

In proceedings under this section, no person or corporation may be excused from testifying or from producing any information, book, document, paper, or account before the commission when ordered to do so, on the ground that the testimony or evidence, information, book, document, or account required may tend to incriminate him or her or subject him or her to penalty or forfeiture specified in this title; but no person or corporation may be prosecuted, punished, or subjected to any penalty or forfeiture specified in this title for or on account of any account, transaction, matter, or thing concerning which he or she shall under oath have testified or produced documentary evidence in proceedings under this section: PROVIDED, That no person so testifying may be exempt from prosecution or punishment for any perjury committed by him or her in such testimony: PROVIDED FURTHER, That the exemption from prosecution in this section extends only to violations of this title.

Passed the Senate February 15, 1986.

Passed the House February 26, 1986.

Approved by the Governor March 7, 1986.

Filed in Office of Secretary of State March 7, 1986.

CHAPTER 12

[Senate Bill No. 4528]

PUBLIC DISCLOSURE REPORTING—COMMISSION ORDERS

AN ACT Relating to public disclosure; and amending RCW 42.17.030, 42.17.090, and 42.17.405.

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

Sec. 1. Section 3, chapter 1, Laws of 1973 as last amended by section 2, chapter 367, Laws of 1985 and RCW 42.17.030 are each amended to read as follows:

~~((f))~~ The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than ~~((a))~~ (1) for precinct committeeman; ~~((b))~~ (2) for a federal elective office; and ~~((c))~~ (3) for an office of a political subdivision of the state that does not encompass a whole county and that contains fewer than five thousand registered voters as of the date of the most recent general election in the subdivision, unless required by RCW 42.17.405(2) through (5).

~~((2))~~ The exemption in subsection (1)(c) of this section does not apply in any jurisdiction from which a "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters, as of the date of the most recent general election in the jurisdiction, is filed with the commission. The commission shall prescribe by rule the form of the petition. After the signatures are gathered, the petition shall be presented to

~~the auditor or elections officer of the county, or counties, in which the jurisdiction is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no fewer than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every candidate, political committee, or person making independent expenditures in election campaigns in the jurisdiction to comply with the campaign finance reporting provisions of this chapter within fourteen days of the date of the order. The order of the commission is valid for any election occurring in the jurisdiction for a two-year period following its issuance:~~

~~(3) The exemption in subsection (1)(c) of this section does not apply in any jurisdiction that by ordinance, resolution, or other official action has petitioned the commission to void the exemption with respect to election campaigns in the jurisdiction. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall issue an order voiding the exemption for that jurisdiction. The commission, upon approval of the action, shall order every candidate, political committee, or person making independent expenditures in the jurisdiction to comply with the campaign finance reporting provisions of this chapter within fourteen days of the date of the order. The order applies to all elections in the jurisdiction for two years after its issuance:~~

~~(4) Any petition for disclosure, ordinance, resolution, or official action of an agency petitioning the commission to void the exemption in subsection (1)(c) of this section shall not be considered unless it has been filed with the commission:~~

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

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

~~(5) Any person exempted from reporting under this section may at his or her option file the statements and reports:))~~

Sec. 2. Section 9, chapter 1, Laws of 1973 as last amended by section 1, chapter 96, Laws of 1983 and RCW 42.17.090 are each amended to read as follows:

(1) Each report required under RCW 42.17.080 (1) and (2), as now or hereafter amended, shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than five days prior to the date the report is due:

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

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of

such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing political committee, the current calendar year: PROVIDED, That the income which results from the conducting of a fund-raising activity which has previously been reported in accordance with RCW 42.17.067 may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by RCW 42.17.067: PROVIDED FURTHER, That contributions of less than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor;

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates, and purpose of all such transfers. Information regarding the following shall be contained in a separate category of the report bearing the title "Transfer of funds": Contributions made from the campaign depository of one candidate to the campaign of another candidate; and contributions received by a candidate, or for the campaign of the candidate, from the campaign depository of another candidate;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of fifty dollars or more, and the amount, date, and purpose of each such expenditure;

(g) The total sum of expenditures;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made in accordance with RCW 42.17.095 of any surplus funds;

(j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee not domiciled in Washington state (~~and~~) or not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee or the recipient of such funds has filed or within ten days following such receipt shall file with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and

titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions in the aggregate of twenty-five dollars or more to the nonreporting committee during the current calendar year, together with the money value and date of such contributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter. A nonreporting committee incurring an obligation to file additional reports in a calendar year may satisfy the obligation by filing with the commission a letter providing updating or amending information.

(2) The campaign treasurer and the candidate shall certify the correctness of each report.

Sec. 3. Section 1, chapter 60, Laws of 1982 as amended by section 13, chapter 367, Laws of 1985 and RCW 42.17.405 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the reporting provisions of this chapter do not apply to candidates, elected officials, and agencies in ~~((jurisdictions))~~ political subdivisions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction, to political committees formed to support or oppose candidates or ballot propositions in such ~~((jurisdictions))~~ political subdivisions, or to persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The reporting provisions of this chapter apply in any ~~((jurisdiction))~~ exempt political subdivision from which a "petition for disclosure" containing the valid signatures of ~~((five))~~ fifteen percent of the number of registered voters, as of the date of the most recent general election in the ~~((jurisdiction))~~ political subdivision, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the ~~((jurisdiction))~~ political subdivision is located. The auditor or elections officer shall verify the signatures

and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every ~~((incumbent elected official and candidate))~~ known affected person in the ((jurisdiction)) political subdivision to file the initially required statement and reports within ((thirty)) fourteen days of the date of the order.

(3) The reporting provisions of this chapter apply in any ~~((jurisdiction which))~~ exempt political subdivision that by ordinance, resolution, or other official action has petitioned the commission to make the provisions applicable to elected officials and candidates of the ~~((jurisdiction))~~ exempt political subdivision. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall ~~((issue an appropriate order. The commission, upon approval of the action, shall))~~ order every ~~((incumbent elected official and candidate))~~ known affected person in the ((jurisdiction)) political subdivision to file the initially required statement and reports within ((thirty)) fourteen days of the date of the order.

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

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

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

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

(6) Any person exempted from reporting ((by subsection (1) of this section)) under this chapter may at his or her option file the statement and reports.

Passed the Senate February 14, 1986.

Passed the House March 1, 1986.

Approved by the Governor March 8, 1986.

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