

CHAPTER 313

[Engrossed Senate Bill No. 2282]

PUBLIC DISCLOSURE—DEFINITIONS—CAMPAIGN FINANCING—LOBBYING

AN ACT Relating to state government; amending section 2, chapter 1, Laws of 1973 as amended by section 2, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.020; amending section 3, chapter 1, Laws of 1973 and RCW 42.17.030; amending section 6, chapter 1, Laws of 1973 as amended by section 4, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.060; amending section 16, chapter 1, Laws of 1973 as amended by section 9, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.160; amending section 17, chapter 1, Laws of 1973 as amended by section 10, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.170; amending section 19, chapter 1, Laws of 1973 as amended by section 12, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.190; repealing section 14, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.195; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 1, Laws of 1973 as amended by section 2, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, (~~(public official,)~~) department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, (~~(city and county, school district)~~) town, municipal corporation, quasi municipal corporation, or special purpose district, (~~(political subdivision,)~~) or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision or other voting constituency from and after the time when such proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

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

(b) Announces publicly or files for office.

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

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

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.240, as now or hereafter amended, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while such official is engaged in the official business of such governmental entity.

(9) "Continuing political committee" means a political committee which is an organization of continuing existence not established in anticipation of any particular election.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by such worker. "Part time" services, for the purposes of this chapter, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

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

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

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

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

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

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

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

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(19) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

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

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

(22) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

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

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

(25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary

function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

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

Sec. 2. Section 3, chapter 1, Laws of 1973 and RCW 42.17.030 are each amended to read as follows:

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (a) for precinct committeeman; (b) for ~~((the president and vice president of the United States))~~ a federal elective office; and (c) for an office the constituency of which does not encompass a whole county and which contains less than five thousand registered voters as of the date of the most recent general election in such district.

Sec. 3. Section 6, chapter 1, Laws of 1973 as amended by section 4, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.060 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of" (name of candidate or political committee).

(2) ~~((All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by))~~ At the time each deposit is made, the campaign treasurer or deputy campaign treasurer shall prepare and file with the commission a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person: PROVIDED, That contributions not exceeding ten dollars from any one person may be deposited without identifying the contributor. ((The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records for the minimum term of three years, one copy to be filed by the campaign treasurer with the commission, and one)) A duplicate copy ((to)) of the statement shall be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the ((third)) duplicate copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) Political committees which support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose: PROVIDED, That each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose: AND PROVIDED FURTHER, That transfers of funds which must be reported under RCW 42.17.090(1)(d), as now or hereafter amended, may not be made from more than one such account.

(4) Nothing in this section shall prohibit a candidate or political committee from investing funds on hand in a campaign depository in bonds, certificates, or savings accounts or other similar savings instruments in financial institutions other than the campaign depository: PROVIDED, That the commission is notified in writing of the initiation and the termination of the investment: PROVIDED FURTHER, That the principal of such investment when terminated together with all interest, dividends, and income derived from the investment are deposited in the campaign depository in the account from which the investment was made and properly reported to the commission prior to any further disposition or expenditure thereof.

(5) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to RCW 42.17.090(1)(b), which total in excess of one percent of the total accumulated contributions received in the current calendar year or three hundred dollars (whichever is more), shall not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

Sec. 4. Section 16, chapter 1, Laws of 1973 as amended by section 9, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.160 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, (~~42.17.190~~) and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies~~((:));~~;

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station~~((:));~~;

(3) Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter~~((:));~~;

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

(5) The governor~~((:));~~;

(6) The lieutenant governor~~((:));~~;

(7) Except as provided by RCW 42.17.190(1), members of the legislature((-);

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

(9) ~~((Except as provided by RCW 42.17.190))~~ Elected ((state)) officials, and officers((-, state officers appointed by the governor subject to confirmation by the senate;)) and employees of any ((state)) agency reporting under RCW 42.17.190(4) as now or hereafter amended.

Sec. 5. Section 17, chapter 1, Laws of 1973 as amended by section 10, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by ~~((both))~~ the lobbyist ~~((and the lobbyist's employers))~~. The reports shall be made in the form and manner prescribed by the commission. They shall be due ~~((quarterly))~~ monthly and shall be filed within ~~((thirty))~~ fifteen days after the ~~((end))~~ last day of the calendar ~~((quarter))~~ month covered by the report. ~~((In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday. PROVIDED, That it shall not be necessary to file any such interim weekly periodic reports for any week during which no expenditure reportable under subsection (2) hereof was made by the reporting person:))~~

(2) Each such ~~((quarterly and weekly))~~ monthly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: **PROVIDED HOWEVER,** That unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported ~~((AND PROVIDED FURTHER, That the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments; living accommodations; travel; contributions; and such other categories as the commission shall prescribe by rule))~~. Each individual expenditure of more than ~~((fifteen))~~ twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

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

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any ((legislator)) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any ((legislator)) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any ((legislator)) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the ((legislator)) candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rulemaking; the proposed rules, standards, rates, or other legislative enactments under chapter 34.04 RCW and chapter 28B.19 RCW (the state administrative procedure acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period: PROVIDED, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed.

Sec. 6. Section 19, chapter 1, Laws of 1973 as amended by section 12, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.190 are each amended to read as follows:

(1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no ((state)) public funds shall be used directly or indirectly for lobbying: PROVIDED, This shall not prevent ((state)) officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection shall not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee

of any agency:

PROVIDED, That public funds shall not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" shall mean a voluntary transfer of any thing of value without consideration of equal or greater value, but shall not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business: PROVIDED FURTHER, That this section shall not permit the printing of a state publication which has been otherwise prohibited by law.

(4) Each state agency which expends state funds for lobbying pursuant to an express authorization by law and each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying pursuant to the authorization contained in subsection (3) of this section or whose officers or employees communicate on legislation directly affecting the agency to members of the legislature on request of any member or communicate to the legislature requests for legislation shall file with the commission quarterly statements providing the following information for the quarter just completed:

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

(b) The name, title, and job description and salary of each elected official, officer, or employee engaged in such ~~((legislative activity))~~ activities, a general description of the nature of ~~((his legislative))~~ the activities, and the proportionate amount of ~~((his))~~ time spent on ~~((such))~~ the activities;

(c) An itemized listing of any expenditures incurred by the agency for such activities.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

~~((4))~~ (5) The provisions of this section shall not relieve any ~~((state))~~ elected official or officer or ~~((any))~~ employee of ~~((a state))~~ an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

NEW SECTION. Sec. 7. Section 14, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.195 are each repealed.

NEW SECTION. Sec. 8. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This 1977 amendatory act shall take effect on January 1, 1978.

Passed the Senate June 11, 1977.

Passed the House June 10, 1977.

Approved by the Governor June 21, 1977.

Filed in Office of Secretary of State June 21, 1977.