

CERTIFICATION OF ENROLLMENT  
SECOND SUBSTITUTE HOUSE BILL 2016

61st Legislature  
2010 Regular Session

Passed by the House March 6, 2010  
Yeas 58 Nays 37

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**Speaker of the House of Representatives**

Passed by the Senate March 3, 2010  
Yeas 32 Nays 16

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2016** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE HOUSE BILL 2016**

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AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

**State of Washington                      61st Legislature                      2010 Regular Session**

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

READ FIRST TIME 02/02/10.

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

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

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

16 **PART 1**  
17 **GENERAL PROVISIONS**

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

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

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

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

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

1 (4) "Ballot proposition" means any "measure" as defined by RCW  
2 29A.04.091, or any initiative, recall, or referendum proposition  
3 proposed to be submitted to the voters of the state or any municipal  
4 corporation, political subdivision, or other voting constituency from  
5 and after the time when the proposition has been initially filed with  
6 the appropriate election officer of that constituency (~~(prior to)~~)  
7 before its circulation for signatures.

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

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

12 (a) An organization that has (~~(filed a valid certificate of~~  
13 ~~nomination with)~~) been recognized as a minor political party by the  
14 secretary of state ((under chapter 29A.20 RCW)));

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

19 (c) The county central committee or legislative district committee  
20 of a major political party. There may be only one legislative district  
21 committee for each party in each legislative district.

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

26 (8) "Treasurer" and "deputy treasurer" mean the individuals  
27 appointed by a candidate or political committee, pursuant to RCW  
28 42.17.050 (as recodified by this act), to perform the duties specified  
29 in that section.

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

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

35 (b) Announces publicly or files for office;

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

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

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

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

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

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

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

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

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

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

35 (iii) The financing by a person of the dissemination, distribution,  
36 or republication, in whole or in part, of broadcast, written, graphic,  
37 or other form of political advertising or electioneering communication

1 prepared by a candidate, a political committee, or its authorized  
2 agent;

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

6 (b) "Contribution" does not include:

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

9 (ii) Ordinary home hospitality;

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

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

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

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

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

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

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

1 (B) A candidate or an authorized committee if the person paying for  
2 the services is the regular employer of the individual rendering the  
3 services and if the services are solely for the purpose of ensuring  
4 compliance with state election or public disclosure laws; or

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

10 (A) The person performs solely ministerial functions;

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

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

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

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

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

37 (17) "Election" includes any primary, general, or special election  
38 for public office and any election in which a ballot proposition is

1 submitted to the voters(~~(+ PROVIDED, That)~~). An election in which the  
2 qualifications for voting include other than those requirements set  
3 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
4 the state of Washington shall not be considered an election for  
5 purposes of this chapter.

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

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

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

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

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

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

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

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

36 (b) Advertising for candidate debates or forums when the  
37 advertising is paid for by or on behalf of the debate or forum sponsor,



1 so long as two or more candidates for the same position have been  
2 invited to participate in the debate or forum;

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

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

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

8 (iii) Not a medium controlled by a candidate or a political  
9 committee;

10 (d) Slate cards and sample ballots;

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

15 (f) Public service announcements;

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

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

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

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

1 principal of a loan, the receipt of which loan has been properly  
2 reported.

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

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

8 (25) "Gift(~~(, " is as defined))~~" has the definition in RCW  
9 42.52.010.

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

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

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

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

36 (b) The expenditure pays in whole or in part for political  
37 advertising that either specifically names the candidate supported or

1 opposed, or clearly and beyond any doubt identifies the candidate  
2 without using the candidate's name; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 ~~((38))~~) "Political advertising" includes any advertising displays,  
35 newspaper ads, billboards, signs, brochures, articles, tabloids,  
36 flyers, letters, radio or television presentations, or other means of  
37 mass communication, used for the purpose of appealing, directly or

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

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

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

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

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

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

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

37 ~~((+45—"State"))~~ (44) "Legislative office" means the office of a

1 member of the state house of representatives or the office of a member  
2 of the state senate.

3 ~~((46))~~ (45) "State office" means state legislative office or the  
4 office of governor, lieutenant governor, secretary of state, attorney  
5 general, commissioner of public lands, insurance commissioner,  
6 superintendent of public instruction, state auditor, or state  
7 treasurer.

8 ~~((47))~~ (46) "State official" means a person who holds a state  
9 office.

10 ~~((48))~~ (47) "Surplus funds" mean, in the case of a political  
11 committee or candidate, the balance of contributions that remain in the  
12 possession or control of that committee or candidate subsequent to the  
13 election for which the contributions were received, and that are in  
14 excess of the amount necessary to pay remaining debts incurred by the  
15 committee or candidate ~~((prior))~~ with respect to that election. In the  
16 case of a continuing political committee, "surplus funds" mean those  
17 contributions remaining in the possession or control of the committee  
18 that are in excess of the amount necessary to pay all remaining debts  
19 when it makes its final report under RCW 42.17.065 (as recodified by  
20 this act).

21 ~~((49)) "Writing" means handwriting, typewriting, printing,~~  
22 ~~photostating, photographing, and every other means of recording any~~  
23 ~~form of communication or representation, including, but not limited to,~~  
24 ~~letters, words, pictures, sounds, or symbols, or combination thereof,~~  
25 ~~and all papers, maps, magnetic or paper tapes, photographic films and~~  
26 ~~prints, motion picture, film and video recordings, magnetic or punched~~  
27 ~~cards, discs, drums, diskettes, sound recordings, and other documents~~  
28 ~~including existing data compilations from which information may be~~  
29 ~~obtained or translated.~~

30 ~~As used in this chapter, the singular shall take the plural and any~~  
31 ~~gender, the other, as the context requires.))~~

32 **PART 2**  
33 **ELECTRONIC ACCESS**

34 **Sec. 201.** RCW 42.17.367 and 1999 c 401 s 9 are each amended to  
35 read as follows:

36 ~~((By February 1, 2000,))~~ The commission shall operate a web site or

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

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

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

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

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

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

32 (~~(1)~~) The commission shall establish goals that all reports,  
33 copies of reports, or copies of the data or information included in  
34 reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100,  
35 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180 (as  
36 recodified by this act), that are:

1       ~~((a) Submitted using the commission's electronic filing system~~  
2 ~~shall be accessible in the commission's office within two business days~~  
3 ~~of the commission's receipt of the report and shall be accessible on~~  
4 ~~the commission's web site within seven business days of the~~  
5 ~~commission's receipt of the report; and~~

6       ~~(b) Submitted in any format or using any method other than as~~  
7 ~~described in (a) of this subsection, shall be accessible in the~~  
8 ~~commission's office within four business days of the actual physical~~  
9 ~~receipt of the report, and not the technical date of filing as provided~~  
10 ~~under RCW 42.17.420, and shall be accessible on the commission's web~~  
11 ~~site within fourteen business days of the actual physical receipt of~~  
12 ~~the report, and not the technical date of filing as provided under RCW~~  
13 ~~42.17.420, as specified in rule adopted by the commission.~~

14       ~~(2) On January 1, 2001, or shortly thereafter, the commission shall~~  
15 ~~revise these goals to reflect that all reports, copies of reports, or~~  
16 ~~copies of the data or information included in reports, filed under RCW~~  
17 ~~42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150,~~  
18 ~~42.17.170, 42.17.175, and 42.17.180, that are:~~

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

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

32       ~~(3) On January 1, 2002, or shortly thereafter, the commission shall~~  
33 ~~revise these goals to reflect that all reports, copies of reports, or~~  
34 ~~copies of the data or information included in reports, filed under RCW~~  
35 ~~42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150,~~  
36 ~~42.17.170, 42.17.175, and 42.17.180, that are:~~

37       ~~(a))~~ (1) Submitted using the commission's electronic filing system



1 must be accessible in the commission's office and on the commission's  
2 web site within two business days of the commission's receipt of the  
3 report; and

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

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

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

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

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

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

35 (4) The percentage of candidates, categorized as statewide,  
36 ~~((state))~~ legislative, or local, that have used each of the following  
37 methods to file reports under RCW 42.17.080 or 42.17.105 (as recodified

1 by this act): (a) Hard copy paper format; (~~(b) electronic format via~~  
2 ~~diskette; (c) electronic format via modem or satellite; (d))~~) or (b)  
3 electronic format via the Internet; (~~and (e) any other format or~~  
4 ~~method;~~)

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

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

17 **PART 3**  
18 **ADMINISTRATION**

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

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

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

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

- 34 (a) Holding or campaigning for elective office;
- 35 (b) Serving as an officer of any political party or political
- 36 committee;

1 (c) Permitting his or her name to be used in support of or in  
2 opposition to a candidate or proposition;

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

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

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

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

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

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

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

27 The commission shall:

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

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

33 (3) Compile and maintain a current list of all filed reports and  
34 statements;

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

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

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

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

15 ~~(7))~~ (8) Enforce this chapter according to the powers granted it  
16 by law;

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

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

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

25 (10) Adopt rules to carry out the policies of chapter 348, Laws of  
26 2006. The adoption of these rules is not subject to the time  
27 restrictions of RCW 42.17.370(1) (as recodified by this act);

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

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

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

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

36 (1) Adopt, (~~promulgate,~~) amend, and rescind suitable  
37 administrative rules to carry out the policies and purposes of this

1 chapter, which rules shall be adopted under chapter 34.05 RCW. Any  
2 rule relating to campaign finance, political advertising, or related  
3 forms that would otherwise take effect after June 30th of a general  
4 election year shall take effect no earlier than the day following the  
5 general election in that year;

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

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

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

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

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

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

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

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

15           (10) ~~((After hearing, by order approved and ratified by a majority~~  
16 ~~of the membership of the commission, suspend or modify any of the~~  
17 ~~reporting requirements of this chapter in a particular case if it finds~~  
18 ~~that literal application of this chapter works a manifestly~~  
19 ~~unreasonable hardship and if it also finds that the suspension or~~  
20 ~~modification will not frustrate the purposes of the chapter.—The~~  
21 ~~commission shall find that a manifestly unreasonable hardship exists if~~  
22 ~~reporting the name of an entity required to be reported under RCW~~  
23 ~~42.17.241(1)(g)(ii) would be likely to adversely affect the competitive~~  
24 ~~position of any entity in which the person filing the report or any~~  
25 ~~member of his or her immediate family holds any office, directorship,~~  
26 ~~general partnership interest, or an ownership interest of ten percent~~  
27 ~~or more.—Any suspension or modification shall be only to the extent~~  
28 ~~necessary to substantially relieve the hardship.—The commission shall~~  
29 ~~act to suspend or modify any reporting requirements only if it~~  
30 ~~determines that facts exist that are clear and convincing proof of the~~  
31 ~~findings required under this section.—Requests for renewals of~~  
32 ~~reporting modifications may be heard in a brief adjudicative proceeding~~  
33 ~~as set forth in RCW 34.05.482 through 34.05.494 and in accordance with~~  
34 ~~the standards established in this section.—No initial request may be~~  
35 ~~heard in a brief adjudicative proceeding and no request for renewal may~~  
36 ~~be heard in a brief adjudicative proceeding if the initial request was~~  
37 ~~granted more than three years previously or if the applicant is holding~~  
38 ~~an office or position of employment different from the office or~~

1 ~~position held when the initial request was granted. The commission~~  
2 ~~shall adopt administrative rules governing the proceedings. Any~~  
3 ~~citizen has standing to bring an action in Thurston county superior~~  
4 ~~court to contest the propriety of any order entered under this section~~  
5 ~~within one year from the date of the entry of the order; and~~

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

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

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

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

1 (b) Only to the extent necessary to substantially relieve the  
2 hardship.

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

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

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

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

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

25 (1) At the beginning of each even-numbered calendar year, the  
26 commission shall increase or decrease ~~((all))~~ the dollar amounts in  
27 ~~((this chapter))~~ RCW 42.17.020(28), 42.17.125(3), 42.17.180(1),  
28 42.17.640, 42.17.645, and 42.17.740 (as recodified by this act) based  
29 on changes in economic conditions as reflected in the inflationary  
30 index ~~((used by the commission under RCW 42.17.370))~~ recommended by the  
31 office of financial management. The new dollar amounts established by  
32 the commission under this section shall be rounded off ~~((by the~~  
33 ~~commission))~~ to amounts as judged most convenient for public  
34 understanding and so as to be within ten percent of the target amount  
35 equal to the base amount provided in this chapter multiplied by the  
36 increase in the inflationary index since ~~((December 3, 1992))~~ July  
37 2008.



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

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

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

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

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

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

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

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

1       **(b)** Political committees formed to support or oppose candidates or  
2 ballot propositions in such political subdivisions(~~((τ))~~)i or (~~((τθ))~~)

3       **(c)** Persons making independent expenditures in support of or  
4 opposition to such ballot propositions.

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

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

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

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

1 (a) In the case of a ballot measure, at least sixty days before the  
2 date of any election in which campaign finance reporting is to be  
3 required;

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

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

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

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

14 (1) Except as provided in subsection (2) of this section, (~~when~~)  
15 the date of receipt of any properly addressed application, report,  
16 statement, notice, or payment required to be made under the provisions  
17 of this chapter (~~has been deposited postpaid in the United States mail~~  
18 ~~properly addressed, it shall be deemed to have been received on the~~  
19 ~~date of mailing. It shall be presumed that~~) is the date shown by the  
20 post office cancellation mark on the envelope (~~is the date of~~  
21 ~~mailing~~) of the submitted material. The provisions of this section do  
22 not apply to reports required to be delivered under RCW 42.17.105 and  
23 42.17.175 (as recodified by this act).

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

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



1 within three business days after its organization or when it first has  
2 the expectation of receiving contributions or making expenditures in  
3 the election campaign.

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (3) Any material change in information previously submitted in a  
37 statement of organization shall be reported to the commission and to

1 the appropriate county elections officer within the ten days following  
2 the change.

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

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

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

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

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

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

32 ~~(4+))~~(a) A candidate or political committee may at any time remove  
33 a treasurer or deputy treasurer (~~(or change a designated depository)).~~

34 (b) In the event of the death, resignation, removal, or change of  
35 a treasurer(~~(r)~~) or deputy treasurer, (~~(or depositoryr)~~) the candidate  
36 or political committee shall designate and file with the commission and

1 the appropriate county elections officer the name and address of any  
2 successor.

3 ~~((5))~~ (4) No treasurer(~~(7)~~) or deputy treasurer(~~(7) or~~  
4 ~~depository~~) may be deemed to be in compliance with the provisions of  
5 this chapter until his or her name and address is filed with the  
6 commission and the appropriate county elections officer.

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

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

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

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

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

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

1        (c) Transfers of funds (~~((which))~~) that must be reported under RCW  
2 42.17.090(1)(~~((d) may))~~) (e) (as recodified by this act) are not (~~((be))~~)  
3 made from 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 other  
7 similar instruments in financial institutions, or in mutual funds other  
8 than the depository(~~((:—PROVIDED, That))~~) but only if:

9        (a) The commission and the appropriate county elections officer  
10 (~~((is))~~) are notified in writing of the initiation and the termination of  
11 the investment(~~((:—PROVIDED FURTHER, That))~~); and

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

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

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

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

35        (1) In addition to the provisions of this section, a continuing  
36 political committee shall file and report on the same conditions and at



1 the same times as any other committee in accordance with the provisions  
2 of RCW 42.17.040, 42.17.050, and 42.17.060 (as recodified by this act).

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

24 (a) The information required by RCW 42.17.090 (as recodified by  
25 this act);

26 (b) Each expenditure made to retire previously accumulated debts of  
27 the committee~~((+))~~ identified by recipient, amount, and date of  
28 payments;

29 (c) ~~((Such))~~ Other information ~~((as))~~ the commission shall  
30 prescribe by rule ~~((prescribe))~~.

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

37 (4) A continuing political committee shall file reports as required  
38 by this chapter until it is dissolved, at which time a final report

1 shall be filed. Upon submitting a final report, the duties of the  
2 (~~campaign~~) treasurer shall cease and there shall be no obligation to  
3 make any further reports.

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

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

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

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

22 (1) Fund-raising activities (~~which meet~~) meeting the standards of  
23 subsection (2) of this section may be reported in accordance with the  
24 provisions of this section in lieu of reporting in accordance with RCW  
25 42.17.080 (as recodified by this act).

26 (2) Standards:

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

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

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

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

36 (iv) A concert, dance, theater performance, or similar

1 entertainment event (~~where~~) and the price of admission is no more  
2 than twenty-five dollars; or

3 (v) An auction or similar sale (~~where~~) for which the total fair  
4 market value of items donated by any person (~~for sale~~) is no more  
5 than fifty dollars; and

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

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

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

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

25 (a) The date of the activity;

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

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

30 (5) The treasurer or deputy treasurer shall certify the report is  
31 correct.

32 (6) The treasurer shall report pursuant to RCW 42.17.080 and  
33 42.17.090 (as recodified by this act):

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

1 (b) The name and address ((of)) and the amount paid by each person  
2 whose identity can be ascertained, ~~((and the amount paid, from whom~~  
3 ~~were knowingly received payments))~~ who made a contribution to the  
4 candidate or committee aggregating more than fifty dollars at or from  
5 such a fund-raising activity.

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

8 (1) In addition to the information required under RCW 42.17.040 and  
9 42.17.050 (as recodified by this act), on the day the treasurer is  
10 designated, each candidate or political committee ~~((shall))~~ must file  
11 with the commission and the county auditor or elections officer of the  
12 county in which the candidate resides, or in the case of a political  
13 committee, the county in which the treasurer resides, ~~((in addition to~~  
14 ~~any statement of organization required under RCW 42.17.040 or~~  
15 ~~42.17.050,))~~ a report of all contributions received and expenditures  
16 made prior to that date, if any.

17 (2) ~~((At the following intervals))~~ Each treasurer shall file with  
18 the commission and the county auditor or elections officer of the  
19 county in which the candidate resides, or in the case of a political  
20 committee, the county in which the committee maintains its office or  
21 headquarters, ~~((and if there is no office or headquarters then))~~ or in  
22 the county in which the treasurer resides if there is no office or  
23 headquarters, a report containing the information required by RCW  
24 42.17.090 (as recodified by this act) at the following intervals:

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

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

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

34 ~~((When there is no outstanding debt or obligation, and the campaign~~  
35 ~~fund is closed, and the campaign is concluded in all respects, and in~~  
36 ~~the case of a political committee, the committee has ceased to function~~

1 ~~and has dissolved, the treasurer shall file a final report. Upon~~  
2 ~~submitting a final report, the duties of the treasurer shall cease and~~  
3 ~~there shall be no obligation to make any further reports.))~~

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

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

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

34 (5) The treasurer or candidate shall maintain books of account  
35 accurately reflecting all contributions and expenditures on a current  
36 basis within five business days of receipt or expenditure. During the  
37 eight days immediately preceding the date of the election the books of  
38 account shall be kept current within one business day. As specified in

1 the committee's statement of organization filed under RCW 42.17.040 (as  
2 recodified by this act), the books of account must be open for public  
3 inspection by appointment at the designated place for inspections  
4 between 8:00 a.m. and 8:00 p.m. on any day from the eighth day  
5 immediately before the election through the day immediately before the  
6 election, other than Saturday, Sunday, or a legal holiday. It is a  
7 violation of this chapter for a candidate or political committee to  
8 refuse to allow and keep an appointment for an inspection to be  
9 conducted during these authorized times and days. The appointment must  
10 be allowed at an authorized time and day for such inspections that is  
11 within twenty-four hours of the time and day that is requested for the  
12 inspection.

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

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

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

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

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

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

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

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

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

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

15 ((+a)) (1) The funds on hand at the beginning of the period;

16 ((+b)) (2) The name and address of each person who has made one or  
17 more contributions during the period, together with the money value and  
18 date of ((such)) each contribution((s)) and the aggregate value of all  
19 contributions received from each ((such)) person during the campaign,  
20 or in the case of a continuing political committee, the current  
21 calendar year((:—PROVIDED, That)), with the following exceptions:

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

24 (b) Income ((which)) that results from a fund-raising activity  
25 conducted in accordance with RCW 42.17.067 (as recodified by this act)  
26 may be reported as one lump sum, with the exception of that portion  
27 ((of such income which was)) received from persons whose names and  
28 addresses are required to be included in the report required by RCW  
29 42.17.067((:—PROVIDED FURTHER, That)) (as recodified by this act);

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

35 (d) The money value of contributions of postage shall be the face  
36 value of ((such)) the postage;

1        ~~((e))~~ (3) Each loan, promissory note, or security instrument to  
2 be used by or for the benefit of the candidate or political committee  
3 made by any person, ~~((together with))~~ including the names and addresses  
4 of the lender and each person liable directly, indirectly or  
5 contingently and the date and amount of each such loan, promissory  
6 note, or security instrument;

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

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

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

31        ~~((g))~~ (7) The name and address of each person ~~((to whom any  
32 expenditure was made directly or indirectly to compensate the person))~~  
33 directly compensated for soliciting or procuring signatures on an  
34 initiative or referendum petition, the amount of ~~((such))~~ the  
35 compensation to each ~~((such))~~ person, and the total ~~((of the))~~  
36 expenditures made for this purpose. Such expenditures shall be  
37 reported under this subsection ~~((1)(g) whether the expenditures are or~~



1 ~~are not also~~) in addition to what is required to be reported under  
2 ~~((f) of this)~~ subsection (6) of this section;

3 ~~((h))~~ (8) The name and address of any person and the amount owed  
4 for any debt, obligation, note, unpaid loan, or other liability in the  
5 amount of more than two hundred fifty dollars or in the amount of more  
6 than fifty dollars that has been outstanding for over thirty days;

7 ~~((i))~~ (9) The surplus or deficit of contributions over  
8 expenditures;

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

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

14 ~~((2) The treasurer and the candidate shall certify the correctness  
15 of each report.))~~

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

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

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

36 ~~((3))~~ (2) Failure by a candidate or political committee to comply  
37 with this section is a violation of this chapter.

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

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

10           (a) Its name and address;

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

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

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

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

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

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

1 (h) The name and address of each person in the state of Washington  
2 to whom an expenditure was made by the out-of-state committee with  
3 respect to a candidate or political committee in the aggregate amount  
4 of more than fifty dollars, the amount, date, and purpose of ((such))  
5 the expenditure, and the total sum of ((such)) the expenditures; and

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

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

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

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

33 (2) Within five days after the date of making an independent  
34 expenditure that by itself or when added to all other ((such))  
35 independent expenditures made during the same election campaign by the  
36 same person equals one hundred dollars or more, or within five days  
37 after the date of making an independent expenditure for which no

1 reasonable estimate of monetary value is practicable, whichever occurs  
2 first, the person who made the independent expenditure shall file with  
3 the commission and the county elections officer of the county of  
4 residence for the candidate supported or opposed by the independent  
5 expenditure (or in the case of an expenditure made in support of or in  
6 opposition to a local ballot proposition, the county of residence for  
7 the person making the expenditure) an initial report of all independent  
8 expenditures made during the campaign (~~((prior to))~~) before and including  
9 such date.

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

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

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

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

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

30 (~~((+4))~~) (5) All reports filed pursuant to this section shall be  
31 certified as correct by the reporting person.

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

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

1 (b) The name and address of each person to whom an independent  
2 expenditure was made in the aggregate amount of more than fifty  
3 dollars, and the amount, date, and purpose of each (~~such~~)  
4 expenditure. If no reasonable estimate of the monetary value of a  
5 particular independent expenditure is practicable, it is sufficient to  
6 report instead a precise description of services, property, or rights  
7 furnished through the expenditure, and where appropriate, to attach a  
8 copy of the item produced or distributed by the expenditure;

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

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

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

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

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

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

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

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

1 (c) A detailed description of the expenditure;

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

4 (e) The amount of the expenditure;

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

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

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

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

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

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

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

1       ~~((For the purposes of subsections (1) through (7) of this section:~~  
2       ~~(a) Each of the following intervals is a))~~ (3) An aggregate of  
3       contributions includes only those contributions made to or received  
4       from a single entity during any one special reporting period. Any  
5       subsequent contribution of any size made to or received from the same  
6       person or entity during the special reporting period must also be  
7       reported.  
8       (4) Special reporting periods, for purposes of this section,  
9       include: ((+i))  
10       (a) The ((interval beginning after the)) period ((covered by))  
11       beginning on the day after the last report required by RCW 42.17.080  
12       and 42.17.090 (as recodified by this act) to be filed before a primary  
13       and concluding on the end of the day before that primary; ((and (ii))  
14       (b) The ((interval composed of the)) period twenty-one days  
15       preceding a general election; and  
16       ((+b)) (c) An aggregate of contributions includes only those  
17       contributions received from a single entity during any one special  
18       reporting period or made by the contributing political committee to a  
19       single entity during any one special reporting period.  
20       ((+2)) (5) If a campaign treasurer files a special report under  
21       this section for one or more contributions received from a single  
22       entity during a special reporting period, the treasurer shall also file  
23       a special report under this section for each subsequent contribution of  
24       any size which is received from that entity during the special  
25       reporting period. If a political committee files a special report  
26       under this section for a contribution or contributions made to a single  
27       entity during a special reporting period, the political committee shall  
28       also file a special report for each subsequent contribution of any size  
29       which is made to that entity during the special reporting period.  
30       ~~((+3) Except as provided in subsection (4) of this section, the))~~  
31       (6) Special reports required by this section shall be delivered  
32       electronically or in written form, including but not limited to  
33       mailgram, telegram, or nightletter. The special report may be  
34       transmitted orally by telephone to the commission if the written form  
35       of the report is postmarked and mailed to the commission or the  
36       electronic filing is transferred to the commission within the delivery  
37       periods established in (a) and (b) of this subsection.

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

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

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

26        ~~((5))~~ (7) The special report shall include ~~((at least))~~:

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

32        ~~((6))~~ (8) Contributions reported under this section shall also be  
33 reported as required by other provisions of this chapter.

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

37        ~~((8) It is a violation of this chapter for any person to make, or~~  
38 ~~for any candidate or political committee to accept from any one person,~~



1 ~~contributions reportable under RCW 42.17.090 in the aggregate exceeding~~  
2 ~~fifty thousand dollars for any campaign for statewide office or~~  
3 ~~exceeding five thousand dollars for any other campaign subject to the~~  
4 ~~provisions of this chapter within twenty one days of a general~~  
5 ~~election. This subsection does not apply to contributions made by, or~~  
6 ~~accepted from, a bona fide political party as defined in this chapter,~~  
7 ~~excluding the county central committee or legislative district~~  
8 ~~committee.~~

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

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

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

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

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

34 (1) Report the contribution as required in RCW 42.17.080 and  
35 42.17.090 (as recodified by this act);

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

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

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

20 **PART 5**

21 **POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS**

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

24 (1) The legislature finds that:

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

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

32 (~~(3)~~) (c) The state has a compelling interest in providing voters  
33 information about electioneering communications in political campaigns  
34 concerning candidates for state, local, or judicial office so that  
35 voters can be fully informed as to the: (~~(a)~~) (i) Source of support

1 or opposition to those candidates; and ~~((b))~~ (ii) identity of persons  
2 attempting to influence the outcome of state, local, and judicial  
3 candidate elections.

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

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

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

24 (2) Based upon the findings in this section, chapter 445, Laws of  
25 2005 is narrowly tailored to accomplish the following and is intended  
26 to:

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

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

37 (c) Reenact and amend the contribution limits in RCW 42.17.640 (7)  
38 and (15) (as recodified by this act) and the restrictions on the use of

1 soft money, including as applied to electioneering communications, as  
2 those limits and restrictions were in effect following the passage of  
3 chapter 2, Laws of 1993 (Initiative Measure No. 134) and before the  
4 state supreme court decision in *Washington State Republican Party v.*  
5 *Washington State Public Disclosure Commission*, 141 Wn.2d 245, 4 P.3d  
6 808 (2000). The commission is authorized to fully restore the  
7 implementation of the limits and restrictions of RCW 42.17.640 (7) and  
8 (15) (as recodified by this act) in light of *McConnell et al. v.*  
9 *Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d  
10 491 (2003). The United States supreme court upheld the disclosure and  
11 regulation of electioneering communications in political campaigns,  
12 including but not limited to issue advocacy that is the functional  
13 equivalent of express advocacy; and

14 (d) Authorize the commission to adopt rules to implement chapter  
15 445, Laws of 2005.

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

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

22 (a) Name and address of the sponsor;

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

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

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

1 (iii) Any other source information required or exempted by the  
2 commission by rule;

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

5 (d) A detailed description of each expenditure of more than one  
6 hundred dollars;

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

10 (f) The amount of the expenditure;

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

15 (h) Any other information the commission may require or exempt by  
16 rule.

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

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

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

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

1       **Sec. 503.** RCW 42.17.570 and 2005 c 445 s 4 are each amended to  
2 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 to  
10 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 is  
14 required to report the electioneering communication expense under RCW  
15 42.17.565 (as recodified by this act).

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

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

24       (2) All reports filed under RCW 42.17.565 (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 communication,  
27 the certification shall be signed by the individual. If the sponsor is  
28 a political committee, the certification shall be signed by the  
29 committee treasurer. If the sponsor is another entity, the  
30 certification shall be signed by the individual responsible for  
31 authorizing the expenditure on the entity's behalf.

32       **Sec. 505.** RCW 42.17.510 and 2005 c 445 s 9 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 and  
36 address. All radio and television political advertising, whether

1 relating to candidates or ballot propositions, shall include the  
2 sponsor's name. The use of an assumed name for the sponsor of  
3 electioneering communications, independent expenditures, or political  
4 advertising shall be unlawful. For partisan office, if a candidate has  
5 expressed a party or independent preference on the declaration of  
6 candidacy, that party or independent designation shall be clearly  
7 identified in electioneering communications, independent expenditures,  
8 or political advertising.

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

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

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

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

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

35 (a) Appear on the first page or fold of the written advertisement  
36 or communication in at least ten-point type, or in type at least ten  
37 percent of the largest size type used in a written advertisement or

1 communication directed at more than one voter, such as a billboard or  
2 poster, whichever is larger;

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

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

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

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

34 (6) Political yard signs are exempt from the requirement of  
35 subsections (1) and (2) of this section that the name and address of  
36 the sponsor of political advertising be listed on the advertising. In  
37 addition, the public disclosure commission shall, by rule, exempt from  
38 the identification requirements of subsections (1) and (2) of this



1 section forms of political advertising such as campaign buttons,  
2 balloons, pens, pencils, sky-writing, inscriptions, and other forms of  
3 advertising where identification is impractical.

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

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

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

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

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

19 (2) If a broadcasting station or other medium changes the content  
20 of a political advertisement, the station or medium shall be  
21 responsible for any failure of the advertisement to comply with RCW  
22 42.17.510 through 42.17.530 (as recodified by this act) that results  
23 from that change.

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

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

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

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

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

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

8 **PART 6**

9 **CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS**

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

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

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

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

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

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

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

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

30 (c) Restore public trust in governmental institutions and the  
31 electoral process.

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

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

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

1 (b) Candidates for state office other than (~~state~~) legislative  
2 office;

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

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

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

13 (f) Caucus political committees;

14 (g) Bona fide political parties.

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

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

1 the recall of the state official, county official, or public official  
2 in a special purpose district during a recall campaign that in the  
3 aggregate exceed (~~seven~~) eight hundred dollars if for a (~~state~~)  
4 legislative office or county office or one thousand (~~four~~) six  
5 hundred dollars if for a special purpose district office or a state  
6 office other than a (~~state~~) legislative office.

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

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

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

37 (b) No official holding an office specified in subsection (1) of  
38 this section against whom recall charges have been filed, no authorized

1 committee of the official, and no political committee having the  
2 expectation of making expenditures in support of the recall of the  
3 official may accept contributions from a county central committee or a  
4 legislative district committee during an election cycle that when  
5 combined with contributions from other county central committees or  
6 legislative district committees would in the aggregate exceed (~~thirty-~~  
7 ~~five~~) forty cents multiplied by the number of registered voters in the  
8 jurisdiction from which the candidate is elected.

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

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

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

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

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

35 (11) RCW 42.17.640 through 42.17.790 (as recodified by this act)  
36 apply to a special election conducted to fill a vacancy in an office  
37 specified in subsection (1) of this section. However, the  
38 contributions made to a candidate or received by a candidate for a

1 primary or special election conducted to fill such a vacancy shall not  
2 be counted toward any of the limitations that apply to the candidate or  
3 to contributions made to the candidate for any other primary or  
4 election.

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

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

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

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

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

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

1        (c) An expenditure or contribution for independent expenditures as  
2 defined in RCW 42.17.020 or electioneering communications as defined in  
3 RCW 42.17.020.

4        **Sec. 603.** RCW 42.17.645 and 2006 c 348 s 2 are each amended to  
5 read as follows:

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

20        (2) This section through RCW 42.17.790 (as recodified by this act)  
21 apply to a special election conducted to fill a vacancy in an office.  
22 However, the contributions made to a candidate or received by a  
23 candidate for a primary or special election conducted to fill such a  
24 vacancy will not be counted toward any of the limitations that apply to  
25 the candidate or to contributions made to the candidate for any other  
26 primary or election.

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

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

31        NEW SECTION.    **Sec. 604.**    REPORTABLE CONTRIBUTIONS--PREELECTION  
32 LIMITATIONS. (1) It is a violation of this chapter for any person to  
33 make, or for any candidate or political committee to accept from any  
34 one person, contributions reportable under RCW 42.17.090 (as recodified  
35 by this act) in the aggregate exceeding fifty thousand dollars for any  
36 campaign for statewide office or exceeding five thousand dollars for

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

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

11 **Sec. 605.** RCW 42.17.070 and 2007 c 358 s 3 are each amended to  
12 read as follows:

13 No expenditures may be made or incurred by any candidate or  
14 political committee (~~((except on the authority of))~~) unless authorized by  
15 the candidate or the person or persons named on the candidate's or  
16 committee's registration form(~~((, and))~~). A record of all such  
17 expenditures shall be maintained by the treasurer.

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

22 **Sec. 606.** RCW 42.17.095 and 2005 c 467 s 1 are each amended to  
23 read as follows:

24 The surplus funds of a candidate(~~((,))~~) or (~~((of a political committee~~  
25 ~~supporting or opposing a candidate,))~~) a candidate's authorized  
26 committee may only be disposed of in any one or more of the following  
27 ways:

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

30 (2) (~~((Transfer the surplus to the candidate's personal account as~~  
31 ~~reimbursement))~~) Using surplus, reimburse the candidate for lost  
32 earnings incurred as a result of that candidate's election campaign.  
33 (~~((Such))~~) Lost earnings shall be verifiable as unpaid salary or, when  
34 the candidate is not salaried, as an amount not to exceed income  
35 received by the candidate for services rendered during an appropriate,  
36 corresponding time period. All lost earnings incurred shall be



1 documented and a record thereof shall be maintained by the candidate or  
2 the candidate's (~~political~~) authorized committee. The committee  
3 shall (~~include~~) maintain a copy of (~~such~~) this record (~~when its~~  
4 ~~expenditure for such reimbursement is reported pursuant to RCW~~  
5 ~~42.17.090~~) in accordance with RCW 42.17.080(6) (as recodified by this  
6 act);

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

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

11 (5) Transmit the surplus to the state treasurer for deposit in the  
12 general fund, the (~~oral history~~) Washington state legacy project,  
13 state library, and archives account under RCW 43.07.380, or the  
14 legislative international trade account under RCW (~~44.04.270~~)  
15 43.15.050, as specified by the candidate or political committee; or

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

27 (7) Hold the surplus campaign funds in a separate account for  
28 nonreimbursed public office-related expenses or as provided in this  
29 section, and report any such disposition in accordance with RCW  
30 42.17.090 (as recodified by this act). The separate account required  
31 under this subsection shall not be used for deposits of campaign funds  
32 that are not surplus.

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

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

1            NEW SECTION.        **Sec. 607.**        CANDIDATES' POLITICAL COMMITTEES--  
2 LIMITATIONS. A candidate may not knowingly establish, use, direct, or  
3 control more than one political committee for the purpose of supporting  
4 that candidate during a particular election campaign. This does not  
5 prohibit: (1) In addition to a candidate's having his or her own  
6 political committee, the candidate's participation in a political  
7 committee established to support a slate of candidates that includes  
8 the candidate; or (2) joint fund-raising efforts by candidates when a  
9 separate political committee is established for that purpose and all  
10 contributions are disbursed to and accounted for on a pro rata basis by  
11 the benefiting candidates.

12            **Sec. 608.**        RCW 42.17.125 and 1995 c 397 s 29 are each amended to  
13 read as follows:

14            Contributions received and reported in accordance with RCW  
15 42.17.060 through 42.17.090 (as recodified by this act) may only be  
16 ~~((transferred))~~ paid to ~~((the personal account of))~~ a candidate, or  
17 ~~((of))~~ a treasurer or other individual or expended for such  
18 individual's personal use under the following circumstances:

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

31            (2) Reimbursement for direct out-of-pocket election campaign and  
32 postelection campaign related expenses made by the individual. To  
33 receive reimbursement from the political committee, the individual  
34 shall provide the political committee with written documentation as to  
35 the amount, date, and description of each expense, and the political  
36 committee shall include a copy of such information when its expenditure

1 for such reimbursement is reported pursuant to RCW 42.17.090 (as  
2 recodified by this act).

3 (3) Repayment of loans made by the individual to political  
4 committees(~~(, which repayment)~~) shall be reported pursuant to RCW  
5 42.17.090 (as recodified by this act). However, contributions may not  
6 be used to reimburse a candidate for loans totaling more than (~~(three)~~)  
7 four thousand seven hundred dollars made by the candidate to the  
8 candidate's own (~~(political)~~) authorized committee (~~(or campaign)~~).

9 **Sec. 609.** RCW 42.17.660 and 2005 c 445 s 12 are each amended to  
10 read as follows:

11 For purposes of this chapter:

12 (1) A contribution by a political committee with funds that have  
13 all been contributed by one person who exercises exclusive control over  
14 the distribution of the funds of the political committee is a  
15 contribution by the controlling person.

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

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

32 **Sec. 610.** RCW 42.17.720 and 1995 c 397 s 22 are each amended to  
33 read as follows:

34 (1) A loan is considered to be a contribution from the lender and  
35 any guarantor of the loan and is subject to the contribution

1 limitations of this chapter. The full amount of the loan shall be  
2 attributed to the lender and to each guarantor.

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

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

6 (a) By a commercial lending institution;

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

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

10 **Sec. 611.** RCW 42.17.740 and 1995 c 397 s 23 are each amended to  
11 read as follows:

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

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

18 **Sec. 612.** RCW 42.17.790 and 1995 c 397 s 27 are each amended to  
19 read as follows:

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

32 (2) With the written approval of the contributor, a candidate (~~for~~  
33 ~~public office~~) or the candidate's (~~political~~) authorized committee  
34 may use or permit the use of contributions, whether or not surplus,  
35 solicited for or received by the candidate (~~for public office~~) or the  
36 candidate's (~~political~~) authorized committee from that contributor to

1 further the candidacy of the individual for an office other than the  
2 office designated on the statement of organization. If the contributor  
3 does not approve the use of his or her contribution to further the  
4 candidacy of the individual for an office other than the office  
5 designated on the statement of organization at the time of the  
6 contribution, the contribution must be considered surplus funds and  
7 disposed of in accordance with RCW 42.17.095 (as recodified by this  
8 act).

9 **Sec. 613.** RCW 42.17.680 and 2002 c 156 s 1 are each amended to  
10 read as follows:

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

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

26 (3) No employer or other person or entity responsible for the  
27 disbursement of funds in payment of wages or salaries may withhold or  
28 divert a portion of an employee's wages or salaries for contributions  
29 to political committees or for use as political contributions except  
30 upon the written request of the employee. The request must be made on  
31 a form prescribed by the commission informing the employee of the  
32 prohibition against employer and labor organization discrimination  
33 described in subsection (2) of this section. The employee may revoke  
34 the request at any time. At least annually, the employee shall be  
35 notified about the right to revoke the request.

36 (4) Each person or entity who withholds contributions under  
37 subsection (3) of this section shall maintain open for public

1 inspection for a period of no less than three years, during normal  
2 business hours, documents and books of accounts that shall include a  
3 copy of each employee's request, the amounts and dates funds were  
4 actually withheld, and the amounts and dates funds were transferred to  
5 a political committee. Copies of such information shall be delivered  
6 to the commission upon request.

7 **PART 7**

8 **PUBLIC OFFICIALS', EMPLOYEES', AND AGENCIES' CAMPAIGN**  
9 **RESTRICTIONS, PROHIBITIONS, AND REPORTING**

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

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

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

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

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

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

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

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

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

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

33 NEW SECTION. **Sec. 703.** No state-elected official or municipal  
34 officer may speak or appear in a public service announcement that is  
35 broadcast, shown, or distributed in any form whatsoever during the  
36 period beginning January 1st and continuing through the general

1 election if that official or officer is a candidate. If the official  
2 or officer does not control the broadcast, showing, or distribution of  
3 a public service announcement in which he or she speaks or appears,  
4 then the official or officer shall contractually limit the use of the  
5 public service announcement to be consistent with this section prior to  
6 participating in the public service announcement. This section does  
7 not apply to public service announcements that are part of the regular  
8 duties of the office that only mention or visually display the office  
9 or office seal or logo and do not mention or visually display the name  
10 of the official or officer in the announcement.

11 **PART 8**

12 **LOBBYING DISCLOSURE AND RESTRICTIONS**

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

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

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

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

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

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

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

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



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

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

6 (i) If the lobbyist's employer is an entity (including, but not  
7 limited to, business and trade associations) whose members include, or  
8 which as a representative entity undertakes lobbying activities for,  
9 businesses, groups, associations, or organizations, the name and  
10 address of each member of such entity or person represented by such  
11 entity whose fees, dues, payments, or other consideration paid to such  
12 entity during either of the prior two years have exceeded five hundred  
13 dollars or who is obligated to or has agreed to pay fees, dues,  
14 payments, or other consideration exceeding five hundred dollars to such  
15 entity during the current year.

16 (2) Any lobbyist who receives or is to receive compensation from  
17 more than one person for (~~his services as a lobbyist~~) lobbying shall  
18 file a separate notice of representation (~~with respect to~~) for each  
19 (~~such~~) person (~~except that where a lobbyist whose fee for acting as~~  
20 ~~such in respect to the same legislation or type of legislation is, or~~  
21 ~~is to be, paid or contributed to by more than one person then such~~  
22 ~~lobbyist may file a single statement, in which he shall detail the~~  
23 ~~name, business address and occupation of each person so paying or~~  
24 ~~contributing, and the amount of the respective payments or~~  
25 ~~contributions made by each such person~~). However, if two or more  
26 persons are jointly paying or contributing to the payment of the  
27 lobbyist, the lobbyist may file a single statement detailing the name,  
28 business address, and occupation of each person paying or contributing  
29 and the respective amounts to be paid or contributed.

30 (3) Whenever a change, modification, or termination of the  
31 lobbyist's employment occurs, the lobbyist shall (~~not~~) file with the  
32 commission an amended registration statement within one week of  
33 (~~such~~) the change, modification, or termination (~~and furnish full~~  
34 ~~information regarding the same by filing with the commission an amended~~  
35 ~~registration statement~~)).

36 (4) Each registered lobbyist (~~who has registered~~) shall file a  
37 new registration statement, revised as appropriate, on the second

1 Monday in January of each odd-numbered year(~~(, and)~~). Failure to do so  
2 (~~shall~~) terminates ((his)) the lobbyist's registration.

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

5 Each lobbyist shall at the time he or she registers submit to the  
6 commission a recent photograph of himself or herself of a size and  
7 format as determined by rule of the commission, together with the name  
8 of the lobbyist's employer, the length of his or her employment as a  
9 lobbyist before the legislature, a brief biographical description, and  
10 any other information he or she may wish to submit not to exceed fifty  
11 words in length. (~~Such~~) The photograph and information shall be  
12 published by the commission at least biennially in a booklet form (~~by~~  
13 ~~the commission~~) for distribution to legislators and the public.

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

16 The following persons and activities (~~shall be~~) are exempt from  
17 registration and reporting under RCW 42.17.150, 42.17.170, and  
18 42.17.200 (as recodified by this act):

19 (1) Persons who limit their lobbying activities to appearing before  
20 public sessions of committees of the legislature, or public hearings of  
21 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, or television and the publication  
26 or dissemination thereof by a newspaper, book publisher, regularly  
27 published periodical, radio station, or television station;

28 (4) Persons who lobby without compensation or other consideration  
29 for acting as a lobbyist(~~(+ PROVIDED, Such)~~), if the person makes no  
30 expenditure for or on behalf of any member of the legislature or  
31 elected official or public officer or employee of the state of  
32 Washington in connection with such lobbying. The exemption contained  
33 in this subsection is intended to permit and encourage citizens of this  
34 state to lobby any legislator, public official, or state agency without  
35 incurring any registration or reporting obligation provided they do not

1 exceed the limits stated above. Any person exempt under this  
2 subsection (4) may at his or her option register and report under this  
3 chapter;

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

17 (6) The governor;

18 (7) The lieutenant governor;

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

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

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

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

29 (1) Any lobbyist registered under RCW 42.17.150 (as recodified by  
30 this act) and any person who lobbies shall file with the commission  
31 (~~periodic~~) monthly reports of his or her lobbying activities (~~signed~~  
32 ~~by the lobbyist~~). The reports shall be made in the form and manner  
33 prescribed by the commission and must be signed by the lobbyist.  
34 (~~They shall be due monthly and~~) The monthly report shall be filed  
35 within fifteen days after the last day of the calendar month covered by  
36 the report.

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

1 (a) The totals of all expenditures for lobbying activities made or  
2 incurred by ~~((such))~~ the lobbyist or on behalf of ~~((such))~~ the lobbyist  
3 by the lobbyist's employer during the period covered by the report.  
4 ~~((Such))~~ Expenditure totals for lobbying activities shall be segregated  
5 according to financial category, including compensation; food and  
6 refreshments; living accommodations; advertising; travel;  
7 contributions; and other expenses or services. Each individual  
8 expenditure of more than twenty-five dollars for entertainment shall be  
9 identified by date, place, amount, and the names of all persons ~~((in~~  
10 ~~the group partaking in or of such))~~ taking part in the entertainment,  
11 along with the dollar amount attributable to each person, including  
12 ~~((any portion thereof attributable to))~~ the lobbyist's ~~((participation~~  
13 ~~therein, and shall include amounts actually expended on each person~~  
14 ~~where calculable, or allocating any portion of the expenditure to~~  
15 ~~individual participants.~~

16 Notwithstanding the foregoing, lobbyists are not required to report  
17 the following:

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

20 ~~(ii) Any expenses incurred for his or her own living~~  
21 ~~accommodations;~~

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

24 ~~(iv) Any expenses incurred for telephone, and any office expenses,~~  
25 ~~including rent and salaries and wages paid for staff and secretarial~~  
26 ~~assistance)) portion.~~

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

30 (c) An itemized listing of each ~~((such expenditure))~~ contribution  
31 of money or of tangible or intangible personal property, whether  
32 contributed by the lobbyist personally or delivered or transmitted by  
33 the lobbyist, ~~((in the nature of a contribution of money or of tangible~~  
34 ~~or intangible personal property))~~ to any candidate, elected official,  
35 or officer or employee of any agency, or any political committee  
36 supporting or opposing any ballot proposition, or for or on behalf of  
37 any candidate, elected official, or officer or employee of any agency,  
38 or any political committee supporting or opposing any ballot

1 proposition. All contributions made to, or for the benefit of, any  
2 candidate, elected official, or officer or employee of any agency, or  
3 any political committee supporting or opposing any ballot proposition  
4 shall be identified by date, amount, and the name of the candidate,  
5 elected official, or officer or employee of any agency, or any  
6 political committee supporting or opposing any ballot proposition  
7 receiving, or to be benefited by each such contribution.

8 (d) The subject matter of proposed legislation or other legislative  
9 activity or rule((-)) making under chapter 34.05 RCW, the state  
10 administrative procedure act, and the state agency considering the  
11 same, which the lobbyist has been engaged in supporting or opposing  
12 during the reporting period, unless exempt under RCW 42.17.160(2) (as  
13 recodified by this act).

14 (~~e~~) (~~((Such other information relevant to lobbying activities as the~~  
15 ~~commission shall by rule prescribe. Information supporting such~~  
16 ~~activities as are required to be reported is subject to audit by the~~  
17 ~~commission.~~

18 (~~f~~)) A listing of each payment for an item specified in RCW  
19 42.52.150(5) in excess of fifty dollars and each item specified in RCW  
20 42.52.010(~~(+9)~~) (10) (d) and (f) made to a state elected official,  
21 state officer, or state employee. Each item shall be identified by  
22 recipient, date, and approximate value of the item.

23 (~~(+g)~~) (f) The total expenditures (~~(made)~~) paid or incurred during  
24 the reporting period by the lobbyist for lobbying purposes, whether  
25 through or on behalf of a lobbyist or otherwise(~~(. As used in this~~  
26 ~~subsection, "expenditures" includes amounts paid or incurred during the~~  
27 ~~reporting period)), for (i) political advertising as defined in RCW  
28 42.17.020 (as recodified by this act); and (ii) public relations,  
29 telemarketing, polling, or similar activities if (~~(such)~~) the  
30 activities, directly or indirectly, are intended, designed, or  
31 calculated to influence legislation or the adoption or rejection of a  
32 rule, standard, or rate by an agency under the administrative procedure  
33 act. The report shall specify the amount, the person to whom the  
34 amount was paid, and a brief description of the activity.~~

35 (3) (~~(If a state elected official or a member of such an official's~~  
36 ~~immediate family is identified by a lobbyist in such a report as having~~  
37 ~~received from the lobbyist an item specified in RCW 42.52.150(5) or~~  
38 ~~42.52.010(9) (d) or (f), the lobbyist shall transmit to the official a~~

1 ~~copy of the completed form used to identify the item in the report at~~  
2 ~~the same time the report is filed with the commission)) Lobbyists are  
3 not required to report the following:~~

4 (a) Unreimbursed personal living and travel expenses not incurred  
5 directly for lobbying;

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

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

9 (d) Any expenses incurred for telephone, and any office expenses,  
10 including rent and salaries and wages paid for staff and secretarial  
11 assistance.

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

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

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

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

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

31 Any lobbyist registered under RCW 42.17.150 (as recodified by this  
32 act), any person who lobbies, and any lobbyist's employer making a  
33 contribution or an aggregate of contributions to a single entity that  
34 is one thousand dollars or more during a special reporting period, as  
35 specified in RCW 42.17.105 (as recodified by this act), before a  
36 primary or general election(~~(, as such period is specified in RCW~~

1 ~~42.17.105(1),~~) shall file one or more special reports (~~for the~~  
2 ~~contribution or aggregate of contributions and for subsequent~~  
3 ~~contributions made during that period under the same circumstances~~) in  
4 the same manner and to the same extent that a contributing political  
5 committee must file (~~such a report or reports~~) under RCW 42.17.105  
6 (as recodified by this act). (~~Such a special report shall be filed in~~  
7 ~~the same manner provided under RCW 42.17.105 for a special report of a~~  
8 ~~contributing political committee.~~)

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

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

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

32 (b) The name of each state elected official, successful candidate  
33 for state office, or members of his or her immediate family to whom the  
34 person reporting made expenditures, directly or indirectly, either  
35 through a lobbyist or otherwise, the amount of the expenditures and the  
36 purpose for the expenditures. For the purposes of this subsection,  
37 (~~the term~~) "expenditure" shall not include any expenditure made by

1 the employer in the ordinary course of business if the expenditure is  
2 not made for the purpose of influencing, honoring, or benefiting the  
3 elected official, successful candidate, or member of his immediate  
4 family, as an elected official or candidate.

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

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

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

16 (f) The names, offices sought, and party affiliations of candidates  
17 for state offices supported or opposed by independent expenditures of  
18 the person reporting and the amount of each such 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) (~~Such~~) Any other information (~~as~~) the commission prescribes  
24 by rule.

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

37 (b) The provisions of (a) of this subsection do not apply to a



1 contribution (~~which~~) that is made through a registered lobbyist and  
2 reportable under RCW 42.17.170 (as recodified by this act).

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

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

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

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

35 (4) No elective official or any employee of his or her office or  
36 any person appointed to or employed by any public office or agency may  
37

1 use or authorize the use of any of the facilities of a public office or  
2 agency, directly or indirectly, in any effort to support or oppose an  
3 initiative to the legislature. "Facilities of a public office or  
4 agency" has the same meaning as in RCW 42.17.130 (as recodified by this  
5 act) and 42.52.180. The provisions of this subsection shall not apply  
6 to the following activities:

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

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

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

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

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

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

29 (b) The name, title, and job description and salary of each elected  
30 official, officer, or employee who lobbied, a general description of  
31 the nature of the lobbying, and the proportionate amount of time spent  
32 on the lobbying;

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

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

1 (i) Requests for appropriations by a state agency to the office of  
2 financial management pursuant to chapter 43.88 RCW nor requests by the  
3 office of financial management to the legislature for appropriations  
4 other than its own agency budget requests;

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

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

11 (iv) Requests, recommendations, or other communication between or  
12 within state agencies or between or within local agencies;

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

14 (A) Telephone conversations or preparation of written  
15 correspondence;

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

28 (C) Preparation or adoption of policy positions.

29 The statements shall be in the form and the manner prescribed by  
30 the commission and shall be filed within one month after the end of the  
31 quarter covered by the report.

32 (6) In lieu of reporting under subsection (5) of this section, any  
33 county, city, town, municipal corporation, quasi municipal corporation,  
34 or special purpose district may determine and so notify the public  
35 disclosure commission(~~(7)~~) that elected officials, officers, or  
36 employees who, on behalf of any such local agency, engage in lobbying  
37 reportable under subsection (5) of this section shall register and  
38 report such reportable lobbying in the same manner as a lobbyist who is

1 required to register and report under RCW 42.17.150 and 42.17.170 (as  
2 recodified by this act). Each such local agency shall report as a  
3 lobbyist employer pursuant to RCW 42.17.180 (as recodified by this  
4 act).

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

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

19 The public disclosure commission may adopt rules clarifying and  
20 implementing this legislative interpretation and policy.

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

23 (1) Any person who has made expenditures, not reported by a  
24 registered lobbyist under RCW 42.17.170 (as recodified by this act) or  
25 by a candidate or political committee under RCW 42.17.065 or 42.17.080  
26 (as recodified by this act), exceeding (~~((five hundred))~~) one thousand  
27 dollars in the aggregate within any three-month period or exceeding  
28 (~~((two))~~) five hundred dollars in the aggregate within any one-month  
29 period in presenting a program (~~((addressed))~~) to the public, a  
30 substantial portion of which is intended, designed, or calculated  
31 primarily to influence legislation shall (~~((be required to))~~) register  
32 and report, as provided in subsection (2) of this section, as a sponsor  
33 of a grass roots lobbying campaign.

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

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

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

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

11 (d) The purpose of the campaign, including the specific  
12 legislation, rules, rates, standards, or proposals that are the subject  
13 matter of the campaign;

14 (e) The totals of all expenditures made or incurred to date on  
15 behalf of the campaign(~~(, which totals shall be)~~) segregated according  
16 to financial category, including but not limited to the following:  
17 Advertising, segregated by media, and in the case of large expenditures  
18 (as provided by rule of the commission), by outlet; contributions;  
19 entertainment, including food and refreshments; office expenses  
20 including rent and the salaries and wages paid for staff and  
21 secretarial assistance, or the proportionate amount (~~(thereof)~~) paid or  
22 incurred for lobbying campaign activities; consultants; and printing  
23 and mailing expenses.

24 (3) Every sponsor who has registered under this section shall file  
25 monthly reports with the commission(~~(, which reports shall be filed)~~)  
26 by the tenth day of the month for the activity during the preceding  
27 month. The reports shall update the information contained in the  
28 sponsor's registration statement and in prior reports and shall show  
29 contributions received and totals of expenditures made during the  
30 month, in the same manner as provided for in the registration  
31 statement.

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

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

3       If any person registered or required to be registered as a lobbyist  
4 ~~((under this chapter employs)), or ((if)) any employer of any person~~  
5 registered or required to be registered as a lobbyist ~~((under this~~  
6 ~~chapter)), employs ((any)) a member or an employee of the legislature,~~  
7 ~~((or any)) a member of ((any)) a state board or commission, ((or any~~  
8 ~~employee of the legislature,)) or ((any)) a full-time state employee,~~  
9 ~~((if such)) and that new employee ~~((shall)) remains~~ in the partial  
10 employ of the state ~~((or any agency thereof, then)),~~ the new employer  
11 ~~((shall)) must file within fifteen days after employment a statement~~  
12 ~~((under oath)) with the commission, signed under oath, setting out the~~  
13 nature of the employment, the name of the person ~~((to be paid~~  
14 ~~thereunder)) employed, and the amount of pay or consideration ~~((to be~~  
15 ~~paid thereunder. The statement shall be filed within fifteen days~~  
16 ~~after the commencement of such employment)).~~~~~~

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

19       It ~~((shall be))~~ is a violation of this chapter for any person to  
20 employ for pay or any consideration, or pay or agree to pay any  
21 consideration to, a person to lobby who is not registered under this  
22 chapter except upon the condition that such a person must register as  
23 a lobbyist as provided by this chapter~~((, and such person does in fact~~  
24 ~~so register as soon as practicable)).~~

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

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

33       ~~(1) Such persons shall obtain and preserve all))~~ RCW 42.17.150 (as  
34 recodified by this act) shall substantiate financial reports required  
35 to be made under this chapter with accounts, bills, receipts, books,  
36 papers, and other necessary documents ~~((necessary to substantiate the~~

1 ~~financial reports required to be made under this chapter)).~~ All such  
2 documents must be obtained and preserved for a period of at least five  
3 years from the date of ~~((the))~~ filing ~~((of))~~ the statement containing  
4 such items ~~((, which accounts, bills, receipts, books, papers, and~~  
5 ~~documents))~~ and shall be made available for inspection by the  
6 commission at any time ~~((: PROVIDED, That if a lobbyist is required~~  
7 ~~under)).~~ If the terms of ~~((his))~~ the lobbyist's employment contract  
8 ~~((to turn any))~~ require that these records be turned over to his or her  
9 employer, responsibility for the preservation and inspection of  
10 ~~((such))~~ these records under this subsection shall ~~((rest))~~ be with  
11 such employer.

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

14 (a) Engage in any lobbying activity ~~((as a lobbyist))~~ before  
15 registering as ~~((such))~~ a lobbyist;

16 (b) Knowingly deceive or attempt to deceive ~~((any))~~ a legislator  
17 ~~((as to any fact))~~ regarding the facts pertaining to any pending or  
18 proposed legislation;

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

22 (d) Knowingly represent an interest adverse to ~~((any of))~~ his or  
23 her employer ~~((s))~~ without ~~((first))~~ full disclosure of the adverse  
24 interest to the employer and obtaining ~~((such))~~ the employer's written  
25 consent ~~((thereto after full disclosure to such employer of such~~  
26 ~~adverse interest))~~;

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

31 (f) Enter into any agreement, arrangement, or understanding  
32 ~~((according to which his or her))~~ in which any portion of his or her  
33 compensation ~~((, or any portion thereof,))~~ is or will be contingent upon  
34 ~~((the))~~ his or her success ~~((of any attempt to influence))~~ in  
35 influencing legislation.

36 (3) A violation by a lobbyist of this section shall be cause for  
37 revocation of his or her registration, and may subject the lobbyist and

1 the lobbyist's employer, if the employer aids, abets, ratifies, or  
2 confirms the violation, to other civil liabilities as provided by this  
3 chapter.

4 **PART 9**

5 **PERSONAL FINANCIAL AFFAIRS REPORTING**

6 **BY CANDIDATES AND PUBLIC OFFICIALS**

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

9 (1) After January 1st and before April 15th of each year, every  
10 elected official and every executive state officer shall ~~((after~~  
11 ~~January 1st and before April 15th of each year))~~ file with the  
12 commission a statement of financial affairs for the preceding calendar  
13 year. However, any local elected official whose term of office  
14 ~~((expires immediately after))~~ ends on December 31st shall file the  
15 statement required to be filed by this section for the final year  
16 ~~((that ended on that December 31st))~~ of his or her term.

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

20 (3) Within two weeks of appointment, every person appointed to a  
21 vacancy in an elective office or executive state officer position shall  
22 ~~((within two weeks of being so appointed))~~ file with the commission a  
23 statement of financial affairs for the preceding twelve months.

24 (4) A statement of a candidate or appointee filed during the period  
25 from January 1st to April 15th shall cover the period from January 1st  
26 of the preceding calendar year to the time of candidacy or appointment  
27 if the filing of the statement would relieve the individual of a prior  
28 obligation to file a statement covering the entire preceding calendar  
29 year.

30 (5) No individual may be required to file more than once in any  
31 calendar year.

32 (6) Each statement of financial affairs filed under this section  
33 shall be sworn as to its truth and accuracy.

34 (7) Every elected official and every executive state officer shall  
35 file with their statement of financial affairs a statement certifying



1 that they have read and are familiar with RCW 42.17.130 (as recodified  
2 by this act) or 42.52.180, whichever is applicable.

3 (8) For the purposes of this section, the term "executive state  
4 officer" includes those listed in RCW 42.17.2401.

5 (9) This section does not apply to incumbents or candidates for a  
6 federal office or the office of precinct committee officer.

7 **Sec. 902.** RCW 42.17.2401 and 2009 c 565 s 24 are each amended to  
8 read as follows:

9 For the purposes of RCW 42.17.240 (as recodified by this act),  
10 (~~the term~~) "executive state officer" includes:

11 (1) The chief administrative law judge, the director of  
12 agriculture, (~~the administrator of the Washington basic health plan,~~)  
13 the director of the department of services for the blind, the director  
14 of the state system of community and technical colleges, the director  
15 of commerce, the secretary of corrections, the director of early  
16 learning, the director of ecology, the commissioner of employment  
17 security, the chair of the energy facility site evaluation council, the  
18 secretary of the state finance committee, the director of financial  
19 management, the director of fish and wildlife, the executive secretary  
20 of the forest practices appeals board, the director of the gambling  
21 commission, the director of general administration, the secretary of  
22 health, the administrator of the Washington state health care  
23 authority, the executive secretary of the health care facilities  
24 authority, the executive secretary of the higher education facilities  
25 authority, the executive secretary of the horse racing commission, the  
26 executive secretary of the human rights commission, the executive  
27 secretary of the indeterminate sentence review board, the director of  
28 the department of information services, the executive director of the  
29 state investment board, the director of labor and industries, the  
30 director of licensing, the director of the lottery commission, the  
31 director of the office of minority and women's business enterprises,  
32 the director of parks and recreation, the director of personnel, the  
33 executive director of the public disclosure commission, the executive  
34 director of the Puget Sound partnership, the director of the recreation  
35 and conservation office, the director of retirement systems, the  
36 director of revenue, the secretary of social and health services, the  
37 chief of the Washington state patrol, the executive secretary of the

1 board of tax appeals, the secretary of transportation, the secretary of  
2 the utilities and transportation commission, the director of veterans  
3 affairs, the president of each of the regional and state universities  
4 and the president of The Evergreen State College, and each district and  
5 each campus president of each state community college;

6 (2) Each professional staff member of the office of the governor;

7 (3) Each professional staff member of the legislature; and

8 (4) Central Washington University board of trustees, the boards of  
9 trustees of each community college and each technical college, each  
10 member of the state board for community and technical colleges, state  
11 convention and trade center board of directors, (~~committee for~~  
12 ~~deferred compensation,~~) Eastern Washington University board of  
13 trustees, Washington economic development finance authority, The  
14 Evergreen State College board of trustees, executive ethics board,  
15 forest practices appeals board, forest practices board, gambling  
16 commission, life sciences discovery fund authority board of trustees,  
17 Washington health care facilities authority, (~~each member of the~~  
18 ~~Washington health services commission,~~) higher education coordinating  
19 board, higher education facilities authority, horse racing commission,  
20 state housing finance commission, human rights commission,  
21 indeterminate sentence review board, board of industrial insurance  
22 appeals, information services board, (~~recreation and conservation~~  
23 ~~funding board,~~) state investment board, commission on judicial  
24 conduct, legislative ethics board, liquor control board, lottery  
25 commission, (~~marine oversight board,~~) Pacific Northwest electric  
26 power and conservation planning council, parks and recreation  
27 commission, board of pilotage commissioners, pollution control hearings  
28 board, public disclosure commission, (~~public pension commission,~~)  
29 shorelines hearings board, public employees' benefits board, recreation  
30 and conservation funding board, salmon recovery funding board, board of  
31 tax appeals, transportation commission, University of Washington board  
32 of regents, utilities and transportation commission, (~~Washington state~~  
33 ~~maritime commission,~~) Washington personnel resources board, Washington  
34 (~~public power supply system~~) energy northwest executive board,  
35 Washington State University board of regents, Western Washington  
36 University board of trustees, and fish and wildlife commission.

1       **Sec. 903.** RCW 42.17.241 and 2008 c 6 s 202 are each amended to  
2 read as follows:

3       (1) The statement of financial affairs required by RCW 42.17.240  
4 (as recodified by this act) shall disclose the following information  
5 for the reporting individual and each member of his or her immediate  
6 family:

7       (a) Occupation, name of employer, and business address; ~~((and))~~

8       (b) Each bank ~~((or))~~ account, savings account ~~((or))~~, and insurance  
9 policy in which ~~((any such person or persons owned))~~ a direct financial  
10 interest ~~((that exceeded five))~~ was held that exceeds twenty thousand  
11 dollars at any time during the reporting period; each other item of  
12 intangible personal property in which ~~((any such person or persons~~  
13 ~~owned))~~ a direct financial interest~~((, the value of which exceeded five~~  
14 ~~hundred))~~ was held that exceeds two thousand dollars during the  
15 reporting period; the name, address, and nature of the entity; and the  
16 nature and highest value of each ~~((such))~~ direct financial interest  
17 during the reporting period; ~~((and))~~

18       (c) The name and address of each creditor to whom the value of  
19 ~~((five hundred))~~ two thousand dollars or more was owed; the original  
20 amount of each debt to each ~~((such))~~ creditor; the amount of each debt  
21 owed to each creditor as of the date of filing; the terms of repayment  
22 of each ~~((such))~~ debt; and the security given, if any, for each such  
23 debt~~((: PROVIDED, That))~~. Debts arising ((out of)) from a "retail  
24 installment transaction" as defined in chapter 63.14 RCW (retail  
25 installment sales act) need not be reported; ~~((and))~~

26       (d) Every public or private office, directorship, and position held  
27 as trustee; ~~((and))~~

28       (e) All persons for whom any legislation, rule, rate, or standard  
29 has been prepared, promoted, or opposed for current or deferred  
30 compensation~~((: PROVIDED, That))~~. For the purposes of this  
31 subsection, "compensation" does not include payments made to the person  
32 reporting by the governmental entity for which ~~((such))~~ the person  
33 serves as an elected official or state executive officer or  
34 professional staff member for his or her service in office; the  
35 description of such actual or proposed legislation, rules, rates, or  
36 standards; and the amount of current or deferred compensation paid or  
37 promised to be paid; ~~((and))~~

1 (f) The name and address of each governmental entity, corporation,  
2 partnership, joint venture, sole proprietorship, association, union, or  
3 other business or commercial entity from whom compensation has been  
4 received in any form of a total value of (~~(five hundred)~~) two thousand  
5 dollars or more; the value of the compensation; and the consideration  
6 given or performed in exchange for the compensation; (~~and~~)

7 (g) The name of any corporation, partnership, joint venture,  
8 association, union, or other entity in which is held any office,  
9 directorship, or any general partnership interest, or an ownership  
10 interest of ten percent or more; the name or title of that office,  
11 directorship, or partnership; the nature of ownership interest; and  
12 (~~with respect to each such entity~~): (i) With respect to a  
13 governmental unit in which the official seeks or holds any office or  
14 position, if the entity has received compensation in any form during  
15 the preceding twelve months from the governmental unit, the value of  
16 the compensation and the consideration given or performed in exchange  
17 for the compensation; and (ii) the name of each governmental unit,  
18 corporation, partnership, joint venture, sole proprietorship,  
19 association, union, or other business or commercial entity from which  
20 the entity has received compensation in any form in the amount of (~~two~~  
21 ~~thousand five hundred~~) ten thousand dollars or more during the  
22 preceding twelve months and the consideration given or performed in  
23 exchange for the compensation(~~(: PROVIDED, That the term)~~). As used  
24 in (g)(ii) of this subsection, "compensation" (~~for purposes of this~~  
25 ~~subsection (1)(g)(ii)~~) does not include payment for water and other  
26 utility services at rates approved by the Washington state utilities  
27 and transportation commission or the legislative authority of the  
28 public entity providing the service(~~(: PROVIDED, FURTHER, That)~~).  
29 With respect to any bank or commercial lending institution in which is  
30 held any office, directorship, partnership interest, or ownership  
31 interest, it shall only be necessary to report either the name,  
32 address, and occupation of every director and officer of the bank or  
33 commercial lending institution and the average monthly balance of each  
34 account held during the preceding twelve months by the bank or  
35 commercial lending institution from the governmental entity for which  
36 the individual is an official or candidate or professional staff  
37 member, or all interest paid by a borrower on loans from and all

1 interest paid to a depositor by the bank or commercial lending  
2 institution if the interest exceeds (~~(six)~~) two thousand four hundred  
3 dollars; (~~and~~)

4 (h) 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 (~~(two thousand five~~  
7 ~~hundred)~~) ten thousand dollars in which any direct financial interest  
8 was acquired during the preceding calendar year, and a statement of the  
9 amount and nature of the financial interest and of the consideration  
10 given in exchange for that interest; (~~and~~)

11 (i) 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 (~~(two thousand five~~  
14 ~~hundred)~~) ten thousand dollars in which any direct financial interest  
15 was divested during the preceding calendar year, and a statement of the  
16 amount and nature of the consideration received in exchange for that  
17 interest, and the name and address of the person furnishing the  
18 consideration; (~~and~~)

19 (j) A list, including legal or other sufficient descriptions as  
20 prescribed by the commission, of all real property in the state of  
21 Washington, the assessed valuation of which exceeds (~~(two thousand five~~  
22 ~~hundred)~~) ten thousand dollars in which a direct financial interest was  
23 held(~~(:—PROVIDED, That)~~). If a description of the property has been  
24 included in a report previously filed, the property may be listed, for  
25 purposes of this ((provision)) subsection (1)(j), by reference to the  
26 previously filed report; (~~and~~)

27 (k) A list, including legal or other sufficient descriptions as  
28 prescribed by the commission, of all real property in the state of  
29 Washington, the assessed valuation of which exceeds (~~(five)~~) twenty  
30 thousand dollars, in which a corporation, partnership, firm,  
31 enterprise, or other entity had a direct financial interest, in which  
32 corporation, partnership, firm, or enterprise a ten percent or greater  
33 ownership interest was held; (~~and~~)

34 (l) A list of each occasion, specifying date, donor, and amount, at  
35 which food and beverage in excess of fifty dollars was accepted under  
36 RCW 42.52.150(5); (~~and~~)

37 (m) A list of each occasion, specifying date, donor, and amount, at

1 which items specified in RCW 42.52.010(10) (d) and (f) were accepted;  
2 and

3 (n) Such other information as the commission may deem necessary in  
4 order to properly carry out the purposes and policies of this chapter,  
5 as the commission shall prescribe by rule.

6 (2) Where an amount is required to be reported under subsection  
7 (1)(a) through (m) of this section, it shall be sufficient to comply  
8 with the requirement to report whether the amount is less than (~~one~~)  
9 four thousand dollars, at least (~~one~~) four thousand dollars but less  
10 than (~~five~~) twenty thousand dollars, at least (~~five~~) twenty  
11 thousand dollars but less than (~~ten~~) forty thousand dollars, at least  
12 (~~ten~~) forty thousand dollars but less than (~~twenty-five~~) one  
13 hundred thousand dollars, or (~~twenty-five~~) one hundred thousand  
14 dollars or more. An amount of stock may be reported by number of  
15 shares instead of by market value. No provision of this subsection may  
16 be interpreted to prevent any person from filing more information or  
17 more detailed information than required.

18 (3) Items of value given to an official's or employee's spouse,  
19 domestic partner, or family member are attributable to the official or  
20 employee, except the item is not attributable if an independent  
21 business, family, or social relationship exists between the donor and  
22 the spouse, domestic partner, or family member.

23 **Sec. 904.** RCW 42.17.242 and 1977 ex.s. c 336 s 4 are each amended  
24 to read as follows:

25 No payment shall be made to any person required to report under RCW  
26 42.17.240 (as recodified by this act) and no payment shall be accepted  
27 by any such person, directly or indirectly, in a fictitious name,  
28 anonymously, or by one person through an agent, relative, or other  
29 person in such a manner as to conceal the identity of the source of the  
30 payment or in any other manner so as to effect concealment (~~except~~  
31 ~~that~~). The commission may issue categorical and specific exemptions  
32 to the reporting of the actual source when there is an undisclosed  
33 principal for recognized legitimate business purposes.

34 **PART 10**  
35 **ENFORCEMENT**

1       **Sec. 1001.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to  
2 read as follows:

3       One or more of the following civil remedies and sanctions may be  
4 imposed by court order in addition to any other remedies provided by  
5 law:

6       (1) If the court finds that the violation of any provision of this  
7 chapter by any candidate or political committee probably affected the  
8 outcome of any election, the result of ~~((said))~~ that election may be  
9 held void and a special election held within sixty days of ~~((such))~~ the  
10 finding. Any action to void an election shall be commenced within one  
11 year of the date of the election in question. It is intended that this  
12 remedy be imposed freely in all appropriate cases to protect the right  
13 of the electorate to an informed and knowledgeable vote.

14       (2) If any lobbyist or sponsor of any grass roots lobbying campaign  
15 violates any of the provisions of this chapter, his or her registration  
16 may be revoked or suspended and he or she may be enjoined from  
17 receiving compensation or making expenditures for lobbying(~~(+~~  
18 ~~PROVIDED, HOWEVER, That))~~). The imposition of ~~((such))~~ a sanction shall  
19 not excuse ~~((said))~~ the lobbyist from filing statements and reports  
20 required by this chapter.

21       (3) ~~((Any))~~ A person who violates any of the provisions of this  
22 chapter may be subject to a civil penalty of not more than ten thousand  
23 dollars for each ~~((such))~~ violation. However, a person or entity who  
24 violates RCW 42.17.640 (as recodified by this act) may be subject to a  
25 civil penalty of ten thousand dollars or three times the amount of the  
26 contribution illegally made or accepted, whichever is greater.

27       (4) ~~((Any))~~ A person who fails to file a properly completed  
28 statement or report within the time required by this chapter may be  
29 subject to a civil penalty of ten dollars per day for each day each  
30 ~~((such))~~ delinquency continues.

31       (5) ~~((Any))~~ A person who fails to report a contribution or  
32 expenditure as required by this chapter may be subject to a civil  
33 penalty equivalent to the amount not reported as required.

34       (6) The court may enjoin any person to prevent the doing of any act  
35 herein prohibited, or to compel the performance of any act required  
36 herein.

1           **Sec. 1002.** RCW 42.17.395 and 2006 c 315 s 3 are each amended to  
2 read as follows:

3           (1) The commission may (a) determine whether an actual violation of  
4 this chapter has occurred; and (b) issue and enforce an appropriate  
5 order following such a determination.

6           (2) The commission, in cases where it chooses to determine whether  
7 an actual violation has occurred, shall hold a hearing pursuant to the  
8 administrative procedure act, chapter 34.05 RCW, to make (~~such~~) a  
9 determination. Any order that the commission issues under this section  
10 shall be pursuant to such a hearing.

11           (3) In lieu of holding a hearing or issuing an order under this  
12 section, the commission may refer the matter to the attorney general or  
13 other enforcement agency as provided in RCW 42.17.360 (as recodified by  
14 this act).

15           (4) The person against whom an order is directed under this section  
16 shall be designated as the respondent. The order may require the  
17 respondent to cease and desist from the activity that constitutes a  
18 violation and in addition, or alternatively, may impose one or more of  
19 the remedies provided in RCW 42.17.390 (2) through (5) (as recodified  
20 by this act). No individual penalty assessed by the commission may  
21 exceed one thousand seven hundred dollars, and in any case where  
22 multiple violations are involved in a single complaint or hearing, the  
23 maximum aggregate penalty may not exceed four thousand two hundred  
24 dollars.

25           (5) An order issued by the commission under this section shall be  
26 subject to judicial review under the administrative procedure act,  
27 chapter 34.05 RCW. If the commission's order is not satisfied and no  
28 petition for review is filed within thirty days (~~as provided in RCW~~  
29 ~~34.05.542~~), the commission may petition a court of competent  
30 jurisdiction of any county in which a petition for review could be  
31 filed under that section, for an order of enforcement. Proceedings in  
32 connection with the commission's petition shall be in accordance with  
33 RCW 42.17.397 (as recodified by this act).

34           **Sec. 1003.** RCW 42.17.397 and 1989 c 175 s 92 are each amended to  
35 read as follows:

36           The following procedure shall apply in all cases where the



1 commission has petitioned a court of competent jurisdiction for  
2 enforcement of any order it has issued pursuant to this chapter:

3 (1) A copy of the petition shall be served by certified mail  
4 directed to the respondent at his or her last known address. The court  
5 shall issue an order directing the respondent to appear at a time  
6 designated in the order, not less than five days from the date thereof,  
7 and show cause why the commission's order should not be enforced  
8 according to its terms.

9 (2) The commission's order shall be enforced by the court if the  
10 respondent does not appear, or if the respondent appears and the court  
11 finds, pursuant to a hearing held for that purpose:

12 (a) That the commission's order is unsatisfied; (~~and~~)

13 (b) That the order is regular on its face; and

14 (c) That the respondent's answer discloses no valid reason why the  
15 commission's order should not be enforced or that the respondent had an  
16 appropriate remedy by review under RCW 34.05.570(3) and failed to avail  
17 himself or herself of that remedy without valid excuse.

18 (3) Upon appropriate application by the respondent, the court may,  
19 after hearing and for good cause, alter, amend, revise, suspend, or  
20 postpone all or part of the commission's order. In any case where the  
21 order is not enforced by the court according to its terms, the reasons  
22 for the court's actions shall be clearly stated in writing, and  
23 (~~such~~) the action shall be subject to review by the appellate courts  
24 by certiorari or other appropriate proceeding.

25 (4) The court's order of enforcement, when entered, shall have the  
26 same force and effect as a civil judgment.

27 (5) Notwithstanding RCW 34.05.578 through 34.05.590, this section  
28 is the exclusive method for enforcing an order of the commission.

29 **Sec. 1004.** RCW 42.17.400 and 2007 c 455 s 1 are each amended to  
30 read as follows:

31 (1) The attorney general and the prosecuting authorities of  
32 political subdivisions of this state may bring civil actions in the  
33 name of the state for any appropriate civil remedy, including but not  
34 limited to the special remedies provided in RCW 42.17.390 (as  
35 recodified by this act).

36 (2) The attorney general and the prosecuting authorities of  
37 political subdivisions of this state may investigate or cause to be

1 investigated the activities of any person who there is reason to  
2 believe is or has been acting in violation of this chapter, and may  
3 require any such person or any other person reasonably believed to have  
4 information concerning the activities of such person to appear at a  
5 time and place designated in the county in which such person resides or  
6 is found, to give such information under oath and to produce all  
7 accounts, bills, receipts, books, paper and documents which may be  
8 relevant or material to any investigation authorized under this  
9 chapter.

10 (3) When the attorney general or the prosecuting authority of any  
11 political subdivision of this state requires the attendance of any  
12 person to obtain such information or (~~the production of~~) produce the  
13 accounts, bills, receipts, books, papers, and documents (~~which~~) that  
14 may be relevant or material to any investigation authorized under this  
15 chapter, he or she shall issue an order setting forth the time when and  
16 the place where attendance is required and shall cause the same to be  
17 delivered to or sent by registered mail to the person at least fourteen  
18 days before the date fixed for attendance. (~~Such~~) The order shall  
19 have the same force and effect as a subpoena, shall be effective  
20 statewide, and, upon application of the attorney general or (~~said~~)  
21 the prosecuting authority, obedience to the order may be enforced by  
22 any superior court judge in the county where the person receiving it  
23 resides or is found, in the same manner as though the order were a  
24 subpoena. The court, after hearing, for good cause, and upon  
25 application of any person aggrieved by the order, shall have the right  
26 to alter, amend, revise, suspend, or postpone all or any part of its  
27 provisions. In any case where the order is not enforced by the court  
28 according to its terms, the reasons for the court's actions shall be  
29 clearly stated in writing, and (~~such~~) the action shall be subject to  
30 review by the appellate courts by certiorari or other appropriate  
31 proceeding.

32 (4) (~~Any~~) A person who has notified the attorney general and the  
33 prosecuting attorney in the county in which the violation occurred in  
34 writing that there is reason to believe that some provision of this  
35 chapter is being or has been violated may himself or herself bring in  
36 the name of the state any of the actions (hereinafter referred to as a  
37 citizen's action) authorized under this chapter.

38 (a) This citizen action may be brought only if:

1 (i) The attorney general and the prosecuting attorney have failed  
2 to commence an action hereunder within forty-five days after ~~((such))~~  
3 the notice;

4 (ii) ~~((Such))~~ The person has thereafter further notified the  
5 attorney general and prosecuting attorney that ~~((said))~~ the person will  
6 commence a citizen's action within ten days upon their failure ~~((so))~~  
7 to do so;

8 (iii) The attorney general and the prosecuting attorney have in  
9 fact failed to bring such action within ten days of receipt of said  
10 second notice; and

11 (iv) The citizen's action is filed within two years after the date  
12 when the alleged violation occurred.

13 (b) If the person who brings the citizen's action prevails, the  
14 judgment awarded shall escheat to the state, but he or she shall be  
15 entitled to be reimbursed by the state of Washington for costs and  
16 ~~((attorney's))~~ attorneys' fees he or she has incurred~~((:—PROVIDED,~~  
17 ~~That)).~~ In the case of a citizen's action ~~((which))~~ that is dismissed  
18 and ~~((which))~~ that the court also finds was brought without reasonable  
19 cause, the court may order the person commencing the action to pay all  
20 costs of trial and reasonable ~~((attorney's))~~ attorneys' fees incurred  
21 by the defendant.

22 (5) In any action brought under this section, the court may award  
23 to the state all costs of investigation and trial, including ~~((a))~~  
24 reasonable ~~((attorney's))~~ attorneys' fees to be fixed by the court. If  
25 the violation is found to have been intentional, the amount of the  
26 judgment, which shall for this purpose include the costs, may be  
27 trebled as punitive damages. If damages or trebled damages are awarded  
28 in such an action brought against a lobbyist, the judgment may be  
29 awarded against the lobbyist, and the lobbyist's employer or employers  
30 joined as defendants, jointly, severally, or both. If the defendant  
31 prevails, he or she shall be awarded all costs of trial, and may be  
32 awarded ~~((a))~~ reasonable ~~((attorney's))~~ attorneys' fees to be fixed by  
33 the court to be paid by the state of Washington.

34 **Sec. 1005.** RCW 42.56.010 and 2007 c 197 s 1 are each amended to  
35 read as follows:

36 The definitions in this section apply throughout this chapter  
37 unless the context clearly requires otherwise.

1 (1) "Agency" includes all state agencies and all local agencies.  
2 "State agency" includes every state office, department, division,  
3 bureau, board, commission, or other state agency. "Local agency"  
4 includes every county, city, town, municipal corporation, quasi-  
5 municipal corporation, or special purpose district, or any office,  
6 department, division, bureau, board, commission, or agency thereof, or  
7 other local public agency.

8 (2) "Person in interest" means the person who is the subject of a  
9 record or any representative designated by that person, except that if  
10 that person is under a legal disability, "person in interest" means and  
11 includes the parent or duly appointed legal representative.

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

24 ((+3)) (4) "Writing" means handwriting, typewriting, printing,  
25 photostating, photographing, and every other means of recording any  
26 form of communication or representation including, but not limited to,  
27 letters, words, pictures, sounds, or symbols, or combination thereof,  
28 and all papers, maps, magnetic or paper tapes, photographic films and  
29 prints, motion picture, film and video recordings, magnetic or punched  
30 cards, discs, drums, diskettes, sound recordings, and other documents  
31 including existing data compilations from which information may be  
32 obtained or translated.

33 **PART 11**

34 **MISCELLANEOUS PROVISIONS**

35 NEW SECTION. **Sec. 1101.** When RCW 42.17.2401 (as recodified by

1 this act) is codified, the code reviser shall arrange the names of the  
2 agencies in each subsection in alphabetical order, arranged according  
3 to the first distinctive word of each agency's name.

4 NEW SECTION. **Sec. 1102.** The following sections are recodified as  
5 a new chapter in Title 42 RCW, to be codified as chapter 42.17A RCW, in  
6 the following order with the following subchapter headings:

7 GENERAL PROVISIONS

8 RCW 42.17.010

9 RCW 42.17.020

10 RCW 42.17.035

11 RCW 42.17.440

12 ELECTRONIC ACCESS

13 RCW 42.17.367

14 RCW 42.17.369

15 RCW 42.17.460

16 RCW 42.17.461

17 RCW 42.17.463

18 ADMINISTRATION

19 RCW 42.17.350

20 RCW 42.17.360

21 RCW 42.17.370

22 Section 304 of this act

23 RCW 42.17.690

24 RCW 42.17.380

25 RCW 42.17.405

26 RCW 42.17.420

27 RCW 42.17.430

28 RCW 42.17.450

29 CAMPAIGN FINANCE REPORTING

30 RCW 42.17.030

31 RCW 42.17.040

32 RCW 42.17.050

33 Section 404 of this act

34 RCW 42.17.060

35 RCW 42.17.065

36 RCW 42.17.067

37 RCW 42.17.080

1 RCW 42.17.090  
2 RCW 42.17.3691  
3 RCW 42.17.093  
4 RCW 42.17.100  
5 RCW 42.17.103  
6 RCW 42.17.105  
7 RCW 42.17.550  
8 RCW 42.17.135  
9 POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS  
10 RCW 42.17.561  
11 RCW 42.17.565  
12 RCW 42.17.570  
13 RCW 42.17.575  
14 RCW 42.17.510  
15 RCW 42.17.520  
16 RCW 42.17.530  
17 RCW 42.17.540  
18 RCW 42.17.110  
19 CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS  
20 RCW 42.17.610  
21 RCW 42.17.640  
22 RCW 42.17.645  
23 RCW 42.17.700  
24 Section 604 of this act  
25 RCW 42.17.070  
26 RCW 42.17.095  
27 RCW 42.17.120  
28 Section 607 of this act  
29 RCW 42.17.125  
30 RCW 42.17.650  
31 RCW 42.17.660  
32 RCW 42.17.670  
33 RCW 42.17.720  
34 RCW 42.17.730  
35 RCW 42.17.740  
36 RCW 42.17.770  
37 RCW 42.17.780  
38 RCW 42.17.790

1 RCW 42.17.680  
2 RCW 42.17.760  
3 PUBLIC OFFICIALS, EMPLOYEES, AND AGENCIES CAMPAIGN RESTRICTIONS AND  
4 PROHIBITIONS--REPORTING  
5 RCW 42.17.128  
6 RCW 42.17.130  
7 RCW 42.17.710  
8 RCW 42.17.750  
9 RCW 42.17.245  
10 Section 703 of this act  
11 LOBBYING DISCLOSURE AND RESTRICTIONS  
12 RCW 42.17.150  
13 RCW 42.17.155  
14 RCW 42.17.160  
15 RCW 42.17.170  
16 RCW 42.17.172  
17 RCW 42.17.175  
18 RCW 42.17.180  
19 RCW 42.17.190  
20 RCW 42.17.200  
21 RCW 42.17.210  
22 RCW 42.17.220  
23 RCW 42.17.230  
24 PERSONAL FINANCIAL AFFAIRS REPORTING BY CANDIDATES AND PUBLIC OFFICIALS  
25 RCW 42.17.240  
26 RCW 42.17.2401  
27 RCW 42.17.241  
28 RCW 42.17.242  
29 ENFORCEMENT  
30 RCW 42.17.390  
31 RCW 42.17.395  
32 RCW 42.17.397  
33 RCW 42.17.400  
34 RCW 42.17.410  
35 TECHNICAL PROVISIONS  
36 RCW 42.17.900  
37 RCW 42.17.910  
38 RCW 42.17.911

1 RCW 42.17.912  
2 RCW 42.17.920  
3 RCW 42.17.930  
4 RCW 42.17.940  
5 RCW 42.17.945  
6 RCW 42.17.950  
7 RCW 42.17.955  
8 RCW 42.17.960  
9 RCW 42.17.961  
10 RCW 42.17.962  
11 RCW 42.17.963  
12 RCW 42.17.964  
13 RCW 42.17.965  
14 RCW 42.17.966

15 NEW SECTION. **Sec. 1103.** The following acts or parts of acts, as  
16 now existing or hereafter amended, are each repealed:

17 (1) RCW 42.17.131 (Exemption from RCW 42.17.130) and 1994 c 154 s  
18 317;

19 (2) RCW 42.17.362 (Toll-free telephone number) and 2000 c 237 s 6;

20 (3) RCW 42.17.365 (Audits and investigations) and 1999 c 401 s 8 &  
21 1993 c 2 s 29;

22 (4) RCW 42.17.375 (Reports filed with county elections official--  
23 Rules governing) and 1983 c 294 s 1;

24 (5) RCW 42.17.465 (Information technology plan--Contents) and 1999  
25 c 401 s 4;

26 (6) RCW 42.17.467 (Information technology plan--Consultation) and  
27 1999 c 401 s 5;

28 (7) RCW 42.17.469 (Information technology plan--Submission) and  
29 1999 c 401 s 6;

30 (8) RCW 42.17.471 (Access performance reports) and 1999 c 401 s 7;

31 (9) RCW 42.17.562 (Intent) and 2005 c 445 s 2;

32 (10) RCW 42.17.620 (Intent) and 1993 c 2 s 2; and

33 (11) RCW 42.17.647 (Rules) and 2006 c 348 s 3.

34 NEW SECTION. **Sec. 1104.** Sections 505, 602, and 703 of this act  
35 are necessary for the immediate preservation of the public peace,



1 health, or safety, or support of the state government and its existing  
2 public institutions, and take effect immediately.

3 NEW SECTION. **Sec. 1105.** Sections 101 through 504, 506 through  
4 601, and 603 through 1103 of this act take effect January 1, 2012.

--- END ---