37 42.17A.235 (as recodified by this act).

1 (2) Reimbursement for direct out-of-pocket election campaign and
2 postelection campaign related expenses made by the individual. For
3 example, expenses for child care or other direct caregiving
4 responsibilities may be reimbursed if they are incurred directly as a
5 result of the candidate's campaign activities. To receive
6 reimbursement from the political committee, the individual shall
7 provide the political committee with written documentation as to the
8 amount, date, and description of each expense, and the political
9 committee shall include a copy of such information when its
10 expenditure for such reimbursement is reported pursuant to RCW
11 42.17A.240 (as recodified by this act).

12 (3) Repayment of loans made by the individual to political
13 committees shall be reported pursuant to RCW 42.17A.240 (as
14 recodified by this act). However, contributions may not be used to
15 reimburse a candidate for loans totaling more than four thousand
16 seven hundred dollars made by the candidate to the candidate's own
17 authorized committee.

18 **Sec. 456.** RCW 42.17A.450 and 2018 c 304 s 11 are each amended to
19 read as follows:

20 (1) Contributions by spouses are considered separate
21 contributions.

22 (2) Contributions by unemancipated children under (~~eighteen~~) 18
23 years of age are considered contributions by their parents and are
24 attributed proportionately to each parent. Fifty percent of the
25 contributions are attributed to each parent or, in the case of a
26 single custodial parent, the total amount is attributed to the
27 parent.

28 **Sec. 457.** RCW 42.17A.455 and 2010 c 204 s 609 are each amended
29 to read as follows:

30 For purposes of this (~~chapter~~) title:

31 (1) A contribution by a political committee with funds that have
32 all been contributed by one person who exercises exclusive control
33 over the distribution of the funds of the political committee is a
34 contribution by the controlling person.

35 (2) Two or more entities are treated as a single entity if one of
36 the two or more entities is a subsidiary, branch, or department of a
37 corporation that is participating in an election campaign or making
38 contributions, or a local unit or branch of a trade association,

1 labor union, or collective bargaining association that is
2 participating in an election campaign or making contributions. All
3 contributions made by a person or political committee whose
4 contribution or expenditure activity is financed, maintained, or
5 controlled by a trade association, labor union, collective bargaining
6 organization, or the local unit of a trade association, labor union,
7 or collective bargaining organization are considered made by the
8 trade association, labor union, collective bargaining organization,
9 or local unit of a trade association, labor union, or collective
10 bargaining organization.

11 (3) The commission shall adopt rules to carry out this section
12 and is not subject to the time restrictions of RCW 42.17A.110(1) (as
13 recodified by this act).

14 **Sec. 458.** RCW 42.17A.460 and 1993 c 2 s 7 are each amended to
15 read as follows:

16 All contributions made by a person or entity, either directly or
17 indirectly, to a candidate, to a state official against whom recall
18 charges have been filed, or to a political committee, are considered
19 to be contributions from that person or entity to the candidate,
20 state official, or political committee, as are contributions that are
21 in any way earmarked or otherwise directed through an intermediary or
22 conduit to the candidate, state official, or political committee. For
23 the purposes of this section, "earmarked" means a designation,
24 instruction, or encumbrance, whether direct or indirect, expressed or
25 implied, or oral or written, that is intended to result in or does
26 result in all or any part of a contribution being made to a certain
27 candidate or state official. If a conduit or intermediary exercises
28 any direction or control over the choice of the recipient candidate
29 or state official, the contribution is considered to be by both the
30 original contributor and the conduit or intermediary.

31 **Sec. 459.** RCW 42.17A.465 and 2010 c 204 s 610 are each amended
32 to read as follows:

33 (1) A loan is considered to be a contribution from the lender and
34 any guarantor of the loan and is subject to the contribution
35 limitations of this (~~chapter~~) title. The full amount of the loan
36 shall be attributed to the lender and to each guarantor.

37 (2) A loan to a candidate for public office or the candidate's
38 authorized committee must be by written agreement.

1 (3) The proceeds of a loan made to a candidate for public office:
2 (a) By a commercial lending institution;
3 (b) Made in the regular course of business; and
4 (c) On the same terms ordinarily available to members of the
5 public, are not subject to the contribution limits of this
6 (~~chapter~~) title.

7 **Sec. 460.** RCW 42.17A.470 and 1993 c 2 s 13 are each amended to
8 read as follows:

9 (1) A person, other than an individual, may not be an
10 intermediary or an agent for a contribution.

11 (2) An individual may not make a contribution on behalf of
12 another person or entity, or while acting as the intermediary or
13 agent of another person or entity, without disclosing to the
14 recipient of the contribution both his or her full name, street
15 address, occupation, name of employer, if any, or place of business
16 if self-employed, and the same information for each contributor for
17 whom the individual serves as intermediary or agent.

18 **Sec. 461.** RCW 42.17A.475 and 2019 c 428 s 28 are each amended to
19 read as follows:

20 (1) A person may not make a contribution of more than one hundred
21 dollars, other than an in-kind contribution, except by a written
22 instrument containing the name of the donor and the name of the
23 payee.

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

27 **Sec. 462.** RCW 42.17A.480 and 1995 c 397 s 25 are each amended to
28 read as follows:

29 A person may not solicit from a candidate for public office,
30 political committee, political party, or other person money or other
31 property as a condition or consideration for an endorsement, article,
32 or other communication in the news media promoting or opposing a
33 candidate for public office, political committee, or political party.

34 **Sec. 463.** RCW 42.17A.485 and 1995 c 397 s 26 are each amended to
35 read as follows:

1 A person may not, directly or indirectly, reimburse another
2 person for a contribution to a candidate for public office, political
3 committee, or political party.

4 **Sec. 464.** RCW 42.17A.490 and 2010 c 204 s 612 are each amended
5 to read as follows:

6 (1) Except as provided in subsection (2) of this section, a
7 candidate for public office or the candidate's authorized committee
8 may not use or permit the use of contributions, whether or not
9 surplus, solicited for or received by the candidate or the
10 candidate's authorized committee to further the candidacy of the
11 individual for an office other than the office designated on the
12 statement of organization. A contribution solicited for or received
13 on behalf of the candidate is considered solicited or received for
14 the candidacy for which the individual is then a candidate if the
15 contribution is solicited or received before the general election for
16 which the candidate is a nominee or is unopposed.

17 (2) With the written approval of the contributor, a candidate or
18 the candidate's authorized committee may use or permit the use of
19 contributions, whether or not surplus, solicited for or received by
20 the candidate or the candidate's authorized committee from that
21 contributor to further the candidacy of the individual for an office
22 other than the office designated on the statement of organization. If
23 the contributor does not approve the use of his or her contribution
24 to further the candidacy of the individual for an office other than
25 the office designated on the statement of organization at the time of
26 the contribution, the contribution must be considered surplus funds
27 and disposed of in accordance with RCW 42.17A.430 (as recodified by
28 this act).

29 **Sec. 465.** RCW 42.17A.495 and 2010 c 204 s 613 are each amended
30 to read as follows:

31 (1) No employer or labor organization may increase the salary of
32 an officer or employee, or compensate an officer, employee, or other
33 person or entity, with the intention that the increase in salary, or
34 the compensation, or a part of it, be contributed or spent to support
35 or oppose a candidate, state official against whom recall charges
36 have been filed, political party, or political committee.

37 (2) No employer or labor organization may discriminate against an
38 officer or employee in the terms or conditions of employment for (a)

1 the failure to contribute to, (b) the failure in any way to support
2 or oppose, or (c) in any way supporting or opposing a candidate,
3 ballot proposition, political party, or political committee. At least
4 annually, an employee from whom wages or salary are withheld under
5 subsection (3) of this section shall be notified of the provisions of
6 this subsection.

7 (3) No employer or other person or entity responsible for the
8 disbursement of funds in payment of wages or salaries may withhold or
9 divert a portion of an employee's wages or salaries for contributions
10 to political committees or for use as political contributions except
11 upon the written request of the employee. The request must be made on
12 a form prescribed by the commission informing the employee of the
13 prohibition against employer and labor organization discrimination
14 described in subsection (2) of this section. The employee may revoke
15 the request at any time. At least annually, the employee shall be
16 notified about the right to revoke the request.

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

25 **Sec. 466.** RCW 42.17A.500 and 2007 c 438 s 1 are each amended to
26 read as follows:

27 (1) A labor organization may not use agency shop fees paid by an
28 individual who is not a member of the organization to make
29 contributions or expenditures to influence an election or to operate
30 a political committee, unless affirmatively authorized by the
31 individual.

32 (2) A labor organization does not use agency shop fees when it
33 uses its general treasury funds to make such contributions or
34 expenditures if it has sufficient revenues from sources other than
35 agency shop fees in its general treasury to fund such contributions
36 or expenditures.

37 **Sec. 467.** RCW 42.17A.550 and 2008 c 29 s 1 are each amended to
38 read as follows:

1 Public funds, whether derived through taxes, fees, penalties, or
2 any other sources, shall not be used to finance political campaigns
3 for state or school district office. A county, city, town, or
4 district that establishes a program to publicly finance local
5 political campaigns may only use funds derived from local sources to
6 fund the program. A local government must submit any proposal for
7 public financing of local political campaigns to voters for their
8 adoption and approval or rejection.

9 **Sec. 468.** RCW 42.17A.555 and 2010 c 204 s 701 are each amended
10 to read as follows:

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

23 (1) Action taken at an open public meeting by members of an
24 elected legislative body or by an elected board, council, or
25 commission of a special purpose district including, but not limited
26 to, fire districts, public hospital districts, library districts,
27 park districts, port districts, public utility districts, school
28 districts, sewer districts, and water districts, to express a
29 collective decision, or to actually vote upon a motion, proposal,
30 resolution, order, or ordinance, or to support or oppose a ballot
31 proposition so long as (a) any required notice of the meeting
32 includes the title and number of the ballot proposition, and (b)
33 members of the legislative body, members of the board, council, or
34 commission of the special purpose district, or members of the public
35 are afforded an approximately equal opportunity for the expression of
36 an opposing view;

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

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

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

5 **Sec. 469.** RCW 42.17A.560 and 2006 c 348 s 5 and 2006 c 344 s 31
6 are each reenacted and amended to read as follows:

7 (1) During the period beginning on the thirtieth day before the
8 date a regular legislative session convenes and continuing through
9 the date of final adjournment, and during the period beginning on the
10 date a special legislative session convenes and continuing through
11 the date that session adjourns, no state official or a person
12 employed by or acting on behalf of a state official or state
13 legislator may solicit or accept contributions to a public office
14 fund, to a candidate or authorized committee, or to retire a campaign
15 debt. Contributions received through the mail after the thirtieth day
16 before a regular legislative session may be accepted if the
17 contribution is postmarked prior to the thirtieth day before the
18 session.

19 (2) This section does not apply to activities authorized in RCW
20 43.07.370.

21 **Sec. 470.** RCW 42.17A.565 and 1995 c 397 s 24 are each amended to
22 read as follows:

23 (1) No state or local official or state or local official's agent
24 may knowingly solicit, directly or indirectly, a contribution to a
25 candidate for public office, political party, or political committee
26 from an employee in the state or local official's agency.

27 (2) No state or local official or public employee may provide an
28 advantage or disadvantage to an employee or applicant for employment
29 in the classified civil service concerning the applicant's or
30 employee's:

31 (a) Employment;

32 (b) Conditions of employment; or

33 (c) Application for employment,

34 based on the employee's or applicant's contribution or promise to
35 contribute or failure to make a contribution or contribute to a
36 political party or political committee.

1 **Sec. 471.** RCW 42.17A.570 and 2010 c 204 s 702 are each amended
2 to read as follows:

3 After January 1st and before April 15th of each calendar year,
4 the state treasurer, each county, public utility district, and port
5 district treasurer, and each treasurer of an incorporated city or
6 town whose population exceeds (~~one thousand~~) 1,000 shall file with
7 the commission:

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

13 (2) A report disclosing for the previous calendar year: (a) The
14 name and address of each financial institution in which the treasurer
15 or, in the case of a county, a member of the county finance
16 committee, held during the reporting period an office, directorship,
17 partnership interest, or ownership interest which holds or has held
18 during the reporting period public accounts of the governmental
19 entity for which the treasurer is responsible; (b) the aggregate sum
20 of time and demand deposits held in each such financial institution
21 on December 31; and (c) the highest balance held at any time during
22 such reporting period. The state treasurer shall disclose the highest
23 balance information only upon a public records request under chapter
24 42.56 RCW. The statement or report required by this section shall be
25 filed either with the statement required under RCW 42.17A.700 (as
26 recodified by this act) or separately.

27 **Sec. 472.** RCW 42.17A.575 and 2010 c 204 s 703 are each amended
28 to read as follows:

29 No state-elected official or municipal officer may speak or
30 appear in a public service announcement that is broadcast, shown, or
31 distributed in any form whatsoever during the period beginning
32 January 1st and continuing through the general election if that
33 official or officer is a candidate. If the official or officer does
34 not control the broadcast, showing, or distribution of a public
35 service announcement in which he or she speaks or appears, then the
36 official or officer shall contractually limit the use of the public
37 service announcement to be consistent with this section prior to
38 participating in the public service announcement. This section does
39 not apply to public service announcements that are part of the

1 regular duties of the office that only mention or visually display
2 the office or office seal or logo and do not mention or visually
3 display the name of the official or officer in the announcement.

4 **Sec. 473.** RCW 42.17A.600 and 2019 c 469 s 2 and 2019 c 428 s 29
5 are each reenacted and amended to read as follows:

6 (1) Before lobbying, or within (~~thirty~~) 30 days after being
7 employed as a lobbyist, whichever occurs first, unless exempt under
8 RCW 42.17A.610 (as recodified by this act), a lobbyist shall register
9 by filing with the commission a lobbyist registration statement, in
10 such detail as the commission shall prescribe, that includes the
11 following information:

12 (a) The lobbyist's name, permanent business address, electronic
13 contact information, and any temporary residential and business
14 addresses in Thurston county during the legislative session;

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

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

18 (d) The compensation to be received for lobbying, the amount to
19 be paid for expenses, and what expenses are to be reimbursed;

20 (e) Whether the lobbyist is employed solely as a lobbyist or
21 whether the lobbyist is a regular employee performing services for
22 the lobbyist's employer which include but are not limited to the
23 influencing of legislation;

24 (f) The general subject or subjects to be lobbied;

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

27 (h) The name, address, and electronic contact information of the
28 person who will have custody of the accounts, bills, receipts, books,
29 papers, and documents required to be kept under this (~~chapter~~)
30 title;

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

1 dues, payments, or other consideration exceeding five hundred dollars
2 to such entity during the current year;

3 (j) An attestation that the lobbyist has read and completed a
4 training course provided under RCW 44.04.390 regarding the
5 legislative code of conduct and any policies related to appropriate
6 conduct adopted by the senate or the house of representatives.

7 (2) Any lobbyist who receives or is to receive compensation from
8 more than one person for lobbying shall file a separate notice of
9 representation for each person. However, if two or more persons are
10 jointly paying or contributing to the payment of the lobbyist, the
11 lobbyist may file a single statement detailing the name, business
12 address, and occupation of each person paying or contributing and the
13 respective amounts to be paid or contributed.

14 (3) Whenever a change, modification, or termination of the
15 lobbyist's employment occurs, the lobbyist shall file with the
16 commission an amended registration statement within one week of the
17 change, modification, or termination.

18 (4) Each registered lobbyist shall file a new registration
19 statement, revised as appropriate, on the second Monday in January of
20 each odd-numbered year. Failure to do so terminates the lobbyist's
21 registration.

22 **Sec. 474.** RCW 42.17A.603 and 2019 c 469 s 4 are each amended to
23 read as follows:

24 (1) A lobbyist who is registered under RCW 42.17A.600 (as
25 recodified by this act) before December 31, 2019, is required to
26 update the lobbyist's registration materials to include the
27 attestation required by RCW 42.17A.600(1)(j) (as recodified by this
28 act) by December 31, 2019.

29 (2) The commission shall revoke the registration of any lobbyist
30 registered under RCW 42.17A.600 (as recodified by this act) who does
31 not comply with subsection (1) of this section.

32 (3) The commission may not impose any other penalty on a lobbyist
33 registered under RCW 42.17A.600 (as recodified by this act) for
34 failure to comply with subsection (1) of this section.

35 (4) The commission shall collaborate with the chief clerk of the
36 house of representatives and the secretary of the senate to develop a
37 process to verify that lobbyists who submit an attestation under RCW
38 42.17A.600(1)(j) (as recodified by this act) have completed the
39 training course provided under RCW 44.04.390.

1 **Sec. 475.** RCW 42.17A.605 and 2019 c 469 s 3 and 2019 c 428 s 30
2 are each reenacted and amended to read as follows:

3 Each lobbyist shall at the time the lobbyist registers submit
4 electronically to the commission a recent photograph of the lobbyist
5 of a size and format as determined by rule of the commission,
6 together with the name of the lobbyist's employer, the length of the
7 lobbyist's employment as a lobbyist before the legislature, a brief
8 biographical description, and any other information the lobbyist may
9 wish to submit not to exceed (~~fifty~~) 50 words in length. The
10 photograph, information, and attestation submitted under RCW
11 42.17A.600(1)(j) (as recodified by this act) shall be published by
12 the commission on its website.

13 **Sec. 476.** RCW 42.17A.610 and 2019 c 428 s 31 are each amended to
14 read as follows:

15 The following persons and activities are exempt from registration
16 and reporting under RCW 42.17A.600 (as recodified by this act),
17 42.17A.615 (as recodified by this act), and 42.17A.640 (as recodified
18 by this act):

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

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

24 (3) News or feature reporting activities and editorial comment by
25 working members of the press, radio, digital media, or television and
26 the publication or dissemination thereof by a newspaper, book
27 publisher, regularly published periodical, radio station, digital
28 platform, or television station;

29 (4) Persons who lobby without compensation or other consideration
30 for acting as a lobbyist, if the person makes no expenditure for or
31 on behalf of any member of the legislature or elected official or
32 public officer or employee of the state of Washington in connection
33 with such lobbying. The exemption contained in this subsection is
34 intended to permit and encourage citizens of this state to lobby any
35 legislator, public official, or state agency without incurring any
36 registration or reporting obligation provided they do not exceed the
37 limits stated above. Any person exempt under this subsection (4) may
38 at the person's option register and report under this (~~chapter~~)
39 title;

1 (5) Persons who restrict their lobbying activities to no more
2 than four days or parts of four days during any three-month period
3 and whose total expenditures during such three-month period for or on
4 behalf of any one or more members of the legislature or state elected
5 officials or public officers or employees of the state of Washington
6 in connection with such lobbying do not exceed twenty-five dollars.
7 The commission shall adopt rules to require disclosure by persons
8 exempt under this subsection or their employers or entities which
9 sponsor or coordinate the lobbying activities of such persons if it
10 determines that such regulations are necessary to prevent frustration
11 of the purposes of this (~~chapter~~) title. Any person exempt under
12 this subsection (5) may at the person's option register and report
13 under this (~~chapter~~) title;

14 (6) The governor;

15 (7) The lieutenant governor;

16 (8) Except as provided by RCW 42.17A.635(1) (as recodified by
17 this act), members of the legislature;

18 (9) Except as provided by RCW 42.17A.635(1) (as recodified by
19 this act), persons employed by the legislature for the purpose of
20 aiding in the preparation or enactment of legislation or the
21 performance of legislative duties;

22 (10) Elected officials, and officers and employees of any agency
23 reporting under RCW 42.17A.635(5) (as recodified by this act).

24 **Sec. 477.** RCW 42.17A.615 and 2019 c 428 s 32 are each amended to
25 read as follows:

26 (1) Any lobbyist registered under RCW 42.17A.600 (as recodified
27 by this act) and any person who lobbies shall file electronically
28 with the commission monthly reports of the lobbyist's or person's
29 lobbying activities. The reports shall be made in the form and manner
30 prescribed by the commission and must be signed by the lobbyist. The
31 monthly report shall be filed within (~~fifteen~~) 15 days after the
32 last day of the calendar month covered by the report.

33 (2) The monthly report shall contain:

34 (a) The totals of all expenditures for lobbying activities made
35 or incurred by the lobbyist or on behalf of the lobbyist by the
36 lobbyist's employer during the period covered by the report.
37 Expenditure totals for lobbying activities shall be segregated
38 according to financial category, including compensation; food and
39 refreshments; living accommodations; advertising; travel;

1 contributions; and other expenses or services. Each individual
2 expenditure of more than twenty-five dollars for entertainment shall
3 be identified by date, place, amount, and the names of all persons
4 taking part in the entertainment, along with the dollar amount
5 attributable to each person, including the lobbyist's portion.

6 (b) In the case of a lobbyist employed by more than one employer,
7 the proportionate amount of expenditures in each category incurred on
8 behalf of each of the lobbyist's employers.

9 (c) An itemized listing of each contribution of money or of
10 tangible or intangible personal property, whether contributed by the
11 lobbyist personally or delivered or transmitted by the lobbyist, to
12 any candidate, elected official, or officer or employee of any
13 agency, or any political committee supporting or opposing any ballot
14 proposition, or for or on behalf of any candidate, elected official,
15 or officer or employee of any agency, or any political committee
16 supporting or opposing any ballot proposition. All contributions made
17 to, or for the benefit of, any candidate, elected official, or
18 officer or employee of any agency, or any political committee
19 supporting or opposing any ballot proposition shall be identified by
20 date, amount, and the name of the candidate, elected official, or
21 officer or employee of any agency, or any political committee
22 supporting or opposing any ballot proposition receiving, or to be
23 benefited by each such contribution.

24 (d) The subject matter of proposed legislation or other
25 legislative activity or rule making under chapter 34.05 RCW, the
26 state administrative procedure act, and the state agency considering
27 the same, which the lobbyist has been engaged in supporting or
28 opposing during the reporting period, unless exempt under RCW
29 42.17A.610(2) (as recodified by this act).

30 (e) A listing of each payment for an item specified in RCW
31 42.52.150(5) in excess of fifty dollars and each item specified in
32 RCW 42.52.010(9) (d) and (f) made to a state elected official, state
33 officer, or state employee. Each item shall be identified by
34 recipient, date, and approximate value of the item.

35 (f) The total expenditures paid or incurred during the reporting
36 period by the lobbyist for lobbying purposes, whether through or on
37 behalf of a lobbyist or otherwise, for (i) political advertising as
38 defined in (~~RCW 42.17A.005~~) section 241 of this act; and (ii)
39 public relations, telemarketing, polling, or similar activities if
40 the activities, directly or indirectly, are intended, designed, or

1 calculated to influence legislation or the adoption or rejection of a
2 rule, standard, or rate by an agency under the administrative
3 procedure act. The report shall specify the amount, the person to
4 whom the amount was paid, and a brief description of the activity.

5 (3) Lobbyists are not required to report the following:

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

8 (b) Any expenses incurred for the lobbyist's own living
9 accommodations;

10 (c) Any expenses incurred for the lobbyist's own travel to and
11 from hearings of the legislature;

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

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

19 **Sec. 478.** RCW 42.17A.620 and 2010 c 204 s 805 are each amended
20 to read as follows:

21 (1) When a listing or a report of contributions is made to the
22 commission under RCW 42.17A.615(2)(c) (as recodified by this act), a
23 copy of the listing or report must be given to the candidate, elected
24 official, professional staff member of the legislature, or officer or
25 employee of an agency, or a political committee supporting or
26 opposing a ballot proposition named in the listing or report.

27 (2) If a state elected official or a member of the official's
28 immediate family is identified by a lobbyist in a lobbyist report as
29 having received from the lobbyist an item specified in RCW
30 42.52.150(5) or 42.52.010(~~((+10))~~) (9) (d) or (f), the lobbyist shall
31 transmit to the official a copy of the completed form used to
32 identify the item in the report at the same time the report is filed
33 with the commission.

34 **Sec. 479.** RCW 42.17A.625 and 2010 c 204 s 806 are each amended
35 to read as follows:

36 Any lobbyist registered under RCW 42.17A.600 (as recodified by
37 this act), any person who lobbies, and any lobbyist's employer making
38 a contribution or an aggregate of contributions to a single entity

1 that is one thousand dollars or more during a special reporting
2 period, as specified in RCW 42.17A.265 (as recodified by this act),
3 before a primary or general election shall file one or more special
4 reports in the same manner and to the same extent that a contributing
5 political committee must file under RCW 42.17A.265 (as recodified by
6 this act).

7 **Sec. 480.** RCW 42.17A.630 and 2019 c 428 s 33 are each amended to
8 read as follows:

9 (1) Every employer of a lobbyist registered under this
10 (~~chapter~~) title during the preceding calendar year and every person
11 other than an individual who made contributions aggregating to more
12 than sixteen thousand dollars or independent expenditures aggregating
13 to more than eight hundred dollars during the preceding calendar year
14 shall file with the commission on or before the last day of February
15 of each year a statement disclosing for the preceding calendar year
16 the following information:

17 (a) The name of each state elected official and the name of each
18 candidate for state office who was elected to the office and any
19 member of the immediate family of those persons to whom the person
20 reporting has paid any compensation in the amount of eight hundred
21 dollars or more during the preceding calendar year for personal
22 employment or professional services, including professional services
23 rendered by a corporation, partnership, joint venture, association,
24 union, or other entity in which the person holds any office,
25 directorship, or any general partnership interest, or an ownership
26 interest of (~~ten~~) 10 percent or more, the value of the compensation
27 in accordance with the reporting provisions set out in RCW
28 42.17A.710(3) (as recodified by this act), and the consideration
29 given or performed in exchange for the compensation.

30 (b) The name of each state elected official, successful candidate
31 for state office, or members of the official's or candidate's
32 immediate family to whom the person reporting made expenditures,
33 directly or indirectly, either through a lobbyist or otherwise, the
34 amount of the expenditures and the purpose for the expenditures. For
35 the purposes of this subsection, "expenditure" shall not include any
36 expenditure made by the employer in the ordinary course of business
37 if the expenditure is not made for the purpose of influencing,
38 honoring, or benefiting the elected official, successful candidate,

1 or member of his immediate family, as an elected official or
2 candidate.

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

6 (d) All contributions made to a political committee supporting or
7 opposing a candidate for state office, or to a political committee
8 supporting or opposing a statewide ballot proposition. Such
9 contributions shall be identified by the name and the address of the
10 recipient and the aggregate amount contributed to each such
11 recipient.

12 (e) The name and address of each registered lobbyist employed by
13 the person reporting and the total expenditures made by the person
14 reporting for each lobbyist for lobbying purposes.

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

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

23 (h) Any other information the commission prescribes by rule.

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

37 (b) The provisions of (a) of this subsection do not apply to a
38 contribution that is made through a registered lobbyist and
39 reportable under RCW 42.17A.425 (as recodified by this act).

1 **Sec. 481.** RCW 42.17A.635 and 2010 c 204 s 808 are each amended
2 to read as follows:

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

7 (2) Unless authorized by subsection (3) of this section or
8 otherwise expressly authorized by law, no public funds may be used
9 directly or indirectly for lobbying. However, this does not prevent
10 officers or employees of an agency from communicating with a member
11 of the legislature on the request of that member; or communicating to
12 the legislature, through the proper official channels, requests for
13 legislative action or appropriations that are deemed necessary for
14 the efficient conduct of the public business or actually made in the
15 proper performance of their official duties. This subsection does not
16 apply to the legislative branch.

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

32 (4) No elective official or any employee of his or her office or
33 any person appointed to or employed by any public office or agency
34 may use or authorize the use of any of the facilities of a public
35 office or agency, directly or indirectly, in any effort to support or
36 oppose an initiative to the legislature. "Facilities of a public
37 office or agency" has the same meaning as in RCW 42.17A.555 (as
38 recodified by this act) and 42.52.180. The provisions of this
39 subsection shall not apply to the following activities:

1 (a) Action taken at an open public meeting by members of an
2 elected legislative body to express a collective decision, or to
3 actually vote upon a motion, proposal, resolution, order, or
4 ordinance, or to support or oppose an initiative to the legislature
5 so long as (i) any required notice of the meeting includes the title
6 and number of the initiative to the legislature, and (ii) members of
7 the legislative body or members of the public are afforded an
8 approximately equal opportunity for the expression of an opposing
9 view;

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

13 (c) Activities that are part of the normal and regular conduct of
14 the office or agency;

15 (d) Activities conducted regarding an initiative to the
16 legislature that would be permitted under RCW 42.17A.555 (as
17 recodified by this act) and 42.52.180 if conducted regarding other
18 ballot measures.

19 (5) Each state agency, county, city, town, municipal corporation,
20 quasi-municipal corporation, or special purpose district that expends
21 public funds for lobbying shall file with the commission, except as
22 exempted by (d) of this subsection, quarterly statements providing
23 the following information for the quarter just completed:

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

25 (b) The name, title, and job description and salary of each
26 elected official, officer, or employee who lobbied, a general
27 description of the nature of the lobbying, and the proportionate
28 amount of time spent on the lobbying;

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

33 (d) For purposes of this subsection, "lobbying" does not include:

34 (i) Requests for appropriations by a state agency to the office
35 of financial management pursuant to chapter 43.88 RCW nor requests by
36 the office of financial management to the legislature for
37 appropriations other than its own agency budget requests;

38 (ii) Recommendations or reports to the legislature in response to
39 a legislative request expressly requesting or directing a specific

1 study, recommendation, or report by an agency on a particular
2 subject;

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

6 (iv) Requests, recommendations, or other communication between or
7 within state agencies or between or within local agencies;

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

9 (A) Telephone conversations or preparation of written
10 correspondence;

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

22 (C) Preparation or adoption of policy positions.

23 The statements shall be in the form and the manner prescribed by
24 the commission and shall be filed within one month after the end of
25 the quarter covered by the report.

26 (6) In lieu of reporting under subsection (5) of this section,
27 any county, city, town, municipal corporation, quasi municipal
28 corporation, or special purpose district may determine and so notify
29 the public disclosure commission that elected officials, officers, or
30 employees who, on behalf of any such local agency, engage in lobbying
31 reportable under subsection (5) of this section shall register and
32 report such reportable lobbying in the same manner as a lobbyist who
33 is required to register and report under RCW 42.17A.600 (as
34 recodified by this act) and 42.17A.615 (as recodified by this act).
35 Each such local agency shall report as a lobbyist employer pursuant
36 to RCW 42.17A.630 (as recodified by this act).

37 (7) The provisions of this section do not relieve any elected
38 official or officer or employee of an agency from complying with
39 other provisions of this (~~chapter~~) title, if such elected official,
40 officer, or employee is not otherwise exempted.

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

11 The public disclosure commission may adopt rules clarifying and
12 implementing this legislative interpretation and policy.

13 **Sec. 482.** RCW 42.17A.640 and 2023 c 413 s 1 are each amended to
14 read as follows:

15 (1) Any person who has made expenditures, not reported by a
16 registered lobbyist under RCW 42.17A.615 (as recodified by this act)
17 or by a candidate or political committee under RCW 42.17A.225 (as
18 recodified by this act) or 42.17A.235 (as recodified by this act),
19 exceeding one thousand dollars in the aggregate within any three-
20 month period or exceeding five hundred dollars in the aggregate
21 within any one-month period in presenting a campaign to the public, a
22 substantial portion of which is intended, designed, or calculated
23 primarily to solicit, urge, or encourage the public to influence
24 legislation, shall register and report, as provided in subsection (2)
25 of this section, as a sponsor of a grass roots lobbying campaign.

26 (2)(a) The sponsor shall register by filing with the commission a
27 registration statement:

28 (i) Within 24 hours of the initial presentation of the campaign
29 to the public during the period:

30 (A) Beginning on the 30th day before a regular legislative
31 session convenes and continuing through the date of final adjournment
32 of that session; or

33 (B) Beginning on the date that a special legislative session has
34 been called or 30 days before the special legislative session is
35 scheduled to convene, whichever is later, and continuing through the
36 date of final adjournment of that session; or

37 (ii) Within five business days of the initial presentation of the
38 campaign to the public during any other period.

1 (b) The registration must show, in such detail as the commission
2 shall prescribe:

3 (i) The sponsor's name, address, and business or occupation and
4 employer, and, if the sponsor is not an individual, the names,
5 addresses, and titles of the controlling persons responsible for
6 managing the sponsor's affairs;

7 (ii) The names, addresses, and business or occupation and
8 employer of all persons organizing and managing the campaign, or
9 hired to assist the campaign, including any public relations or
10 advertising firms participating in the campaign, and the terms of
11 compensation for all such persons;

12 (iii) Each source of funding for the campaign of \$25 or more,
13 including:

14 (A) General treasury funds. The name and address of each
15 business, union, group, association, or other organization using
16 general treasury funds for the campaign; however, if such entity
17 undertakes a special solicitation of its members or other persons for
18 the campaign, or it otherwise receives funds for the campaign, that
19 entity shall report pursuant to (b)(ii) of this subsection; and

20 (B) Special solicitations and other funds. The name, address,
21 and, for individuals, occupation and employer, of a person whose
22 funds were used to pay for the campaign, along with the amount;

23 (iv) The purpose of the campaign, including the specific
24 legislation, rules, rates, standards, or proposals that are the
25 subject matter of the campaign;

26 (v) The totals of all expenditures made or incurred to date on
27 behalf of the campaign segregated according to financial category,
28 including but not limited to the following: Advertising, segregated
29 by media, and in the case of large expenditures (as provided by rule
30 of the commission), by outlet; contributions; entertainment,
31 including food and refreshments; office expenses including rent and
32 the salaries and wages paid for staff and secretarial assistance, or
33 the proportionate amount paid or incurred for lobbying campaign
34 activities; consultants; and printing and mailing expenses; and

35 (vi) Such other information as shall be required by the
36 commission by rule in conformance with the policies and purposes of
37 this (~~chapter~~) title.

38 (3) Every sponsor who has registered under this section shall
39 file monthly reports with the commission by the (~~tenth~~) 10th day of
40 the month for the activity during the preceding month. The reports

1 shall update the information contained in the sponsor's registration
2 statement and in prior reports and shall show contributions received
3 and totals of expenditures made during the month, in the same manner
4 as provided for in the registration statement.

5 (4) When the campaign has been terminated, the sponsor shall file
6 a notice of termination with the final monthly report. The final
7 report shall state the totals of all contributions and expenditures
8 made on behalf of the campaign, in the same manner as provided for in
9 the registration statement.

10 (5) (a) Any advertising or other mass communication produced as
11 part of a campaign must include the following disclosures:

12 (i) All written communications shall include the sponsor's name
13 and address. All radio and television communications shall include
14 the sponsor's name. The use of an assumed name for the sponsor is
15 unlawful;

16 (ii) If the sponsor is a political committee established,
17 maintained, or controlled directly, or indirectly through the
18 formation of one or more political committees, by an individual,
19 corporation, union, association, or other entity, the communication
20 must include the full name of that individual or entity; and

21 (iii) If the communication costs \$1,000 or more, the
22 communication must include:

23 (A) The statement "Top Five Contributors," followed by a listing
24 of the names of each of the five largest sources of funding of \$1,000
25 or more, as reported under subsection (2) (b) of this section, during
26 the 12-month period preceding the date on which the advertisement is
27 initially to be published or otherwise presented to the public; and

28 (B) If one of the "Top Five Contributors" listed includes a
29 political committee, the statement "Top Three Donors to PAC
30 Contributors," followed by a listing of the names of the three
31 individuals or entities other than political committees making the
32 largest aggregate contributions to political committees using the
33 same methodology as provided in RCW 42.17A.350(2) (as recodified by
34 this act).

35 (b) Abbreviations may be used to describe entities required to be
36 listed under (a) of this subsection if the full name of the entity
37 has been clearly spoken previously during the communication. The
38 information required by (a) of this subsection shall:

39 (i) In a written communication:

1 (A) Appear on the first page or fold of the written advertisement
2 or communication in at least 10-point type, or in type at least 10
3 percent of the largest size type used in a written communication
4 directed at more than one voter, such as a billboard or poster,
5 whichever is larger;

6 (B) Not be subject to the half-tone or screening process; and

7 (C) Be set apart from any other printed matter. No text may be
8 before, after, or immediately adjacent to the information required by
9 (a) of this subsection; or

10 (ii) In a communication transmitted via television or another
11 medium that includes a visual image or audio:

12 (A) Be clearly spoken; or

13 (B) Appear in print and be visible for at least four seconds,
14 appear in letters greater than four percent of the visual screen
15 height on a solid black background on the entire bottom one-third of
16 the television or visual display screen, or bottom one-fourth of the
17 screen if the sponsor does not have or is otherwise not required to
18 list its top five contributors, and have a reasonable color contrast
19 with the background.

20 (6) The commission is authorized to adopt rules, as needed, to
21 prevent ways to circumvent the purposes of the required disclosures
22 in this section or otherwise in conformance with the policies and
23 purposes of this (~~chapter~~) title.

24 **Sec. 483.** RCW 42.17A.645 and 2010 c 204 s 810 are each amended
25 to read as follows:

26 If any person registered or required to be registered as a
27 lobbyist, or any employer of any person registered or required to be
28 registered as a lobbyist, employs a member or an employee of the
29 legislature, a member of a state board or commission, or a full-time
30 state employee, and that new employee remains in the partial employ
31 of the state, the new employer must file within (~~fifteen~~) 15 days
32 after employment a statement with the commission, signed under oath,
33 setting out the nature of the employment, the name of the person
34 employed, and the amount of pay or consideration.

35 **Sec. 484.** RCW 42.17A.650 and 2010 c 204 s 811 are each amended
36 to read as follows:

37 It is a violation of this (~~chapter~~) title for any person to
38 employ for pay or any consideration, or pay or agree to pay any

1 consideration to, a person to lobby who is not registered under this
2 ((chapter)) title except upon the condition that such a person must
3 register as a lobbyist as provided by this ((chapter)) title.

4 **Sec. 485.** RCW 42.17A.655 and 2019 c 428 s 34 are each amended to
5 read as follows:

6 (1) A person required to register as a lobbyist under RCW
7 42.17A.600 (as recodified by this act) shall substantiate financial
8 reports required to be made under this ((chapter)) title with
9 accounts, bills, receipts, books, papers, and other necessary
10 documents and records. All such documents must be obtained and
11 preserved for a period of at least five years from the date of filing
12 the statement containing such items and shall be made available for
13 inspection by the commission at any time. If the terms of the
14 lobbyist's employment contract require that these records be turned
15 over to the lobbyist's employer, responsibility for the preservation
16 and inspection of these records under this subsection shall be with
17 such employer.

18 (2) A person required to register as a lobbyist under RCW
19 42.17A.600 (as recodified by this act) shall not:

20 (a) Engage in any lobbying activity before registering as a
21 lobbyist;

22 (b) Knowingly deceive or attempt to deceive a legislator
23 regarding the facts pertaining to any pending or proposed
24 legislation;

25 (c) Cause or influence the introduction of a bill or amendment to
26 that bill for the purpose of later being employed to secure its
27 defeat;

28 (d) Knowingly represent an interest adverse to the lobbyist's
29 employer without full disclosure of the adverse interest to the
30 employer and obtaining the employer's written consent;

31 (e) Exercise any undue influence, extortion, or unlawful
32 retaliation upon any legislator due to the legislator's position or
33 vote on any pending or proposed legislation;

34 (f) Enter into any agreement, arrangement, or understanding in
35 which any portion of the lobbyist's compensation is or will be
36 contingent upon the lobbyist's success in influencing legislation.

37 (3) A violation by a lobbyist of this section shall be cause for
38 revocation of the lobbyist's registration, and may subject the
39 lobbyist and the lobbyist's employer, if the employer aids, abets,

1 ratifies, or confirms the violation, to other civil liabilities as
2 provided by this (~~chapter~~) title.

3 **Sec. 486.** RCW 42.17A.700 and 2019 c 428 s 35 are each amended to
4 read as follows:

5 (1) After January 1st and before April 15th of each year, every
6 elected official and every executive state officer who served for any
7 portion of the preceding year shall electronically file with the
8 commission a statement of financial affairs for the preceding
9 calendar year or for that portion of the year served. Any official or
10 officer in office for any period of time in a calendar year, but not
11 in office as of January 1st of the following year, may electronically
12 file either within (~~sixty~~) 60 days of leaving office or during the
13 January 1st through April 15th reporting period of that following
14 year. Such filing must include information for the portion of the
15 current calendar year for which the official or officer was in
16 office.

17 (2) Within two weeks of becoming a candidate, every candidate
18 shall file with the commission a statement of financial affairs for
19 the preceding (~~twelve~~) 12 months.

20 (3) Within two weeks of appointment, every person appointed to a
21 vacancy in an elective office or executive state officer position
22 during the months of January through November shall file with the
23 commission a statement of financial affairs for the preceding
24 (~~twelve~~) 12 months, except as provided in subsection (4) of this
25 section. For appointments made in December, the appointee must file
26 the statement of financial affairs between January 1st and January
27 15th of the immediate following year for the preceding (~~twelve~~) 12-
28 month period ending on December 31st.

29 (4) A statement of a candidate or appointee filed during the
30 period from January 1st to April 15th shall cover the period from
31 January 1st of the preceding calendar year to the time of candidacy
32 or appointment if the filing of the statement would relieve the
33 individual of a prior obligation to file a statement covering the
34 entire preceding calendar year.

35 (5) No individual may be required to file more than once in any
36 calendar year.

37 (6) Each statement of financial affairs filed under this section
38 shall be sworn as to its truth and accuracy.

1 (7) Every elected official and every executive state officer
2 shall file with their statement of financial affairs a statement
3 certifying that they have read and are familiar with RCW 42.17A.555
4 (as recodified by this act) or 42.52.180, whichever is applicable.

5 (8) For the purposes of this section, the term "executive state
6 officer" includes those listed in RCW 42.17A.705 (as recodified by
7 this act).

8 (9) This section does not apply to incumbents or candidates for a
9 federal office or the office of precinct committee officer.

10 **Sec. 487.** RCW 42.17A.705 and 2017 3rd sp.s. c 6 s 111 are each
11 amended to read as follows:

12 For the purposes of RCW 42.17A.700 (as recodified by this act),
13 "executive state officer" includes:

14 (1) The chief administrative law judge, the director of
15 agriculture, the director of the department of services for the
16 blind, the secretary of children, youth, and families, the director
17 of the state system of community and technical colleges, the director
18 of commerce, the director of the consolidated technology services
19 agency, the secretary of corrections, the director of ecology, the
20 commissioner of employment security, the chair of the energy facility
21 site evaluation council, the director of enterprise services, the
22 secretary of the state finance committee, the director of financial
23 management, the director of fish and wildlife, the executive
24 secretary of the forest practices appeals board, the director of the
25 gambling commission, the secretary of health, the administrator of
26 the Washington state health care authority, the executive secretary
27 of the health care facilities authority, the executive secretary of
28 the higher education facilities authority, the executive secretary of
29 the horse racing commission, the executive secretary of the human
30 rights commission, the executive secretary of the indeterminate
31 sentence review board, the executive director of the state investment
32 board, the director of labor and industries, the director of
33 licensing, the director of the lottery commission, the director of
34 the office of minority and women's business enterprises, the director
35 of parks and recreation, the executive director of the public
36 disclosure commission, the executive director of the Puget Sound
37 partnership, the director of the recreation and conservation office,
38 the director of retirement systems, the director of revenue, the
39 secretary of social and health services, the chief of the Washington

1 state patrol, the executive secretary of the board of tax appeals,
2 the secretary of transportation, the secretary of the utilities and
3 transportation commission, the director of veterans affairs, the
4 president of each of the regional and state universities and the
5 president of The Evergreen State College, and each district and each
6 campus president of each state community college;

7 (2) Each professional staff member of the office of the governor;

8 (3) Each professional staff member of the legislature; and

9 (4) Central Washington University board of trustees, the boards
10 of trustees of each community college and each technical college,
11 each member of the state board for community and technical colleges,
12 state convention and trade center board of directors, Eastern
13 Washington University board of trustees, Washington economic
14 development finance authority, Washington energy northwest executive
15 board, The Evergreen State College board of trustees, executive
16 ethics board, fish and wildlife commission, forest practices appeals
17 board, forest practices board, gambling commission, Washington health
18 care facilities authority, student achievement council, higher
19 education facilities authority, horse racing commission, state
20 housing finance commission, human rights commission, indeterminate
21 sentence review board, board of industrial insurance appeals, state
22 investment board, commission on judicial conduct, legislative ethics
23 board, life sciences discovery fund authority board of trustees,
24 state liquor and cannabis board, lottery commission, Pacific
25 Northwest electric power and conservation planning council, parks and
26 recreation commission, Washington personnel resources board, board of
27 pilotage commissioners, pollution control hearings board, public
28 disclosure commission, public employees' benefits board, recreation
29 and conservation funding board, salmon recovery funding board,
30 shorelines hearings board, board of tax appeals, transportation
31 commission, University of Washington board of regents, utilities and
32 transportation commission, Washington State University board of
33 regents, and Western Washington University board of trustees.

34 **Sec. 488.** RCW 42.17A.710 and 2023 c 462 s 502 are each amended
35 to read as follows:

36 (1) The statement of financial affairs required by RCW 42.17A.700
37 (as recodified by this act) shall disclose the following information
38 for the reporting individual and each member of the reporting
39 individual's immediate family:

1 (a) Occupation, name of employer, and business address;

2 (b) Each bank account, savings account, and insurance policy in
3 which a direct financial interest was held that exceeds twenty
4 thousand dollars at any time during the reporting period; each other
5 item of intangible personal property in which a direct financial
6 interest was held that exceeds two thousand dollars during the
7 reporting period; the name, address, and nature of the entity; and
8 the nature and highest value of each direct financial interest during
9 the reporting period;

10 (c) The name and address of each creditor to whom the value of
11 two thousand dollars or more was owed; the original amount of each
12 debt to each creditor; the amount of each debt owed to each creditor
13 as of the date of filing; the terms of repayment of each debt; and
14 the security given, if any, for each such debt. Debts arising from a
15 "retail installment transaction" as defined in chapter 63.14 RCW
16 (retail installment sales act) need not be reported;

17 (d) Every public or private office, directorship, and position
18 held as trustee; except that an elected official or executive state
19 officer need not report the elected official's or executive state
20 officer's service on a governmental board, commission, association,
21 or functional equivalent, when such service is part of the elected
22 official's or executive state officer's official duties;

23 (e) All persons for whom any legislation, rule, rate, or standard
24 has been prepared, promoted, or opposed for current or deferred
25 compensation. For the purposes of this subsection, "compensation"
26 does not include payments made to the person reporting by the
27 governmental entity for which the person serves as an elected
28 official or state executive officer or professional staff member for
29 the person's service in office; the description of such actual or
30 proposed legislation, rules, rates, or standards; and the amount of
31 current or deferred compensation paid or promised to be paid;

32 (f) The name and address of each governmental entity,
33 corporation, partnership, joint venture, sole proprietorship,
34 association, union, or other business or commercial entity from whom
35 compensation has been received in any form of a total value of two
36 thousand dollars or more; the value of the compensation; and the
37 consideration given or performed in exchange for the compensation;

38 (g) The name of any corporation, partnership, joint venture,
39 association, union, or other entity in which is held any office,
40 directorship, or any general partnership interest, or an ownership

1 interest of ten percent or more; the name or title of that office,
2 directorship, or partnership; the nature of ownership interest; and:
3 (i) With respect to a governmental unit in which the official seeks
4 or holds any office or position, if the entity has received
5 compensation in any form during the preceding twelve months from the
6 governmental unit, the value of the compensation and the
7 consideration given or performed in exchange for the compensation;
8 and (ii) the name of each governmental unit, corporation,
9 partnership, joint venture, sole proprietorship, association, union,
10 or other business or commercial entity from which the entity has
11 received compensation in any form in the amount of ten thousand
12 dollars or more during the preceding twelve months and the
13 consideration given or performed in exchange for the compensation. As
14 used in (g)(ii) of this subsection, "compensation" does not include
15 payment for water and other utility services at rates approved by the
16 Washington state utilities and transportation commission or the
17 legislative authority of the public entity providing the service.
18 With respect to any bank or commercial lending institution in which
19 is held any office, directorship, partnership interest, or ownership
20 interest, it shall only be necessary to report either the name,
21 address, and occupation of every director and officer of the bank or
22 commercial lending institution and the average monthly balance of
23 each account held during the preceding twelve months by the bank or
24 commercial lending institution from the governmental entity for which
25 the individual is an official or candidate or professional staff
26 member, or all interest paid by a borrower on loans from and all
27 interest paid to a depositor by the bank or commercial lending
28 institution if the interest exceeds two thousand four hundred
29 dollars;

30 (h) A list, including legal or other sufficient descriptions as
31 prescribed by the commission, of all real property in the state of
32 Washington, the assessed valuation of which exceeds ten thousand
33 dollars in which any direct financial interest was acquired during
34 the preceding calendar year, and a statement of the amount and nature
35 of the financial interest and of the consideration given in exchange
36 for that interest;

37 (i) A list, including legal or other sufficient descriptions as
38 prescribed by the commission, of all real property in the state of
39 Washington, the assessed valuation of which exceeds ten thousand
40 dollars in which any direct financial interest was divested during

1 the preceding calendar year, and a statement of the amount and nature
2 of the consideration received in exchange for that interest, and the
3 name and address of the person furnishing the consideration;

4 (j) A list, including legal or other sufficient descriptions as
5 prescribed by the commission, of all real property in the state of
6 Washington, the assessed valuation of which exceeds ten thousand
7 dollars in which a direct financial interest was held. If a
8 description of the property has been included in a report previously
9 filed, the property may be listed, for purposes of this subsection
10 (1)(j), by reference to the previously filed report;

11 (k) A list, including legal or other sufficient descriptions as
12 prescribed by the commission, of all real property in the state of
13 Washington, the assessed valuation of which exceeds twenty thousand
14 dollars, in which a corporation, partnership, firm, enterprise, or
15 other entity had a direct financial interest, in which corporation,
16 partnership, firm, or enterprise a ten percent or greater ownership
17 interest was held;

18 (l) A list of each occasion, specifying date, donor, and amount,
19 at which food and beverage in excess of fifty dollars was accepted
20 under RCW 42.52.150(5);

21 (m) A list of each occasion, specifying date, donor, and amount,
22 at which items specified in RCW 42.52.010(9) (d) and (f) were
23 accepted; and

24 (n) Such other information as the commission may deem necessary
25 in order to properly carry out the purposes and policies of this
26 (~~chapter~~) title, as the commission shall prescribe by rule.

27 (2)(a) When judges, prosecutors, sheriffs, participants in the
28 address confidentiality program under RCW 40.24.030, or their
29 immediate family members are required to disclose real property that
30 is the personal residence of the judge, prosecutor, sheriff, or
31 address confidentiality program participant, the requirements of
32 subsection (1)(h) through (k) of this section may be satisfied for
33 that property by substituting:

34 (i) The city or town;

35 (ii) The type of residence, such as a single-family or
36 multifamily residence, and the nature of ownership; and

37 (iii) Such other identifying information the commission
38 prescribes by rule for the mailing address where the property is
39 located.

1 (b) Nothing in this subsection relieves the judge, prosecutor, or
2 sheriff of any other applicable obligations to disclose potential
3 conflicts or to recuse oneself.

4 (3) (a) Where an amount is required to be reported under
5 subsection (1) (a) through (m) of this section, it may be reported
6 within a range as provided in (b) of this subsection.

7 (b)

8 Code A	Less than thirty thousand dollars;
9 Code B	At least thirty thousand dollars, but less 10 than sixty thousand dollars;
11 Code C	At least sixty thousand dollars, but less 12 than one hundred thousand dollars;
13 Code D	At least one hundred thousand dollars, but 14 less than two hundred thousand dollars;
15 Code E	At least two hundred thousand dollars, but 16 less than five hundred thousand dollars;
17 Code F	At least five hundred thousand dollars, but 18 less than seven hundred and fifty 19 thousand dollars;
20 Code G	At least seven hundred fifty thousand 21 dollars, but less than one million dollars; 22 or
23 Code H	One million dollars or more.

24 (c) An amount of stock may be reported by number of shares
25 instead of by market value. No provision of this subsection may be
26 interpreted to prevent any person from filing more information or
27 more detailed information than required.

28 (4) Items of value given to an official's or employee's spouse,
29 domestic partner, or family member are attributable to the official
30 or employee, except the item is not attributable if an independent
31 business, family, or social relationship exists between the donor and
32 the spouse, domestic partner, or family member.

33 **Sec. 489.** RCW 42.17A.715 and 2010 c 204 s 904 are each amended
34 to read as follows:

35 No payment shall be made to any person required to report under
36 RCW 42.17A.700 (as recodified by this act) and no payment shall be

1 accepted by any such person, directly or indirectly, in a fictitious
2 name, anonymously, or by one person through an agent, relative, or
3 other person in such a manner as to conceal the identity of the
4 source of the payment or in any other manner so as to effect
5 concealment. The commission may issue categorical and specific
6 exemptions to the reporting of the actual source when there is an
7 undisclosed principal for recognized legitimate business purposes.

8 **Sec. 490.** RCW 42.17A.750 and 2019 c 428 s 37 are each amended to
9 read as follows:

10 (1) In addition to the penalties in subsection (2) of this
11 section, and any other remedies provided by law, one or more of the
12 following civil remedies and sanctions may be imposed by court order
13 in addition to any other remedies provided by law:

14 (a) If the court finds that the violation of any provision of
15 this (~~chapter~~) title by any candidate, committee, or incidental
16 committee probably affected the outcome of any election, the result
17 of that election may be held void and a special election held within
18 (~~sixty~~) 60 days of the finding. Any action to void an election
19 shall be commenced within one year of the date of the election in
20 question. It is intended that this remedy be imposed freely in all
21 appropriate cases to protect the right of the electorate to an
22 informed and knowledgeable vote.

23 (b) If any lobbyist or sponsor of any grass roots lobbying
24 campaign violates any of the provisions of this (~~chapter~~) title,
25 the lobbyist's or sponsor's registration may be revoked or suspended
26 and the lobbyist or sponsor may be enjoined from receiving
27 compensation or making expenditures for lobbying. The imposition of a
28 sanction shall not excuse the lobbyist from filing statements and
29 reports required by this (~~chapter~~) title.

30 (c) A person who violates any of the provisions of this
31 (~~chapter~~) title may be subject to a civil penalty of not more than
32 ten thousand dollars for each violation. However, a person or entity
33 who violates RCW 42.17A.405 (as recodified by this act) may be
34 subject to a civil penalty of ten thousand dollars or three times the
35 amount of the contribution illegally made or accepted, whichever is
36 greater.

37 (d) When assessing a civil penalty, the court may consider the
38 nature of the violation and any relevant circumstances, including the
39 following factors:

1 (i) The respondent's compliance history, including whether the
2 noncompliance was isolated or limited in nature, indicative of
3 systematic or ongoing problems, or part of a pattern of violations by
4 the respondent, resulted from a knowing or intentional effort to
5 conceal, deceive or mislead, or from collusive behavior, or in the
6 case of a political committee or other entity, part of a pattern of
7 violations by the respondent's officers, staff, principal decision
8 makers, consultants, or sponsoring organization;

9 (ii) The impact on the public, including whether the
10 noncompliance deprived the public of timely or accurate information
11 during a time-sensitive period or otherwise had a significant or
12 material impact on the public;

13 (iii) Experience with campaign finance law and procedures or the
14 financing, staffing, or size of the respondent's campaign or
15 organization;

16 (iv) The amount of financial activity by the respondent during
17 the statement period or election cycle;

18 (v) Whether the late or unreported activity was within three
19 times the contribution limit per election, including in proportion to
20 the total amount of expenditures by the respondent in the campaign or
21 statement period;

22 (vi) Whether the respondent or any person benefited politically
23 or economically from the noncompliance;

24 (vii) Whether there was a personal emergency or illness of the
25 respondent or member of the respondent's immediate family;

26 (viii) Whether other emergencies such as fire, flood, or utility
27 failure prevented filing;

28 (ix) Whether there was commission staff or equipment error,
29 including technical problems at the commission that prevented or
30 delayed electronic filing;

31 (x) The respondent's demonstrated good-faith uncertainty
32 concerning commission staff guidance or instructions;

33 (xi) Whether the respondent is a first-time filer;

34 (xii) Good faith efforts to comply, including consultation with
35 commission staff prior to initiation of enforcement action and
36 cooperation with commission staff during enforcement action and a
37 demonstrated wish to acknowledge and take responsibility for the
38 violation;

39 (xiii) Penalties imposed in factually similar cases; and

40 (xiv) Other factors relevant to the particular case.

1 (e) A person who fails to file a properly completed statement or
2 report within the time required by this (~~chapter~~) title may be
3 subject to a civil penalty of ten dollars per day for each day each
4 delinquency continues.

5 (f) Each state agency director who knowingly fails to file
6 statements required by RCW 42.17A.635 (as recodified by this act)
7 shall be subject to personal liability in the form of a civil penalty
8 in the amount of one hundred dollars per statement. These penalties
9 are in addition to any other civil remedies or sanctions imposed on
10 the agency.

11 (g) A person who fails to report a contribution or expenditure as
12 required by this (~~chapter~~) title may be subject to a civil penalty
13 equivalent to the amount not reported as required.

14 (h) Any state agency official, officer, or employee who is
15 responsible for or knowingly directs or expends public funds in
16 violation of RCW 42.17A.635 (2) or (3) (as recodified by this act)
17 may be subject to personal liability in the form of a civil penalty
18 in an amount that is at least equivalent to the amount of public
19 funds expended in the violation.

20 (i) The court may enjoin any person to prevent the doing of any
21 act herein prohibited, or to compel the performance of any act
22 required herein.

23 (2) The commission may refer the following violations for
24 criminal prosecution:

25 (a) A person who, with actual malice, violates a provision of
26 this (~~chapter~~) title is guilty of a misdemeanor under chapter 9.92
27 RCW;

28 (b) A person who, within a five-year period, with actual malice,
29 violates three or more provisions of this (~~chapter~~) title is guilty
30 of a gross misdemeanor under chapter 9.92 RCW; and

31 (c) A person who, with actual malice, procures or offers any
32 false or forged document to be filed, registered, or recorded with
33 the commission under this (~~chapter~~) title is guilty of a class C
34 felony under chapter 9.94A RCW.

35 **Sec. 491.** RCW 42.17A.755 and 2019 c 428 s 38 are each amended to
36 read as follows:

37 (1) The commission may initiate or respond to a complaint,
38 request a technical correction, or otherwise resolve matters of
39 compliance with this (~~chapter~~) title, in accordance with this

1 section. If a complaint is filed with or initiated by the commission,
2 the commission must:

3 (a) Dismiss the complaint or otherwise resolve the matter in
4 accordance with subsection (2) of this section, as appropriate under
5 the circumstances after conducting a preliminary review;

6 (b) Initiate an investigation to determine whether a violation
7 has occurred, conduct hearings, and issue and enforce an appropriate
8 order, in accordance with chapter 34.05 RCW and subsection (3) of
9 this section; or

10 (c) Refer the matter to the attorney general, in accordance with
11 subsection (4) of this section.

12 (2)(a) For complaints of remediable violations or requests for
13 technical corrections, the commission may, by rule, delegate
14 authority to its executive director to resolve these matters in
15 accordance with subsection (1)(a) of this section, provided the
16 executive director consistently applies such authority.

17 (b) The commission shall, by rule, develop additional processes
18 by which a respondent may agree by stipulation to any allegations and
19 pay a penalty subject to a schedule of violations and penalties,
20 unless waived by the commission as provided for in this section. Any
21 stipulation must be referred to the commission for review. If
22 approved or modified by the commission, agreed to by the parties, and
23 the respondent complies with all requirements set forth in the
24 stipulation, the matter is then considered resolved and no further
25 action or review is allowed.

26 (3) If the commission initiates an investigation, an initial
27 hearing must be held within (~~ninety~~) 90 days of the complaint being
28 filed. Following an investigation, in cases where it chooses to
29 determine whether a violation has occurred, the commission shall hold
30 a hearing pursuant to the administrative procedure act, chapter 34.05
31 RCW. Any order that the commission issues under this section shall be
32 pursuant to such a hearing.

33 (a) The person against whom an order is directed under this
34 section shall be designated as the respondent. The order may require
35 the respondent to cease and desist from the activity that constitutes
36 a violation and in addition, or alternatively, may impose one or more
37 of the remedies provided in RCW 42.17A.750(1) (b) through (h) (as
38 recodified by this act), or other requirements as the commission
39 determines appropriate to effectuate the purposes of this (~~chapter~~)
40 title.

1 (b) The commission may assess a penalty in an amount not to
2 exceed ten thousand dollars per violation, unless the parties
3 stipulate otherwise. Any order that the commission issues under this
4 section that imposes a financial penalty must be made pursuant to a
5 hearing, held in accordance with the administrative procedure act,
6 chapter 34.05 RCW.

7 (c) The commission has the authority to waive a penalty for a
8 first-time violation. A second violation of the same requirement by
9 the same person, regardless if the person or individual committed the
10 violation for a different political committee or incidental
11 committee, shall result in a penalty. Successive violations of the
12 same requirement shall result in successively increased penalties.
13 The commission may suspend any portion of an assessed penalty
14 contingent on future compliance with this (~~chapter~~) title. The
15 commission must create a schedule to enhance penalties based on
16 repeat violations by the person.

17 (d) Any order issued by the commission is subject to judicial
18 review under the administrative procedure act, chapter 34.05 RCW. If
19 the commission's order is not satisfied and no petition for review is
20 filed within (~~thirty~~) 30 days, the commission may petition a court
21 of competent jurisdiction of any county in which a petition for
22 review could be filed under that jurisdiction, for an order of
23 enforcement. Proceedings in connection with the commission's petition
24 shall be in accordance with RCW 42.17A.760 (as recodified by this
25 act).

26 (4) In lieu of holding a hearing or issuing an order under this
27 section, the commission may refer the matter to the attorney general
28 consistent with this section, when the commission believes:

29 (a) Additional authority is needed to ensure full compliance with
30 this (~~chapter~~) title;

31 (b) An apparent violation potentially warrants a penalty greater
32 than the commission's penalty authority; or

33 (c) The maximum penalty the commission is able to levy is not
34 enough to address the severity of the violation.

35 (5) Prior to filing a citizen's action under RCW 42.17A.775 (as
36 recodified by this act), a person who has filed a complaint pursuant
37 to this section must provide written notice to the attorney general
38 if the commission does not, within 90 (~~ninety~~) days of the
39 complaint being filed with the commission, take action pursuant to

1 subsection (1) of this section. A person must simultaneously provide
2 a copy of the written notice to the commission.

3 **Sec. 492.** RCW 42.17A.760 and 2010 c 204 s 1003 are each amended
4 to read as follows:

5 The following procedure shall apply in all cases where the
6 commission has petitioned a court of competent jurisdiction for
7 enforcement of any order it has issued pursuant to this (~~chapter~~)
8 title:

9 (1) A copy of the petition shall be served by certified mail
10 directed to the respondent at his or her last known address. The
11 court shall issue an order directing the respondent to appear at a
12 time designated in the order, not less than five days from the date
13 thereof, and show cause why the commission's order should not be
14 enforced according to its terms.

15 (2) The commission's order shall be enforced by the court if the
16 respondent does not appear, or if the respondent appears and the
17 court finds, pursuant to a hearing held for that purpose:

18 (a) That the commission's order is unsatisfied;

19 (b) That the order is regular on its face; and

20 (c) That the respondent's answer discloses no valid reason why
21 the commission's order should not be enforced or that the respondent
22 had an appropriate remedy by review under RCW 34.05.570(3) and failed
23 to avail himself or herself of that remedy without valid excuse.

24 (3) Upon appropriate application by the respondent, the court
25 may, after hearing and for good cause, alter, amend, revise, suspend,
26 or postpone all or part of the commission's order. In any case where
27 the order is not enforced by the court according to its terms, the
28 reasons for the court's actions shall be clearly stated in writing,
29 and the action shall be subject to review by the appellate courts by
30 certiorari or other appropriate proceeding.

31 (4) The court's order of enforcement, when entered, shall have
32 the same force and effect as a civil judgment.

33 (5) Notwithstanding RCW 34.05.578 through 34.05.590, this section
34 is the exclusive method for enforcing an order of the commission.

35 **Sec. 493.** RCW 42.17A.765 and 2019 c 428 s 39 are each amended to
36 read as follows:

37 (1)(a) The attorney general may bring civil actions in the name
38 of the state for any appropriate civil remedy, including but not

1 limited to the special remedies provided in RCW 42.17A.750 (as
2 recodified by this act) upon:

3 (i) Referral by the commission pursuant to RCW 42.17A.755(4) (as
4 recodified by this act);

5 (ii) Receipt of a notice provided in accordance with RCW
6 42.17A.755(5) (as recodified by this act); or

7 (iii) Receipt of a notice of intent to commence a citizen's
8 action, as provided under RCW 42.17A.775(3) (as recodified by this
9 act).

10 (b) Within (~~(forty-five)~~) 45 days of receiving a referral from
11 the commission or notice of the commission's failure to take action
12 provided in accordance with RCW 42.17A.755(5) (as recodified by this
13 act), or within (~~(ten)~~) 10 days of receiving a citizen's action
14 notice, the attorney general must publish a decision whether to
15 commence an action on the attorney general's office website.
16 Publication of the decision within the (~~(forty-five)~~) 45 day period,
17 or ten-day period, whichever is applicable, shall preclude a
18 citizen's action pursuant to RCW 42.17A.775 (as recodified by this
19 act).

20 (c) The attorney general should use the enforcement powers in
21 this section in a consistent manner that provides guidance in
22 complying with the provisions of this (~~(chapter)~~) title to
23 candidates, political committees, or other individuals subject to the
24 regulations of this (~~(chapter)~~) title.

25 (2) The attorney general may investigate or cause to be
26 investigated the activities of any person who there is reason to
27 believe is or has been acting in violation of this (~~(chapter)~~) title,
28 and may require any such person or any other person reasonably
29 believed to have information concerning the activities of such person
30 to appear at a time and place designated in the county in which such
31 person resides or is found, to give such information under oath and
32 to produce all accounts, bills, receipts, books, paper and documents
33 which may be relevant or material to any investigation authorized
34 under this (~~(chapter)~~) title.

35 (3) When the attorney general requires the attendance of any
36 person to obtain such information or produce the accounts, bills,
37 receipts, books, papers, and documents that may be relevant or
38 material to any investigation authorized under this (~~(chapter)~~)
39 title, the attorney general shall issue an order setting forth the
40 time when and the place where attendance is required and shall cause

1 the same to be delivered to or sent by registered mail to the person
2 at least (~~fourteen~~) 14 days before the date fixed for attendance.
3 The order shall have the same force and effect as a subpoena, shall
4 be effective statewide, and, upon application of the attorney
5 general, obedience to the order may be enforced by any superior court
6 judge in the county where the person receiving it resides or is
7 found, in the same manner as though the order were a subpoena. The
8 court, after hearing, for good cause, and upon application of any
9 person aggrieved by the order, shall have the right to alter, amend,
10 revise, suspend, or postpone all or any part of its provisions. In
11 any case where the order is not enforced by the court according to
12 its terms, the reasons for the court's actions shall be clearly
13 stated in writing, and the action shall be subject to review by the
14 appellate courts by certiorari or other appropriate proceeding.

15 **Sec. 494.** RCW 42.17A.770 and 2018 c 304 s 15 are each amended to
16 read as follows:

17 Except as provided in RCW 42.17A.775(4) (as recodified by this
18 act), any action brought under the provisions of this (~~chapter~~)
19 title must be commenced within five years after the date when the
20 violation occurred.

21 **Sec. 495.** RCW 42.17A.775 and 2019 c 428 s 40 are each amended to
22 read as follows:

23 (1) A person who has reason to believe that a provision of this
24 (~~chapter~~) title is being or has been violated may bring a citizen's
25 action in the name of the state, in accordance with the procedures of
26 this section.

27 (2) A citizen's action may be brought and prosecuted only if the
28 person first has filed a complaint with the commission and:

29 (a) The commission has not taken action authorized under RCW
30 42.17A.755(1) (as recodified by this act) within (~~ninety~~) 90 days
31 of the complaint being filed with the commission, and the person who
32 initially filed the complaint with the commission provided written
33 notice to the attorney general in accordance with RCW 42.17A.755(5)
34 (as recodified by this act) and the attorney general has not
35 commenced an action, or published a decision whether to commence
36 action pursuant to RCW 42.17A.765(1)(b) (as recodified by this act),
37 within (~~forty-five~~) 45 days of receiving the notice;

1 (b) For matters referred to the attorney general within
2 (~~ninety~~) 90 days of the commission receiving the complaint, the
3 attorney general has not commenced an action, or published a decision
4 whether to commence an action pursuant to RCW 42.17A.765(1)(b) (as
5 recodified by this act), within (~~forty-five~~) 45 days of receiving
6 referral from the commission; and

7 (c) The person who initially filed the complaint with the
8 commission has provided notice of a citizen's action in accordance
9 with subsection (3) of this section and the commission or the
10 attorney general has not commenced action within the (~~ten~~) 10 days
11 provided under subsection (3) of this section.

12 (3) To initiate the citizen's action, after meeting the
13 requirements under subsection (2) (a) and (b) of this section, a
14 person must notify the attorney general and the commission that the
15 person will commence a citizen's action within (~~ten~~) 10 days if the
16 commission does not take action authorized under RCW 42.17A.755(1)
17 (as recodified by this act), or the attorney general does not
18 commence an action or publish a decision whether to commence an
19 action pursuant to RCW 42.17A.765(1)(b) (as recodified by this act).
20 The attorney general and the commission must notify the other of its
21 decision whether to commence an action.

22 (4) The citizen's action must be commenced within two years after
23 the date when the alleged violation occurred and may not be commenced
24 against a committee or incidental committee before the end of such
25 period if the committee or incidental committee has received an
26 acknowledgment of dissolution.

27 (5) If the person who brings the citizen's action prevails, the
28 judgment awarded shall escheat to the state, but he or she shall be
29 entitled to be reimbursed by the state for reasonable costs and
30 reasonable attorneys' fees the person incurred. In the case of a
31 citizen's action that is dismissed and that the court also finds was
32 brought without reasonable cause, the court may order the person
33 commencing the action to pay all trial costs and reasonable
34 attorneys' fees incurred by the defendant.

35 **Sec. 496.** RCW 42.17A.780 and 2018 c 304 s 17 are each amended to
36 read as follows:

37 In any action brought under this (~~chapter~~) title, the court may
38 award to the commission all reasonable costs of investigation and
39 trial, including reasonable attorneys' fees to be fixed by the court.

1 If the violation is found to have been intentional, the amount of the
2 judgment, which shall for this purpose include the costs, may be
3 trebled as punitive damages. If damages or trebled damages are
4 awarded in such an action brought against a lobbyist, the judgment
5 may be awarded against the lobbyist, and the lobbyist's employer or
6 employers joined as defendants, jointly, severally, or both. If the
7 defendant prevails, he or she shall be awarded all costs of trial and
8 may be awarded reasonable attorneys' fees to be fixed by the court
9 and paid by the state of Washington.

10 **Sec. 497.** RCW 42.17A.785 and 2018 c 304 s 18 are each amended to
11 read as follows:

12 The public disclosure transparency account is created in the
13 state treasury. All receipts from penalties collected pursuant to
14 enforcement actions or settlements under this (~~chapter~~) title,
15 including any fees or costs, must be deposited into the account.
16 Moneys in the account may be spent only after appropriation. Moneys
17 in the account may be used only for the implementation of chapter
18 304, Laws of 2018 and duties under this (~~chapter~~) title, and may
19 not be used to supplant general fund appropriations to the
20 commission.

21 **Sec. 498.** RCW 42.62.040 and 2023 c 360 s 4 are each amended to
22 read as follows:

23 The public disclosure commission must adopt rules in furtherance
24 of the purpose of this chapter. Nothing in this chapter constitutes a
25 violation under (~~chapter 42.17A RCW~~) other chapters of this title,
26 or otherwise authorizes the public disclosure commission to take
27 action under RCW 42.17A.755 (as recodified by this act).

28 **Sec. 499.** RCW 15.65.280 and 2011 c 103 s 14 and 2011 c 60 s 1
29 are each reenacted and amended to read as follows:

30 The powers and duties of the board shall be:

31 (1) To elect a chair and such other officers as it deems
32 advisable;

33 (2) To advise and counsel the director with respect to the
34 administration and conduct of such marketing agreement or order;

35 (3) To recommend to the director administrative rules and orders
36 and amendments thereto for the exercise of his or her powers in
37 connection with such agreement or order;

1 (4) To advise the director upon all assessments provided pursuant
2 to the terms of such agreement or order and upon the collection,
3 deposit, withdrawal, disbursement and paying out of all moneys;

4 (5) To assist the director in the collection of such necessary
5 information and data as the director may deem necessary in the proper
6 administration of this chapter;

7 (6) To administer the order or agreement as its administrative
8 board if the director designates it so to do in such order or
9 agreement;

10 (7) To work cooperatively with other local, state, and federal
11 agencies; universities; and national organizations for the purposes
12 provided in the board's marketing order or agreement;

13 (8) To enter into contracts or interagency agreements with any
14 private or public agency, whether federal, state, or local, to carry
15 out the purposes provided in the board's marketing order or
16 agreement. Personal service contracts must comply with chapter 39.29
17 RCW;

18 (9) To accept and expend or retain any gifts, bequests,
19 contributions, or grants from private persons or private and public
20 agencies to carry out the purposes provided in the board's marketing
21 order or agreement;

22 (10) To retain in emergent situations the services of private
23 legal counsel to conduct legal actions on behalf of a board. The
24 retention of a private attorney is subject to review by the office of
25 the attorney general;

26 (11) To engage in appropriate fund-raising activities for the
27 purpose of supporting activities of the board authorized by the
28 marketing order or agreement;

29 (12) To enter into contracts or agreements for research in the
30 production, irrigation, processing, transportation, marketing, use,
31 or distribution of an affected commodity;

32 (13) To participate in international, federal, state, and local
33 hearings, meetings, and other proceedings relating to the production,
34 irrigation, manufacture, regulation, transportation, distribution,
35 sale, or use of affected commodities including activities authorized
36 under RCW 42.17A.635 (as recodified by this act), including the
37 reporting of those activities to the public disclosure commission;

38 (14) To maintain a list of the names and addresses of affected
39 producers that may be compiled from information used to collect

1 assessments under the marketing order or agreement, and data on the
2 value of each producer's production for a minimum three-year period;

3 (15) To maintain a list of the names and addresses of persons who
4 handle the affected commodity within the affected area and data on
5 the amount and value of the commodity handled for a minimum three-
6 year period by each person; and

7 (16) To perform such other duties as the director may prescribe
8 in the marketing agreement or order.

9 Any agreement or order under which the commodity board
10 administers the order or agreement shall (if so requested by the
11 affected producers within the affected area in the proposal or
12 promulgation hearing) contain provisions whereby the director
13 reserves the power to approve or disapprove every order, rule or
14 directive issued by the board, in which event such approval or
15 disapproval shall be based on whether or not the director believes
16 the board's action has been carried out in conformance with the
17 purposes of this chapter.

18 **Sec. 500.** RCW 15.66.140 and 2011 c 103 s 15 and 2011 c 60 s 2
19 are each reenacted and amended to read as follows:

20 Every commodity commission shall have such powers and duties in
21 accordance with provisions of this chapter as may be provided in the
22 marketing order and shall have the following powers and duties:

23 (1) To elect a chair and such other officers as determined
24 advisable;

25 (2) To adopt, rescind, and amend rules and regulations reasonably
26 necessary for the administration and operation of the commission and
27 the enforcement of its duties under the marketing order;

28 (3) To administer, enforce, direct and control the provisions of
29 the marketing order and of this chapter relating thereto;

30 (4) To employ and discharge at its discretion such administrators
31 and additional personnel, attorneys, advertising and research
32 agencies and other persons and firms that it may deem appropriate and
33 pay compensation to the same;

34 (5) To acquire personal property and purchase or lease office
35 space and other necessary real property and transfer and convey the
36 same;

37 (6) To institute and maintain in its own name any and all legal
38 actions, including actions by injunction, mandatory injunction or
39 civil recovery, or proceedings before administrative tribunals or

1 other governmental authorities necessary to carry out the provisions
2 of this chapter and of the marketing order;

3 (7) To keep accurate records of all its receipts and
4 disbursements, which records shall be open to inspection and audit by
5 the state auditor or private auditor designated by the state auditor
6 at least every five years;

7 (8) Borrow money and incur indebtedness;

8 (9) Make necessary disbursements for routine operating expenses;

9 (10) To expend funds for commodity-related education, training,
10 and leadership programs as each commission deems expedient;

11 (11) To work cooperatively with other local, state, and federal
12 agencies; universities; and national organizations for the purposes
13 provided in the commission's marketing order;

14 (12) To enter into contracts or interagency agreements with any
15 private or public agency, whether federal, state, or local, to carry
16 out the purposes provided in the commission's marketing order.
17 Personal service contracts must comply with chapter 39.29 RCW;

18 (13) To accept and expend or retain any gifts, bequests,
19 contributions, or grants from private persons or private and public
20 agencies to carry out the purposes provided in the commission's
21 marketing order;

22 (14) To enter into contracts or agreements for research in the
23 production, irrigation, processing, transportation, marketing, use,
24 or distribution of an affected commodity;

25 (15) To retain in emergent situations the services of private
26 legal counsel to conduct legal actions on behalf of a commission. The
27 retention of a private attorney is subject to review by the office of
28 the attorney general;

29 (16) To engage in appropriate fund-raising activities for the
30 purpose of supporting activities of the commission authorized by the
31 marketing order;

32 (17) To participate in international, federal, state, and local
33 hearings, meetings, and other proceedings relating to the production,
34 irrigation, manufacture, regulation, transportation, distribution,
35 sale, or use of affected commodities including activities authorized
36 under RCW 42.17A.635 (as recodified by this act), including the
37 reporting of those activities to the public disclosure commission;

38 (18) To maintain a list of the names and addresses of affected
39 producers that may be compiled from information used to collect
40 assessments under the provisions of the marketing order and data on

1 the value of each producer's production for a minimum three-year
2 period;

3 (19) To maintain a list of the names and addresses of persons who
4 handle the affected commodity within the affected area and data on
5 the amount and value of the commodity handled for a minimum three-
6 year period by each person;

7 (20) To request records and audit the records of producers or
8 handlers of the affected commodity during normal business hours to
9 determine whether the appropriate assessment has been paid;

10 (21) To acquire or own intellectual property rights, licenses, or
11 patents and to collect royalties resulting from commission-funded
12 research related to the affected commodity; and

13 (22) Such other powers and duties that are necessary to carry out
14 the purposes of this chapter.

15 **Sec. 501.** RCW 15.89.070 and 2015 c 225 s 13 are each amended to
16 read as follows:

17 The commission shall:

18 (1) Elect a chair and officers. The officers must include a
19 treasurer who is responsible for all receipts and disbursements by
20 the commission and the faithful discharge of whose duties shall be
21 guaranteed by a bond at the sole expense of the commission. The
22 commission must adopt rules for its own governance that provide for
23 the holding of an annual meeting for the election of officers and the
24 transaction of other business and for other meetings the commission
25 may direct;

26 (2) Do all things reasonably necessary to effect the purposes of
27 this chapter. However, the commission has no rule-making power except
28 as provided in this chapter;

29 (3) Employ and discharge managers, secretaries, agents,
30 attorneys, and employees and engage the services of independent
31 contractors;

32 (4) Retain, as necessary, the services of private legal counsel
33 to conduct legal actions on behalf of the commission. The retention
34 of a private attorney is subject to review by the office of the
35 attorney general;

36 (5) Receive donations of beer from producers for promotional
37 purposes under subsections (6) and (7) of this section and for fund-
38 raising purposes under subsection (8) of this section. Donations of

1 beer for promotional purposes may only be disseminated without
2 charge;

3 (6) Engage directly or indirectly in the promotion of Washington
4 beer, including, without limitation, the acquisition in any lawful
5 manner and the dissemination without charge of beer. This
6 dissemination is not deemed a sale for any purpose and the commission
7 is not deemed a producer, supplier, or manufacturer, or the clerk,
8 servant, or agent of a producer, supplier, distributor, or
9 manufacturer. This dissemination without charge shall be for
10 agricultural development or trade promotion, and not for fund-raising
11 purposes under subsection (8) of this section. Dissemination for
12 promotional purposes may include promotional hosting and must in the
13 good faith judgment of the commission be in the aid of the marketing,
14 advertising, sale of beer, or of research related to such marketing,
15 advertising, or sale;

16 (7) Promote Washington beer by conducting unique beer tastings
17 without charge;

18 (8) Beginning July 1, 2007, fund the Washington beer commission
19 through sponsorship of up to (~~twelve~~) 12 beer festivals annually at
20 which beer may be sold to festival participants. For this purpose,
21 the commission would qualify for issue of a special occasion license
22 as an exception to WAC 314-05-020 but must comply with laws under
23 Title 66 RCW and rules adopted by the liquor (~~control~~) and cannabis
24 board under which such events may be conducted;

25 (9) Participate in international, federal, state, and local
26 hearings, meetings, and other proceedings relating to the production,
27 regulation, distribution, sale, or use of beer including activities
28 authorized under RCW 42.17A.635 (as recodified by this act),
29 including the reporting of those activities to the public disclosure
30 commission;

31 (10) Acquire and transfer personal and real property, establish
32 offices, incur expenses, and enter into contracts, including
33 contracts for the creation and printing of promotional literature.
34 The contracts are not subject to chapter 43.19 RCW, and are
35 cancelable by the commission unless performed under conditions of
36 employment that substantially conform to the laws of this state and
37 the rules of the department of labor and industries. The commission
38 may create debt and other liabilities that are reasonable for proper
39 discharge of its duties under this chapter;

1 (11) Maintain accounts with one or more qualified public
2 depositories as the commission may direct, for the deposit of money,
3 and expend money for purposes authorized by this chapter by drafts
4 made by the commission upon such institutions or by other means;

5 (12) Cause to be kept and annually closed, in accordance with
6 generally accepted accounting principles, accurate records of all
7 receipts, disbursements, and other financial transactions, available
8 for audit by the state auditor;

9 (13) Create and maintain a list of producers and disseminate
10 information among and solicit the opinions of producers with respect
11 to the discharge of the duties of the commission, directly or by
12 arrangement with trade associations or other instrumentalities;

13 (14) Employ, designate as an agent, act in concert with, and
14 enter into contracts with any person, council, commission, or other
15 entity to promote the general welfare of the beer industry and
16 particularly to assist in the sale and distribution of Washington
17 beer in domestic and foreign commerce. The commission shall expend
18 money necessary or advisable for this purpose and to pay its
19 proportionate share of the cost of any program providing direct or
20 indirect assistance to the sale and distribution of Washington beer
21 in domestic or foreign commerce, employing and paying for vendors of
22 professional services of all kinds;

23 (15) Sue and be sued as a commission, without individual
24 liability for acts of the commission within the scope of the powers
25 conferred upon it by this chapter;

26 (16) Serve as liaison with the liquor (~~control~~) and cannabis
27 board on behalf of the commission and not for any individual
28 producer;

29 (17) Receive such gifts, grants, and endowments from public or
30 private sources as may be made from time to time, in trust or
31 otherwise, for the use and benefit of the purposes of the commission
32 and expend the same or any income therefrom according to the terms of
33 the gifts, grants, or endowments.

34 **Sec. 502.** RCW 15.115.140 and 2011 c 103 s 17 and 2011 c 60 s 4
35 are each reenacted and amended to read as follows:

36 (1) The commission is an agency of the Washington state
37 government subject to oversight by the director. In exercising its
38 powers and duties, the commission shall carry out the following
39 purposes:

1 (a) To establish plans and conduct programs for advertising and
2 sales promotion, to maintain present markets, or to create new or
3 larger markets for wheat and barley grown in Washington;

4 (b) To engage in cooperative efforts in the domestic or foreign
5 marketing of wheat and barley grown in Washington;

6 (c) To provide for carrying on research studies to find more
7 efficient methods of production, irrigation, processing,
8 transportation, handling, and marketing of wheat and barley grown in
9 Washington;

10 (d) To adopt rules to provide for improving standards and grades
11 by defining, establishing, and providing labeling requirements with
12 respect to wheat and barley grown in Washington;

13 (e) To investigate and take necessary action to prevent unfair
14 trade practices relating to wheat and barley grown in Washington;

15 (f) To provide information or communicate on matters pertaining
16 to the production, irrigation, processing, transportation, marketing,
17 or uses of wheat and barley grown in Washington to any elected
18 official or officer or employee of any agency;

19 (g) To provide marketing information and services for producers
20 of wheat and barley in Washington;

21 (h) To provide information and services for meeting resource
22 conservation objectives of producers of wheat and barley in
23 Washington;

24 (i) To provide for education and training related to wheat and
25 barley grown in Washington; and

26 (j) To assist and cooperate with the department or any local,
27 state, or federal government agency in the investigation and control
28 of exotic pests and diseases that could damage or affect the
29 production or trade of wheat and barley grown in Washington.

30 (2) The commission has the following powers and duties:

31 (a) To collect the assessments of producers as provided in this
32 chapter and to expend the same in accordance with this chapter;

33 (b) To maintain a list of the names and addresses of affected
34 producers that may be compiled from information used to collect
35 assessments authorized under this chapter and data on the value of
36 each producer's production for a minimum three-year period;

37 (c) To maintain a list of the names and addresses of persons who
38 handle wheat or barley within the affected area and data on the
39 amount and value of the wheat and barley handled for a minimum three-
40 year period by each person;

1 (d) To request records and audit the records of producers or
2 handlers of wheat or barley during normal business hours to determine
3 whether the appropriate assessment has been paid;

4 (e) To fund, conduct, or otherwise participate in scientific
5 research relating to wheat or barley, including but not limited to
6 research to find more efficient methods of irrigation, production,
7 processing, handling, transportation, and marketing of wheat or
8 barley, or regarding pests, pesticides, food safety, irrigation,
9 transportation, and environmental stewardship related to wheat or
10 barley;

11 (f) To work cooperatively with local, state, and federal
12 agencies, universities, and national organizations for the purposes
13 provided in this chapter;

14 (g) To establish a foundation using commission funds as grant
15 money when the foundation benefits the wheat or barley industry in
16 Washington and implements the purposes provided in this chapter;

17 (h) To acquire or own intellectual property rights, licenses, or
18 patents and to collect royalties resulting from commission-funded
19 research related to wheat or barley;

20 (i) To enter into contracts or interagency agreements with any
21 private or public agency, whether federal, state, or local, to carry
22 out the purposes and powers provided in this chapter, including
23 specifically contracts or agreements for research described in (e) of
24 this subsection. Personal service contracts must comply with chapter
25 39.29 RCW;

26 (j) To institute and maintain in its own name any and all legal
27 actions necessary to carry out the provisions of this chapter,
28 including actions by injunction, mandatory injunction or civil
29 recovery, or proceedings before administrative tribunals or other
30 governmental authorities;

31 (k) To retain in emergent situations the services of private
32 legal counsel to conduct legal actions on behalf of the commission.
33 The retention of a private attorney is subject to review and approval
34 by the office of the attorney general;

35 (l) To elect a chair and other officers as determined advisable;

36 (m) To employ and discharge at its discretion administrators and
37 additional personnel, advertising and research agencies, and other
38 persons and firms as appropriate and pay compensation;

1 (n) To acquire personal property and purchase or lease office
2 space and other necessary real property and transfer and convey that
3 real property;

4 (o) To keep accurate records of all its receipts and
5 disbursements by commodity, which records must be open to inspection
6 and audit by the state auditor or private auditor designated by the
7 state auditor at least every five years;

8 (p) To borrow money and incur indebtedness;

9 (q) To make necessary disbursements for routine operating
10 expenses;

11 (r) To expend funds for commodity-related education, training,
12 and leadership programs as the commission deems expedient;

13 (s) To accept and expend or retain any gifts, bequests,
14 contributions, or grants from private persons or private and public
15 agencies to carry out the purposes provided in this chapter;

16 (t) To apply for and administer federal market access programs or
17 similar programs or projects and provide matching funds as may be
18 necessary;

19 (u) To engage in appropriate fund-raising activities for the
20 purpose of supporting activities of the commission authorized in this
21 chapter;

22 (v) To participate in international, federal, state, and local
23 hearings, meetings, and other proceedings relating to the production,
24 irrigation, manufacture, regulation, transportation, distribution,
25 sale, or use of wheat or barley; or the regulation of the
26 manufacture, distribution, sale, or use of any pesticide, as defined
27 in chapter 15.58 RCW, or any agricultural chemical which is of use or
28 potential use in producing wheat or barley. This participation may
29 include activities authorized under RCW 42.17A.635 (as recodified by
30 this act), including the reporting of those activities to the public
31 disclosure commission;

32 (w) To speak on behalf of the Washington state government on a
33 nonexclusive basis regarding issues related to wheat and barley,
34 including but not limited to trade negotiations and market access
35 negotiations and to fund industry organizations engaging in those
36 activities;

37 (x) To adopt, rescind, and amend rules and regulations reasonably
38 necessary for the administration and operation of the commission and
39 the enforcement of its duties under this chapter;

1 (y) To administer, enforce, direct, and control the provisions of
2 this chapter and any rules adopted under this chapter; and

3 (z) Other powers and duties that are necessary to carry out the
4 purposes of this chapter.

5 **Sec. 503.** RCW 19.09.020 and 2020 c 57 s 28 are each amended to
6 read as follows:

7 When used in this chapter, unless the context otherwise requires:

8 (1) A "bona fide officer or employee" of a charitable
9 organization is one (a) whose conduct is subject to direct control by
10 such organization; (b) who does not act in the manner of an
11 independent contractor in his or her relation with the organization;
12 and (c) whose compensation is not computed on funds raised or to be
13 raised.

14 (2) "Charitable organization" means any entity that solicits or
15 collects contributions from the general public where the contribution
16 is or is purported to be used to support a charitable purpose, but
17 does not include any commercial fund-raiser, commercial fund-raising
18 entity, commercial coventurer, or any fund-raising counsel, as
19 defined in this section. Churches and their integrated auxiliaries,
20 and political organizations are not charitable organizations, but all
21 are subject to RCW 19.09.100 (15) through (18).

22 (3) "Charitable purpose" means any religious, charitable,
23 scientific, testing for public safety, literary, or educational
24 purpose or any other purpose that is beneficial to the community,
25 including environmental, humanitarian, patriotic, or civic purposes,
26 the support of national or international amateur sports competition,
27 the prevention of cruelty to children or animals, the advancement of
28 social welfare, or the benefit of law enforcement personnel,
29 firefighters, and other persons who protect public safety. The term
30 "charitable" is used in its generally accepted legal sense and
31 includes relief of the poor, the distressed, or the underprivileged;
32 advancement of religion; advancement of education or science;
33 erecting or maintaining public buildings, monuments, or works;
34 lessening the burdens of government; lessening neighborhood tensions;
35 eliminating prejudice and discrimination; defending human and civil
36 rights secured by law; and combating community deterioration and
37 juvenile delinquency.

38 (4) "Commercial coventurer" means any individual or corporation,
39 partnership, sole proprietorship, limited liability company, limited

1 partnership, limited liability partnership, or any other legal
2 entity, that:

3 (a) Is regularly and primarily engaged in making sales of goods
4 or services for profit directly to the general public;

5 (b) Is not otherwise regularly or primarily engaged in making
6 solicitations in this state or otherwise raising funds in this state
7 for one or more charitable organizations;

8 (c) Represents to prospective purchasers that, if they purchase a
9 good or service from the commercial coventurer, a portion of the
10 sales price or a sum of money or some other specified thing of value
11 will be donated to a named charitable organization; and

12 (d) Does not ask purchasers to make checks or other instruments
13 payable to a named charitable organization or any entity other than
14 the commercial coventurer itself under its regular commercial name.

15 (5) "Commercial fund-raiser" or "commercial fund-raising entity"
16 means any entity that for compensation or other consideration
17 directly or indirectly solicits or receives contributions within this
18 state for or on behalf of any charitable organization or charitable
19 purpose, or that is engaged in the business of, or represents to
20 persons in this state as independently engaged in the business of,
21 soliciting or receiving contributions for such purposes. However, a
22 commercial coventurer, fund-raising counsel, or consultant is not a
23 commercial fund-raiser or commercial fund-raising entity.

24 (6) "Compensation" means salaries, wages, fees, commissions, or
25 any other remuneration or valuable consideration.

26 (7) "Contribution" means the payment, donation, or promise, for
27 consideration or otherwise, of any money or property of any kind or
28 value which contribution is wholly or partly induced by a
29 solicitation. Reference to dollar amounts of "contributions" or
30 "solicitations" in this chapter means in the case of payments or
31 promises to pay for merchandise or rights of any description, the
32 value of the total amount paid or promised to be paid for such
33 merchandise or rights.

34 (8) "Cost of solicitation" means and includes all direct and
35 indirect costs, expenditures, debts, obligations, salaries, wages,
36 commissions, fees, or other money or thing of value paid or incurred
37 in making a solicitation.

38 (9) "Entity" means an individual, organization, group,
39 association, partnership, corporation, agency or unit of state
40 government, or any combination thereof.

1 (10) "Fund-raising counsel" or "consultant" means any entity or
2 individual who is retained by a charitable organization, for a fixed
3 fee or rate, that is not computed on a percentage of funds raised, or
4 to be raised, under a written agreement only to plan, advise,
5 consult, or prepare materials for a solicitation of contributions in
6 this state, but who does not manage, conduct, or carry on a
7 fund-raising campaign and who does not solicit contributions or
8 employ, procure, or engage any compensated person to solicit
9 contributions, and who does not at any time have custody or control
10 of contributions. A volunteer, employee, or salaried officer of a
11 charitable organization maintaining a permanent establishment or
12 office in this state is not a fund-raising counsel. An attorney,
13 investment counselor, or banker who advises an individual,
14 corporation, or association to make a charitable contribution is not
15 a fund-raising counsel as a result of the advice.

16 (11) "General public" or "public" means any individual or entity
17 located in Washington state without a membership or other official
18 relationship with a charitable organization before a solicitation by
19 the charitable organization.

20 (12) "Gross revenue" or "annual gross revenue" means, for any
21 accounting period, the total value of revenue, excluding unrealized
22 capital gains, but including noncash contributions of tangible,
23 personal property received by or on behalf of a charitable
24 organization from all sources, without subtracting any costs or
25 expenses.

26 (13) "Membership" means that for the payment of fees, dues,
27 assessments, etc., an organization provides services and confers a
28 bona fide right, privilege, professional standing, honor, or other
29 direct benefit, in addition to the right to vote, elect officers, or
30 hold office. The term "membership" does not include those persons who
31 are granted a membership upon making a contribution as the result of
32 solicitation.

33 (14) "Other employee" of a charitable organization means any
34 person (a) whose conduct is subject to direct control by such
35 organization; (b) who does not act in the manner of any independent
36 contractor in his or her relation with the organization; and (c) who
37 is not engaged in the business of or held out to persons in this
38 state as independently engaged in the business of soliciting
39 contributions for charitable purposes or religious activities.

1 (15) "Political organization" means those organizations whose
2 activities are subject to (~~chapter 42.17A~~) Title 29B RCW or the
3 federal elections campaign act of 1971, as amended.

4 (16) "Religious organization" means those entities that are not
5 churches or integrated auxiliaries and includes nondenominational
6 ministries, interdenominational and ecumenical organizations, mission
7 organizations, speakers' organizations, faith-based social agencies,
8 and other entities whose principal purpose is the study, practice, or
9 advancement of religion.

10 (17) "Secretary" means the secretary of state.

11 (18) "Sign" means, with present intent to authenticate or adopt a
12 record:

13 (a) To execute or adopt a tangible symbol; or

14 (b) To attach to or logically associate with the record an
15 electronic symbol, sound, or process.

16 (19)(a) "Solicitation" means any oral or written request for a
17 contribution, including the solicitor's offer or attempt to sell any
18 property, rights, services, or other thing in connection with which:

19 (i) Any appeal is made for any charitable purpose;

20 (ii) The name of any charitable organization is used as an
21 inducement for consummating the sale; or

22 (iii) Any statement is made that implies that the whole or any
23 part of the proceeds from the sale will be applied toward any
24 charitable purpose or donated to any charitable organization.

25 (b) The solicitation shall be deemed completed when made, whether
26 or not the person making it receives any contribution or makes any
27 sale.

28 (c) "Solicitation" does not include bingo activities, raffles,
29 and amusement games conducted under chapter 9.46 RCW and applicable
30 rules of the Washington state gambling commission.

31 (20) "Solicitation report" means the financial information the
32 secretary requires pursuant to RCW 19.09.075 or 19.09.079.

33 **Sec. 504.** RCW 28A.600.027 and 2018 c 125 s 2 are each amended to
34 read as follows:

35 (1) Student editors of school-sponsored media are responsible for
36 determining the news, opinion, feature, and advertising content of
37 the media subject to the limitations of subsection (2) of this
38 section. This subsection does not prevent a student media adviser
39 from teaching professional standards of English and journalism to the

1 student journalists. A student media adviser may not be terminated,
2 transferred, removed, or otherwise disciplined for complying with
3 this section.

4 (2) School officials may only prohibit student expression that:

5 (a) Is libelous or slanderous;

6 (b) Is an unwarranted invasion of privacy;

7 (c) Violates federal or state laws, rules, or regulations;

8 (d) Incites students to violate federal or state laws, rules, or
9 regulations;

10 (e) Violates school district policy or procedure related to
11 harassment, intimidation, or bullying pursuant to RCW 28A.300.285 or
12 the prohibition on discrimination pursuant to RCW 28A.642.010;

13 (f) Inciting of students so as to create a clear and present
14 danger of:

15 (i) The commission of unlawful acts on school premises;

16 (ii) The violation of lawful school district policy or procedure;

17 or

18 (iii) The material and substantial disruption of the orderly
19 operation of the school. A school official must base a forecast of
20 material and substantial disruption on specific facts, including past
21 experience in the school and current events influencing student
22 behavior, and not on undifferentiated fear or apprehension; or

23 (g) Is in violation of the federal communications act or
24 applicable federal communication commission rules or regulations.

25 (3) Political expression by students in school-sponsored media
26 shall not be deemed the use of public funds for political purposes,
27 for purposes of the prohibitions of RCW 42.17A.550 (as recodified by
28 this act).

29 (4) Any student, individually or through his or her parent or
30 guardian, enrolled in a public high school may file an appeal of any
31 alleged violation of subsection (1) of this section pursuant to
32 chapter 28A.645 RCW.

33 (5) Expression made by students in school-sponsored media is not
34 necessarily the expression of school policy. Neither a school
35 official nor the governing board of the school or school district may
36 be held responsible in any civil or criminal action for any
37 expression made or published by students in school-sponsored media.

38 (6) Each school district that includes a high school shall adopt
39 a written student freedom of expression policy in accordance with

1 this section. The policy may include reasonable provisions for the
2 time, place, and manner of student expression.

3 (7) The definitions in this subsection apply throughout this
4 section unless the context clearly requires otherwise.

5 (a) "School-sponsored media" means any matter that is prepared,
6 substantially written, published, or broadcast by student
7 journalists, that is distributed or generally made available, either
8 free of charge or for a fee, to members of the student body, and that
9 is prepared under the direction of a student media adviser. "School-
10 sponsored media" does not include media that is intended for
11 distribution or transmission solely in the classrooms in which they
12 are produced.

13 (b) "Student journalist" means a student who gathers, compiles,
14 writes, edits, photographs, records, or prepares information for
15 dissemination in school-sponsored media.

16 (c) "Student media adviser" means a person who is employed,
17 appointed, or designated by the school to supervise, or provide
18 instruction relating to, school-sponsored media.

19 **Sec. 505.** RCW 28B.15.610 and 2011 c 60 s 11 are each amended to
20 read as follows:

21 The provisions of this chapter shall not apply to or affect any
22 student fee or charge which the students voluntarily maintain upon
23 themselves for student purposes only. Students are authorized to
24 create or increase voluntary student fees for each academic year when
25 passed by a majority vote of the student government or its
26 equivalent, or referendum presented to the student body or such other
27 process that has been adopted under this section. Notwithstanding RCW
28 42.17A.635 (2) and (3) (as recodified by this act), voluntary student
29 fees imposed under this section and services and activities fees may
30 be used for lobbying by a student government association or its
31 equivalent and may also be used to support a statewide or national
32 student organization or its equivalent that may engage in lobbying.

33 **Sec. 506.** RCW 28B.133.030 and 2012 c 198 s 24 are each amended
34 to read as follows:

35 The office may solicit and receive gifts, grants, or endowments
36 from private sources that are made from time to time, in trust or
37 otherwise, for the use and benefit of the purposes of the educational
38 assistance grant program. The director, or the director's designee,

1 may spend gifts, grants, or endowments or income from the private
2 sources according to their terms unless the receipt of the gifts,
3 grants, or endowments violates RCW 42.17A.560 (as recodified by this
4 act).

5 **Sec. 507.** RCW 29A.32.031 and 2023 c 109 s 8 are each amended to
6 read as follows:

7 The voters' pamphlet published or distributed under RCW
8 29A.32.010 must contain:

9 (1) Information about each ballot measure initiated by or
10 referred to the voters for their approval or rejection as required by
11 RCW 29A.32.070;

12 (2) In even-numbered years, statements, if submitted, from
13 candidates for the office of president and vice president of the
14 United States, United States senator, United States representative,
15 governor, lieutenant governor, secretary of state, state treasurer,
16 state auditor, attorney general, commissioner of public lands,
17 superintendent of public instruction, insurance commissioner, state
18 senator, state representative, justice of the supreme court, judge of
19 the court of appeals, or judge of the superior court. Candidates may
20 also submit campaign contact information and a photograph not more
21 than five years old in a format that the secretary of state
22 determines to be suitable for reproduction in the voters' pamphlet;

23 (3) In odd-numbered years, if any office voted upon statewide
24 appears on the ballot due to a vacancy, then statements and
25 photographs for candidates for any vacant office listed in subsection
26 (2) of this section must appear;

27 (4) Contact information for the public disclosure commission
28 established under RCW 42.17A.100 (as recodified by this act),
29 including the following statement: "For a list of the people and
30 organizations that donated to state and local candidates and ballot
31 measure campaigns, visit www.pdc.wa.gov." The statement must be
32 placed in a prominent position, such as on the cover or on the first
33 two pages of the voters' pamphlet. The secretary of state may
34 substitute such language as is necessary for accuracy and clarity and
35 consistent with the intent of this section;

36 (5) Contact information for major political parties;

37 (6) A brief statement explaining the deletion and addition of
38 language for proposed measures under RCW 29A.32.080;

1 (7) A list of all student engagement hubs as designated under RCW
2 29A.40.180;

3 (8) A page providing information about how to access the internet
4 presentation of the information created in RCW 44.48.160 about the
5 state budgets, including a uniform resource locator, a quick response
6 code, and a phone number for the legislative information center. The
7 uniform resource locator and quick response codes will lead the voter
8 to the internet information required in RCW 44.48.160; and

9 (9) Any additional information pertaining to elections as may be
10 required by law or in the judgment of the secretary of state is
11 deemed informative to the voters.

12 **Sec. 508.** RCW 29A.84.250 and 2011 c 60 s 14 are each amended to
13 read as follows:

14 Every person is guilty of a gross misdemeanor who:

15 (1) For any consideration or gratuity or promise thereof, signs
16 or declines to sign any initiative or referendum petition; or

17 (2) Provides or receives consideration for soliciting or
18 procuring signatures on an initiative or referendum petition if any
19 part of the consideration is based upon the number of signatures
20 solicited or procured, or offers to provide or agrees to receive such
21 consideration any of which is based on the number of signatures
22 solicited or procured; or

23 (3) Gives or offers any consideration or gratuity to any person
24 to induce him or her to sign or not to sign or to vote for or against
25 any initiative or referendum measure; or

26 (4) Interferes with or attempts to interfere with the right of
27 any voter to sign or not to sign an initiative or referendum petition
28 or with the right to vote for or against an initiative or referendum
29 measure by threats, intimidation, or any other corrupt means or
30 practice; or

31 (5) Receives, handles, distributes, pays out, or gives away,
32 directly or indirectly, money or any other thing of value contributed
33 by or received from any person, firm, association, or corporation
34 whose residence or principal office is, or the majority of whose
35 members or stockholders have their residence outside, the state of
36 Washington, for any service rendered for the purpose of aiding in
37 procuring signatures upon any initiative or referendum petition or
38 for the purpose of aiding in the adoption or rejection of any
39 initiative or referendum measure. This subsection does not apply to

1 or prohibit any activity that is properly reported in accordance with
2 the applicable provisions of (~~chapter 42.17A~~) Title 29B RCW.

3 A gross misdemeanor under this section is punishable to the same
4 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

5 **Sec. 509.** RCW 35.02.130 and 2011 c 60 s 15 are each amended to
6 read as follows:

7 The city or town officially shall become incorporated at a date
8 from (~~one hundred eighty~~) 180 days to (~~three hundred sixty~~) 360
9 days after the date of the election on the question of incorporation.
10 An interim period shall exist between the time the newly elected
11 officials have been elected and qualified and this official date of
12 incorporation. During this interim period, the newly elected
13 officials are authorized to adopt ordinances and resolutions which
14 shall become effective on or after the official date of
15 incorporation, and to enter into contracts and agreements to
16 facilitate the transition to becoming a city or town and to ensure a
17 continuation of governmental services after the official date of
18 incorporation. Periods of time that would be required to elapse
19 between the enactment and effective date of such ordinances,
20 including but not limited to times for publication or for filing
21 referendums, shall commence upon the date of such enactment as though
22 the city or town were officially incorporated.

23 During this interim period, the city or town governing body may
24 adopt rules establishing policies and procedures under the state
25 environmental policy act, chapter 43.21C RCW, and may use these rules
26 and procedures in making determinations under the state environmental
27 policy act, chapter 43.21C RCW.

28 During this interim period, the newly formed city or town and its
29 governing body shall be subject to the following as though the city
30 or town were officially incorporated: RCW 4.24.470 relating to
31 immunity; (~~chapter 42.17A~~) Title 29B RCW relating to open
32 government; chapter 42.56 RCW relating to public records; chapter
33 40.14 RCW relating to the preservation and disposition of public
34 records; chapters 42.20 and 42.23 RCW relating to ethics and
35 conflicts of interest; chapters 42.30 and 42.32 RCW relating to open
36 public meetings and minutes; RCW 35.22.288, 35.23.221, 35.27.300,
37 35A.12.160, as appropriate, and chapter 35A.65 RCW relating to the
38 publication of notices and ordinances; RCW 35.21.875 and 35A.21.230
39 relating to the designation of an official newspaper; RCW 36.16.138

1 relating to liability insurance; RCW 35.22.620, 35.23.352, and
2 35A.40.210, as appropriate, and statutes referenced therein relating
3 to public contracts and bidding; and chapter 39.34 RCW relating to
4 interlocal cooperation. Tax anticipation or revenue anticipation
5 notes or warrants and other short-term obligations may be issued and
6 funds may be borrowed on the security of these instruments during
7 this interim period, as provided in chapter 39.50 RCW. Funds also may
8 be borrowed from federal, state, and other governmental agencies in
9 the same manner as if the city or town were officially incorporated.

10 RCW 84.52.020 and 84.52.070 shall apply to the extent that they
11 may be applicable, and the governing body of such city or town may
12 take appropriate action by ordinance during the interim period to
13 adopt the property tax levy for its first full calendar year
14 following the interim period.

15 The governing body of the new city or town may acquire needed
16 facilities, supplies, equipment, insurance, and staff during this
17 interim period as if the city or town were in existence. An interim
18 city manager or administrator, who shall have such administrative
19 powers and duties as are delegated by the governing body, may be
20 appointed to serve only until the official date of incorporation.
21 After the official date of incorporation the governing body of such a
22 new city organized under the council manager form of government may
23 extend the appointment of such an interim manager or administrator
24 with such limited powers as the governing body determines, for up to
25 (~~ninety~~) 90 days. This governing body may submit ballot
26 propositions to the voters of the city or town to authorize taxes to
27 be collected on or after the official date of incorporation, or
28 authorize an annexation of the city or town by a fire protection
29 district or library district to be effective immediately upon the
30 effective date of the incorporation as a city or town.

31 The boundaries of a newly incorporated city or town shall be
32 deemed to be established for purposes of RCW 84.09.030 on the date
33 that the results of the initial election on the question of
34 incorporation are certified or the first day of January following the
35 date of this election if the newly incorporated city or town does not
36 impose property taxes in the same year that the voters approve the
37 incorporation.

38 The newly elected officials shall take office immediately upon
39 their election and qualification with limited powers during this
40 interim period as provided in this section. They shall acquire their

1 full powers as of the official date of incorporation and shall
2 continue in office until their successors are elected and qualified
3 at the next general municipal election after the official date of
4 incorporation: PROVIDED, That if the date of the next general
5 municipal election is less than (~~twelve~~) 12 months after the date
6 of the first election of councilmembers, those initially elected
7 councilmembers shall serve until their successors are elected and
8 qualified at the next following general municipal election as
9 provided in RCW (~~29A.20.040~~) 29A.60.280. For purposes of this
10 section, the general municipal election shall be the date on which
11 city and town general elections are held throughout the state of
12 Washington, pursuant to RCW 29A.04.330.

13 In any newly incorporated city that has adopted the council-
14 manager form of government, the term of office of the mayor, during
15 the interim period only, shall be set by the council, and thereafter
16 shall be as provided by law.

17 The official date of incorporation shall be on a date from (~~one~~
18 ~~hundred eighty~~) 180 to (~~three hundred sixty~~) 360 days after the
19 date of the election on the question of incorporation, as specified
20 in a resolution adopted by the governing body during this interim
21 period. A copy of the resolution shall be filed with the county
22 legislative authority of the county in which all or the major portion
23 of the newly incorporated city or town is located. If the governing
24 body fails to adopt such a resolution, the official date of
25 incorporation shall be (~~three hundred sixty~~) 360 days after the
26 date of the election on the question of incorporation. The county
27 legislative authority of the county in which all or the major portion
28 of the newly incorporated city or town is located shall file a notice
29 with the county assessor that the city or town has been authorized to
30 be incorporated immediately after the favorable results of the
31 election on the question of incorporation have been certified. The
32 county legislative authority shall file a notice with the secretary
33 of state that the city or town is incorporated as of the official
34 date of incorporation.

35 **Sec. 510.** RCW 35.21.759 and 2011 c 60 s 16 are each amended to
36 read as follows:

37 A public corporation, commission, or authority created under this
38 chapter, and officers and multimember governing body thereof, are
39 subject to general laws regulating local governments, multimember

1 governing bodies, and local governmental officials, including, but
2 not limited to, the requirement to be audited by the state auditor
3 and various accounting requirements provided under chapter 43.09 RCW,
4 the open public record requirements of chapter 42.56 RCW, the
5 prohibition on using its facilities for campaign purposes under RCW
6 42.17A.555 (as recodified by this act), the open public meetings law
7 of chapter 42.30 RCW, the code of ethics for municipal officers under
8 chapter 42.23 RCW, and the local government whistleblower law under
9 chapter 42.41 RCW.

10 **Sec. 511.** RCW 36.70A.200 and 2023 sp.s. c 1 s 12 are each
11 amended to read as follows:

12 (1)(a) The comprehensive plan of each county and city that is
13 planning under RCW 36.70A.040 shall include a process for identifying
14 and siting essential public facilities. Essential public facilities
15 include those facilities that are typically difficult to site, such
16 as airports, state education facilities and state or regional
17 transportation facilities as defined in RCW 47.06.140, regional
18 transit authority facilities as defined in RCW 81.112.020, state and
19 local correctional facilities, solid waste handling facilities,
20 opioid treatment programs including both mobile and fixed-site
21 medication units, recovery residences, harm reduction programs
22 excluding safe injection sites, and inpatient facilities including
23 substance use disorder treatment facilities, mental health
24 facilities, group homes, community facilities as defined in RCW
25 72.05.020, and secure community transition facilities as defined in
26 RCW 71.09.020.

27 (b) Unless a facility is expressly listed in (a) of this
28 subsection, essential public facilities do not include facilities
29 that are operated by a private entity in which persons are detained
30 in custody under process of law pending the outcome of legal
31 proceedings but are not used for punishment, correction, counseling,
32 or rehabilitation following the conviction of a criminal offense.
33 Facilities included under this subsection (1)(b) shall not include
34 facilities detaining persons under RCW 71.09.020 (7) or (16) or
35 chapter 10.77 or 71.05 RCW.

36 (c) The department of children, youth, and families may not
37 attempt to site new community facilities as defined in RCW 72.05.020
38 east of the crest of the Cascade mountain range unless there is an
39 equal or greater number of sited community facilities as defined in

1 RCW 72.05.020 on the western side of the crest of the Cascade
2 mountain range.

3 (d) For the purpose of this section, "harm reduction programs"
4 means programs that emphasize working directly with people who use
5 drugs to prevent overdose and infectious disease transmission,
6 improve the physical, mental, and social well-being of those served,
7 and offer low threshold options for accessing substance use disorder
8 treatment and other services.

9 (2) Each county and city planning under RCW 36.70A.040 shall, not
10 later than September 1, 2002, establish a process, or amend its
11 existing process, for identifying and siting essential public
12 facilities and adopt or amend its development regulations as
13 necessary to provide for the siting of secure community transition
14 facilities consistent with statutory requirements applicable to these
15 facilities.

16 (3) Any city or county not planning under RCW 36.70A.040 shall,
17 not later than September 1, 2002, establish a process for siting
18 secure community transition facilities and adopt or amend its
19 development regulations as necessary to provide for the siting of
20 such facilities consistent with statutory requirements applicable to
21 these facilities.

22 (4) The office of financial management shall maintain a list of
23 those essential state public facilities that are required or likely
24 to be built within the next six years. The office of financial
25 management may at any time add facilities to the list.

26 (5) No local comprehensive plan or development regulation may
27 preclude the siting of essential public facilities.

28 (6) No person may bring a cause of action for civil damages based
29 on the good faith actions of any county or city to provide for the
30 siting of secure community transition facilities in accordance with
31 this section and with the requirements of chapter 12, Laws of 2001
32 2nd sp. sess. For purposes of this subsection, "person" includes, but
33 is not limited to, any individual, agency as defined in ((RCW
34 ~~42.17A.005~~)) section 203 of this act, corporation, partnership,
35 association, and limited liability entity.

36 (7) Counties or cities siting facilities pursuant to subsection
37 (2) or (3) of this section shall comply with RCW 71.09.341.

38 (8) The failure of a county or city to act by the deadlines
39 established in subsections (2) and (3) of this section is not:

1 (a) A condition that would disqualify the county or city for
2 grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

3 (b) A consideration for grants or loans provided under RCW
4 43.17.250(3); or

5 (c) A basis for any petition under RCW 36.70A.280 or for any
6 private cause of action.

7 **Sec. 512.** RCW 42.36.040 and 2011 c 60 s 27 are each amended to
8 read as follows:

9 Prior to declaring as a candidate for public office or while
10 campaigning for public office as defined by (~~RCW 42.17A.005~~)
11 section 244 of this act no public discussion or expression of an
12 opinion by a person subsequently elected to a public office, on any
13 pending or proposed quasi-judicial actions, shall be a violation of
14 the appearance of fairness doctrine.

15 **Sec. 513.** RCW 42.52.010 and 2022 c 173 s 1 and 2022 c 71 s 15
16 are each reenacted and amended to read as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this chapter.

19 (1) "Agency" means any state board, commission, bureau,
20 committee, department, institution, division, or tribunal in the
21 legislative, executive, or judicial branch of state government.
22 "Agency" includes all elective offices, the state legislature, those
23 institutions of higher education created and supported by the state
24 government, and those courts that are parts of state government.
25 "Agency" does not include a comprehensive cancer center participating
26 in a collaborative arrangement as defined in RCW 28B.10.930 that is
27 operated in conformance with RCW 28B.10.930.

28 (2) "Assist" means to act, or offer or agree to act, in such a
29 way as to help, aid, advise, furnish information to, or otherwise
30 provide assistance to another person, believing that the action is of
31 help, aid, advice, or assistance to the person and with intent so to
32 assist such person.

33 (3) "Beneficial interest" has the meaning ascribed to it under
34 the Washington case law. However, an ownership interest in a mutual
35 fund or similar investment pooling fund in which the owner has no
36 management powers does not constitute a beneficial interest in the
37 entities in which the fund or pool invests.

1 (4) "Compensation" means anything of economic value, however
2 designated, that is paid, loaned, granted, or transferred, or to be
3 paid, loaned, granted, or transferred for, or in consideration of,
4 personal services to any person.

5 (5) "Confidential information" means (a) specific information,
6 rather than generalized knowledge, that is not available to the
7 general public on request or (b) information made confidential by
8 law.

9 (6) "Contract" or "grant" means an agreement between two or more
10 persons that creates an obligation to do or not to do a particular
11 thing. "Contract" or "grant" includes, but is not limited to, an
12 employment contract, a lease, a license, a purchase agreement, or a
13 sales agreement.

14 (7) "Ethics boards" means the commission on judicial conduct, the
15 legislative ethics board, and the executive ethics board.

16 (8) "Family" has the same meaning as "immediate family" in ((RCW
17 ~~42.17A.005~~) section 228 of this act.

18 (9) "Gift" means anything of economic value for which no
19 consideration is given. "Gift" does not include:

20 (a) Items from family members or friends where it is clear beyond
21 a reasonable doubt that the gift was not made as part of any design
22 to gain or maintain influence in the agency of which the recipient is
23 an officer or employee;

24 (b) Items related to the outside business of the recipient that
25 are customary and not related to the recipient's performance of
26 official duties;

27 (c) Items exchanged among officials and employees or a social
28 event hosted or sponsored by a state officer or state employee for
29 coworkers;

30 (d) Payments by a governmental or nongovernmental entity of
31 reasonable expenses incurred in connection with a speech,
32 presentation, appearance, or trade mission made in an official
33 capacity. As used in this subsection, "reasonable expenses" are
34 limited to travel, lodging, and subsistence expenses incurred the day
35 before through the day after the event;

36 (e) Items a state officer or state employee is authorized by law
37 to accept;

38 (f) Payment of enrollment and course fees and reasonable travel
39 expenses attributable to attending seminars and educational programs
40 sponsored by a bona fide governmental or nonprofit professional,

1 educational, trade, or charitable association or institution. As used
2 in this subsection, "reasonable expenses" are limited to travel,
3 lodging, and subsistence expenses incurred the day before through the
4 day after the event;

5 (g) Items returned by the recipient to the donor within
6 (~~thirty~~) 30 days of receipt or donated to a charitable organization
7 within (~~thirty~~) 30 days of receipt;

8 (h) Campaign contributions reported under (~~chapter 42.17A~~)
9 Title 29B RCW;

10 (i) Discounts available to an individual as a member of an
11 employee group, occupation, or similar broad-based group; and

12 (j) Awards, prizes, scholarships, or other items provided in
13 recognition of academic or scientific achievement.

14 (10) "Head of agency" means the chief executive officer of an
15 agency. In the case of an agency headed by a commission, board,
16 committee, or other body consisting of more than one natural person,
17 agency head means the person or board authorized to appoint agency
18 employees and regulate their conduct.

19 (11) "Honorarium" means money or thing of value offered to a
20 state officer or state employee for a speech, appearance, article, or
21 similar item or activity in connection with the state officer's or
22 state employee's official role.

23 (12) "Institution of higher education" has the same meaning as in
24 RCW 28B.10.016.

25 (13) "Official duty" means those duties within the specific scope
26 of employment of the state officer or state employee as defined by
27 the officer's or employee's agency or by statute or the state
28 Constitution.

29 (14) "Participate" means to participate in state action or a
30 proceeding personally and substantially as a state officer or state
31 employee, through approval, disapproval, decision, recommendation,
32 the rendering of advice, investigation, or otherwise but does not
33 include preparation, consideration, or enactment of legislation or
34 the performance of legislative duties.

35 (15) "Person" means any individual, partnership, association,
36 corporation, firm, institution, or other entity, whether or not
37 operated for profit.

38 (16) "Regulatory agency" means any state board, commission,
39 department, or officer, except those in the legislative or judicial
40 branches, authorized by law to conduct adjudicative proceedings,

1 issue permits or licenses, or to control or affect interests of
2 identified persons.

3 (17) "Responsibility" in connection with a transaction involving
4 the state, means the direct administrative or operating authority,
5 whether intermediate or final, and either exercisable alone or
6 through subordinates, effectively to approve, disapprove, or
7 otherwise direct state action in respect of such transaction.

8 (18) "State action" means any action on the part of an agency,
9 including, but not limited to:

10 (a) A decision, determination, finding, ruling, or order; and

11 (b) A grant, payment, award, license, contract, transaction,
12 sanction, or approval, or the denial thereof, or failure to act with
13 respect to a decision, determination, finding, ruling, or order.

14 (19) "State employee" means an individual who is employed by an
15 agency in any branch of state government. For purposes of this
16 chapter, employees of the superior courts are not state officers or
17 state employees.

18 (20) "State officer" means every person holding a position of
19 public trust in or under an executive, legislative, or judicial
20 office of the state. "State officer" includes judges of the superior
21 court, judges of the court of appeals, justices of the supreme court,
22 members of the legislature together with the secretary of the senate
23 and the chief clerk of the house of representatives, holders of
24 elective offices in the executive branch of state government, chief
25 executive officers of state agencies, members of boards, commissions,
26 or committees with authority over one or more state agencies or
27 institutions, and employees of the state who are engaged in
28 supervisory, policy-making, or policy-enforcing work. For the
29 purposes of this chapter, "state officer" also includes any person
30 exercising or undertaking to exercise the powers or functions of a
31 state officer.

32 (21) "Thing of economic value," in addition to its ordinary
33 meaning, includes:

34 (a) A loan, property interest, interest in a contract or other
35 chose in action, and employment or another arrangement involving a
36 right to compensation;

37 (b) An option, irrespective of the conditions to the exercise of
38 the option; and

39 (c) A promise or undertaking for the present or future delivery
40 or procurement.

1 (22) (a) "Transaction involving the state" means a proceeding,
2 application, submission, request for a ruling or other determination,
3 contract, claim, case, or other similar matter that the state
4 officer, state employee, or former state officer or state employee in
5 question believes, or has reason to believe:

6 (i) Is, or will be, the subject of state action; or

7 (ii) Is one to which the state is or will be a party; or

8 (iii) Is one in which the state has a direct and substantial
9 proprietary interest.

10 (b) "Transaction involving the state" does not include the
11 following: Preparation, consideration, or enactment of legislation,
12 including appropriation of moneys in a budget, or the performance of
13 legislative duties by an officer or employee; or a claim, case,
14 lawsuit, or similar matter if the officer or employee did not
15 participate in the underlying transaction involving the state that is
16 the basis for the claim, case, or lawsuit.

17 (23) "University" includes "state universities" and "regional
18 universities" as defined in RCW 28B.10.016 and also includes any
19 research or technology institute affiliated with a university.

20 (24) "University research employee" means a state officer or
21 state employee employed by a university, but only to the extent the
22 state officer or state employee is engaged in research, technology
23 transfer, approved consulting activities related to research and
24 technology transfer, or other incidental activities.

25 **Sec. 514.** RCW 42.52.150 and 2023 c 91 s 2 are each amended to
26 read as follows:

27 (1) No state officer or state employee may accept gifts, other
28 than those specified in subsections (2) and (5) of this section, with
29 an aggregate value in excess of fifty dollars from a single source in
30 a calendar year or a single gift from multiple sources with a value
31 in excess of fifty dollars. For purposes of this section, "single
32 source" means any person, as defined in RCW 42.52.010, whether acting
33 directly or through any agent or other intermediary, and "single
34 gift" includes any event, item, or group of items used in conjunction
35 with each other or any trip including transportation, lodging, and
36 attendant costs, not excluded from the definition of gift under RCW
37 42.52.010. The value of gifts given to an officer's or employee's
38 family member or guest shall be attributed to the official or
39 employee for the purpose of determining whether the limit has been

1 exceeded, unless an independent business, family, or social
2 relationship exists between the donor and the family member or guest.

3 (2) Except as provided in subsection (4) of this section, the
4 following items are presumed not to influence under RCW 42.52.140,
5 and may be accepted without regard to the limit established by
6 subsection (1) of this section:

7 (a) Unsolicited flowers, plants, and floral arrangements;

8 (b) Unsolicited advertising or promotional items of nominal
9 value, such as pens and note pads;

10 (c) Unsolicited tokens or awards of appreciation in the form of a
11 plaque, trophy, desk item, wall memento, or similar item;

12 (d) Unsolicited items received by a state officer or state
13 employee for the purpose of evaluation or review, if the officer or
14 employee has no personal beneficial interest in the eventual use or
15 acquisition of the item by the officer's or employee's agency;

16 (e) Informational material, publications, or subscriptions
17 related to the recipient's performance of official duties;

18 (f) Food and beverages consumed at hosted receptions where
19 attendance is related to the state officer's or state employee's
20 official duties;

21 (g) Gifts, grants, conveyances, bequests, and devises of real or
22 personal property, or both, in trust or otherwise accepted and
23 solicited for deposit in the legislative international trade account
24 created in RCW 43.15.050;

25 (h) Gifts, grants, conveyances, bequests, and devises of real or
26 personal property, or both, in trust or otherwise accepted and
27 solicited for the purpose of promoting the expansion of tourism as
28 provided for in RCW 43.330.090;

29 (i) Gifts, grants, conveyances, bequests, and devises of real or
30 personal property, or both, solicited on behalf of a national or
31 regional legislative association as defined in RCW 42.52.822(2), the
32 2006 official conference of the national lieutenant governors'
33 association, the annual conference of the national association of
34 state treasurers, or a host committee, for the purpose of hosting an
35 official conference under the circumstances specified in RCW
36 42.52.820, section 2, chapter 5, Laws of 2006, RCW 42.52.821, or RCW
37 42.52.822. Anything solicited or accepted may only be received by the
38 national association or host committee and may not be commingled with
39 any funds or accounts that are the property of any person;

1 (j) Admission to, and the cost of food and beverages consumed at,
2 events sponsored by or in conjunction with a civic, charitable,
3 governmental, or community organization;

4 (k) Unsolicited gifts from dignitaries from another state or a
5 foreign country that are intended to be personal in nature; and

6 (l) Gifts, grants, donations, sponsorships, or contributions from
7 any agency or federal or local government agency or program or
8 private source for the purposes of chapter 28B.156 RCW.

9 (3) The presumption in subsection (2) of this section is
10 rebuttable and may be overcome based on the circumstances surrounding
11 the giving and acceptance of the item.

12 (4) Notwithstanding subsections (2) and (5) of this section, a
13 state officer or state employee of a regulatory agency or of an
14 agency that seeks to acquire goods or services who participates in
15 those regulatory or contractual matters may receive, accept, take, or
16 seek, directly or indirectly, only the following items from a person
17 regulated by the agency or from a person who seeks to provide goods
18 or services to the agency:

19 (a) Unsolicited advertising or promotional items of nominal
20 value, such as pens and note pads;

21 (b) Unsolicited tokens or awards of appreciation in the form of a
22 plaque, trophy, desk item, wall memento, or similar item;

23 (c) Unsolicited items received by a state officer or state
24 employee for the purpose of evaluation or review, if the officer or
25 employee has no personal beneficial interest in the eventual use or
26 acquisition of the item by the officer's or employee's agency;

27 (d) Informational material, publications, or subscriptions
28 related to the recipient's performance of official duties;

29 (e) Food and beverages consumed at hosted receptions where
30 attendance is related to the state officer's or state employee's
31 official duties;

32 (f) Admission to, and the cost of food and beverages consumed at,
33 events sponsored by or in conjunction with a civic, charitable,
34 governmental, or community organization; and

35 (g) Those items excluded from the definition of gift in RCW
36 42.52.010 except:

37 (i) Payments by a governmental or nongovernmental entity of
38 reasonable expenses incurred in connection with a speech,
39 presentation, appearance, or trade mission made in an official
40 capacity;

1 (ii) Payments for seminars and educational programs sponsored by
2 a bona fide governmental or nonprofit professional, educational,
3 trade, or charitable association or institution; and

4 (iii) Flowers, plants, and floral arrangements.

5 (5) A state officer or state employee may accept gifts in the
6 form of food and beverage on infrequent occasions in the ordinary
7 course of meals where attendance by the officer or employee is
8 related to the performance of official duties. Gifts in the form of
9 food and beverage that exceed fifty dollars on a single occasion
10 shall be reported as provided in (~~chapter 42.17A~~) Title 29B RCW.

11 **Sec. 515.** RCW 42.52.180 and 2022 c 37 s 3 are each amended to
12 read as follows:

13 (1) No state officer or state employee may use or authorize the
14 use of facilities of an agency, directly or indirectly, for the
15 purpose of assisting a campaign for election of a person to an office
16 or for the promotion of or opposition to a ballot proposition.
17 Knowing acquiescence by a person with authority to direct, control,
18 or influence the actions of the state officer or state employee using
19 public resources in violation of this section constitutes a violation
20 of this section. Facilities of an agency include, but are not limited
21 to, use of stationery, postage, machines, and equipment, use of state
22 employees of the agency during working hours, vehicles, office space,
23 publications of the agency, and clientele lists of persons served by
24 the agency.

25 (2) This section shall not apply to the following activities:

26 (a) Action taken at an open public meeting by members of an
27 elected legislative body to express a collective decision, or to
28 actually vote upon a motion, proposal, resolution, order, or
29 ordinance, or to support or oppose a ballot proposition as long as
30 (i) required notice of the meeting includes the title and number of
31 the ballot proposition, and (ii) members of the legislative body or
32 members of the public are afforded an approximately equal opportunity
33 for the expression of an opposing view;

34 (b) A statement by an elected official in support of or in
35 opposition to any ballot proposition at an open press conference or
36 in response to a specific inquiry. For the purposes of this
37 subsection, it is not a violation of this section for an elected
38 official to respond to an inquiry regarding a ballot proposition, to
39 make incidental remarks concerning a ballot proposition in an

1 official communication, or otherwise comment on a ballot proposition
2 without an actual, measurable expenditure of public funds. The ethics
3 boards shall adopt by rule a definition of measurable expenditure;

4 (c) (i) The maintenance of official legislative websites
5 throughout the year, regardless of pending elections. The websites
6 may contain any discretionary material which was also specifically
7 prepared for the legislator in the course of his or her duties as a
8 legislator, including newsletters and press releases.

9 (ii) The official legislative websites of legislators seeking
10 reelection or election to any office shall not be altered, other than
11 during a special legislative session, beginning on the first day of
12 the declaration of candidacy filing period specified in RCW
13 29A.24.050 through the date of certification of the general election
14 of the election year. As used in this subsection, "legislator" means
15 a legislator who is a "candidate," as defined in (~~RCW 42.17A.005~~)
16 section 209 of this act, for any public office. "Legislator" does not
17 include a member of the legislature who has announced their
18 retirement from elected public office and who does not file a
19 declaration of candidacy by the end of the candidacy filing period
20 specified in RCW 29A.24.050.

21 (iii) The website shall not be used for campaign purposes;

22 (d) Activities that are part of the normal and regular conduct of
23 the office or agency, which include but are not limited to:

24 (i) Communications by a legislator or appropriate legislative
25 staff designee directly pertaining to any legislative proposal which
26 has been introduced in either chamber of the legislature; and

27 (ii) Posting, by a legislator or appropriate legislative staff
28 designee, information to a legislator's official legislative website
29 including an official legislative social media account, about:

30 (A) Emergencies;

31 (B) Federal holidays, state and legislatively recognized holidays
32 established under RCW 1.16.050, and religious holidays;

33 (C) Information originally provided or published by other
34 government entities which provide information about government
35 resources; and

36 (D) Achievements, honors, or awards of extraordinary distinction;
37 and

38 (e) De minimis use of public facilities by statewide elected
39 officials and legislators incidental to the preparation or delivery
40 of permissible communications, including written and verbal

1 communications initiated by them of their views on ballot
2 propositions that foreseeably may affect a matter that falls within
3 their constitutional or statutory responsibilities.

4 (3) As to state officers and employees, this section operates to
5 the exclusion of RCW 42.17A.555 (as recodified by this act).

6 (4) As used in this section, "official legislative website"
7 includes, but is not limited to, a legislator's official legislative
8 social media accounts.

9 **Sec. 516.** RCW 42.52.185 and 2022 c 37 s 4 are each amended to
10 read as follows:

11 (1) During the period beginning on the first day of the
12 declaration of candidacy filing period specified in RCW 29A.24.050 in
13 the year of a general election for a state legislator's election to
14 office and continuing through the date of certification of the
15 general election, the legislator may not mail, either by regular mail
16 or email, to a constituent at public expense a letter, newsletter,
17 brochure, or other piece of literature, except for routine
18 legislative correspondence, such as scheduling, and the legislator
19 may, by mail or email, send an individual letter to (a) an individual
20 constituent who has contacted the legislator regarding the subject
21 matter of the letter during the legislator's current term of office;
22 (b) an individual constituent who holds a governmental office with
23 jurisdiction over the subject matter of the letter; or (c) an
24 individual constituent who has received an award or honor of
25 extraordinary distinction of a type that is sufficiently infrequent
26 to be noteworthy to a reasonable person including, but not limited
27 to: (i) An international or national award such as the Nobel prize or
28 the Pulitzer prize; (ii) a state award such as Washington scholar;
29 (iii) an Eagle Scout award; and (iv) a Medal of Honor.

30 (2) A violation of this section constitutes use of the facilities
31 of a public office for the purpose of assisting a campaign under RCW
32 42.52.180.

33 (3) The house of representatives and senate shall specifically
34 limit expenditures per member for the total cost of mailings. Those
35 costs include, but are not limited to, production costs, printing
36 costs, and postage costs. The limits imposed under this subsection
37 apply only to the total expenditures on mailings per member and not
38 to any categorical cost within the total.

39 (4) For purposes of this section:

1 (a) "Legislator" means a legislator who is a "candidate," as
2 defined in (~~RCW 42.17A.005~~) section 209 of this act, for any public
3 office. "Legislator" does not include a member of the legislature who
4 has announced their retirement from elected public office and who
5 does not file a declaration of candidacy by the end of the candidacy
6 filing period specified in RCW 29A.24.050.

7 (b) Persons residing outside the legislative district represented
8 by the legislator are not considered to be constituents, but
9 students, military personnel, or others temporarily employed outside
10 of the district who normally reside in the district are considered to
11 be constituents.

12 **Sec. 517.** RCW 42.52.380 and 2011 c 60 s 32 are each amended to
13 read as follows:

14 (1) No member of the executive ethics board may (a) hold or
15 campaign for partisan elective office other than the position of
16 precinct committeeperson, or any full-time nonpartisan office; (b) be
17 an officer of any political party or political committee as defined
18 in (~~chapter 42.17A~~) Title 29B RCW other than the position of
19 precinct committeeperson; (c) permit his or her name to be used, or
20 make contributions, in support of or in opposition to any state
21 candidate or state ballot measure; or (d) lobby or control, direct,
22 or assist a lobbyist except that such member may appear before any
23 committee of the legislature on matters pertaining to this chapter.

24 (2) No citizen member of the legislative ethics board may (a)
25 hold or campaign for partisan elective office other than the position
26 of precinct committeeperson, or any full-time nonpartisan office; (b)
27 be an officer of any political party or political committee as
28 defined in (~~chapter 42.17A~~) Title 29B RCW, other than the position
29 of precinct committeeperson; (c) permit his or her name to be used,
30 or make contributions, in support of or in opposition to any
31 legislative candidate, any legislative caucus campaign committee that
32 supports or opposes legislative candidates, or any political action
33 committee that supports or opposes legislative candidates; or (d)
34 engage in lobbying in the legislative branch under circumstances not
35 exempt, under RCW 42.17A.610 (as recodified by this act), from
36 lobbyist registration and reporting.

37 (3) No citizen member of the legislative ethics board may hold or
38 campaign for a seat in the state house of representatives or the
39 state senate within two years of serving on the board if the citizen

1 member opposes an incumbent who has been the respondent in a
2 complaint before the board.

3 **Sec. 518.** RCW 42.52.560 and 2011 c 60 s 33 are each amended to
4 read as follows:

5 (1) Nothing in this chapter prohibits a state employee from
6 distributing communications from an employee organization or
7 charitable organization to other state employees if the
8 communications do not support or oppose a ballot proposition or
9 candidate for federal, state, or local public office. Nothing in this
10 section shall be construed to authorize any lobbying activity with
11 public funds beyond the activity permitted by RCW 42.17A.635 (as
12 recodified by this act).

13 (2) "Employee organization," for purposes of this section, means
14 any organization, union, or association in which employees
15 participate and that exists for the purpose of collective bargaining
16 with employers or for the purpose of opposing collective bargaining
17 or certification of a union.

18 **Sec. 519.** RCW 42.52.806 and 2023 c 387 s 4 are each amended to
19 read as follows:

20 This chapter does not prohibit the members of the Billy Frank Jr.
21 national statutory hall selection committee, members of the
22 legislature, when outside the period in which solicitation of
23 contributions is prohibited by RCW 42.17A.560 (as recodified by this
24 act), or employees of the Washington state historical society from
25 soliciting contributions for the purposes established in chapter 20,
26 Laws of 2021, and for deposit into the Billy Frank Jr. national
27 statutory hall collection fund created in RCW 43.08.800.

28 **Sec. 520.** RCW 43.03.305 and 2023 c 470 s 1005 are each amended
29 to read as follows:

30 There is created a commission to be known as the Washington
31 citizens' commission on salaries for elected officials, to consist of
32 members appointed by the governor as provided in this section.

33 (1) One registered voter from each congressional district shall
34 be selected by the secretary of state from among those registered
35 voters eligible to vote at the time persons are selected for
36 appointment to serve on the commission. The secretary shall establish
37 policies and procedures for conducting the selection by lot. The

1 policies and procedures shall include, but not be limited to, those
2 for notifying persons selected and for providing a new selection from
3 a congressional district if a person selected from the district
4 declines appointment to the commission or if, following the person's
5 appointment, the person's position on the commission becomes vacant
6 before the end of the person's term of office.

7 (2) Seven commission members, all residents of this state, shall
8 be selected jointly by the speaker of the house of representatives
9 and the president of the senate. The persons selected under this
10 subsection shall have had experience in the field of personnel
11 management. Of these seven members, one shall be selected from each
12 of the following five sectors in this state: Private institutions of
13 higher education; business; professional personnel management; legal
14 profession; and organized labor. Of the two remaining members, one
15 shall be a person recommended to the speaker and the president by the
16 chair of the Washington personnel resources board and one shall be a
17 person recommended by majority vote of the presidents of the state's
18 four-year institutions of higher education.

19 (3) The secretary of state shall forward the names of persons
20 selected under subsection (1) of this section and the speaker of the
21 house of representatives and president of the senate shall forward
22 the names of persons selected under subsection (2) of this section to
23 the governor who shall appoint these persons to the commission.
24 Except as provided in subsection (6) of this section, all members
25 shall serve four-year terms and the names of the persons selected for
26 appointment to the commission shall be forwarded to the governor not
27 later than the first day of July every two years.

28 (4) No person may be appointed to more than two terms. No member
29 of the commission may be removed by the governor during his or her
30 term of office unless for cause of incapacity, incompetence, neglect
31 of duty, or malfeasance in office or for a disqualifying change of
32 residence.

33 The unexcused absence of any person who is a member of the
34 commission from two consecutive meetings of the commission shall
35 constitute the relinquishment of that person's membership on the
36 commission. Such a relinquishment creates a vacancy in that person's
37 position on the commission. A member's absence may be excused by the
38 chair of the commission upon the member's written request if the
39 chair believes there is just cause for the absence. Such a request
40 must be received by the chair before the meeting for which the

1 absence is to be excused. A member's absence from a meeting of the
2 commission may also be excused during the meeting for which the
3 member is absent by the affirmative vote of a majority of the members
4 of the commission present at the meeting.

5 (5) No state official, public employee, or lobbyist, or immediate
6 family member of the official, employee, or lobbyist, subject to the
7 registration requirements of (~~chapter 42.17A~~) Title 29B RCW is
8 eligible for membership on the commission.

9 As used in this subsection the phrase "immediate family" means
10 the parents, spouse or domestic partner, siblings, children, or
11 dependent relative of the official or lobbyist whether or not living
12 in the household of the official or lobbyist, and the parent, spouse
13 or domestic partner, sibling, child, or dependent relative of the
14 employee, living in the household of the employee or who is dependent
15 in whole or in part for his or her support upon the earnings of the
16 state employee.

17 (6) (a) Upon a vacancy in any position on the commission, a
18 successor shall be selected and appointed to fill the unexpired term.
19 The selection and appointment shall be concluded within thirty days
20 of the date the position becomes vacant and shall be conducted in the
21 same manner as originally provided.

22 (b) Initial members appointed from congressional districts
23 created after July 22, 2011, shall be selected and appointed in the
24 manner provided in subsection (1) of this section. The selection and
25 appointment must be concluded within ninety days of the date the
26 district is created. The term of an initial member appointed under
27 this subsection terminates July 1st of an even-numbered year so that
28 at no point may the terms of more than one-half plus one of the
29 members selected under subsection (1) of this section terminate in
30 the same year.

31 **Sec. 521.** RCW 43.17.320 and 2011 c 60 s 35 are each amended to
32 read as follows:

33 For purposes of RCW 43.17.320 through 43.17.340, "state agency"
34 means:

35 (1) Any agency for which the executive officer is listed in RCW
36 42.17A.705(1) (as recodified by this act); and

37 (2) The office of the secretary of state; the office of the state
38 treasurer; the office of the state auditor; the department of natural

1 resources; the office of the insurance commissioner; and the office
2 of the superintendent of public instruction.

3 **Sec. 522.** RCW 43.52A.030 and 2011 c 60 s 36 are each amended to
4 read as follows:

5 The governor, with the consent of the senate, shall appoint two
6 residents of Washington state to the council pursuant to the act.
7 These persons shall undertake the functions and duties of members of
8 the council as specified in the act and in appropriate state law.
9 Upon appointment by the governor to the council, the nominee shall
10 make available to the senate such disclosure information as is
11 requested for the confirmation process, including that required in
12 RCW 42.17A.710 (as recodified by this act).

13 **Sec. 523.** RCW 43.59.156 and 2020 c 72 s 1 are each amended to
14 read as follows:

15 (1) Within amounts appropriated to the traffic safety commission,
16 the commission must convene the Cooper Jones active transportation
17 safety council comprised of stakeholders who have a unique interest
18 or expertise in the safety of pedestrians, bicyclists, and other
19 nonmotorists.

20 (2) The purpose of the council is to review and analyze data and
21 programs related to fatalities and serious injuries involving
22 pedestrians, bicyclists, and other nonmotorists to identify points at
23 which the transportation system can be improved including, whenever
24 possible, privately owned areas of the system such as parking lots,
25 and to identify patterns in pedestrian, bicyclist, and other
26 nonmotorist fatalities and serious injuries. The council may also:

27 (a) Monitor progress on implementation of existing council
28 recommendations; and

29 (b) Seek opportunities to expand consideration and implementation
30 of the principles of systematic safety, including areas where data
31 collection may need improvement.

32 (3) (a) The council may include, but is not limited to:

33 (i) A representative from the commission;

34 (ii) A coroner from the county in which pedestrian, bicyclist, or
35 nonmotorist deaths have occurred;

36 (iii) Multiple members of law enforcement who have investigated
37 pedestrian, bicyclist, or nonmotorist fatalities;

38 (iv) A traffic engineer;

1 (v) A representative from the department of transportation and a
2 representative from the department of health;

3 (vi) A representative from the association of Washington cities;

4 (vii) A representative from the Washington state association of
5 counties;

6 (viii) A representative from a pedestrian advocacy group; and

7 (ix) A representative from a bicyclist or other nonmotorist
8 advocacy group.

9 (b) The commission may invite other representatives of
10 stakeholder groups to participate in the council as deemed
11 appropriate by the commission. Additionally, the commission may
12 invite a victim or family member of a victim to participate in the
13 council.

14 (4) The council must meet at least quarterly. By December 31st of
15 each year, the council must issue an annual report detailing any
16 findings and recommendations to the governor and the transportation
17 committees of the legislature. The commission must provide the annual
18 report electronically to all municipal governments and state agencies
19 that participated in the council during that calendar year.
20 Additionally, the council must report any budgetary or fiscal
21 recommendations to the office of financial management and the
22 legislature by August 1st on a biennial basis.

23 (5) As part of the review of pedestrian, bicyclist, or
24 nonmotorist fatalities and serious injuries that occur in Washington,
25 the council may review any available information, including crash
26 information maintained in existing databases; statutes, rules,
27 policies, or ordinances governing pedestrians and traffic related to
28 the incidents; and any other relevant information. The council may
29 make recommendations regarding changes in statutes, ordinances,
30 rules, and policies that could improve pedestrian, bicyclist, or
31 nonmotorist safety. Additionally, the council may make
32 recommendations on how to improve traffic fatality and serious injury
33 data quality, including crashes that occur in privately owned
34 property such as parking lots. The council may consult with local
35 cities and counties, as well as local police departments and other
36 law enforcement agencies and associations representing those
37 jurisdictions on how to improve data quality regarding crashes
38 occurring on private property.

39 (6) (a) Documents prepared by or for the council are inadmissible
40 and may not be used in a civil or administrative proceeding, except

1 that any document that exists before its use or consideration in a
2 review by the council, or that is created independently of such
3 review, does not become inadmissible merely because it is reviewed or
4 used by the council. For confidential information, such as personally
5 identifiable information and medical records, which are obtained by
6 the council, neither the commission nor the council may publicly
7 disclose such confidential information. No person who was in
8 attendance at a meeting of the council or who participated in the
9 creation, retention, collection, or maintenance of information or
10 documents specifically for the commission or the council shall be
11 permitted to testify in any civil action as to the content of such
12 proceedings or of the documents and information prepared specifically
13 as part of the activities of the council. However, recommendations
14 from the council and the commission generally may be disclosed
15 without personal identifiers.

16 (b) The council may review, only to the extent otherwise
17 permitted by law or court rule when determined to be relevant and
18 necessary: Any law enforcement incident documentation, such as
19 incident reports, dispatch records, and victim, witness, and suspect
20 statements; any supplemental reports, probable cause statements, and
21 911 call taker's reports; and any other information determined to be
22 relevant to the review. The commission and the council must maintain
23 the confidentiality of such information to the extent required by any
24 applicable law.

25 (7) If acting in good faith, without malice, and within the
26 parameters of and protocols established under this chapter,
27 representatives of the commission and the council are immune from
28 civil liability for an activity related to reviews of particular
29 fatalities and serious injuries.

30 (8) This section must not be construed to provide a private civil
31 cause of action.

32 (9)(a) The council may receive gifts, grants, or endowments from
33 public or private sources that are made from time to time, in trust
34 or otherwise, for the use and benefit of the purposes of the council
35 and spend the gifts, grants, or endowments from the public or private
36 sources according to their terms, unless the receipt of the gifts,
37 grants, or endowments violates RCW 42.17A.560 (as recodified by this
38 act).

39 (b) Subject to the appropriation of funds for this specific
40 purpose, the council may provide grants targeted at improving

1 pedestrian, bicyclist, or nonmotorist safety in accordance with
2 recommendations made by the council.

3 (10) For purposes of this section:

4 (a) "Bicyclist fatality" means any death of a bicyclist resulting
5 from a collision, whether on a roadway, at an intersection, along an
6 adjacent sidewalk, or on a path that is contiguous with a roadway.

7 (b) "Council" means the Cooper Jones active transportation safety
8 council.

9 (c) "Nonmotorist" means anyone using the transportation system
10 who is not in a vehicle.

11 (d) "Pedestrian fatality" means any death of a pedestrian
12 resulting from a collision, whether on a roadway, at an intersection,
13 along an adjacent sidewalk, or on a path that is contiguous with a
14 roadway.

15 (e) "Serious injury" means any injury other than a fatal injury
16 that prevents the injured person from walking, driving, or normally
17 continuing the activities the person was capable of performing before
18 the injury occurred.

19 **Sec. 524.** RCW 43.60A.175 and 2014 c 179 s 2 are each amended to
20 read as follows:

21 (1) The department may receive gifts, grants, or endowments from
22 public or private sources that are made from time to time, in trust
23 or otherwise, for the use and benefit of the purposes of the veterans
24 innovations program and spend gifts, grants, or endowments or income
25 from the public or private sources according to their terms, unless
26 the receipt of the gifts, grants, or endowments violates RCW
27 42.17A.560 (as recodified by this act).

28 (2) The department may adopt rules under chapter 34.05 RCW as
29 necessary to carry out the purposes of RCW 43.60A.160 through
30 43.60A.185.

31 (3) The department may perform all acts and functions as
32 necessary or convenient to carry out the powers expressly granted or
33 implied under chapter 343, Laws of 2006.

34 **Sec. 525.** RCW 43.166.030 and 2022 c 259 s 3 are each amended to
35 read as follows:

36 (1) State lands development authorities have the power to:

37 (a) Accept gifts, grants, loans, or other aid from public and
38 private entities;

1 (b) Employ and appoint such agents, attorneys, officers, and
2 employees as may be necessary to implement its purposes and duties;

3 (c) Contract and enter into partnerships with individuals,
4 associations, corporations, and local, state, and federal
5 governments;

6 (d) Buy, own, and lease real and personal property;

7 (e) Sell real and personal property, subject to any rules and
8 restrictions contained in the proposal to establish a state lands
9 development authority under RCW 43.166.010;

10 (f) Hold in trust, improve, and develop land;

11 (g) Invest, deposit, and reinvest its funds;

12 (h) Incur debt in furtherance of its mission: Provided, however,
13 that state lands development authorities are expressly prohibited
14 from incurring debt on behalf of the state of Washington as defined
15 in Article VIII, section 1 of the state Constitution. A state lands
16 development authority obligation to repay borrowed money does not
17 constitute an obligation, either general, special, or moral, of the
18 state of Washington. State lands development authorities are
19 expressly prohibited from using, either directly or indirectly,
20 "general state revenues" as defined in Article VIII, section 1 of the
21 state Constitution to satisfy any state lands development authority
22 obligation to repay borrowed money;

23 (i) Lend or grant its funds for any lawful purposes. For purposes
24 of this section, "lawful purposes" includes without limitation, any
25 use of funds, including loans thereof to public or private parties,
26 authorized by agreements with the United States or any department or
27 agency thereof under which federal or private funds are obtained, or
28 authorized under federal laws and regulations pertinent to such
29 agreements; and

30 (j) Exercise such additional powers as may be authorized by law.

31 (2) A state lands development authority that accepts public funds
32 under subsection (1) (a) of this section:

33 (a) Is subject in all respects to Article VIII, section 5 or 7,
34 as appropriate, of the state Constitution, and RCW 42.17A.550 (as
35 recodified by this act); and

36 (b) May not use such funds to support or oppose a candidate,
37 ballot proposition, political party, or political committee.

38 (3) State lands development authorities do not have any authority
39 to levy taxes or assessments.

1 **Sec. 526.** RCW 43.167.020 and 2011 c 60 s 40 are each amended to
2 read as follows:

3 (1) A community preservation and development authority shall have
4 the power to:

5 (a) Accept gifts, grants, loans, or other aid from public or
6 private entities;

7 (b) Employ and appoint such agents, attorneys, officers, and
8 employees as may be necessary to implement the purposes and duties of
9 an authority;

10 (c) Contract and enter into partnerships with individuals,
11 associations, corporations, and local, state, and federal
12 governments;

13 (d) Buy, own, lease, and sell real and personal property;

14 (e) Hold in trust, improve, and develop land;

15 (f) Invest, deposit, and reinvest its funds;

16 (g) Incur debt in furtherance of its mission; and

17 (h) Lend its funds, property, credit, or services for corporate
18 purposes.

19 (2) A community preservation and development authority has no
20 power of eminent domain nor any power to levy taxes or special
21 assessments.

22 (3) A community preservation and development authority that
23 accepts public funds under subsection (1)(a) of this section:

24 (a) Is subject in all respects to Article VIII, section 5 or 7,
25 as appropriate, of the state Constitution, and to RCW 42.17A.550 (as
26 recodified by this act); and

27 (b) May not use the funds to support or oppose a candidate,
28 ballot proposition, political party, or political committee.

29 **Sec. 527.** RCW 43.384.060 and 2018 c 275 s 7 are each amended to
30 read as follows:

31 The board may receive gifts, grants, or endowments from public or
32 private sources that are made from time to time, in trust or
33 otherwise, for the use and benefit of the purposes of the authority
34 and spend gift, grants, or endowments or income from public or
35 private sources according to their terms, unless the receipt of
36 gifts, grants, or endowments violates RCW 42.17A.560 (as recodified
37 by this act).

1 **Sec. 528.** RCW 44.05.020 and 2011 c 60 s 41 are each amended to
2 read as follows:

3 The definitions set forth in this section apply throughout this
4 chapter, unless the context requires otherwise.

5 (1) "Chief election officer" means the secretary of state.

6 (2) "Federal census" means the decennial census required by
7 federal law to be prepared by the United States bureau of the census
8 in each year ending in zero.

9 (3) "Lobbyist" means an individual required to register with the
10 Washington public disclosure commission pursuant to RCW 42.17A.600
11 (as recodified by this act).

12 (4) "Plan" means a plan for legislative and congressional
13 redistricting mandated by Article II, section 43 of the state
14 Constitution.

15 **Sec. 529.** RCW 44.05.080 and 2018 c 301 s 10 are each amended to
16 read as follows:

17 In addition to other duties prescribed by law, the commission
18 shall:

19 (1) Adopt rules pursuant to the Administrative Procedure Act,
20 chapter 34.05 RCW, to carry out the provisions of Article II, section
21 43 of the state Constitution and of this chapter, which rules shall
22 provide that three voting members of the commission constitute a
23 quorum to do business, and that the votes of three of the voting
24 members are required for any official action of the commission;

25 (2) Act as the legislature's recipient of the final redistricting
26 data and maps from the United States Bureau of the Census;

27 (3) Comply with requirements to disclose and preserve public
28 records as specified in chapters 40.14 and 42.56 RCW;

29 (4) Hold open meetings pursuant to the open public meetings act,
30 chapter 42.30 RCW;

31 (5) Prepare and disclose its minutes pursuant to RCW 42.30.035;

32 (6) Be subject to the provisions of RCW 42.17A.700 (as recodified
33 by this act);

34 (7) Prepare and publish a report with the plan; the report will
35 be made available to the public at the time the plan is published.
36 The report will include but will not be limited to: (a) The
37 population and percentage deviation from the average district
38 population for every district; (b) an explanation of the criteria
39 used in developing the plan with a justification of any deviation in

1 a district from the average district population; (c) a map of all the
2 districts; and (d) the estimated cost incurred by the counties for
3 adjusting precinct boundaries;

4 (8) Adopt a districting plan for a noncharter county with a
5 population of (~~four hundred thousand~~) 400,000 or more, pursuant to
6 RCW 36.32.054.

7 **Sec. 530.** RCW 53.57.060 and 2015 c 35 s 7 are each amended to
8 read as follows:

9 A port development authority created under this chapter must
10 comply with applicable laws including, but not limited to, the
11 following:

12 (1) Requirements concerning local government audits by the state
13 auditor and applicable accounting requirements set forth in chapter
14 43.09 RCW;

15 (2) The public records act, chapter 42.56 RCW;

16 (3) Prohibitions on using facilities for campaign purposes under
17 RCW 42.17A.555 (as recodified by this act);

18 (4) The open public meetings act, chapter 42.30 RCW;

19 (5) The code of ethics for municipal officers under chapter 42.23
20 RCW; and

21 (6) Local government whistleblower protection laws set forth in
22 chapter 42.41 RCW.

23 **Sec. 531.** RCW 68.52.220 and 2020 c 83 s 6 are each amended to
24 read as follows:

25 (1) The affairs of the cemetery district must be managed by a
26 board of cemetery district commissioners composed of three members.
27 The board may provide, by resolution passed by the commissioners, for
28 the payment of compensation to each of its commissioners at a rate of
29 up to (~~ninety dollars~~) \$90 for each day or portion of a day spent
30 in actual attendance at official meetings of the district commission,
31 or in performance of other official services or duties on behalf of
32 the district. However, the compensation for each commissioner must
33 not exceed (~~eight thousand six hundred forty dollars~~) \$8,640 per
34 year.

35 (2) Any commissioner may waive all or any portion of his or her
36 compensation payable under this section as to any month or months
37 during his or her term of office, by a written waiver filed with the
38 clerk of the board. The waiver, to be effective, must be filed any

1 time after the commissioner's election and prior to the date on which
2 the compensation would otherwise be paid. The waiver must specify the
3 month or period of months for which it is made. The board must fix
4 the compensation to be paid the secretary and other employees of the
5 district. Cemetery district commissioners and candidates for cemetery
6 district commissioner are exempt from the requirements of (~~chapter~~
7 ~~42.17A~~) Title 29B RCW.

8 (3) The initial cemetery district commissioners must assume
9 office immediately upon their election and qualification. Staggering
10 of terms of office must be accomplished as follows: (a) The person
11 elected receiving the greatest number of votes is elected to a six-
12 year term of office if the election is held in an odd-numbered year
13 or a five-year term of office if the election is held in an even-
14 numbered year; (b) the person who is elected receiving the next
15 greatest number of votes is elected to a four-year term of office if
16 the election is held in an odd-numbered year or a three-year term of
17 office if the election is held in an even-numbered year; and (c) the
18 other person who is elected is elected to a two-year term of office
19 if the election is held in an odd-numbered year or a one-year term of
20 office if the election is held in an even-numbered year. The initial
21 commissioners must assume office immediately after they are elected
22 and qualified but their terms of office must be calculated from the
23 first day of January after the election.

24 (4) Thereafter, commissioners are elected to six-year terms of
25 office. Commissioners must serve until their successors are elected
26 and qualified and assume office as provided in RCW 29A.60.280.

27 (5) The dollar thresholds established in this section must be
28 adjusted for inflation by the office of financial management every
29 five years, beginning January 1, 2024, based upon changes in the
30 consumer price index during that time period. "Consumer price index"
31 means, for any calendar year, that year's annual average consumer
32 price index, for Washington state, for wage earners and clerical
33 workers, all items, compiled by the bureau of labor and statistics,
34 United States department of labor. If the bureau of labor and
35 statistics develops more than one consumer price index for areas
36 within the state, the index covering the greatest number of people,
37 covering areas exclusively within the boundaries of the state, and
38 including all items must be used for the adjustments for inflation in
39 this section. The office of financial management must calculate the
40 new dollar threshold and transmit it to the office of the code

1 reviser for publication in the Washington State Register at least one
2 month before the new dollar threshold is to take effect.

3 (6) A person holding office as commissioner for two or more
4 special purpose districts may receive only that per diem compensation
5 authorized for one of his or her commissioner positions as
6 compensation for attending an official meeting or conducting official
7 services or duties while representing more than one of his or her
8 districts. However, such commissioner may receive additional per diem
9 compensation if approved by resolution of all boards of the affected
10 commissions.

11 **Sec. 532.** RCW 70A.02.120 and 2021 c 314 s 21 are each amended to
12 read as follows:

13 (1) Nothing in chapter 314, Laws of 2021 prevents state agencies
14 that are not covered agencies from adopting environmental justice
15 policies and processes consistent with chapter 314, Laws of 2021.

16 (2) The head of a covered agency may, on a case-by-case basis,
17 exempt a significant agency action or decision process from the
18 requirements of RCW 70A.02.060 and 70A.02.080 upon determining that:

19 (a) Any delay in the significant agency action poses a
20 potentially significant threat to human health or the environment, or
21 is likely to cause serious harm to the public interest;

22 (b) An assessment would delay a significant agency decision
23 concerning the assessment, collection, or administration of any tax,
24 tax program, debt, revenue, receipt, a regulated entity's financial
25 filings, or insurance rate or form filing;

26 (c) The requirements of RCW 70A.02.060 and 70A.02.080 are in
27 conflict with:

28 (i) Federal law or federal program requirements;

29 (ii) The requirements for eligibility of employers in this state
30 for federal unemployment tax credits; or

31 (iii) Constitutional limitations or fiduciary obligations,
32 including those applicable to the management of state lands and state
33 forestlands as defined in RCW 79.02.010.

34 (3) A covered agency may not, for the purposes of implementing
35 any of its responsibilities under this chapter, contract with an
36 entity that employs a lobbyist registered under RCW 42.17A.600 (as
37 recodified by this act) that is lobbying on behalf of that entity.

1 **Sec. 533.** RCW 79A.25.830 and 2011 c 60 s 48 are each amended to
2 read as follows:

3 The recreation and conservation funding board or office may
4 receive gifts, grants, or endowments from public and private sources
5 that are made from time to time, in trust or otherwise, for the use
6 and benefit of the purposes of RCW 79A.25.800 through 79A.25.830 and
7 spend gifts, grants, or endowments or income from the public or
8 private sources according to their terms, unless the receipt of the
9 gifts, grants, or endowments violates RCW 42.17A.560 (as recodified
10 by this act).

11 **Sec. 534.** RCW 82.04.759 and 2023 c 286 s 2 are each amended to
12 read as follows:

13 (1) This chapter does not apply to amounts received by any person
14 for engaging in any of the following activities:

15 (a) Printing a newspaper, publishing a newspaper, or both; or

16 (b) Publishing eligible digital content by a person who reported
17 under the printing and publishing tax classification for the
18 reporting period that covers January 1, 2008, for engaging in
19 printing and/or publishing a newspaper, as defined on January 1,
20 2008.

21 (2) The exemption under this section must be reduced by an amount
22 equal to the value of any expenditure made by the person during the
23 tax reporting period. For purposes of this subsection, "expenditure"
24 has the meaning provided in (~~RCW 42.17A.005~~) section 223 of this
25 act.

26 (3) If a person who is primarily engaged in printing a newspaper,
27 publishing a newspaper, or publishing eligible digital content, or
28 any combination of these activities, charges a single, nonvariable
29 amount to advertise in, subscribe to, or access content in both a
30 publication identified in subsection (1) of this section and another
31 type of publication, the entire amount is exempt under this section.

32 (4) For purposes of this section, "eligible digital content"
33 means a publication that:

34 (a) Is published at regularly stated intervals of at least once
35 per month;

36 (b) Features written content, the largest category of which, as
37 determined by word count, contains material that identifies the
38 author or the original source of the material; and

1 (c) Is made available to readers exclusively in an electronic
2 format.

3 (5) The exemption under this section applies only to persons
4 primarily engaged in printing a newspaper, publishing a newspaper, or
5 publishing eligible digital content, or any combination of these
6 activities, unless these business activities were previously engaged
7 in by an affiliated person and were not the affiliated person's
8 primary business activity.

9 (6) For purposes of this section, the following definitions
10 apply:

11 (a) "Affiliated" has the same meaning as provided in RCW
12 82.04.299.

13 (b) "Primarily" means, with respect to a business activity or
14 combination of business activities of a taxpayer, more the 50 percent
15 of the taxpayer's gross worldwide income from all business
16 activities, whether subject to tax under this chapter or not, comes
17 from such activity or activities.

18 NEW SECTION. **Sec. 535.** Section 534 of this act expires January
19 1, 2034.

20 NEW SECTION. **Sec. 536.** This act takes effect January 1, 2026."

21 Correct the title.

EFFECT: Corrects an internal reference.

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