

CHAPTER 280

[Senate Bill No. 5167]

CAMPAIGN FINANCING—REPORTING REQUIREMENTS

AN ACT Relating to campaign finance reporting; amending RCW 42.17.020, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.070, 42.17.080, 42.17.100, 42.17.105, 42.17.125, and 42.17.135; reenacting and amending RCW 42.17.090; and providing an effective date.

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

Sec. 1. Section 2, chapter 1, Laws of 1973 as last amended by section 5, chapter 34, Laws of 1984 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, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, 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 the 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 42-17.241, 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 the official is engaged in the official business of the governmental entity.

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

(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~~) fifty dollars personally paid for by the worker. (~~"Part-time"~~) Volunteer 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)~~) or labor for which the individual is not compensated by any person. 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 the tickets, and only the excess over the actual cost of the 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 that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, 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 Act(s), chapter ~~((34.04))~~ 34.05 RCW ~~((and chapter 28B.19 REW))~~.

(19) "Lobbyist" includes any person who lobbies 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 that person, except that if that person is under a legal disability, the term "person in interest" means and includes 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) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(28) "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 4, chapter 1, Laws of 1973 as last amended by section 1, chapter 147, Laws of 1982 and RCW 42.17.040 are each amended to read as follows:

(1) Every political committee, within two weeks after its organization or, within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor or elections officer of the county in which the candidate resides ((f)), or in the case of ((a)) any other political committee ((supporting or opposing a ballot proposition)), the county in which the ((campaign)) treasurer resides((g)). A political committee organized

within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

- (2) The statement of organization shall include but not be limited to:
- (a) The name and address of the committee;
  - (b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;
  - (c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;
  - (d) The name and address of its ((campaign)) treasurer and ((campaign)) depository;
  - (e) A statement whether the committee is a continuing one;
  - (f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;
  - (g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;
  - (h) What distribution of surplus funds will be made, in accordance with RCW 42.17.095, in the event of dissolution;
  - (i) The street address of the place and the hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with RCW ((42.17.065 and)) 42.17.080((~~as now or hereafter amended~~)); and
  - (j) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.
- (3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county elections officer within the ten days following the change.

Sec. 3. Section 5, chapter 1, Laws of 1973 as last amended by section 3, chapter 367, Laws of 1985 and RCW 42.17.050 are each amended to read as follows:

- (1) Each candidate, within two weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the commission and the appropriate county elections officer the names and addresses of:
- (a) One legally competent individual, who may be the candidate, to serve as a ((campaign)) treasurer; and
  - (b) A bank, mutual savings bank, savings and loan association, or credit union doing business in this state to serve as ((campaign)) depository and the name of the account or accounts ((therein)) maintained in it.

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

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

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

(b) In the event of the death, resignation, removal, or change of a ((campaign)) treasurer, deputy ((campaign)) treasurer, or depository, the candidate or political committee shall designate and file with the commission and the appropriate county elections officer the name and address of any successor.

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

Sec. 4. Section 6, chapter 1, Laws of 1973 as last amended by section 1, chapter 268, Laws of 1987 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 established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution.

(2) 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.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a ((campaign)) depository in bonds, certificates, tax-exempt securities, or savings accounts or other similar instruments in financial institutions or mutual funds other than the ((campaign)) depository: PROVIDED, That the commission and the appropriate county elections officer 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 and the appropriate county elections officer prior to any further disposition or expenditure thereof.

(4) 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), may 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.

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

Sec. 5. Section 5, chapter 294, Laws of 1975 1st ex. sess. as amended by section 4, chapter 147, Laws of 1982 and RCW 42.17.065 are each amended to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17.040, 42.17.050, and 42.17.060 ((as now or hereafter amended)).

(2) A continuing political committee shall file with the commission and the auditor or elections officer of the county in which the committee maintains its office or headquarters and if there is no such office or headquarters then in the county in which the committee treasurer resides a report on the tenth day of the month detailing its activities for the preceding calendar month in which the committee has received a contribution or made an expenditure: PROVIDED, That such report shall only be filed if either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17.090 ((as now or hereafter amended));

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

(c) Such other information as the commission shall by rule prescribe.

(3) If a continuing political committee shall make a contribution in support of or in opposition to a candidate or ballot proposition within sixty days prior to the date on which such candidate or ballot proposition will be voted upon, such continuing political committee shall report pursuant to RCW 42.17.080(~~(, as now or hereafter amended, until twenty-one days after said election)~~).

(4) A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(5) The campaign treasurer shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of any election, for which the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 (~~(as now or hereafter amended)~~), at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer or such other place as may be authorized by the commission.

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

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

Sec. 6. Section 9, chapter 112, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 147, Laws of 1982 and RCW 42.17.067 are each amended to read as follows:

(1) Fund-raising activities which meet the standards of subsection (2) of this section may be reported in accordance with the provisions of this section in lieu of reporting in accordance with RCW 42.17.080(~~((3) as now or hereafter amended)~~).

(2) (~~(A fund-raising activity which is to be reported in accordance with the provisions of this section shall conform with the following)~~)  
Standards:

(a) The ((income resulting from the conduct of the)) activity ((is derived solely from either)) consists of one or more of the following:



(i) The retail sale of goods or services at ((prices which in no case exceed)) a reasonable approximation of the fair market value of each item or service sold at the activity(;;); or

(ii) A gambling operation which is licensed, conducted, or operated in accordance with the provisions of chapter 9.46 RCW ((and at which in no case is the monetary value of any prize exceeded by the monetary value of any single wager which may be made by a person participating in such activity)); or

(iii) A gathering where food and beverages are purchased, where the price of admission or the food and beverages is no more than twenty-five dollars; or

(iv) A concert, dance, theater performance, or similar entertainment event where the price of admission is no more than twenty-five dollars; or

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

(b) No person responsible for receiving money at such activity ((may)) knowingly accepts payments from a single person ((which would result in a profit)) at or from such an activity to the candidate or committee ((of twenty-five)) aggregating more than fifty dollars ((or more)) unless the name and address of the person making such payment together with the ((approximate)) amount ((of profit)) paid to the candidate or committee ((resulting from such payment)) are disclosed in the report filed pursuant to subsection ((4)) (6) of this section; and

(c) Such other standards as shall be established by rule ((and regulation)) of the commission to prevent frustration of the purposes of this chapter.

(3) All funds ((obtained through the use of)) received from a fund-raising activity which conforms with ((the provisions of)) subsection (2) of this section shall be deposited within five business days of receipt by the ((campaign)) treasurer or deputy ((campaign)) treasurer in the ((same account into which contributions received by the committee are being deposited pursuant to RCW 42.17.060)) depository.

(4) At the time ((such funds are deposited in accordance with subsection (3) of this section)) reports are required under RCW 42.17.080, the ((campaign)) treasurer or deputy ((campaign)) treasurer making the deposit shall file with the commission and the appropriate county elections officer a report of the fund-raising activity which shall contain the following information:

(a) The date ((on which)) of the activity ((occurred));

(b) ((The location at which the activity occurred;

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

((d)) A financial statement noting gross receipts and expenses for the activity, including an inventory list where appropriate;

~~(e) The monetary value of wagers made and prizes distributed for winning wagers, where appropriate;~~

~~(f) The name and address of each person who contributed goods or services to the committee for sale at the activity if the fair market value of the goods or services contributed equals twenty-five dollars or more in the aggregate from such person, together with a precise description of each item or service contributed and its estimated market value;~~

~~(g) The name and address of each person whose identity can be ascertained and who makes payments to the committee at such activity which result in a profit of twenty-five dollars or more to the committee, together with the approximate amount of profit to the committee which results from such payments; and~~

~~(h) A complete listing of the names and addresses of the persons responsible for conducting the activity.~~

~~(5) The statement required by subsection (4) of this section shall be in duplicate upon a form prescribed by the commission, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by him for his records. Each statement shall be certified as correct by the campaign)) (c) The total amount of cash receipts from persons, each of whom paid no more than fifty dollars.~~

~~(5) The treasurer or deputy treasurer ((making the deposit)) shall certify the report is correct.~~

~~(6) The treasurer shall report pursuant to RCW 42.17.080 and 42.17.090: (a) The name and address and the amount contributed of each person who contributes goods or services with a fair market value of more than fifty dollars to a fund-raising activity reported under subsection (4) of this section, and (b) the name and address of each person whose identity can be ascertained, and the amount paid, from whom were knowingly received payments to the candidate or committee aggregating more than fifty dollars at or from such a fund-raising activity.~~

Sec. 7. Section 7, chapter 1, Laws of 1973 as amended by section 5, chapter 367, Laws of 1985 and RCW 42.17.070 are each amended to read as follows:

No expenditures may be made or incurred by any candidate or political committee except on the authority of the ((campaign)) treasurer or the candidate, and a record of all such expenditures shall be maintained by the ((campaign)) treasurer.

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

Sec. 8. Section 8, chapter 1, Laws of 1973 as last amended by section 1, chapter 28, Laws of 1986 and RCW 42.17.080 are each amended to read as follows:

(1) On the day the ((campaign)) treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides ((f)), or in the case of a political committee ((supporting or opposing a ballot proposition)), the county in which the ((campaign)) treasurer resides((t)), in addition to any statement of organization required under RCW 42.17.040 or 42.17.050 ((as now or hereafter amended)), a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each ((campaign)) treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides ((f)), or in the case of a political committee ((supporting or opposing a ballot proposition)), the county in which the ((campaign)) committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the ((campaign)) treasurer resides((t)), a report containing the information required by RCW 42.17.090 ((as now or hereafter amended)):

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

(b) ~~((Within twenty-one days after the date of))~~ On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

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

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

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, the ((campaign)) treasurer shall file with the commission and the appropriate county elections officer a report of each contribution received during that period at the time that contribution is deposited pursuant to RCW 42.17.060(1)((, as now or hereafter amended)). The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person(~~(-PROVIDED; That)).~~ However, contributions of ((less than [than])) no more than twenty-five dollars from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the ((campaign)) treasurer for his records. In the event of deposits made by a deputy ((campaign)) treasurer, the copy shall be forwarded to the ((campaign)) treasurer to be retained by him for his records. Each report shall be certified as correct by the ((campaign)) treasurer or deputy ((campaign)) treasurer making the deposit.

(4) The ((campaign)) treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 ((as now or hereafter amended)), at the principal ((campaign)) headquarters or, if there is no ((campaign)) headquarters, at the address of the ((campaign)) treasurer or such other place as may be authorized by the commission. The ((campaign)) treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

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

(6) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040 ((as now or hereafter amended)), at the principal ((campaign)) headquarters or, if there is no ((campaign)) headquarters, at the address of the ((campaign)) treasurer or such other place as may be authorized by the commission.

Sec. 9. Section 9, chapter 1, Laws of 1973 as last amended by section 2, chapter 12, Laws of 1986 and by section 1, chapter 228, Laws of 1986 and RCW 42.17.090 are each reenacted and 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))~~ the following:

(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 pledges in the aggregate of less than one hundred dollars from any one person need not be reported: PROVIDED FURTHER, That the income which results from ~~((the conducting of))~~ a fund-raising activity ~~((which has previously been reported))~~ conducted 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 ~~((tess))~~ no more 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 name~~((s))~~, address~~((es))~~, and amount~~((s))~~ of each such contributor: PROVIDED FURTHER, That the money value of contributions of postage shall be the face value of such postage;

(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) All other contributions not otherwise listed or exempted;

(e) The name and address of each candidate or political committee ~~((from which the reporting committee or candidate received, or))~~ to which ~~((that committee or candidate made;))~~ any transfer of funds was made, together with the amounts~~((;))~~ and 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;~~

~~((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 more than fifty dollars ((or more)) during the period covered by this report, and the amount, date, and purpose of each such expenditure. A candidate for state executive or state legislative office or the political committee of such a candidate shall report this information for an expenditure under one of the following categories, whichever is appropriate: (i) Expenditures for the election of the candidate; (ii) expenditures for nonreimbursed public office-related expenses; (iii) expenditures required to be reported under (e) of this subsection; or (iv) expenditures of surplus funds and other expenditures. The report of such a candidate or committee shall contain a separate total of expenditures for each category and a total sum of all expenditures. Other candidates and political committees need not report information regarding expenditures under the categories listed in (i) through (iv) of this subsection or under similar such categories unless required to do so by the commission by rule. The report of such an other candidate or committee shall also contain the total sum of all expenditures;

(g) ((The total sum of expenditures)) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;

(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)) rule in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee ((not domiciled in Washington state 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)) files 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)~~)) (v) 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)~~)) (vi) 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 more than 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))~~) (vii) 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))~~) more than fifty dollars (~~((or more))~~), the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (~~((ix))~~) (viii) such other information as the commission may (~~((by regulation))~~) prescribe by rule, 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. 10. Section 10, chapter 1, Laws of 1973 as last amended by section 6, chapter 367, Laws of 1985 and RCW 42.17.100 are each amended to read as follows:

(1) For the purposes of this section the term "independent campaign expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, (~~((42.17.065;))~~) 42.17.080, or 42.17.090.

(2) Within five days after the date of making an independent campaign expenditure that by itself or when added to all other such independent campaign expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent campaign expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent campaign expenditure shall file with the commission and the county (~~((auditor))~~) elections officer of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a local ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent campaign expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission and the county (~~((auditor))~~) elections officer of the county of residence for the candidate supported or opposed by the independent campaign expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person

making the expenditure) a further report of the independent campaign expenditures made since the date of the last report:

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

(b) (~~(Within twenty-one days after the date of)~~) On the tenth day of the first month after the election; and

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

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

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

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than (~~(five days prior to)~~) one business day before the date the report is due:

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

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

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

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 11. Section 1, chapter 176, Laws of 1983 as last amended by section 2, chapter 228, Laws of 1986 and RCW 42.17.105 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

(a) Exceeds five hundred dollars;

(b) Is from a single person or entity;

(c) Is received before a primary or general election; and



(d) Is received: (i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before a primary or general election and: (a) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.

(3) Except as provided in subsection (4) of this section, the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) of this section and RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) of this section if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3) of this section.

(5) The special report shall include at least:

- (a) The amount of the contribution;
- (b) The date of receipt;
- (c) The name and address of the donor;
- (d) The name and address of the recipient; and
- (e) Any other information the commission may by rule require.

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

(7) The commission shall publish daily a summary of the special reports made under this section and RCW 42.17.175.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for state-wide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a major Washington state political party as defined in RCW 29.01.090.

Sec. 12. Section 6, chapter 336, Laws of 1977 ex. sess. as amended by section 7, chapter 367, Laws of 1985 and RCW 42.17.125 are each amended to read as follows:

Contributions received and reported in accordance with RCW 42.17-.060 through 42.17.090 may only be transferred to the personal account of a candidate, or of a ((campaign)) treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the committee. Such lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the individual or the individuals's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the committee with written documentation as to the amount, date, and description of each expense, and the committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(3) Repayment of loans made by the individual to political committees, which repayment shall be reported pursuant to RCW 42.17.090.

Sec. 13. Section 3, chapter 228, Laws of 1986 and RCW 42.17.135 are each amended to read as follows:

A candidate or political committee receiving a contribution earmarked for the benefit of another candidate or political committee shall(~~(in addition to reporting))~~):

(1) Report the contribution as required in RCW 42.17.080 and 42.17.090((:));

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

(3) Notify the commission and the candidate or political committee for whose benefit the contribution is earmarked regarding ((its)) the receipt of the contribution by mailing or delivering to the commission and to the candidate or committee a copy of the "Earmarked contributions" report. Such notice shall be given within two working days of receipt of the contribution.

A candidate or political committee (~~((for whose benefit a contribution is earmarked))~~) receiving notification of an earmarked contribution under subsection (3) of this section shall report (~~((such earmarked))~~) the contribution, once the contribution is received by the candidate or committee, in (~~((a separate category in))~~) the same manner as the receipt of any other contribution is disclosed in reports required by RCW 42.17.080 and 42.17.090 (~~((entitled "Earmarked Contributions."))~~).

NEW SECTION. Sec. 14. This act shall take effect January 1, 1990.

Passed the Senate April 18, 1989.

Passed the House April 13, 1989.

Approved by the Governor May 8, 1989.

Filed in Office of Secretary of State May 8, 1989.

## CHAPTER 281

[Substitute House Bill No. 1183]

### ADOPTION—INFORMATION TO BE PROVIDED TO ADOPTIVE PARENTS

AN ACT Relating to information provided to adopting parents; amending RCW 26.33.350; and adding new sections to chapter 26.33 RCW.

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

Sec. 1. Section 37, chapter 155, Laws of 1984 and RCW 26.33.350 are each amended to read as follows:

(1) Every person, firm, society, association, or corporation receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption a complete medical report containing all (~~((reasonably))~~) available information concerning the mental, physical, and sensory handicaps of the child. The report shall not reveal the identity of the natural parents of the child but shall include any (~~((reasonably))~~) available mental or physical health history of the natural parents that needs to be known by the adoptive parents to facilitate proper health care for the child or that will assist the adoptive parents in maximizing the developmental potential of the child.

(2) Where available, the information provided shall include:

(a) A review of the birth family's and the child's previous medical history, if available, including x-rays, examinations, hospitalizations, and immunizations;

(b) A physical exam of the child by a licensed physician with appropriate laboratory tests and x-rays;

(c) A referral to a specialist if indicated; and

(d) A written copy of the evaluation with recommendations to the adoptive family receiving the report.