

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1195

Chapter 428, Laws of 2019

(partial veto)

66th Legislature
2019 Regular Session

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE--REPORTING AND ENFORCEMENT

EFFECTIVE DATE: May 21, 2019—Except for sections 35 and 36, which become effective January 1, 2020.

Passed by the House April 26, 2019
Yeas 92 Nays 5

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 25, 2019
Yeas 34 Nays 14

CYRUS HABIB

President of the Senate

Approved May 21, 2019 11:04 AM with the exception of sections 7 and 41, which are vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1195** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 21, 2019

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1195

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Hudgins, Walsh, Dolan, Wylie, and Pollet; by request of Public Disclosure Commission)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to the efficient administration of campaign
2 finance and public disclosure reporting and enforcement; amending RCW
3 42.17A.001, 42.17A.055, 42.17A.065, 42.17A.100, 42.17A.105,
4 42.17A.110, 42.17A.120, 42.17A.125, 42.17A.135, 42.17A.140,
5 42.17A.205, 42.17A.207, 42.17A.215, 42.17A.225, 42.17A.255,
6 42.17A.260, 42.17A.265, 42.17A.305, 42.17A.345, 42.17A.420,
7 42.17A.475, 42.17A.600, 42.17A.605, 42.17A.610, 42.17A.615,
8 42.17A.630, 42.17A.655, 42.17A.700, 42.17A.710, 42.17A.750,
9 42.17A.755, 42.17A.765, 42.17A.775, and 42.17A.785; reenacting and
10 amending RCW 42.17A.005, 42.17A.210, 42.17A.230, 42.17A.235, and
11 42.17A.240; adding a new section to chapter 42.17A RCW; creating a
12 new section; repealing RCW 42.17A.050, 42.17A.061, and 42.17A.245;
13 providing an effective date; and declaring an emergency.

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

15 NEW SECTION. **Sec. 1.** The legislature finds that passage of
16 chapter 304, Laws of 2018 (Engrossed Substitute House Bill No. 2938)
17 and chapter 111, Laws of 2018 (Substitute Senate Bill No. 5991) was
18 an important step in achieving the goals of reforming campaign
19 finance reporting and oversight, including simplifying the reporting
20 and enforcement processes to promote administrative efficiencies.
21 Much has been accomplished in the short time the public disclosure

1 commission has implemented these new laws. However, some additional
2 improvements were identified by the legislature, stakeholders, and
3 the public disclosure commission, that are necessary to further
4 implement these goals and the purpose of the state campaign finance
5 law. Additional refinements to the law will help to ensure the public
6 disclosure commission may continue to provide transparency of
7 election campaign funding activities, meaningful guidance to
8 participants in the political process, and enforcement that is
9 timely, fair, and focused on improving compliance.

10 **Sec. 2.** RCW 42.17A.001 and 1975 1st ex.s. c 294 s 1 are each
11 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

13 (11) That, mindful of the right of individuals to privacy and of
14 the desirability of the efficient administration of government, full
15 access to information concerning the conduct of government on every
16 level must be assured as a fundamental and necessary precondition to
17 the sound governance of a free society.

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

31 **Sec. 3.** RCW 42.17A.005 and 2018 c 304 s 2 and 2018 c 111 s 3 are
32 each reenacted and amended to read as follows:

33 The definitions in this section apply throughout this chapter
34 unless the context clearly requires otherwise.

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

37 (2) ~~(("Actual violation" means a violation of this chapter that
38 is not a remedial violation or technical correction.))~~

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

8 ~~((4))~~ (3) "Authorized committee" means the political committee
9 authorized by a candidate, or by the public official against whom
10 recall charges have been filed, to accept contributions or make
11 expenditures on behalf of the candidate or public official.

12 ~~((5))~~ (4) "Ballot proposition" means any "measure" as defined
13 by RCW 29A.04.091, or any initiative, recall, or referendum
14 proposition proposed to be submitted to the voters of the state or
15 any municipal corporation, political subdivision, or other voting
16 constituency from and after the time when the proposition has been
17 initially filed with the appropriate election officer of that
18 constituency before its circulation for signatures.

19 ~~((6))~~ (5) "Benefit" means a commercial, proprietary, financial,
20 economic, or monetary advantage, or the avoidance of a commercial,
21 proprietary, financial, economic, or monetary disadvantage.

22 ~~((7))~~ (6) "Bona fide political party" means:

23 (a) An organization that has been recognized as a minor political
24 party by the secretary of state;

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

29 (c) The county central committee or legislative district
30 committee of a major political party. There may be only one
31 legislative district committee for each party in each legislative
32 district.

33 ~~((8))~~ (7) "Books of account" means:

34 (a) In the case of a campaign or political committee, a ledger or
35 similar listing of contributions, expenditures, and debts, such as a
36 campaign or committee is required to file regularly with the
37 commission, current as of the most recent business day; or

38 (b) In the case of a commercial advertiser, details of political
39 advertising or electioneering communications provided by the
40 advertiser, including the names and addresses of persons from whom it

1 accepted political advertising or electioneering communications, the
2 exact nature and extent of the services rendered and the total cost
3 and the manner of payment for the services.

4 ~~((+9))~~ (8) "Candidate" means any individual who seeks nomination
5 for election or election to public office. An individual seeks
6 nomination or election when ~~((he or she))~~ the individual first:

7 (a) Receives contributions or makes expenditures or reserves
8 space or facilities with intent to promote ~~((his or her))~~ the
9 individual's candidacy for office;

10 (b) Announces publicly or files for office;

11 (c) Purchases commercial advertising space or broadcast time to
12 promote ~~((his or her))~~ the individual's candidacy; or

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

16 ~~((+10))~~ (9) "Caucus political committee" means a political
17 committee organized and maintained by the members of a major
18 political party in the state senate or state house of
19 representatives.

20 ~~((+11))~~ (10) "Commercial advertiser" means any person ~~((who))~~
21 that sells the service of communicating messages or producing
22 ~~((printed))~~ material for broadcast or distribution to the general
23 public or segments of the general public whether through ~~((the use~~
24 ~~of))~~ brochures, fliers, newspapers, magazines, television ((and)),
25 radio ((stations)), billboards ((companies)), direct mail advertising
26 ((companies)), printing ((companies)), paid internet or digital
27 communications, or ((otherwise)) any other means of mass
28 communications used for the purpose of appealing, directly or
29 indirectly, for votes or for financial or other support in any
30 election campaign.

31 ~~((+12))~~ (11) "Commission" means the agency established under RCW
32 42.17A.100.

33 ~~((+13))~~ (12) "Committee" unless the context indicates otherwise,
34 includes ~~((any))~~ a political committee such as a candidate, ballot
35 ((measure)) proposition, recall, political, or continuing political
36 committee.

37 ~~((+14))~~ (13) "Compensation" unless the context requires a
38 narrower meaning, includes payment in any form for real or personal
39 property or services of any kind. For the purpose of compliance with
40 RCW 42.17A.710, "compensation" does not include per diem allowances

1 or other payments made by a governmental entity to reimburse a public
2 official for expenses incurred while the official is engaged in the
3 official business of the governmental entity.

4 ~~((115))~~ (14) "Continuing political committee" means a political
5 committee that is an organization of continuing existence not
6 ~~((established))~~ limited to participation in ~~((anticipation of))~~ any
7 particular election campaign or election cycle.

8 ~~((116))~~ (15) (a) "Contribution" includes:

9 (i) A loan, gift, deposit, subscription, forgiveness of
10 indebtedness, donation, advance, pledge, payment, transfer of funds
11 ~~((between political committees))~~, or anything of value, including
12 personal and professional services for less than full consideration;

13 (ii) An expenditure made by a person in cooperation,
14 consultation, or concert with, or at the request or suggestion of, a
15 candidate, a political or incidental committee, the person or persons
16 named on the candidate's or committee's registration form who direct
17 expenditures on behalf of the candidate or committee, or their
18 agents;

19 (iii) The financing by a person of the dissemination,
20 distribution, or republication, in whole or in part, of broadcast,
21 written, graphic, digital, or other form of political advertising or
22 electioneering communication prepared by a candidate, a political or
23 incidental committee, or its authorized agent;

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

27 (b) "Contribution" does not include:

28 (i) ~~((legally))~~ Accrued interest on money deposited in a
29 political or incidental committee's account;

30 (ii) Ordinary home hospitality;

31 (iii) A contribution received by a candidate or political or
32 incidental committee that is returned to the contributor within ten
33 business days of the date on which it is received by the candidate or
34 political or incidental committee;

35 (iv) A news item, feature, commentary, or editorial in a
36 regularly scheduled news medium that is of ~~((primary))~~ interest to
37 the ~~((general))~~ public, that is in a news medium controlled by a
38 person whose business is that news medium, and that is not controlled
39 by a candidate or a political or incidental committee;

1 (v) An internal political communication primarily limited to the
2 members of or contributors to a political party organization or
3 political or incidental committee, or to the officers, management
4 staff, or stockholders of a corporation or similar enterprise, or to
5 the members of a labor organization or other membership organization;

6 (vi) The rendering of personal services of the sort commonly
7 performed by volunteer campaign workers, or incidental expenses
8 personally incurred by volunteer campaign workers not in excess of
9 fifty dollars personally paid for by the worker. "Volunteer
10 services," for the purposes of this subsection, means services or
11 labor for which the individual is not compensated by any person;

12 (vii) Messages in the form of reader boards, banners, or yard or
13 window signs displayed on a person's own property or property
14 occupied by a person. However, a facility used for such political
15 advertising for which a rental charge is normally made must be
16 reported as an in-kind contribution and counts toward((s)) any
17 applicable contribution limit of the person providing the facility;

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

19 (A) A political party or caucus political committee if the person
20 paying for the services is the regular employer of the person
21 rendering such services; or

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

26 (ix) The performance of ministerial functions by a person on
27 behalf of two or more candidates or political or incidental
28 committees either as volunteer services defined in (b)(vi) of this
29 subsection or for payment by the candidate or political or incidental
30 committee for whom the services are performed as long as:

31 (A) The person performs solely ministerial functions;

32 (B) A person who is paid by two or more candidates or political
33 or incidental committees is identified by the candidates and
34 political committees on whose behalf services are performed as part
35 of their respective statements of organization under RCW 42.17A.205;
36 and

37 (C) The person does not disclose, except as required by law, any
38 information regarding a candidate's or committee's plans, projects,
39 activities, or needs, or regarding a candidate's or committee's
40 contributions or expenditures that is not already publicly available

1 from campaign reports filed with the commission, or otherwise engage
2 in activity that constitutes a contribution under (a)(ii) of this
3 subsection.

4 A person who performs ministerial functions under this subsection
5 (~~((16))~~) (15) (b) (ix) is not considered an agent of the candidate or
6 committee as long as (~~(he or she)~~) the person has no authority to
7 authorize expenditures or make decisions on behalf of the candidate
8 or committee.

9 (c) Contributions other than money or its equivalent are deemed
10 to have a monetary value equivalent to the fair market value of the
11 contribution. Services or property or rights furnished at less than
12 their fair market value for the purpose of assisting any candidate or
13 political committee are deemed a contribution. Such a contribution
14 must be reported as an in-kind contribution at its fair market value
15 and counts towards any applicable contribution limit of the provider.

16 (~~((17))~~) (16) "Depository" means a bank, mutual savings bank,
17 savings and loan association, or credit union doing business in this
18 state.

19 (~~((18))~~) (17) "Elected official" means any person elected at a
20 general or special election to any public office, and any person
21 appointed to fill a vacancy in any such office.

22 (~~((19))~~) (18) "Election" includes any primary, general, or
23 special election for public office and any election in which a ballot
24 proposition is submitted to the voters. An election in which the
25 qualifications for voting include other than those requirements set
26 forth in Article VI, section 1 (Amendment 63) of the Constitution of
27 the state of Washington shall not be considered an election for
28 purposes of this chapter.

29 (~~((20))~~) (19) "Election campaign" means any campaign in support
30 of or in opposition to a candidate for election to public office and
31 any campaign in support of, or in opposition to, a ballot
32 proposition.

33 (~~((21))~~) (20) "Election cycle" means the period beginning on the
34 first day of January after the date of the last previous general
35 election for the office that the candidate seeks and ending on
36 December 31st after the next election for the office. In the case of
37 a special election to fill a vacancy in an office, "election cycle"
38 means the period beginning on the day the vacancy occurs and ending
39 on December 31st after the special election.

1 (~~((22))~~) (21) (a) "Electioneering communication" means any
2 broadcast, cable, or satellite television, radio transmission,
3 digital communication, United States postal service mailing,
4 billboard, newspaper, or periodical that:

5 (i) Clearly identifies a candidate for a state, local, or
6 judicial office either by specifically naming the candidate, or
7 identifying the candidate without using the candidate's name;

8 (ii) Is broadcast, transmitted electronically or by other means,
9 mailed, erected, distributed, or otherwise published within sixty
10 days before any election for that office in the jurisdiction in which
11 the candidate is seeking election; and

12 (iii) Either alone, or in combination with one or more
13 communications identifying the candidate by the same sponsor during
14 the sixty days before an election, has a fair market value or cost of
15 one thousand dollars or more.

16 (b) "Electioneering communication" does not include:

17 (i) Usual and customary advertising of a business owned by a
18 candidate, even if the candidate is mentioned in the advertising when
19 the candidate has been regularly mentioned in that advertising
20 appearing at least twelve months preceding (~~(his or her)~~) the
21 candidate becoming a candidate;

22 (ii) Advertising for candidate debates or forums when the
23 advertising is paid for by or on behalf of the debate or forum
24 sponsor, so long as two or more candidates for the same position have
25 been invited to participate in the debate or forum;

26 (iii) A news item, feature, commentary, or editorial in a
27 regularly scheduled news medium that is:

28 (A) Of (~~(primary)~~) interest to the (~~(general)~~) public;

29 (B) In a news medium controlled by a person whose business is
30 that news medium; and

31 (C) Not a medium controlled by a candidate or a political or
32 incidental committee;

33 (iv) Slate cards and sample ballots;

34 (v) Advertising for books, films, dissertations, or similar works
35 (A) written by a candidate when the candidate entered into a contract
36 for such publications or media at least twelve months before becoming
37 a candidate, or (B) written about a candidate;

38 (vi) Public service announcements;

39 (vii) An internal political communication primarily limited to
40 the members of or contributors to a political party organization or

1 political or incidental committee, or to the officers, management
2 staff, or stockholders of a corporation or similar enterprise, or to
3 the members of a labor organization or other membership organization;

4 (viii) An expenditure by or contribution to the authorized
5 committee of a candidate for state, local, or judicial office; or

6 (ix) Any other communication exempted by the commission through
7 rule consistent with the intent of this chapter.

8 ~~((+23+))~~ (22) "Expenditure" includes a payment, contribution,
9 subscription, distribution, loan, advance, deposit, or gift of money
10 or anything of value, and includes a contract, promise, or agreement,
11 whether or not legally enforceable, to make an expenditure.
12 "Expenditure" also includes a promise to pay, a payment, or a
13 transfer of anything of value in exchange for goods, services,
14 property, facilities, or anything of value for the purpose of
15 assisting, benefiting, or honoring any public official or candidate,
16 or assisting in furthering or opposing any election campaign. For the
17 purposes of this chapter, agreements to make expenditures, contracts,
18 and promises to pay may be reported as estimated obligations until
19 actual payment is made. "Expenditure" shall not include the partial
20 or complete repayment by a candidate or political or incidental
21 committee of the principal of a loan, the receipt of which loan has
22 been properly reported.

23 ~~((+24+))~~ (23) "Final report" means the report described as a
24 final report in RCW 42.17A.235~~((+8+))~~ (11)(a).

25 ~~((+25+))~~ (24) "General election" for the purposes of RCW
26 42.17A.405 means the election that results in the election of a
27 person to a state or local office. It does not include a primary.

28 ~~((+26+))~~ (25) "Gift" has the definition in RCW 42.52.010.

29 ~~((+27+))~~ (26) "Immediate family" includes the spouse or domestic
30 partner, dependent children, and other dependent relatives, if living
31 in the household. For the purposes of the definition of
32 "intermediary" in this section, "immediate family" means an
33 individual's spouse or domestic partner, and child, stepchild,
34 grandchild, parent, stepparent, grandparent, brother, half brother,
35 sister, or half sister of the individual and the spouse or the
36 domestic partner of any such person and a child, stepchild,
37 grandchild, parent, stepparent, grandparent, brother, half brother,
38 sister, or half sister of the individual's spouse or domestic partner
39 and the spouse or the domestic partner of any such person.

1 ~~((28))~~ (27) "Incidental committee" means any nonprofit
2 organization not otherwise defined as a political committee but that
3 may incidentally make a contribution or an expenditure in excess of
4 the reporting thresholds in RCW 42.17A.235, directly or through a
5 political committee. Any nonprofit organization is not an incidental
6 committee if it is only remitting payments through the nonprofit
7 organization in an aggregated form and the nonprofit organization is
8 not required to report those payments in accordance with this
9 chapter.

10 ~~((29))~~ (28) "Incumbent" means a person who is in present
11 possession of an elected office.

12 ~~((30))~~ (29)(a) "Independent expenditure" means an expenditure
13 that has each of the following elements:

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

16 (A) A candidate for that office;

17 (B) An authorized committee of that candidate for that office;
18 and

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

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

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

34 (iv) The expenditure, alone or in conjunction with another
35 expenditure or other expenditures of the same person in support of or
36 opposition to that candidate, has a value of ~~((one-half the~~
37 ~~contribution limit from an individual per election))~~ one thousand
38 dollars or more. A series of expenditures, each of which is under
39 ~~((one-half the contribution limit from an individual per election))~~
40 one thousand dollars, constitutes one independent expenditure if

1 their cumulative value is (~~((one-half the contribution limit from an~~
2 ~~individual per election))~~ one thousand dollars or more.

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

19 (~~((31))~~) (30) (a) "Intermediary" means an individual who transmits
20 a contribution to a candidate or committee from another person unless
21 the contribution is from the individual's employer, immediate family,
22 or an association to which the individual belongs.

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

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

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

30 (~~((32))~~) (31) "Legislation" means bills, resolutions, motions,
31 amendments, nominations, and other matters pending or proposed in
32 either house of the state legislature, and includes any other matter
33 that may be the subject of action by either house or any committee of
34 the legislature and all bills and resolutions that, having passed
35 both houses, are pending approval by the governor.

36 (~~((33))~~) (32) "Legislative office" means the office of a member
37 of the state house of representatives or the office of a member of
38 the state senate.

39 (~~((34))~~) (33) "Lobby" and "lobbying" each mean attempting to
40 influence the passage or defeat of any legislation by the legislature

1 of the state of Washington, or the adoption or rejection of any rule,
2 standard, rate, or other legislative enactment of any state agency
3 under the state administrative procedure act, chapter 34.05 RCW.
4 Neither "lobby" nor "lobbying" includes an association's or other
5 organization's act of communicating with the members of that
6 association or organization.

7 ~~((+35+))~~ (34) "Lobbyist" includes any person who lobbies either
8 ~~((in his or her))~~ on the person's own or another's behalf.

9 ~~((+36+))~~ (35) "Lobbyist's employer" means the person or persons
10 by whom a lobbyist is employed and all persons by whom ~~((he or she))~~
11 the lobbyist is compensated for acting as a lobbyist.

12 ~~((+37+))~~ (36) "Ministerial functions" means an act or duty
13 carried out as part of the duties of an administrative office without
14 exercise of personal judgment or discretion.

15 ~~((+38+))~~ (37) "Participate" means that, with respect to a
16 particular election, an entity:

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

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

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

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

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

35 ~~((+39+))~~ (38) "Person" includes an individual, partnership, joint
36 venture, public or private corporation, association, federal, state,
37 or local governmental entity or agency however constituted,
38 candidate, committee, political committee, political party, executive
39 committee thereof, or any other organization or group of persons,
40 however organized.

1 (~~(40)~~) (39) "Political advertising" includes any advertising
2 displays, newspaper ads, billboards, signs, brochures, articles,
3 tabloids, flyers, letters, radio or television presentations, digital
4 communication, or other means of mass communication, used for the
5 purpose of appealing, directly or indirectly, for votes or for
6 financial or other support or opposition in any election campaign.

7 (~~(41)~~) (40) "Political committee" means any person (except a
8 candidate or an individual dealing with (~~his or her~~) the
9 candidate's or individual's own funds or property) having the
10 expectation of receiving contributions or making expenditures in
11 support of, or opposition to, any candidate or any ballot
12 proposition.

13 (~~(42)~~) (41) "Primary" for the purposes of RCW 42.17A.405 means
14 the procedure for nominating a candidate to state or local office
15 under chapter 29A.52 RCW or any other primary for an election that
16 uses, in large measure, the procedures established in chapter 29A.52
17 RCW.

18 (~~(43)~~) (42) "Public office" means any federal, state, judicial,
19 county, city, town, school district, port district, special district,
20 or other state political subdivision elective office.

21 (~~(44)~~) (43) "Public record" has the definition in RCW
22 42.56.010.

23 (~~(45)~~) (44) "Recall campaign" means the period of time
24 beginning on the date of the filing of recall charges under RCW
25 29A.56.120 and ending thirty days after the recall election.

26 (~~(46)~~) (45) "~~((Remedial))~~ Remediable violation" means any
27 violation of this chapter that:

28 (a) Involved expenditures or contributions totaling no more than
29 the contribution limits set out under RCW 42.17A.405(2) per election,
30 or one thousand dollars if there is no statutory limit;

31 (b) Occurred:

32 (i) More than thirty days before an election, where the
33 commission entered into an agreement to resolve the matter; or

34 (ii) At any time where the violation did not constitute a
35 material violation because it was inadvertent and minor or otherwise
36 has been cured and, after consideration of all the circumstances,
37 further proceedings would not serve the purposes of this chapter;

38 (c) Does not materially (~~affect~~) harm the public interest,
39 beyond the harm to the policy of this chapter inherent in any
40 violation; and

(d) Involved:

(i) A person who:

(A) Took corrective action within five business days after the commission first notified the person of noncompliance, or where the commission did not provide notice and filed a required report within twenty-one days after the report was due to be filed; and

(B) Substantially met the filing deadline for all other required reports within the immediately preceding twelve-month period; or

(ii) A candidate who:

(A) Lost the election in question; and

(B) Did not receive contributions over one hundred times the contribution limit in aggregate per election during the campaign in question.

~~((47))~~ (46) (a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

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

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

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

~~((48))~~ (47) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

~~((49))~~ (48) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((50))~~ (49) "State official" means a person who holds a state office.

~~((51))~~ (50) "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

1 to the election for which the contributions were received, and that
2 are in excess of the amount necessary to pay remaining debts or
3 expenses incurred by the committee or candidate with respect to that
4 election. In the case of a continuing political committee, "surplus
5 funds" mean those contributions remaining in the possession or
6 control of the committee that are in excess of the amount necessary
7 to pay all remaining debts or expenses when it makes its final report
8 under RCW 42.17A.255.

9 ~~((42))~~ (51) "Technical correction" means the correction of a
10 minor or ministerial error in a required report that does not
11 materially ~~((impact))~~ harm the public interest and needs to be
12 corrected for the report to be in full compliance with the
13 requirements of this chapter.

14 ~~((43))~~ (52) "Treasurer" and "deputy treasurer" mean the
15 individuals appointed by a candidate or political or incidental
16 committee, pursuant to RCW 42.17A.210, to perform the duties
17 specified in that section.

18 (53) "Violation" means a violation of this chapter that is not a
19 remediable violation, minor violation, or an error classified by the
20 commission as appropriate to address by a technical correction.

21 **Sec. 4.** RCW 42.17A.055 and 2018 c 304 s 3 are each amended to
22 read as follows:

23 (1) For each required report, as technology permits, the
24 commission shall make an electronic reporting tool available to
25 ~~((candidates, public officials, and political committees that))~~ all
26 those who are required to file that report~~((s))~~ under this chapter
27 ~~((an electronic filing alternative for submitting financial affairs~~
28 ~~reports, contribution reports, and expenditure reports))~~.

29 ~~((The commission shall make available to lobbyists and~~
30 ~~lobbyists' employers required to file reports under RCW 42.17A.600,~~
31 ~~42.17A.615, 42.17A.625, or 42.17A.630 an electronic filing~~
32 ~~alternative for submitting these reports.~~

33 ~~(3) State agencies required to report under RCW 42.17A.635 must~~
34 ~~file all reports electronically.~~

35 ~~(4) The commission shall make available to candidates, public~~
36 ~~officials, political committees, lobbyists, and lobbyists' employers~~
37 ~~an electronic copy of the appropriate reporting forms at no charge.~~

38 ~~(5))~~ All persons required to file reports under this chapter
39 must file them electronically where the commission has provided an

1 electronic option. The executive director may make exceptions on a
2 case-by-case basis for persons who lack the technological ability to
3 file reports electronically.

4 (3) If the electronic filing system provided by the commission is
5 inoperable for any period of time, the commission must keep a record
6 of the date and time of each instance and post outages on its web
7 site. If a report is due on a day the electronic filing system is
8 inoperable, it is not late if filed the first business day the system
9 is back in operation. The commission must provide notice to all
10 reporting entities when the system is back in operation.

11 ~~((+6))~~ (4) All persons required to file reports under this
12 chapter shall, at the time of initial filing, provide the commission
13 an email address, or other electronic contact information, that shall
14 constitute the official address for purposes of all communications
15 from the commission. The person required to file one or more reports
16 must provide any new ((email-address)) electronic contact information
17 to the commission within ten days, if the address has changed from
18 that listed on the most recent report. Committees must provide the
19 committee treasurer's electronic contact information to the
20 commission. Committees must also provide any new electronic contact
21 information for the committee's treasurer to the commission within
22 ten days of the change. The executive director may waive the
23 ~~((email))~~ electronic contact information requirement and allow use of
24 a postal address, ~~((on))~~ upon the ~~((basis))~~ showing of hardship.

25 ~~((+7) The commission must publish a calendar of significant~~
26 ~~reporting dates on its web site.))~~

27 **Sec. 5.** RCW 42.17A.065 and 2010 c 204 s 204 are each amended to
28 read as follows:

29 By July 1st of each year, the commission shall calculate the
30 following performance measures, provide a copy of the performance
31 measures to the governor and appropriate legislative committees, and
32 make the performance measures available to the public:

33 (1) The average number of days that elapse between the
34 commission's receipt of reports filed under RCW 42.17A.205,
35 42.17A.225, 42.17A.235, ~~((and))~~ 42.17A.255, 42.17A.265, 42.17A.600,
36 42.17A.615, 42.17A.625, and 42.17A.630 and the time that the report,
37 a copy of the report, or a copy of the data or information included
38 in the report, is first accessible to the general public (a) in the
39 commission's office, and (b) via the commission's web site;

1 (2) (~~The average number of days that elapse between the~~
2 ~~commission's receipt of reports filed under RCW 42.17A.265 and the~~
3 ~~time that the report, a copy of the report, or a copy of the data or~~
4 ~~information included in the report, is first accessible to the~~
5 ~~general public (a) in the commission's office, and (b) via the~~
6 ~~commission's web site;~~

7 ~~(3) The average number of days that elapse between the~~
8 ~~commission's receipt of reports filed under RCW 42.17A.600,~~
9 ~~42.17A.615, 42.17A.625, and 42.17A.630 and the time that the report,~~
10 ~~a copy of the report, or a copy of the data or information included~~
11 ~~in the report, is first accessible to the general public (a) in the~~
12 ~~commission's office, and (b) via the commission's web site;~~

13 ~~(4) The percentage of candidates, categorized as statewide,~~
14 ~~legislative, or local, that have used each of the following methods~~
15 ~~to file reports under RCW 42.17A.235 or 42.17A.265: (a) Hard copy~~
16 ~~paper format; or (b) electronic format via the Internet;~~

17 ~~(5) The percentage of continuing political committees that have~~
18 ~~used each of the following methods to file reports under RCW~~
19 ~~42.17A.225 or 42.17A.265: (a) Hard copy paper format; or (b)~~
20 ~~electronic format via the Internet; and~~

21 ~~(6)) The percentage of ((lobbyists and lobbyists' employers~~
22 ~~that)) filers pursuant to RCW 42.17A.055 who have used ((each of the~~
23 ~~following methods to file reports under RCW 42.17A.600, 42.17A.615,~~
24 ~~42.17A.625, or 42.17A.630)): (a) Hard copy paper format; or (b)~~
25 ~~electronic format ((via the Internet)).~~

26 **Sec. 6.** RCW 42.17A.100 and 2010 c 204 s 301 are each amended to
27 read as follows:

28 (1) The public disclosure commission is established. The
29 commission shall be composed of five ~~((members))~~ commissioners
30 appointed by the governor, with the consent of the senate. The
31 commission shall have the authority and duties as set forth in this
32 chapter. All appointees shall be persons of the highest integrity and
33 qualifications. No more than three ~~((members))~~ commissioners shall
34 have an identification with the same political party.

35 (2) The term of each ~~((member))~~ commissioner shall be five years,
36 which may continue until a successor is appointed, but may not exceed
37 an additional twelve months. No ~~((member))~~ commissioner is eligible
38 for appointment to more than one full term. Any ~~((member))~~

1 commissioner may be removed by the governor, but only upon grounds of
2 neglect of duty or misconduct in office.

3 (3) (a) During ~~((his or her))~~ a commissioner's tenure, ~~((a member~~
4 ~~of the commission))~~ the commissioner is prohibited from engaging in
5 any of the following activities, either within or outside the state
6 of Washington:

7 ~~((a))~~ (i) Holding or campaigning for elective office;

8 ~~((b))~~ (ii) Serving as an officer of any political party or
9 political committee;

10 ~~((c))~~ (iii) Permitting ~~((his or her))~~ the commissioner's name
11 to be used in support of or in opposition to a candidate or
12 proposition;

13 ~~((d))~~ (iv) Soliciting or making contributions to a candidate or
14 in support of or in opposition to any candidate or proposition;

15 ~~((e))~~ (v) Participating in any way in any election campaign; or

16 ~~((f))~~ (vi) Lobbying, employing, or assisting a lobbyist, except
17 that a ~~((member))~~ commissioner or the staff of the commission may
18 lobby to the limited extent permitted by RCW 42.17A.635 on matters
19 directly affecting this chapter.

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

24 (c) The provisions of this subsection do not relieve a
25 commissioner of any applicable disqualification and recusal
26 requirements.

27 (4) A vacancy on the commission shall be filled within thirty
28 days of the vacancy by the governor, with the consent of the senate,
29 and the appointee shall serve for the remaining term of ~~((his or~~
30 ~~her))~~ the appointee's predecessor. A vacancy shall not impair the
31 powers of the remaining ~~((members))~~ commissioners to exercise all of
32 the powers of the commission.

33 (5) Three ~~((members of the commission))~~ commissioners shall
34 constitute a quorum. The commission shall elect its own chair and
35 adopt its own rules of procedure in the manner provided in chapter
36 34.05 RCW.

37 (6) ~~((Members))~~ Commissioners shall be compensated in accordance
38 with RCW 43.03.250 and shall be reimbursed for travel expenses
39 incurred while engaged in the business of the commission as provided
40 in RCW 43.03.050 and 43.03.060. The compensation provided pursuant to

1 this section shall not be considered salary for purposes of the
2 provisions of any retirement system created under the laws of this
3 state.

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

6 The commission shall:

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

9 (2) ~~((Prepare and publish a manual setting forth))~~ Provide
10 recommended uniform methods of bookkeeping and reporting for use by
11 persons required to make reports and statements under this chapter;

12 (3) Compile and maintain a current list of all filed reports and
13 statements;

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

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

19 (6) Conduct a sufficient number of audits and field
20 investigations, as staff capacity permits without impacting the
21 timeliness of addressing alleged violations, to provide a
22 statistically valid finding regarding the degree of compliance with
23 the provisions of this chapter by all required filers. Any documents,
24 records, reports, computer files, papers, or materials provided to
25 the commission for use in conducting audits and investigations must
26 be returned to the candidate, campaign, or political committee from
27 which they were received within one week of the commission's
28 completion of an audit or field investigation;

29 (7) Prepare and publish an annual report to the governor as to
30 the effectiveness of this chapter and ~~((its enforcement by~~
31 ~~appropriate law enforcement authorities))~~ the work of the commission;

32 (8) Enforce this chapter according to the powers granted it by
33 law;

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

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

38 ~~(b) Include, but not be limited to, requirements for indexing the~~
39 ~~reports by the names of candidates or political committees and by the~~

1 ~~ballot proposition for or against which a political committee is~~
2 ~~receiving contributions or making expenditures;~~

3 ~~(10))~~ Adopt rules to carry out the policies of chapter 348, Laws
4 of 2006. The adoption of these rules is not subject to the time
5 restrictions of RCW 42.17A.110(1);

6 ~~((11))~~ (10) Adopt administrative rules establishing
7 requirements for filer participation in any system designed and
8 implemented by the commission for the electronic filing of reports;
9 ((and

10 ~~(12))~~ (11) Maintain and make available to the public and
11 political committees of this state a toll-free telephone number;

12 (12) Operate a web site or contract for the operation of a web
13 site that allows access to reports, copies of reports, or copies of
14 data and information submitted in reports, filed with the commission
15 under RCW 42.17A.205, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.265,
16 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630;

17 (13) (a) Attempt to make available via the web site other public
18 records submitted to or generated by the commission that are required
19 by this chapter to be available for public use or inspection;

20 (b) The statement of financial affairs filed pursuant to RCW
21 42.17A.700 is subject to public disclosure upon request, but the
22 commission may not post the statements of financial affairs on any
23 web site;

24 (14) Publish a calendar of significant reporting dates on the
25 commission's web site; and

26 (15) Establish goals that all reports, copies of reports, or
27 copies of the data or information included in reports, filed under
28 RCW 42.17A.205, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.265,
29 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630, are submitted:

30 (a) Using the commission's electronic filing system and must be
31 accessible in the commission's office and on the commission's web
32 site within two business days of the commission's receipt of the
33 report; and

34 (b) On paper and must be accessible in the commission's office
35 and on the commission's web site within four business days of the
36 actual physical receipt of the report, and not the technical date of
37 filing as provided under RCW 42.17A.140, as specified in rule adopted
38 by the commission.

*Sec. 7 was vetoed. See message at end of chapter.

1 **Sec. 8.** RCW 42.17A.110 and 2018 c 304 s 4 are each amended to
2 read as follows:

3 In addition to the duties in RCW 42.17A.105, the commission may:

4 (1) Adopt, amend, and rescind suitable administrative rules to
5 carry out the policies and purposes of this chapter, which rules
6 shall be adopted under chapter 34.05 RCW. Any rule relating to
7 campaign finance, political advertising, or related forms that would
8 otherwise take effect after June 30th of a general election year
9 shall take effect no earlier than the day following the general
10 election in that year;

11 (2) Appoint an executive director and set, within the limits
12 established by the office of financial management under RCW
13 43.03.028, the executive director's compensation. The executive
14 director shall perform such duties and have such powers as the
15 commission may prescribe and delegate to implement and enforce this
16 chapter efficiently and effectively. The commission shall not
17 delegate its authority to adopt, amend, or rescind rules nor may it
18 delegate authority to determine that ~~((an actual))~~ a violation of
19 this chapter has occurred or to assess penalties for such violations;

20 (3) Prepare and publish reports and technical studies as in its
21 judgment will tend to promote the purposes of this chapter, including
22 reports and statistics concerning campaign financing, lobbying,
23 financial interests of elected officials, and enforcement of this
24 chapter;

25 (4) Conduct, as it deems appropriate, audits and field
26 investigations;

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

30 (6) Administer oaths and affirmations, issue subpoenas, and
31 compel attendance, take evidence, and require the production of any
32 records relevant to any investigation authorized under this chapter,
33 or any other proceeding under this chapter;

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

35 (8) Adopt rules relieving candidates or political committees of
36 obligations to comply with ~~((the))~~ election campaign provisions of
37 this chapter, if they have not received contributions nor made
38 expenditures in connection with any election campaign of more than
39 five thousand dollars; ~~((and))~~

1 (9) Develop and provide to filers a system for certification of
2 reports required under this chapter which are transmitted ((by
3 ~~facsimile~~ or)) electronically to the commission. Implementation of
4 the program is contingent on the availability of funds; and

5 (10) Make available and keep current on its web site a glossary
6 of all defined terms in this chapter and in rules adopted by the
7 commission.

8 NEW SECTION. **Sec. 9.** A new section is added to chapter 42.17A
9 RCW to read as follows:

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

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

17 (b) Adequately specify the documents, records, evidence, or
18 testimony; and

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

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

29 (3) The commission may seek approval and a court may issue an
30 order under this section without prior notice to any person,
31 including the person to whom the subpoena is directed and the person
32 who is the subject of an investigation. An application for court
33 approval is subject to the fee and process set forth in RCW
34 36.18.012(3).

35 **Sec. 10.** RCW 42.17A.120 and 2010 c 204 s 304 are each amended to
36 read as follows:

37 (1) The commission may suspend or modify any of the reporting
38 requirements of this chapter if it finds that literal application of

1 this chapter works a manifestly unreasonable hardship in a particular
2 case and the suspension or modification will not frustrate the
3 purposes of this chapter. The commission may suspend or modify
4 reporting requirements only to the extent necessary to substantially
5 relieve the hardship and only after a hearing is held and the
6 suspension or modification receives approval ~~((from a majority of the~~
7 ~~commission. The commission shall act to suspend or modify any~~
8 ~~reporting requirements:~~

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

11 ~~(b) Only to the extent necessary to substantially relieve the~~
12 ~~hardship)). A suspension or modification of the financial affairs~~
13 reporting requirements in RCW 42.17A.710 may be approved for an
14 elected official's term of office or for up to three years for an
15 executive state officer. If a material change in the applicant's
16 circumstances or relevant information occurs or has occurred, the
17 applicant must request a modification at least one month prior to the
18 next filing deadline rather than at the conclusion of the term.

19 (2) A manifestly unreasonable hardship exists if reporting the
20 name of an entity required to be reported under RCW
21 42.17A.710(1)(g)(ii) would be likely to adversely affect the
22 competitive position of any entity in which the person filing the
23 report, or any member of ~~((his or her))~~ the person's immediate
24 family, holds any office, directorship, general partnership interest,
25 or an ownership interest of ten percent or more.

26 (3) Requests for ~~((renewals of))~~ reporting modifications may be
27 heard in a brief adjudicative proceeding as set forth in RCW
28 34.05.482 through 34.05.494 and in accordance with the standards
29 established in this section. ~~((No initial request may be heard in a~~
30 ~~brief adjudicative proceeding. No request for renewal may be heard in~~
31 ~~a brief adjudicative proceeding if the initial request was granted~~
32 ~~more than three years previously or if the applicant is holding an~~
33 ~~office or position of employment different from the office or~~
34 ~~position held when the initial request was granted.))~~ The commission,
35 the commission chair acting as presiding officer, or another
36 commissioner appointed by the chair to serve as presiding officer,
37 may preside over a brief adjudicatory proceeding. If a modification
38 is requested by a filer because of a concern for personal safety, the
39 information submitted regarding that safety concern shall not be made
40 public prior to, or at, the hearing on the request. Any information

1 provided or prepared for the modification hearing shall remain exempt
2 from public disclosure under this chapter and chapter 42.56 RCW to
3 the extent it is determined at the hearing that disclosure of such
4 information would present a personal safety risk to a reasonable
5 person.

6 (4) If the commission, or presiding officer, grants a
7 modification request, the commission or presiding officer may apply
8 the modification retroactively to previously filed reports. In that
9 event, previously reported information of the kind that is no longer
10 being reported is confidential and exempt from public disclosure
11 under this chapter and chapter 42.56 RCW.

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

16 ~~((45))~~ (6) The commission shall adopt rules governing the
17 proceedings.

18 **Sec. 11.** RCW 42.17A.125 and 2011 c 60 s 21 are each amended to
19 read as follows:

20 ~~((1) At the beginning of each even-numbered calendar year, the~~
21 ~~commission shall increase or decrease the dollar amounts in RCW~~
22 ~~42.17A.005(26), 42.17A.405, 42.17A.410, 42.17A.445(3), 42.17A.475,~~
23 ~~and 42.17A.630(1) based on changes in economic conditions as~~
24 ~~reflected in the inflationary index recommended by the office of~~
25 ~~financial management. The new dollar amounts established by the~~
26 ~~commission under this section shall be rounded off to amounts as~~
27 ~~judged most convenient for public understanding and so as to be~~
28 ~~within ten percent of the target amount equal to the base amount~~
29 ~~provided in this chapter multiplied by the increase in the~~
30 ~~inflationary index since July 2008.~~

31 ~~(2) The commission may revise,~~) At least once every five years,
32 but no more often than every two years, the commission must consider
33 whether to revise the monetary contribution limits and reporting
34 thresholds and ((reporting)) code values of this chapter. If the
35 commission chooses to make revisions, the revisions shall be only for
36 the purpose of recognizing economic changes as reflected by an
37 inflationary index recommended by the office of financial management,
38 and may be rounded off to amounts as determined by the commission to
39 be most accessible for public understanding. The revisions shall be

1 guided by the change in the index for the period commencing with the
2 month of December preceding the last revision and concluding with the
3 month of December preceding the month the revision is adopted. As to
4 each of the three general categories of this chapter, reports of
5 campaign finance, reports of lobbyist activity, and reports of the
6 financial affairs of elected and appointed officials, the revisions
7 shall equally affect all thresholds within each category. The
8 revisions authorized by this subsection shall reflect economic
9 changes from the time of the last legislative enactment affecting the
10 respective code or threshold.

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

14 **Sec. 12.** RCW 42.17A.135 and 2010 c 204 s 307 are each amended to
15 read as follows:

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

18 (a) Candidates, elected officials, and agencies in political
19 subdivisions with ~~((less))~~ fewer than ~~((one))~~ two thousand registered
20 voters as of the date of the most recent general election in the
21 jurisdiction;

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

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

26 (2) The reporting provisions of this chapter apply in any exempt
27 political subdivision from which a "petition for disclosure"
28 containing the valid signatures of fifteen percent of the number of
29 registered voters, as of the date of the most recent general election
30 in the political subdivision, is filed with the commission. The
31 commission shall by rule prescribe the form of the petition. After
32 the signatures are gathered, the petition shall be presented to the
33 auditor or elections officer of the county, or counties, in which the
34 political subdivision is located. The auditor or elections officer
35 shall verify the signatures and certify to the commission that the
36 petition contains no less than the required number of valid
37 signatures. The commission, upon receipt of a valid petition, shall
38 order every known affected person in the political subdivision to

1 file the initially required statement and reports within fourteen
2 days of the date of the order.

3 (3) The reporting provisions of this chapter apply in any exempt
4 political subdivision that by ordinance, resolution, or other
5 official action has petitioned the commission to make the provisions
6 applicable to elected officials and candidates of the exempt
7 political subdivision. A copy of the action shall be sent to the
8 commission. If the commission finds the petition to be a valid action
9 of the appropriate governing body or authority, the commission shall
10 order every known affected person in the political subdivision to
11 file the initially required statement and reports within fourteen
12 days of the date of the order.

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

19 (5) Any petition for disclosure, ordinance, resolution, or
20 official action of an agency petitioning the commission to void the
21 exemption in RCW 42.17A.200(3) shall not be considered unless it has
22 been filed with the commission:

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

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

29 (6) Any person exempted from reporting under this chapter may at
30 (~~((his or her))~~) the person's option file the statement and reports.

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

34 **Sec. 13.** RCW 42.17A.140 and 2010 c 204 s 308 are each amended to
35 read as follows:

36 (1) Except as provided in subsection (2) of this section, the
37 date of receipt of any properly addressed application, report,
38 statement, notice, or payment required to be made under the
39 provisions of this chapter is the date shown by the post office

1 cancellation mark on the envelope of the submitted material. The
2 provisions of this section do not apply to reports required to be
3 delivered under RCW 42.17A.265 and 42.17A.625.

4 (2) When a report is filed electronically with the commission, it
5 is deemed to have been received on the file transfer date. The
6 commission shall notify the filer of receipt of the electronically
7 filed report. Such notification may be sent by mail(~~((7-facsimile,7))~~)
8 or (~~((electronic-mail))~~) electronically. If the notification of receipt
9 of the electronically filed report is not received by the filer, the
10 filer may offer (~~((his-or-her-own))~~) proof of sending the report, and
11 such proof shall be treated as if it were a receipt sent by the
12 commission. Electronic filing may be used for purposes of filing the
13 special reports required to be delivered under RCW 42.17A.265 and
14 42.17A.625.

15 **Sec. 14.** RCW 42.17A.205 and 2011 c 145 s 3 are each amended to
16 read as follows:

17 (1) Every political committee shall file a statement of
18 organization with the commission. The statement must be filed within
19 two weeks after organization or within two weeks after the date the
20 committee first has the expectation of receiving contributions or
21 making expenditures in any election campaign, whichever is earlier. A
22 political committee organized within the last three weeks before an
23 election and having the expectation of receiving contributions or
24 making expenditures during and for that election campaign shall file
25 a statement of organization within three business days after its
26 organization or when it first has the expectation of receiving
27 contributions or making expenditures in the election campaign.

28 (2) The statement of organization shall include but not be
29 limited to:

30 (a) The name (~~((and))~~), address, and electronic contact information
31 of the committee;

32 (b) The names (~~((and))~~), addresses, and electronic contact
33 information of all related or affiliated committees or other persons,
34 and the nature of the relationship or affiliation;

35 (c) The names, addresses, and titles of its officers; or if it
36 has no officers, the names, addresses, and titles of its responsible
37 leaders;

38 (d) The name (~~((and))~~), address, and electronic contact information
39 of its treasurer and depository;

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

2 (f) The name, office sought, and party affiliation of each
3 candidate whom the committee is supporting or opposing, and, if the
4 committee is supporting the entire ticket of any party, the name of
5 the party;

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

8 (h) What distribution of surplus funds will be made, in
9 accordance with RCW 42.17A.430, in the event of dissolution;

10 (~~(i) ((The street address of the place and the hours during which~~
11 ~~the committee will make available for public inspection its books of~~
12 ~~account and all reports filed in accordance with RCW 42.17A.235,~~

13 ~~(j))~~) Such other information as the commission may by
14 (~~(regulation))~~) rule prescribe, in keeping with the policies and
15 purposes of this chapter;

16 (~~((k))~~) (j) The name, address, and title of any person who
17 authorizes expenditures or makes decisions on behalf of the candidate
18 or committee; and

19 (~~((l))~~) (k) The name, address, and title of any person who is
20 paid by or is a volunteer for a candidate or political committee to
21 perform ministerial functions and who performs ministerial functions
22 on behalf of two or more candidates or committees.

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

24 (4) Any material change in information previously submitted in a
25 statement of organization shall be reported to the commission within
26 the ten days following the change.

27 (5) As used in this section, the "name" of a sponsored committee
28 must include the name of the person (~~(that)~~) who is the sponsor of
29 the committee. If more than one person meets the definition of
30 sponsor, the name of the committee must include the name of at least
31 one sponsor, but may include the names of other sponsors. A person
32 may sponsor only one political committee for the same elected office
33 or same ballot (~~(measure))~~) proposition per election cycle.

34 **Sec. 15.** RCW 42.17A.207 and 2018 c 111 s 4 are each amended to
35 read as follows:

36 (1)(a) An incidental committee must file a statement of
37 organization with the commission within two weeks after the date the
38 committee first:

1 (i) Has the expectation of making ~~((contributions—or))~~ any
2 expenditures aggregating at least twenty-five thousand dollars in a
3 calendar year in any election campaign, or to a political committee;
4 and

5 (ii) Is required to disclose a payment received under RCW
6 42.17A.240(2) ~~((+e+))~~ (d).

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

11 (2) The statement of organization must include but is not limited
12 to:

13 (a) The name ~~((and))~~, address, and electronic contact information
14 of the committee;

15 (b) The names and addresses of all related or affiliated
16 political or incidental committees or other persons, and the nature
17 of the relationship or affiliation;

18 (c) The names, addresses, and titles of its officers; or if it
19 has no officers, the names, addresses, and titles of its responsible
20 leaders and the name of the person designated as the treasurer of the
21 incidental committee;

22 (d) The name, office sought, and party affiliation of each
23 candidate whom the committee is supporting or opposing if the
24 committee contributes directly to a candidate and, if donating to a
25 political committee, the name and address of that political
26 committee;

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

29 (f) Such other information as the commission may by rule
30 prescribe, in keeping with the policies and purposes of this chapter.

31 (3) Any material change in information previously submitted in a
32 statement of organization must be reported to the commission within
33 the ten days following the change.

34 **Sec. 16.** RCW 42.17A.210 and 2010 c 205 s 2 and 2010 c 204 s 403
35 are each reenacted and amended to read as follows:

36 (1) Each candidate, within two weeks after becoming a candidate,
37 and each political committee, at the time it is required to file a
38 statement of organization, shall designate and file with the

1 commission the name and address of one legally competent individual,
2 who may be the candidate, to serve as a treasurer.

3 (2) A candidate, a political committee, or a treasurer may
4 appoint as many deputy treasurers as is considered necessary and
5 shall file the names and addresses of the deputy treasurers with the
6 commission.

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

9 (b) In the event of the death, resignation, removal, or change of
10 a treasurer or deputy treasurer, the candidate or political committee
11 shall designate and file with the commission the name and address of
12 any successor.

13 (4) No treasurer or deputy treasurer may be deemed to be in
14 compliance with the provisions of this chapter until ~~((his or her))~~
15 the treasurer's or deputy treasurer's name ((and)), address, and
16 electronic contact information is filed with the commission.

17 **Sec. 17.** RCW 42.17A.215 and 2010 c 204 s 404 are each amended to
18 read as follows:

19 Each candidate and each political committee shall designate and
20 file with the commission ~~((and the appropriate county elections~~
21 ~~officer))~~ the name and address of not more than one depository for
22 each county in which the campaign is conducted in which the
23 candidate's or political committee's accounts are maintained and the
24 name of the account or accounts maintained in that depository on
25 behalf of the candidate or political committee. The candidate or
26 political committee may at any time change the designated depository
27 and shall file with the commission ~~((and the appropriate county~~
28 ~~elections officer))~~ the same information for the successor depository
29 as for the original depository. The candidate or political committee
30 may not be deemed in compliance with the provisions of this chapter
31 until the information required for the depository is filed with the
32 commission ~~((and the appropriate county elections officer))~~.

33 **Sec. 18.** RCW 42.17A.225 and 2018 c 304 s 6 are each amended to
34 read as follows:

35 (1) In addition to the provisions of this section, a continuing
36 political committee shall file and report on the same conditions and
37 at the same times as any other committee in accordance with the
38 provisions of RCW 42.17A.205, 42.17A.210, and 42.17A.220.

1 (2) A continuing political committee shall file with the
2 commission a report on the tenth day of each month detailing
3 expenditures made and contributions received for the preceding
4 calendar month. This report need only be filed if either the total
5 contributions received or total expenditures made since the last such
6 report exceed two hundred dollars. The report shall be on a form
7 supplied by the commission and shall include the following
8 information:

9 (a) The information required by RCW 42.17A.240;

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

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

14 (3) If a continuing political committee makes a contribution in
15 support of or in opposition to a candidate or ballot proposition
16 within sixty days before the date that the candidate or ballot
17 proposition will be voted upon, the committee shall report pursuant
18 to RCW 42.17A.235.

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

27 (b) The continuing political committee may dissolve sixty days
28 after it files its notice to dissolve, only if:

29 (i) The continuing political committee does not make any
30 expenditures other than those related to the dissolution process or
31 engage in any political activity or any other activities that
32 generate additional reporting requirements under this chapter after
33 filing such notice;

34 (ii) No complaint or court action, pursuant to this chapter, is
35 pending against the continuing political committee; and

36 (iii) All penalties assessed by the commission or court order
37 ~~((are))~~ have been paid by the continuing political committee.

38 (c) The continuing political committee must continue to report
39 regularly as required under this chapter until all the conditions
40 under (b) of this subsection are resolved.

1 (d) (~~The treasurer may not close the continuing political~~
2 ~~committee's bank account before the political committee has~~
3 ~~dissolved.~~

4 ~~(e))~~) Upon dissolution, the commission must issue an
5 acknowledgment of dissolution, the duties of the treasurer shall
6 cease, and there shall be no further obligations under this chapter.
7 Dissolution does not absolve the candidate or board of the committee
8 from responsibility for any future obligations resulting from the
9 finding after dissolution of a violation committed prior to
10 dissolution.

11 (5) The treasurer shall maintain books of account, current within
12 five business days, that accurately reflect all contributions and
13 expenditures. During the ten calendar days immediately preceding the
14 date of any election that the committee has received any
15 contributions or made any expenditures, the books of account shall be
16 kept current within one business day and shall be open for public
17 inspection in the same manner as provided for candidates and other
18 political committees in RCW 42.17A.235(6).

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

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

25 **Sec. 19.** RCW 42.17A.230 and 2010 c 205 s 5 and 2010 c 204 s 407
26 are each reenacted and amended to read as follows:

27 (1) Fund-raising activities meeting the standards of subsection
28 (2) of this section may be reported in accordance with the provisions
29 of this section in lieu of reporting in accordance with RCW
30 42.17A.235.

31 (2) Standards:

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

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

35 (ii) A gambling operation that is licensed, conducted, or
36 operated in accordance with the provisions of chapter 9.46 RCW; or

37 (iii) A gathering where food and beverages are purchased and the
38 price of admission or the per person charge for the food and
39 beverages is no more than twenty-five dollars; or

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

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

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

14 (c) Any other standards established by rule of the commission to
15 prevent frustration of the purposes of this chapter.

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

20 (4) At the time reports are required under RCW 42.17A.235, the
21 treasurer or deputy treasurer making the deposit shall file with the
22 commission a report of the fund-raising activity which must contain
23 the following information:

24 (a) The date of the activity;

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

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

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

31 (6) The treasurer shall report pursuant to RCW 42.17A.235 and
32 42.17A.240:

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

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

1 **Sec. 20.** RCW 42.17A.235 and 2018 c 304 s 7 and 2018 c 111 s 5
2 are each reenacted and amended to read as follows:

3 (1)(a) In addition to the information required under RCW
4 42.17A.205 and 42.17A.210, each candidate or political committee must
5 file with the commission a report of all contributions received and
6 expenditures made as a political committee on the next reporting date
7 pursuant to the timeline established in this section.

8 (b) In addition to the information required under RCW
9 ((42.17A.205)) 42.17A.207 and 42.17A.210, on the day an incidental
10 committee files a statement of organization with the commission, each
11 incidental committee must file with the commission a report of any
12 election campaign expenditures under RCW 42.17A.240(6), as well as
13 the source of the ten largest cumulative payments of ten thousand
14 dollars or greater it received in the current calendar year from a
15 single person, including any persons tied as the tenth largest source
16 of payments it received, if any.

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

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

25 (b) On the tenth day of the first full month after the election.

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

34 ~~((For an))~~ (b) Each incidental committee((7)) shall file with the
35 commission a report on the tenth day of each month during which the
36 incidental committee is not otherwise required to report under this
37 section only if the committee has:

38 ~~((A))~~ (i) Received a payment that would change the information
39 required under RCW 42.17A.240(2) ~~((e))~~ (d) as included in its last
40 report; or

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

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

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

30 (6)(a) The treasurer for a candidate or a political committee
31 shall maintain books of account accurately reflecting all
32 contributions and expenditures on a current basis within five
33 business days of receipt or expenditure. During the ten calendar days
34 immediately preceding the date of the election the books of account
35 shall be kept current within one business day. As specified in the
36 political committee's statement of organization filed under RCW
37 42.17A.205, the books of account must be open for public inspection
38 by appointment at a place agreed upon by both the treasurer and the
39 requestor, for inspections between 9:00 a.m. and 5:00 p.m. on any day
40 from the tenth calendar day immediately before the election through

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

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

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

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

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

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

36 (10) Where there is not a pending complaint concerning a report,
37 it is not evidence of a violation of this section to submit an
38 amended report within twenty-one days of filing an ~~((underlying))~~
39 initial report if:

40 (a) The report is accurately amended;

1 (b) The ~~((corrected))~~ amended report is filed more than thirty
2 days before an election;

3 (c) The total aggregate dollar amount of the adjustment for the
4 ~~((individual))~~ amended report is within three times the contribution
5 limit per election or two hundred dollars, whichever is greater; and

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

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

16 (b) Any political committee may dissolve sixty days after it
17 files its notice to dissolve, only if:

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

22 (ii) No complaint or court action under this chapter is pending
23 against the political committee; and

24 (iii) All penalties assessed by the commission or court order
25 ~~((are))~~ have been paid by the political committee.

26 (c) The political committee must continue to report regularly as
27 required under this chapter until all the conditions under (b) of
28 this subsection are resolved.

29 ~~((The treasurer may not close the political committee's bank
30 account before the political committee has dissolved.~~

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

38 ~~((+9))~~ (12) The commission must adopt rules for the dissolution
39 of incidental committees.

1 **Sec. 21.** RCW 42.17A.240 and 2018 c 304 s 8 and 2018 c 111 s 6
2 are each reenacted and amended to read as follows:

3 Each report required under RCW 42.17A.235 (1) ~~((and (2)))~~ through
4 (4) must be certified as correct by the treasurer and the candidate
5 and shall disclose the following, except ~~((that the commission may~~
6 ~~suspend or modify reporting requirements for contributions received~~
7 ~~by an incidental committee in cases of manifestly unreasonable~~
8 ~~hardship under RCW 42.17A.120))~~ an incidental committee only must
9 disclose and certify as correct the information required under
10 subsections (2)(d) and (6) of this section:

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

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

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

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

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

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

1 received by an incidental committee in cases of manifestly
2 unreasonable hardship under this chapter;

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

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

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

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

13 ~~((e) For purposes of this subsection,)~~ (f) Commentary or
14 analysis on a ballot ((measure)) proposition by an incidental
15 committee is not considered a contribution if it does not advocate
16 specifically to vote for or against the ballot ~~((measure))~~
17 proposition; and

18 ~~((f))~~ (g) The money value of contributions of postage is the
19 face value of the postage;

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

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

26 (5) The name and address of each candidate or political committee
27 to which any transfer of funds was made, including the amounts and
28 dates of the transfers;

29 (6) The name and address of each person to whom an expenditure
30 was made in the aggregate amount of more than fifty dollars during
31 the period covered by this report, the amount, date, and purpose of
32 each expenditure, and the total sum of all expenditures. An
33 incidental committee only must report on expenditures, made and
34 reportable as contributions as defined in RCW 42.17A.005, to election
35 campaigns. For purposes of this subsection, commentary or analysis on
36 a ballot ~~((measure))~~ proposition by an incidental committee is not
37 considered an expenditure if it does not advocate specifically to
38 vote for or against the ballot ~~((measure))~~ proposition;

39 (7) The name ~~((and))~~, address, and electronic contact information
40 of each person ((directly compensated)) to whom an expenditure was

1 made for soliciting or procuring signatures on an initiative or
2 referendum petition, the amount of the compensation to each person,
3 and the total expenditures made for this purpose. Such expenditures
4 shall be reported under this subsection in addition to what is
5 required to be reported under subsection (6) of this section;

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

12 (b) For purposes of this subsection, debt does not include ((÷
13 ~~(i)~~)) regularly recurring expenditures of the same amount that
14 have already been reported at least once and that are not late or
15 outstanding ((~~÷ or~~

16 ~~(ii) Any obligations already reported to pay for goods and~~
17 ~~services made by a third party on behalf of a candidate or political~~
18 ~~committee after the original payment or debt to that party has been~~
19 ~~reported~~));

20 (9) The surplus or deficit of contributions over expenditures;

21 (10) The disposition made in accordance with RCW 42.17A.430 of
22 any surplus funds; and

23 (11) Any other information required by the commission by rule in
24 conformance with the policies and purposes of this chapter.

25 **Sec. 22.** RCW 42.17A.255 and 2011 c 60 s 24 are each amended to
26 read as follows:

27 (1) For the purposes of this section the term "independent
28 expenditure" means any expenditure that is made in support of or in
29 opposition to any candidate or ballot proposition and is not
30 otherwise required to be reported pursuant to RCW ((42.17A.220))
31 42.17A.225, 42.17A.235, and 42.17A.240. "Independent expenditure"
32 does not include: An internal political communication primarily
33 limited to the contributors to a political party organization or
34 political action committee, or the officers, management staff, and
35 stockholders of a corporation or similar enterprise, or the members
36 of a labor organization or other membership organization; or the
37 rendering of personal services of the sort commonly performed by
38 volunteer campaign workers, or incidental expenses personally
39 incurred by volunteer campaign workers not in excess of fifty dollars

1 personally paid for by the worker. "Volunteer services," for the
2 purposes of this section, means services or labor for which the
3 individual is not compensated by any person.

4 (2) Within five days after the date of making an independent
5 expenditure that by itself or when added to all other such
6 independent expenditures made during the same election campaign by
7 the same person equals one hundred dollars or more, or within five
8 days after the date of making an independent expenditure for which no
9 reasonable estimate of monetary value is practicable, whichever
10 occurs first, the person who made the independent expenditure shall
11 file with the commission an initial report of all independent
12 expenditures made during the campaign prior to and including such
13 date.

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

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

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

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

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

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

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

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

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

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

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

14 **Sec. 23.** RCW 42.17A.260 and 2010 c 204 s 413 are each amended to
15 read as follows:

16 (1) The sponsor of political advertising (~~((who))~~) shall file a
17 special report to the commission within twenty-four hours of, or on
18 the first working day after, the date the political advertising is
19 first published, mailed, or otherwise presented to the public, if the
20 political advertising:

21 (a) Is published, mailed, or otherwise presented to the public
22 within twenty-one days of an election((, publishes, mails, or
23 otherwise presents to the public political advertising supporting or
24 opposing a candidate or ballot proposition that qualifies as an
25 independent expenditure with a fair market value of one thousand
26 dollars or more shall deliver, either electronically or in written
27 form, a special report to the commission within twenty-four hours of,
28 or on the first working day after, the date the political advertising
29 is first published, mailed, or otherwise presented to the public));
30 and

31 (b) Either:

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

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

38 (2) If a sponsor is required to file a special report under this
39 section, the sponsor shall also deliver to the commission within the

1 delivery period established in subsection (1) of this section a
2 special report for each subsequent independent expenditure of any
3 size supporting or opposing the same candidate who was the subject of
4 the previous independent expenditure, supporting or opposing that
5 candidate's opponent, or, in the case of a subsequent expenditure of
6 any size made in support of or in opposition to a ballot proposition
7 not otherwise required to be reported pursuant to RCW 42.17A.225,
8 42.17A.235, or 42.17A.240, supporting or opposing the same ballot
9 proposition that was the subject of the previous ((independent))
10 expenditure.

11 (3) The special report must include:

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

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

15 (c) A detailed description of the expenditure;

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

18 (e) The amount of the expenditure;

19 (f) The name of the candidate supported or opposed by the
20 expenditure, the office being sought by the candidate, and whether
21 the expenditure supports or opposes the candidate; or the name of the
22 ballot proposition supported or opposed by the expenditure and
23 whether the expenditure supports or opposes the ballot proposition;
24 and

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

26 (4) All persons required to report under RCW 42.17A.225,
27 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the
28 requirements of this section. The commission may determine that
29 reports filed pursuant to this section also satisfy the requirements
30 of RCW 42.17A.255.

31 (5) The sponsor of independent expenditures supporting a
32 candidate or opposing that candidate's opponent required to report
33 under this section shall file with each required report an affidavit
34 or declaration of the person responsible for making the independent
35 expenditure that the expenditure was not made in cooperation,
36 consultation, or concert with, or at the request or suggestion of,
37 the candidate, the candidate's authorized committee, or the
38 candidate's agent, or with the encouragement or approval of the
39 candidate, the candidate's authorized committee, or the candidate's
40 agent.

1 **Sec. 24.** RCW 42.17A.265 and 2010 c 204 s 414 are each amended to
2 read as follows:

3 (1) Treasurers shall prepare and deliver to the commission a
4 special report when a contribution or aggregate of contributions
5 totals one thousand dollars or more, is from a single person or
6 entity, and is received during a special reporting period.

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

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

16 (4) Special reporting periods, for purposes of this section,
17 include:

18 (a) The period beginning on the day after the last report
19 required by RCW 42.17A.235 and 42.17A.240 to be filed before a
20 primary and concluding on the end of the day before that primary;

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

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

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

37 (6) Special reports required by this section shall be delivered
38 electronically, or in written form(~~(, including but not limited to~~
39 ~~mailgram, telegram, or nightletter. The special report may be~~
40 ~~transmitted orally by telephone to the commission if the written form~~

~~of the report is postmarked and mailed to the commission or the electronic filing is transferred to the commission within the delivery periods established in (a) and (b) of this subsection)) if an electronic alternative is not available.~~

(a) The special report required of a contribution recipient under 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 of one thousand dollars or more is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first equals one thousand dollars or more; or any subsequent contribution from the same source is received by the candidate or treasurer.

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

(7) The special report shall include:

(a) The amount of the contribution or contributions;

(b) The date or dates 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.

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

(9) The commission shall prepare daily a summary of the special reports made under this section and RCW 42.17A.625.

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

Sec. 25. RCW 42.17A.305 and 2010 c 204 s 502 are each amended to read as follows:

(1) A payment for or promise to pay for any electioneering communication shall be reported to the commission by the sponsor on

forms the commission shall develop by rule to include, at a minimum, the following information:

(a) Name and address of the sponsor;

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

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

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

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

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

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

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

(f) The amount of the expenditure;

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

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

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

1 (3) Electioneering communications shall be reported
2 electronically by the sponsor using software provided or approved by
3 the commission. The commission may make exceptions on a case-by-case
4 basis for a sponsor who lacks the technological ability to file
5 reports using the electronic means provided or approved by the
6 commission.

7 (4) All persons required to report under RCW 42.17A.225,
8 42.17A.235, 42.17A.240, and 42.17A.255 are subject to the
9 requirements of this section, although the commission may determine
10 by rule that persons filing according to those sections may be exempt
11 from reporting some of the information otherwise required by this
12 section. The commission may determine that reports filed pursuant to
13 this section also satisfy the requirements of RCW 42.17A.255 and
14 42.17A.260.

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

17 **Sec. 26.** RCW 42.17A.345 and 2010 c 204 s 508 are each amended to
18 read as follows:

19 (1) Each commercial advertiser who has accepted or provided
20 political advertising or electioneering communications during the
21 election campaign shall maintain ~~((documents and))~~ current books of
22 account and related materials as provided by rule that shall be open
23 for public inspection during normal business hours during the
24 campaign and for a period of no less than ~~((three))~~ five years after
25 the date of the applicable election. The documents and books of
26 account shall specify:

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

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

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

31 (2) At the request of the commission, each commercial advertiser
32 required to comply with subsection (1) of this section shall
33 ~~((deliver))~~ provide to the commission copies of the information that
34 must be maintained and be open for public inspection pursuant to
35 subsection (1) of this section.

36 **Sec. 27.** RCW 42.17A.420 and 2018 c 111 s 7 are each amended to
37 read as follows:

(1) 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 42.17A.240 in the aggregate exceeding fifty thousand dollars for any campaign for statewide 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:

(a) Contributions made by, or accepted from, a bona fide political party as defined in this chapter, excluding the county central committee or legislative district committee~~((.---This subsection does not apply to))~~;

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

(c) Payments received by an incidental committee.

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

Sec. 28. RCW 42.17A.475 and 2010 c 204 s 611 are each amended to read as follows:

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

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

Sec. 29. RCW 42.17A.600 and 2010 c 204 s 801 are each amended to read as follows:

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

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

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

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

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

6 (e) Whether the lobbyist is employed solely as a lobbyist or
7 whether the lobbyist is a regular employee performing services for
8 (~~his or her~~) the lobbyist's employer which include but are not
9 limited to the influencing of legislation;

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

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

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

16 (i) If the lobbyist's employer is an entity (including, but not
17 limited to, business and trade associations) whose members include,
18 or which as a representative entity undertakes lobbying activities
19 for, businesses, groups, associations, or organizations, the name and
20 address of each member of such entity or person represented by such
21 entity whose fees, dues, payments, or other consideration paid to
22 such entity during either of the prior two years have exceeded five
23 hundred dollars or who is obligated to or has agreed to pay fees,
24 dues, payments, or other consideration exceeding five hundred dollars
25 to such entity during the current year.

26 (2) Any lobbyist who receives or is to receive compensation from
27 more than one person for lobbying shall file a separate notice of
28 representation for each person. However, if two or more persons are
29 jointly paying or contributing to the payment of the lobbyist, the
30 lobbyist may file a single statement detailing the name, business
31 address, and occupation of each person paying or contributing and the
32 respective amounts to be paid or contributed.

33 (3) Whenever a change, modification, or termination of the
34 lobbyist's employment occurs, the lobbyist shall file with the
35 commission an amended registration statement within one week of the
36 change, modification, or termination.

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

1 **Sec. 30.** RCW 42.17A.605 and 2010 c 204 s 802 are each amended to
2 read as follows:

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

14 **Sec. 31.** RCW 42.17A.610 and 2010 c 204 s 803 are each amended to
15 read as follows:

16 The following persons and activities are exempt from registration
17 and reporting under RCW 42.17A.600, 42.17A.615, and 42.17A.640:

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

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

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

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

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

14 (6) The governor;

15 (7) The lieutenant governor;

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

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

21 (10) Elected officials, and officers and employees of any agency
22 reporting under RCW 42.17A.635(5).

23 **Sec. 32.** RCW 42.17A.615 and 2010 c 204 s 804 are each amended to
24 read as follows:

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

32 (2) The monthly report shall contain:

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

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

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

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

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

29 (e) A listing of each payment for an item specified in RCW
30 42.52.150(5) in excess of fifty dollars and each item specified in
31 RCW 42.52.010(~~((10))~~) (9) (d) and (f) made to a state elected
32 official, state officer, or state employee. Each item shall be
33 identified by recipient, date, and approximate value of the item.

34 (f) The total expenditures paid or incurred during the reporting
35 period by the lobbyist for lobbying purposes, whether through or on
36 behalf of a lobbyist or otherwise, for (i) political advertising as
37 defined in RCW 42.17A.005; and (ii) public relations, telemarketing,
38 polling, or similar activities if the activities, directly or
39 indirectly, are intended, designed, or calculated to influence
40 legislation or the adoption or rejection of a rule, standard, or rate

1 by an agency under the administrative procedure act. The report shall
2 specify the amount, the person to whom the amount was paid, and a
3 brief description of the activity.

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

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

7 (b) Any expenses incurred for ((his or her)) the lobbyist's own
8 living accommodations;

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

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

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

18 **Sec. 33.** RCW 42.17A.630 and 2010 c 204 s 807 are each amended to
19 read as follows:

20 (1) Every employer of a lobbyist registered under this chapter
21 during the preceding calendar year and every person other than an
22 individual ((that)) who made contributions aggregating to more than
23 sixteen thousand dollars or independent expenditures aggregating to
24 more than eight hundred dollars during the preceding calendar year
25 shall file with the commission on or before the last day of February
26 of each year a statement disclosing for the preceding calendar year
27 the following information:

28 (a) The name of each state elected official and the name of each
29 candidate for state office who was elected to the office and any
30 member of the immediate family of those persons to whom the person
31 reporting has paid any compensation in the amount of eight hundred
32 dollars or more during the preceding calendar year for personal
33 employment or professional services, including professional services
34 rendered by a corporation, partnership, joint venture, association,
35 union, or other entity in which the person holds any office,
36 directorship, or any general partnership interest, or an ownership
37 interest of ten percent or more, the value of the compensation in
38 accordance with the reporting provisions set out in RCW

1 42.17A.710((~~(2)~~)) (3), and the consideration given or performed in
2 exchange for the compensation.

3 (b) The name of each state elected official, successful candidate
4 for state office, or members of (~~(his or her)~~) the official's or
5 candidate's immediate family to whom the person reporting made
6 expenditures, directly or indirectly, either through a lobbyist or
7 otherwise, the amount of the expenditures and the purpose for the
8 expenditures. For the purposes of this subsection, "expenditure"
9 shall not include any expenditure made by the employer in the
10 ordinary course of business if the expenditure is not made for the
11 purpose of influencing, honoring, or benefiting the elected official,
12 successful candidate, or member of his immediate family, as an
13 elected official or candidate.

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

17 (d) All contributions made to a political committee supporting or
18 opposing a candidate for state office, or to a political committee
19 supporting or opposing a statewide ballot proposition. Such
20 contributions shall be identified by the name and the address of the
21 recipient and the aggregate amount contributed to each such
22 recipient.

23 (e) The name and address of each registered lobbyist employed by
24 the person reporting and the total expenditures made by the person
25 reporting for each lobbyist for lobbying purposes.

26 (f) The names, offices sought, and party affiliations of
27 candidates for state offices supported or opposed by independent
28 expenditures of the person reporting and the amount of each such
29 expenditure.

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

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

35 (2)(a) Except as provided in (b) of this subsection, an employer
36 of a lobbyist registered under this chapter shall file a special
37 report with the commission if the employer makes a contribution or
38 contributions aggregating more than one hundred dollars in a calendar
39 month to any one of the following: A candidate, elected official,
40 officer or employee of an agency, or political committee. The report

1 shall identify the date and amount of each such contribution and the
2 name of the candidate, elected official, agency officer or employee,
3 or political committee receiving the contribution or to be benefited
4 by the contribution. The report shall be filed on a form prescribed
5 by the commission and shall be filed within fifteen days after the
6 last day of the calendar month during which the contribution was
7 made.

8 (b) The provisions of (a) of this subsection do not apply to a
9 contribution that is made through a registered lobbyist and
10 reportable under RCW 42.17A.425.

11 **Sec. 34.** RCW 42.17A.655 and 2010 c 204 s 812 are each amended to
12 read as follows:

13 (1) A person required to register as a lobbyist under RCW
14 42.17A.600 shall substantiate financial reports required to be made
15 under this chapter with accounts, bills, receipts, books, papers, and
16 other necessary documents and records. All such documents must be
17 obtained and preserved for a period of at least five years from the
18 date of filing the statement containing such items and shall be made
19 available for inspection by the commission at any time. If the terms
20 of the lobbyist's employment contract require that these records be
21 turned over to (~~his or her~~) the lobbyist's employer, responsibility
22 for the preservation and inspection of these records under this
23 subsection shall be with such employer.

24 (2) A person required to register as a lobbyist under RCW
25 42.17A.600 shall not:

26 (a) Engage in any lobbying activity before registering as a
27 lobbyist;

28 (b) Knowingly deceive or attempt to deceive a legislator
29 regarding the facts pertaining to any pending or proposed
30 legislation;

31 (c) Cause or influence the introduction of a bill or amendment to
32 that bill for the purpose of later being employed to secure its
33 defeat;

34 (d) Knowingly represent an interest adverse to (~~his or her~~) the
35 lobbyist's employer without full disclosure of the adverse interest
36 to the employer and obtaining the employer's written consent;

37 (e) Exercise any undue influence, extortion, or unlawful
38 retaliation upon any legislator due to the legislator's position or
39 vote on any pending or proposed legislation;

1 (f) Enter into any agreement, arrangement, or understanding in
2 which any portion of ~~((his or her))~~ the lobbyist's compensation is or
3 will be contingent upon ~~((his or her))~~ the lobbyist's success in
4 influencing legislation.

5 (3) A violation by a lobbyist of this section shall be cause for
6 revocation of ~~((his or her))~~ the lobbyist's registration, and may
7 subject the lobbyist and the lobbyist's employer, if the employer
8 aids, abets, ratifies, or confirms the violation, to other civil
9 liabilities as provided by this chapter.

10 **Sec. 35.** RCW 42.17A.700 and 2010 c 204 s 901 are each amended to
11 read as follows:

12 (1) After January 1st and before April 15th of each year, every
13 elected official and every executive state officer who served for any
14 portion of the preceding year shall electronically file with the
15 commission a statement of financial affairs for the preceding
16 calendar year or for that portion of the year served. ~~((However, any~~
17 ~~local elected official whose term of office ends on December 31st~~
18 ~~shall file the statement required to be filed by this section for the~~
19 ~~final year of his or her term.))~~ Any official or officer in office
20 for any period of time in a calendar year, but not in office as of
21 January 1st of the following year, may electronically file either
22 within sixty days of leaving office or during the January 1st through
23 April 15th reporting period of that following year. Such filing must
24 include information for the portion of the current calendar year for
25 which the official or officer was in office.

26 (2) Within two weeks of becoming a candidate, every candidate
27 shall file with the commission a statement of financial affairs for
28 the preceding twelve months.

29 (3) Within two weeks of appointment, every person appointed to a
30 vacancy in an elective office or executive state officer position
31 during the months of January through November shall file with the
32 commission a statement of financial affairs for the preceding twelve
33 months, except as provided in subsection (4) of this section. For
34 appointments made in December, the appointee must file the statement
35 of financial affairs between January 1st and January 15th of the
36 immediate following year for the preceding twelve-month period ending
37 on December 31st.

38 (4) A statement of a candidate or appointee filed during the
39 period from January 1st to April 15th shall cover the period from

1 January 1st of the preceding calendar year to the time of candidacy
2 or appointment if the filing of the statement would relieve the
3 individual of a prior obligation to file a statement covering the
4 entire preceding calendar year.

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

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

9 (7) Every elected official and every executive state officer
10 shall file with their statement of financial affairs a statement
11 certifying that they have read and are familiar with RCW 42.17A.555
12 or 42.52.180, whichever is applicable.

13 (8) For the purposes of this section, the term "executive state
14 officer" includes those listed in RCW 42.17A.705.

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

17 **Sec. 36.** RCW 42.17A.710 and 2010 c 204 s 903 are each amended to
18 read as follows:

19 (1) The statement of financial affairs required by RCW 42.17A.700
20 shall disclose the following information for the reporting individual
21 and each member of (~~his or her~~) the reporting individual's
22 immediate family:

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

24 (b) Each bank account, savings account, and insurance policy in
25 which a direct financial interest was held that exceeds twenty
26 thousand dollars at any time during the reporting period; each other
27 item of intangible personal property in which a direct financial
28 interest was held that exceeds two thousand dollars during the
29 reporting period; the name, address, and nature of the entity; and
30 the nature and highest value of each direct financial interest during
31 the reporting period;

32 (c) The name and address of each creditor to whom the value of
33 two thousand dollars or more was owed; the original amount of each
34 debt to each creditor; the amount of each debt owed to each creditor
35 as of the date of filing; the terms of repayment of each debt; and
36 the security given, if any, for each such debt. Debts arising from a
37 "retail installment transaction" as defined in chapter 63.14 RCW
38 (retail installment sales act) need not be reported;

1 (d) Every public or private office, directorship, and position
2 held as trustee; except that an elected official or executive state
3 officer need not report the elected official's or executive state
4 officer's service on a governmental board, commission, association,
5 or functional equivalent, when such service is part of the elected
6 official's or executive state officer's official duties;

7 (e) All persons for whom any legislation, rule, rate, or standard
8 has been prepared, promoted, or opposed for current or deferred
9 compensation. For the purposes of this subsection, "compensation"
10 does not include payments made to the person reporting by the
11 governmental entity for which the person serves as an elected
12 official or state executive officer or professional staff member for
13 (~~his or her~~) the person's service in office; the description of
14 such actual or proposed legislation, rules, rates, or standards; and
15 the amount of current or deferred compensation paid or promised to be
16 paid;

17 (f) The name and address of each governmental entity,
18 corporation, partnership, joint venture, sole proprietorship,
19 association, union, or other business or commercial entity from whom
20 compensation has been received in any form of a total value of two
21 thousand dollars or more; the value of the compensation; and the
22 consideration given or performed in exchange for the compensation;

23 (g) The name of any corporation, partnership, joint venture,
24 association, union, or other entity in which is held any office,
25 directorship, or any general partnership interest, or an ownership
26 interest of ten percent or more; the name or title of that office,
27 directorship, or partnership; the nature of ownership interest; and:

28 (i) With respect to a governmental unit in which the official seeks
29 or holds any office or position, if the entity has received
30 compensation in any form during the preceding twelve months from the
31 governmental unit, the value of the compensation and the
32 consideration given or performed in exchange for the compensation;

33 and (ii) the name of each governmental unit, corporation,
34 partnership, joint venture, sole proprietorship, association, union,
35 or other business or commercial entity from which the entity has
36 received compensation in any form in the amount of ten thousand
37 dollars or more during the preceding twelve months and the
38 consideration given or performed in exchange for the compensation. As
39 used in (g)(ii) of this subsection, "compensation" does not include
40 payment for water and other utility services at rates approved by the

1 Washington state utilities and transportation commission or the
2 legislative authority of the public entity providing the service.
3 With respect to any bank or commercial lending institution in which
4 is held any office, directorship, partnership interest, or ownership
5 interest, it shall only be necessary to report either the name,
6 address, and occupation of every director and officer of the bank or
7 commercial lending institution and the average monthly balance of
8 each account held during the preceding twelve months by the bank or
9 commercial lending institution from the governmental entity for which
10 the individual is an official or candidate or professional staff
11 member, or all interest paid by a borrower on loans from and all
12 interest paid to a depositor by the bank or commercial lending
13 institution if the interest exceeds two thousand four hundred
14 dollars;

15 (h) A list, including legal or other sufficient descriptions as
16 prescribed by the commission, of all real property in the state of
17 Washington, the assessed valuation of which exceeds ten thousand
18 dollars in which any direct financial interest was acquired during
19 the preceding calendar year, and a statement of the amount and nature
20 of the financial interest and of the consideration given in exchange
21 for that interest;

22 (i) A list, including legal or other sufficient descriptions as
23 prescribed by the commission, of all real property in the state of
24 Washington, the assessed valuation of which exceeds ten thousand
25 dollars in which any direct financial interest was divested during
26 the preceding calendar year, and a statement of the amount and nature
27 of the consideration received in exchange for that interest, and the
28 name and address of the person furnishing the consideration;

29 (j) A list, including legal or other sufficient descriptions as
30 prescribed by the commission, of all real property in the state of
31 Washington, the assessed valuation of which exceeds ten thousand
32 dollars in which a direct financial interest was held. If a
33 description of the property has been included in a report previously
34 filed, the property may be listed, for purposes of this subsection
35 (1)(j), by reference to the previously filed report;

36 (k) A list, including legal or other sufficient descriptions as
37 prescribed by the commission, of all real property in the state of
38 Washington, the assessed valuation of which exceeds twenty thousand
39 dollars, in which a corporation, partnership, firm, enterprise, or
40 other entity had a direct financial interest, in which corporation,

partnership, firm, or enterprise a ten percent or greater ownership interest was held;

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

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(~~((10))~~) (9) (d) and (f) were accepted; and

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

(2)(a) When judges, prosecutors, sheriffs, or their immediate family members are required to disclose real property that is the personal residence of the judge, prosecutor, or sheriff, the requirements of subsection (1)(h) through (k) of this section may be satisfied for that property by substituting:

(i) The city or town;

(ii) The type of residence, such as a single-family or multifamily residence, and the nature of ownership; and

(iii) Such other identifying information the commission prescribes by rule for the mailing address where the property is located.

(b) Nothing in this subsection relieves the judge, prosecutor, or sheriff of any other applicable obligations to disclose potential conflicts or to recuse oneself.

(3)(a) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it (~~shall be sufficient to comply with the requirement to report whether the amount is less than four thousand dollars, at least four thousand dollars but less than twenty thousand dollars, at least twenty thousand dollars but less than forty thousand dollars, at least forty thousand dollars but less than one hundred thousand dollars, or one hundred thousand dollars or more.~~) may be reported within a range as provided in (b) of this subsection.

(b)

<u>Code A</u>	<u>Less than thirty thousand dollars;</u>
<u>Code B</u>	<u>At least thirty thousand dollars, but less than sixty thousand dollars;</u>

<u>Code C</u>	<u>At least sixty thousand dollars, but less than one hundred thousand dollars;</u>
<u>Code D</u>	<u>At least one hundred thousand dollars, but less than two hundred thousand dollars;</u>
<u>Code E</u>	<u>At least two hundred thousand dollars, but less than five hundred thousand dollars;</u>
<u>Code F</u>	<u>At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;</u>
<u>Code G</u>	<u>At least seven hundred fifty thousand dollars, but less than one million dollars;</u> <u>or</u>
<u>Code H</u>	<u>One million dollars or more.</u>

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

~~((43))~~ (4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

Sec. 37. RCW 42.17A.750 and 2018 c 304 s 12 are each amended to read as follows:

(1) In addition to the penalties in subsection (2) of this section, and any other remedies provided by law, one or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

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

1 (b) If any lobbyist or sponsor of any grass roots lobbying
2 campaign violates any of the provisions of this chapter, (~~his or~~
3 ~~her~~) the lobbyist's or sponsor's registration may be revoked or
4 suspended and (~~he or she~~) the lobbyist or sponsor may be enjoined
5 from receiving compensation or making expenditures for lobbying. The
6 imposition of a sanction shall not excuse the lobbyist from filing
7 statements and reports required by this chapter.

8 (c) A person who violates any of the provisions of this chapter
9 may be subject to a civil penalty of not more than ten thousand
10 dollars for each violation. However, a person or entity who violates
11 RCW 42.17A.405 may be subject to a civil penalty of ten thousand
12 dollars or three times the amount of the contribution illegally made
13 or accepted, whichever is greater.

14 (d) When assessing a civil penalty, the court may consider the
15 nature of the violation and any relevant circumstances, including the
16 following factors:

17 (i) The respondent's compliance history, including whether the
18 noncompliance was isolated or limited in nature, indicative of
19 systematic or ongoing problems, or part of a pattern of violations by
20 the respondent, resulted from a knowing or intentional effort to
21 conceal, deceive or mislead, or from collusive behavior, or in the
22 case of a political committee or other entity, part of a pattern of
23 violations by the respondent's officers, staff, principal decision
24 makers, consultants, or sponsoring organization;

25 (ii) The impact on the public, including whether the
26 noncompliance deprived the public of timely or accurate information
27 during a time-sensitive period or otherwise had a significant or
28 material impact on the public;

29 (iii) Experience with campaign finance law and procedures or the
30 financing, staffing, or size of the respondent's campaign or
31 organization;

32 (iv) The amount of financial activity by the respondent during
33 the statement period or election cycle;

34 (v) Whether the late or unreported activity was within three
35 times the contribution limit per election, including in proportion to
36 the total amount of expenditures by the respondent in the campaign or
37 statement period;

38 (vi) Whether the respondent or any person benefited politically
39 or economically from the noncompliance;

1 (vii) Whether there was a personal emergency or illness of the
2 respondent or member of (~~his or her~~) the respondent's immediate
3 family;

4 (viii) Whether other emergencies such as fire, flood, or utility
5 failure prevented filing;

6 (ix) Whether there was commission staff or equipment error,
7 including technical problems at the commission that prevented or
8 delayed electronic filing;

9 (x) The respondent's demonstrated good-faith uncertainty
10 concerning commission staff guidance or instructions;

11 (xi) Whether the respondent is a first-time filer;

12 (xii) Good faith efforts to comply, including consultation with
13 commission staff prior to initiation of enforcement action and
14 cooperation with commission staff during enforcement action and a
15 demonstrated wish to acknowledge and take responsibility for the
16 violation;

17 (xiii) Penalties imposed in factually similar cases; and

18 (xiv) Other factors relevant to the particular case.

19 (e) A person who fails to file a properly completed statement or
20 report within the time required by this chapter may be subject to a
21 civil penalty of ten dollars per day for each day each delinquency
22 continues.

23 (f) Each state agency director who knowingly fails to file
24 statements required by RCW 42.17A.635 shall be subject to personal
25 liability in the form of a civil penalty in the amount of one hundred
26 dollars per statement. These penalties are in addition to any other
27 civil remedies or sanctions imposed on the agency.

28 (g) A person who fails to report a contribution or expenditure as
29 required by this chapter may be subject to a civil penalty equivalent
30 to the amount not reported as required.

31 (h) Any state agency official, officer, or employee who is
32 responsible for or knowingly directs or expends public funds in
33 violation of RCW 42.17A.635 (2) or (3) may be subject to personal
34 liability in the form of a civil penalty in an amount that is at
35 least equivalent to the amount of public funds expended in the
36 violation.

37 (i) The court may enjoin any person to prevent the doing of any
38 act herein prohibited, or to compel the performance of any act
39 required herein.

(2) The commission may refer the following violations for criminal prosecution:

(a) A person who, with actual malice, violates a provision of this chapter is guilty of a misdemeanor under chapter 9.92 RCW;

(b) A person who, within a five-year period, with actual malice, violates three or more provisions of this chapter is guilty of a gross misdemeanor under chapter 9.92 RCW; and

(c) A person who, with actual malice, procures or offers any false or forged document to be filed, registered, or recorded with the commission under this chapter is guilty of a class C felony under chapter 9.94A RCW.

Sec. 38. RCW 42.17A.755 and 2018 c 304 s 13 are each amended to read as follows:

(1) The commission may initiate or respond to a complaint, request a technical correction, or otherwise resolve matters of compliance with this chapter, in accordance with this section. If a complaint is filed with or initiated by the commission, the commission must:

(a) Dismiss the complaint or otherwise resolve the matter in accordance with subsection (2) of this section, as appropriate under the circumstances after conducting a preliminary review;

(b) Initiate an investigation to determine whether ~~((an actual))~~ a violation has occurred, conduct hearings, and issue and enforce an appropriate order, in accordance with chapter 34.05 RCW and subsection (3) of this section; or

(c) Refer the matter to the attorney general, in accordance with subsection (4) of this section.

(2)(a) For complaints of ~~((remedial))~~ remediable violations or requests for technical corrections, the commission may, by rule, delegate authority to its executive director to resolve these matters in accordance with subsection (1)(a) of this section, provided the executive director consistently applies such authority.

(b) The commission shall, by rule, develop additional processes by which a respondent may agree by stipulation to any allegations and pay a penalty subject to a schedule of violations and penalties, unless waived by the commission as provided for in this section. Any stipulation must be referred to the commission for review. If approved or modified by the commission, agreed to by the parties, and the respondent complies with all requirements set forth in the

1 stipulation, the matter is then considered resolved and no further
2 action or review is allowed.

3 (3) If the commission initiates an investigation, an initial
4 hearing must be held within ninety days of the complaint being filed.
5 Following an investigation, in cases where it chooses to determine
6 whether ~~((an-actual))~~ a violation has occurred, the commission shall
7 hold a hearing pursuant to the administrative procedure act, chapter
8 34.05 RCW. Any order that the commission issues under this section
9 shall be pursuant to such a hearing.

10 (a) The person against whom an order is directed under this
11 section shall be designated as the respondent. The order may require
12 the respondent to cease and desist from the activity that constitutes
13 a violation and in addition, or alternatively, may impose one or more
14 of the remedies provided in RCW 42.17A.750(1) (b) through (h), or
15 other requirements as the commission determines appropriate to
16 effectuate the purposes of this chapter.

17 (b) The commission may assess a penalty in an amount not to
18 exceed ten thousand dollars per violation, unless the parties
19 stipulate otherwise. Any order that the commission issues under this
20 section that imposes a financial penalty must be made pursuant to a
21 hearing, held in accordance with the administrative procedure act,
22 chapter 34.05 RCW.

23 (c) The commission has the authority to waive a penalty for a
24 first-time ~~((actual))~~ violation. A second ~~((actual))~~ violation of the
25 same requirement by the same person, regardless if the person or
26 individual committed the ~~((actual))~~ violation for a different
27 political committee or incidental committee, shall result in a
28 penalty. Successive ~~((actual))~~ violations of the same requirement
29 shall result in successively increased penalties. The commission may
30 suspend any portion of an assessed penalty contingent on future
31 compliance with this chapter. The commission must create a schedule
32 to enhance penalties based on repeat ~~((actual))~~ violations by the
33 person.

34 (d) Any order issued by the commission is subject to judicial
35 review under the administrative procedure act, chapter 34.05 RCW. If
36 the commission's order is not satisfied and no petition for review is
37 filed within thirty days, the commission may petition a court of
38 competent jurisdiction of any county in which a petition for review
39 could be filed under that jurisdiction, for an order of enforcement.

1 Proceedings in connection with the commission's petition shall be in
2 accordance with RCW 42.17A.760.

3 (4) In lieu of holding a hearing or issuing an order under this
4 section, the commission may refer the matter to the attorney general
5 consistent with this section, when the commission believes:

6 (a) Additional authority is needed to ensure full compliance with
7 this chapter;

8 (b) An ~~((actual))~~ apparent violation potentially warrants a
9 penalty greater than the commission's penalty authority; or

10 (c) The maximum penalty the commission is able to levy is not
11 enough to address the severity of the violation.

12 (5) Prior to filing a citizen's action under RCW 42.17A.775, a
13 person who has filed a complaint pursuant to this section must
14 provide written notice to the attorney general if the commission does
15 not, within 90 days of the complaint being filed with the commission,
16 take action pursuant to subsection (1) of this section. A person must
17 simultaneously provide a copy of the written notice to the
18 commission.

19 **Sec. 39.** RCW 42.17A.765 and 2018 c 304 s 14 are each amended to
20 read as follows:

21 (1) (a) ~~((Only after a matter is referred by the commission, under~~
22 ~~RCW 42.17A.755,))~~ The attorney general may bring civil actions in the
23 name of the state for any appropriate civil remedy, including but not
24 limited to the special remedies provided in RCW 42.17A.750((-)) upon:

25 (i) Referral by the commission pursuant to RCW 42.17A.755(4);

26 (ii) Receipt of a notice provided in accordance with RCW
27 42.17A.755(5); or

28 (iii) Receipt of a notice of intent to commence a citizen's
29 action, as provided under RCW 42.17A.775(3).

30 (b) Within forty-five days of receiving a referral from the
31 commission or notice of the commission's failure to take action
32 provided in accordance with RCW 42.17A.755(5), or within ten days of
33 receiving a citizen's action notice, the attorney general must
34 ((provide notice of his or her)) publish a decision whether to
35 commence an action on the attorney general's office web site ((within
36 forty-five days of receiving the referral, which constitutes state
37 action for purposes of this chapter)). Publication of the decision
38 within the forty-five day period, or ten-day period, whichever is

1 applicable, shall preclude a citizen's action pursuant to RCW
2 42.17A.775.

3 ((~~(b)~~)) (c) The attorney general should use the enforcement
4 powers in this section in a consistent manner that provides guidance
5 in complying with the provisions of this chapter to candidates,
6 political committees, or other individuals subject to the regulations
7 of this chapter.

8 (2) The attorney general may investigate or cause to be
9 investigated the activities of any person who there is reason to
10 believe is or has been acting in violation of this chapter, and may
11 require any such person or any other person reasonably believed to
12 have information concerning the activities of such person to appear
13 at a time and place designated in the county in which such person
14 resides or is found, to give such information under oath and to
15 produce all accounts, bills, receipts, books, paper and documents
16 which may be relevant or material to any investigation authorized
17 under this chapter.

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

38 **Sec. 40.** RCW 42.17A.775 and 2018 c 304 s 16 are each amended to
39 read as follows:

1 (1) A person who has reason to believe that a provision of this
2 chapter is being or has been violated may bring a citizen's action in
3 the name of the state, in accordance with the procedures of this
4 section.

5 (2) A citizen's action may be brought and prosecuted only if the
6 person first has filed a complaint with the commission and:

7 (a) The commission has not taken action authorized under RCW
8 42.17A.755(1) within ninety days of the complaint being filed with
9 the commission(~~(; and)~~), and the person who initially filed the
10 complaint with the commission provided written notice to the attorney
11 general in accordance with RCW 42.17A.755(5) and the attorney general
12 has not commenced an action, or published a decision whether to
13 commence action pursuant to RCW 42.17A.765(1)(b), within forty-five
14 days of receiving the notice;

15 (b) For matters referred to the attorney general within ninety
16 days of the commission receiving the complaint, the attorney general
17 has not commenced an action, or published a decision whether to
18 commence an action pursuant to RCW 42.17A.765(1)(b), within forty-
19 five days of receiving referral from the commission; and

20 (c) The person who initially filed the complaint with the
21 commission has provided notice of a citizen's action in accordance
22 with subsection (3) of this section and the commission or the
23 attorney general has not commenced action within the ten days
24 provided under subsection (3) of this section.

25 (3) To initiate the citizen's action, after meeting the
26 requirements under subsection (2) (a) and (b) of this section, a
27 person must notify the attorney general and the commission that (~~he~~
28 ~~or she~~) the person will commence a citizen's action within ten days
29 if the commission does not take action authorized under RCW
30 42.17A.755(1), or(~~(, if applicable,)~~) the attorney general does not
31 commence an action or publish a decision whether to commence an
32 action pursuant to RCW 42.17A.765(1)(b). The attorney general and the
33 commission must notify the other of its decision whether to commence
34 an action.

35 (4) The citizen's action must be commenced within two years after
36 the date when the alleged violation occurred and may not be commenced
37 against a committee or incidental committee before the end of such
38 period if the committee or incidental committee has received an
39 acknowledgment of dissolution.

(5) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state for reasonable costs and reasonable attorneys' fees the person incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all trial costs and reasonable attorneys' fees incurred by the defendant.

***Sec. 41. RCW 42.17A.785 and 2018 c 304 s 18 are each amended to read as follows:**

(1) The public disclosure transparency account is created in the state treasury. All receipts from penalties, sanctions, or other remedies collected pursuant to enforcement actions ((or)), settlements, judgments, or otherwise under this chapter, including any fees or costs awarded to the state, must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account may be used only for the implementation of chapter 304, Laws of 2018 and duties under this chapter, and may not be used to supplant general fund appropriations to the commission.

(2) Any fees and costs awarded pursuant to RCW 42.17A.775(5) may not be deposited into the public disclosure transparency account or reimbursed from the account or otherwise by the state. Payment and collection of any such fees and costs are the sole responsibility of the person commencing the action and the defendant.

***Sec. 41 was vetoed. See message at end of chapter.**

NEW SECTION. Sec. 42. The following acts or parts of acts are each repealed:

(1) RCW 42.17A.050 (Web site for commission documents) and 2010 c 204 s 201, 1999 c 401 s 9, & 1994 c 40 s 2;

(2) RCW 42.17A.061 (Access goals) and 2010 c 204 s 203, 2000 c 237 s 5, & 1999 c 401 s 2; and

(3) RCW 42.17A.245 (Electronic filing—When required) and 2011 c 145 s 4, 2010 c 204 s 410, 2000 c 237 s 4, & 1999 c 401 s 12.

NEW SECTION. Sec. 43. Sections 35 and 36 of this act take effect January 1, 2020.

1 NEW SECTION. **Sec. 44.** Except for sections 35 and 36 of this
2 act, this act is necessary for the immediate preservation of the
3 public peace, health, or safety, or support of the state government
4 and its existing public institutions, and takes effect immediately.

Passed by the House April 26, 2019.

Passed by the Senate April 25, 2019.

Approved by the Governor May 21, 2019, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 21, 2019.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 7 and 41, Substitute House Bill No. 1195 entitled:

"AN ACT Relating to the efficient administration of campaign finance and public disclosure reporting and enforcement."

This legislation was requested by the Public Disclosure Commission and builds on the important work the Legislature did in 2018 with the passage of ESHB 2938.

However, I am concerned with the language in Section 7(13)(b) that prohibits the agency from making Personal Financial Affairs Statements ("F-1" forms) filed by elected officials accessible online. Because these forms must be provided to anyone who makes a public records request, this prohibition against online access only serves to create an unnecessary barrier to information that the public is entitled to have.

While I recognize that making some personal financial information available online may create discomfort, it is my understanding that the Commission currently has the authority to decide whether or not to make F-1 forms available online.

I also understand that the Commission has already embarked on a process to work closely with the Legislature and other interested parties over the interim to consider the privacy interests implicated in certain types of information and the compelling public interest in access to financial data of public officials. In particular, I respectfully request that the Commission evaluate whether the existing statutory requirements for what must be reported in F-1s should be updated and also consider possible alternatives for non-elected, professional legislative staff.

Finally, Section 41 of the bill includes a reference to RCW 42.17A.775(5), which was amended in earlier drafts of this legislation to alter the process by which a successful citizen action plaintiff could be reimbursed. Language creating that new process was removed from the final version of the bill, but the reference in Section 41 was inadvertently retained. In order to avoid creating a conflict in law, and to avoid confusion over the process by which a plaintiff may be reimbursed for reasonable attorney's fees and costs, it is necessary to veto Section 41.

For these reasons I have vetoed Sections 7 and 41 of Substitute House Bill No. 1195.

With the exception of Sections 7 and 41, Substitute House Bill No. 1195 is approved."

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