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**SENATE BILL 5112**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Hunt, Zeiger, and Kuderer; by request of Public Disclosure Commission

Prefiled 01/10/19.

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 and 42.17A.061; providing an  
13 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 ~~((15))~~ (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 ~~((16))~~ (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

1 (d) Involved:  
2 (i) A person who:  
3 (A) Took corrective action within five business days after the  
4 commission first notified the person of noncompliance, or where the  
5 commission did not provide notice and filed a required report within  
6 twenty-one days after the report was due to be filed; and  
7 (B) Substantially met the filing deadline for all other required  
8 reports within the immediately preceding twelve-month period; or  
9 (ii) A candidate who:  
10 (A) Lost the election in question; and  
11 (B) Did not receive contributions over one hundred times the  
12 contribution limit in aggregate per election during the campaign in  
13 question.  
14 (~~(47)~~) (46) (a) "Sponsor" for purposes of an electioneering  
15 communications, independent expenditures, or political advertising  
16 means the person paying for the electioneering communication,  
17 independent expenditure, or political advertising. If a person acts  
18 as an agent for another or is reimbursed by another for the payment,  
19 the original source of the payment is the sponsor.  
20 (b) "Sponsor," for purposes of a political or incidental  
21 committee, means any person, except an authorized committee, to whom  
22 any of the following applies:  
23 (i) The committee receives eighty percent or more of its  
24 contributions either from the person or from the person's members,  
25 officers, employees, or shareholders;  
26 (ii) The person collects contributions for the committee by use  
27 of payroll deductions or dues from its members, officers, or  
28 employees.  
29 (~~(48)~~) (47) "Sponsored committee" means a committee, other than  
30 an authorized committee, that has one or more sponsors.  
31 (~~(49)~~) (48) "State office" means state legislative office or  
32 the office of governor, lieutenant governor, secretary of state,  
33 attorney general, commissioner of public lands, insurance  
34 commissioner, superintendent of public instruction, state auditor, or  
35 state treasurer.  
36 (~~(50)~~) (49) "State official" means a person who holds a state  
37 office.  
38 (~~(51)~~) (50) "Surplus funds" mean, in the case of a political  
39 committee or candidate, the balance of contributions that remain in  
40 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 ~~((52))~~ (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 ~~((53))~~ (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 (2) ~~((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, except as provided under (b) of this subsection:

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, and except as provided in (b) of  
20 this subsection.

21 (b) A commissioner may engage in the activities set forth in  
22 (a)(vi) of this subsection, if the activity:

23 (i) Is outside of the state of Washington and not otherwise  
24 within the jurisdiction of the commission;

25 (ii) Does not create the appearance of a conflict of interest  
26 with the duties of the commission; and

27 (iii) Does not involve any affiliation with the commission.

28 (c) This subsection is not intended to prohibit a commissioner  
29 from participating in or supporting nonprofit or other organizations,  
30 in the commissioner's private capacity, to the extent such  
31 participation is not prohibited under (a) of this subsection.

32 (d) The provisions of this subsection do not relieve a  
33 commissioner of any applicable disqualification and recusal  
34 requirements.

35 (4) A vacancy on the commission shall be filled within thirty  
36 days of the vacancy by the governor, with the consent of the senate,  
37 and the appointee shall serve for the remaining term of ~~((his or~~  
38 ~~her))~~ the appointee's predecessor. A vacancy shall not impair the  
39 powers of the remaining ~~((members))~~ commissioners to exercise all of  
40 the powers of the commission.

1 (5) Three (~~members of the commission~~) commissioners shall  
2 constitute a quorum. The commission shall elect its own chair and  
3 adopt its own rules of procedure in the manner provided in chapter  
4 34.05 RCW.

5 (6) (~~Members~~) Commissioners shall be compensated in accordance  
6 with RCW 43.03.250 and shall be reimbursed for travel expenses  
7 incurred while engaged in the business of the commission as provided  
8 in RCW 43.03.050 and 43.03.060. The compensation provided pursuant to  
9 this section shall not be considered salary for purposes of the  
10 provisions of any retirement system created under the laws of this  
11 state.

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

14 The commission shall:

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

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

20 (3) Compile and maintain a current list of all filed reports and  
21 statements;

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

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

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

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

1 (8) Enforce this chapter according to the powers granted it by  
2 law;

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

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

7 ~~(b) Include, but not be limited to, requirements for indexing the  
8 reports by the names of candidates or political committees and by the  
9 ballot proposition for or against which a political committee is  
10 receiving contributions or making expenditures;~~

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

14 ~~((11))~~ (10) Adopt administrative rules establishing  
15 requirements for filer participation in any system designed and  
16 implemented by the commission for the electronic filing of reports;  
17 ((and

18 ~~(12))~~ (11) Maintain and make available to the public and  
19 political committees of this state a toll-free telephone number;

20 (12) Operate a web site or contract for the operation of a web  
21 site that allows access to reports, copies of reports, or copies of  
22 data and information submitted in reports, filed with the commission  
23 under RCW 42.17A.205, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.265,  
24 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630;

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

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

30 (15) Establish goals that all reports, copies of reports, or  
31 copies of the data or information included in reports, filed under  
32 RCW 42.17A.205, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.265,  
33 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630, are submitted:

34 (a) Using the commission's electronic filing system and must be  
35 accessible in the commission's office and on the commission's web  
36 site within two business days of the commission's receipt of the  
37 report; and

38 (b) On paper and must be accessible in the commission's office  
39 and on the commission's web site within four business days of the  
40 actual physical receipt of the report, and not the technical date of

1 filing as provided under RCW 42.17A.140, as specified in rule adopted  
2 by the commission.

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

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

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

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

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

27 (4) Conduct, as it deems appropriate, audits and field  
28 investigations;

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

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

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

37 (8) Adopt rules relieving candidates or political committees of  
38 obligations to comply with ((the)) election campaign provisions of  
39 this chapter, if they have not received contributions nor made

1 expenditures in connection with any election campaign of more than  
2 five thousand dollars; (~~and~~)

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

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

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

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

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

19 (b) Adequately specify the documents, records, evidence, or  
20 testimony; and

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

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

31 (3) The commission may seek approval and a court may issue an  
32 order under this section without prior notice to any person,  
33 including the person to whom the subpoena is directed and the person  
34 who is the subject of an investigation. An application for court  
35 approval is subject to the fee and process set forth in RCW  
36 36.18.012(3).

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

1 (1) The commission may suspend or modify any of the reporting  
2 requirements of this chapter if it finds that literal application of  
3 this chapter works a manifestly unreasonable hardship in a particular  
4 case and the suspension or modification will not frustrate the  
5 purposes of this chapter. The commission may suspend or modify  
6 reporting requirements only to the extent necessary to substantially  
7 relieve the hardship and only after a hearing is held and the  
8 suspension or modification receives approval (~~from a majority of the~~  
9 ~~commission~~). A suspension or modification of the financial affairs  
10 reporting requirements in RCW 42.17A.710 may be approved for an  
11 elected official's term of office or for up to three years for an  
12 executive state officer. If a material change in the applicant's  
13 circumstances or relevant information occurs or has occurred, the  
14 applicant must request a modification at least one month prior to the  
15 next filing deadline rather than at the conclusion of the term. The  
16 commission shall act to suspend or modify any reporting  
17 requirements(~~÷~~

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

20 ~~(b) Only to the extent necessary to substantially relieve the~~  
21 ~~hardship))~~ or may delegate that responsibility to a presiding  
22 officer. Any decision made by a delegated presiding officer may be  
23 reviewed by the commission.

24 (2) A manifestly unreasonable hardship exists if reporting the  
25 name of an entity required to be reported under RCW  
26 42.17A.710(1)(g)(ii) would be likely to adversely affect the  
27 competitive position of any entity in which the person filing the  
28 report, or any member of (~~his or her~~) the person's immediate  
29 family, holds any office, directorship, general partnership interest,  
30 or an ownership interest of ten percent or more.

31 (3) Requests for (~~renewals of~~) reporting modifications may be  
32 heard in a brief adjudicative proceeding as set forth in RCW  
33 34.05.482 through 34.05.494 and in accordance with the standards  
34 established in this section. (~~No initial request may be heard in a~~  
35 ~~brief adjudicative proceeding. No request for renewal may be heard in~~  
36 ~~a brief adjudicative proceeding if the initial request was granted~~  
37 ~~more than three years previously or if the applicant is holding an~~  
38 ~~office or position of employment different from the office or~~  
39 ~~position held when the initial request was granted.)) Any information  
40 provided or prepared for a modification hearing is exempt from public~~



1 disclosure under this chapter and chapter 42.56 RCW to the extent  
2 such information would present a concern to any individual.

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

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

13 ((45)) (6) The commission shall adopt rules governing the  
14 proceedings.

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

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

28 (2) The commission may revise, at least once every five years but  
29 no more often than every two years, the monetary reporting thresholds  
30 and reporting code values of this chapter. The revisions shall be  
31 only for the purpose of recognizing economic changes as reflected by  
32 an inflationary index recommended by the office of financial  
33 management. The revisions shall be guided by the change in the index  
34 for the period commencing with the month of December preceding the  
35 last revision and concluding with the month of December preceding the  
36 month the revision is adopted. As to each of the three general  
37 categories of this chapter, reports of campaign finance, reports of  
38 lobbyist activity, and reports of the financial affairs of elected  
39 and appointed officials, the revisions shall equally affect all

1 thresholds within each category. The revisions authorized by this  
2 subsection shall reflect economic changes from the time of the last  
3 legislative enactment affecting the respective code or threshold.

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

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

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

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

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

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

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

33 (3) The reporting provisions of this chapter apply in any exempt  
34 political subdivision that by ordinance, resolution, or other  
35 official action has petitioned the commission to make the provisions  
36 applicable to elected officials and candidates of the exempt  
37 political subdivision. A copy of the action shall be sent to the  
38 commission. If the commission finds the petition to be a valid action  
39 of the appropriate governing body or authority, the commission shall

1 order every known affected person in the political subdivision to  
2 file the initially required statement and reports within fourteen  
3 days of the date of the order.

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

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

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

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

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

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

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

27 (1) Except as provided in subsection (2) of this section, the  
28 date of receipt of any properly addressed application, report,  
29 statement, notice, or payment required to be made under the  
30 provisions of this chapter is the date shown by the post office  
31 cancellation mark on the envelope of the submitted material. The  
32 provisions of this section do not apply to reports required to be  
33 delivered under RCW 42.17A.265 and 42.17A.625.

34 (2) When a report is filed electronically with the commission, it  
35 is deemed to have been received on the file transfer date. The  
36 commission shall notify the filer of receipt of the electronically  
37 filed report. Such notification may be sent by mail(~~(facsimile)~~)  
38 or (~~(electronic mail)~~) electronically. If the notification of receipt  
39 of the electronically filed report is not received by the filer, the

1 filer may offer (~~his or her own~~) proof of sending the report, and  
2 such proof shall be treated as if it were a receipt sent by the  
3 commission. Electronic filing may be used for purposes of filing the  
4 special reports required to be delivered under RCW 42.17A.265 and  
5 42.17A.625.

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

8 (1) Every political committee shall file a statement of  
9 organization with the commission. The statement must be filed within  
10 two weeks after organization or within two weeks after the date the  
11 committee first has the expectation of receiving contributions or  
12 making expenditures in any election campaign, whichever is earlier. A  
13 political committee organized within the last three weeks before an  
14 election and having the expectation of receiving contributions or  
15 making expenditures during and for that election campaign shall file  
16 a statement of organization within three business days after its  
17 organization or when it first has the expectation of receiving  
18 contributions or making expenditures in the election campaign.

19 (2) The statement of organization shall include but not be  
20 limited to:

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

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

26 (c) The names, addresses, and titles of its officers; or if it  
27 has no officers, the names, addresses, and titles of its responsible  
28 leaders;

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

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

32 (f) The name, office sought, and party affiliation of each  
33 candidate whom the committee is supporting or opposing, and, if the  
34 committee is supporting the entire ticket of any party, the name of  
35 the party;

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

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

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

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

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

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

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

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

18 (5) As used in this section, the "name" of a sponsored committee  
19 must include the name of the person (~~that~~) who is the sponsor of  
20 the committee. If more than one person meets the definition of  
21 sponsor, the name of the committee must include the name of at least  
22 one sponsor, but may include the names of other sponsors. A person  
23 may sponsor only one political committee for the same elected office  
24 or same ballot (~~measure~~) proposition per election cycle.

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

27 (1)(a) An incidental committee must file a statement of  
28 organization with the commission within two weeks after the date the  
29 committee first:

30 (i) Has the expectation of making (~~contributions or~~) any  
31 expenditures aggregating at least twenty-five thousand dollars in a  
32 calendar year in any election campaign, or to a political committee;  
33 and

34 (ii) Is required to disclose a payment received under RCW  
35 42.17A.240(2) (~~(e))~~) (d).

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

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

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

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

8 (c) The names, addresses, and titles of its officers; or if it  
9 has no officers, the names, addresses, and titles of its responsible  
10 leaders and the name of the person designated as the treasurer of the  
11 incidental committee;

12 (d) The name, office sought, and party affiliation of each  
13 candidate whom the committee is supporting or opposing if the  
14 committee contributes directly to a candidate and, if donating to a  
15 political committee, the name and address of that political  
16 committee;

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

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

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

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

26 (1) Each candidate, within two weeks after becoming a candidate,  
27 and each political committee, at the time it is required to file a  
28 statement of organization, shall designate and file with the  
29 commission the name and address of one legally competent individual,  
30 who may be the candidate, to serve as a treasurer.

31 (2) A candidate, a political committee, or a treasurer may  
32 appoint as many deputy treasurers as is considered necessary and  
33 shall file the names and addresses of the deputy treasurers with the  
34 commission.

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

37 (b) In the event of the death, resignation, removal, or change of  
38 a treasurer or deputy treasurer, the candidate or political committee

1 shall designate and file with the commission the name and address of  
2 any successor.

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

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

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

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

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

29 (2) A continuing political committee shall file with the  
30 commission a report on the tenth day of each month detailing  
31 expenditures made and contributions received for the preceding  
32 calendar month. This report need only be filed if either the total  
33 contributions received or total expenditures made since the last such  
34 report exceed two hundred dollars. The report shall be on a form  
35 supplied by the commission and shall include the following  
36 information:

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

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

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

5 (3) If a continuing political committee makes a contribution in  
6 support of or in opposition to a candidate or ballot proposition  
7 within sixty days before the date that the candidate or ballot  
8 proposition will be voted upon, the committee shall report pursuant  
9 to RCW 42.17A.235.

10 (4)(a) A continuing political committee shall file reports as  
11 required by this chapter until the committee has ceased to function  
12 and intends to dissolve, at which time, when there is no outstanding  
13 debt or obligation and the committee is concluded in all respects, a  
14 final report shall be filed. Upon submitting a final report, the  
15 continuing political committee so intending to dissolve must file  
16 notice of intent to dissolve with the commission and the commission  
17 must post the notice on its web site.

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

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

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

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

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

32 (d) The treasurer may not close the continuing political  
33 committee's bank account before the political committee has  
34 dissolved.

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



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

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

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

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

17 (1) Fund-raising activities meeting the standards of subsection  
18 (2) of this section may be reported in accordance with the provisions  
19 of this section in lieu of reporting in accordance with RCW  
20 42.17A.235.

21 (2) Standards:

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

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

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

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

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

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

36 (b) No person responsible for receiving money at the fund-raising  
37 activity knowingly accepts payments from a single person at or from  
38 such an activity to the candidate or committee aggregating more than  
39 fifty dollars unless the name and address of the person making the

1 payment, together with the amount paid to the candidate or committee,  
2 are disclosed in the report filed pursuant to subsection (6) of this  
3 section; and

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

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

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

14 (a) The date of the activity;

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

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

19 (5) The treasurer or deputy treasurer shall certify the report is  
20 correct.

21 (6) The treasurer shall report pursuant to RCW 42.17A.235 and  
22 42.17A.240:

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

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

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

33 (1) (a) In addition to the information required under RCW  
34 42.17A.205 and 42.17A.210, each candidate or political committee must  
35 file with the commission a report of all contributions received and  
36 expenditures made as a political committee on the next reporting date  
37 pursuant to the timeline established in this section.

38 (b) In addition to the information required under RCW  
39 (~~42.17A.205~~) 42.17A.207 and 42.17A.210, on the day an incidental

1 committee files a statement of organization with the commission, each  
2 incidental committee must file with the commission a report of any  
3 election campaign expenditures under RCW 42.17A.240(6), as well as  
4 the source of the ten largest cumulative payments of ten thousand  
5 dollars or greater it received in the current calendar year from a  
6 single person, including any persons tied as the tenth largest source  
7 of payments it received, if any.

8 (2) Each treasurer of a candidate or political committee, or an  
9 incidental committee, required to file a statement of organization  
10 under this chapter, shall file with the commission a report, for each  
11 election in which a candidate ~~((or))~~, political committee, or  
12 incidental committee is participating, containing the information  
13 required by RCW 42.17A.240 at the following intervals:

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

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

17 (3) (a) Each treasurer of a candidate or political committee shall  
18 file with the commission a report on the tenth day of each month  
19 during which the candidate or political committee is not  
20 participating in an election campaign, only if the committee has  
21 received a contribution or made an expenditure in the preceding  
22 calendar month and either the total contributions received or total  
23 expenditures made since the last such report exceed two hundred  
24 dollars.

25 ~~((For an))~~ (b) Each incidental committee ~~((or))~~ shall file with the  
26 commission a report on the tenth day of each month during which the  
27 incidental committee is not participating in an election campaign  
28 only if the committee has:

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

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

36 (4) The report filed twenty-one days before the election shall  
37 report all contributions received and expenditures made as of the end  
38 of one business day before the date of the report. The report filed  
39 seven days before the election shall report all contributions  
40 received and expenditures made as of the end of one business day

1 before the date of the report. Reports filed on the tenth day of the  
2 month shall report all contributions received and expenditures made  
3 from the closing date of the last report filed through the last day  
4 of the month preceding the date of the current report.

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

21 (6) (a) The treasurer for a candidate or a political committee  
22 shall maintain books of account accurately reflecting all  
23 contributions and expenditures on a current basis within five  
24 business days of receipt or expenditure. During the ten calendar days  
25 immediately preceding the date of the election the books of account  
26 shall be kept current within one business day. As specified in the  
27 political committee's statement of organization filed under RCW  
28 42.17A.205, the books of account must be open for public inspection  
29 by appointment at a place agreed upon by both the treasurer and the  
30 requestor, for inspections between 9:00 a.m. and 5:00 p.m. on any day  
31 from the tenth calendar day immediately before the election through  
32 the day immediately before the election, other than Saturday, Sunday,  
33 or a legal holiday. It is a violation of this chapter for a candidate  
34 or political committee to refuse to allow and keep an appointment for  
35 an inspection to be conducted during these authorized times and days.  
36 The appointment must be allowed at an authorized time and day for  
37 such inspections that is within forty-eight hours of the time and day  
38 that is requested for the inspection. The treasurer may provide  
39 digital access or copies of the books of account in lieu of  
40 scheduling an appointment at a designated place for inspection. If

1 the treasurer and requestor are unable to agree on a location and the  
2 treasurer has not provided digital access to the books of account,  
3 the default location for an appointment shall be a place of public  
4 accommodation selected by the treasurer within a reasonable distance  
5 from the treasurer's office.

6 (b) At the time of making the appointment, a person wishing to  
7 inspect the books of account must provide the treasurer the name and  
8 telephone number of the person wishing to inspect the books of  
9 account. The person inspecting the books of account must show photo  
10 identification before the inspection begins.

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

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

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

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

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

31 (a) The report is accurately amended;

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

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

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

1 (11)(a) When there is no outstanding debt or obligation, the  
2 campaign fund is closed, the campaign is concluded in all respects,  
3 and the political committee has ceased to function and intends to  
4 dissolve, the treasurer shall file a final report. Upon submitting a  
5 final report, the political committee so intending to dissolve must  
6 file notice of intent to dissolve with the commission and the  
7 commission must post the notice on its web site.

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

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

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

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

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

21 (d) The treasurer may not close the political committee's bank  
22 account before the political committee has dissolved.

23 (e) Upon dissolution, the commission must issue an acknowledgment  
24 of dissolution, the duties of the treasurer shall cease, and there  
25 shall be no further obligations under this chapter. Dissolution does  
26 not absolve the candidate or board of the committee from  
27 responsibility for any future obligations resulting from the finding  
28 after dissolution of a violation committed prior to dissolution.

29 (~~(9)~~) (12) The commission must adopt rules for the dissolution  
30 of incidental committees.

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

33 Each report required under RCW 42.17A.235 (1) (~~and (2)~~) through  
34 (4) must be certified as correct by the treasurer and the candidate  
35 and shall disclose the following, except (~~that the commission may~~  
36 ~~suspend or modify reporting requirements for contributions received~~  
37 ~~by an incidental committee in cases of manifestly unreasonable~~  
38 ~~hardship under RCW 42.17A.120)) an incidental committee only must~~

1 disclose and certify as correct the information required under  
2 subsections (2)(d) and (6) of this section:

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

4 (2) The name and address of each person who has made one or more  
5 contributions during the period, together with the money value and  
6 date of each contribution and the aggregate value of all  
7 contributions received from each person during the campaign, or in  
8 the case of a continuing political committee, the current calendar  
9 year, with the following exceptions:

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

12 (b) Income that results from a fund-raising activity conducted in  
13 accordance with RCW 42.17A.230 may be reported as one lump sum, with  
14 the exception of that portion received from persons whose names and  
15 addresses are required to be included in the report required by RCW  
16 42.17A.230;

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

22 (~~(e)~~) (d) Payments received by an incidental committee from any  
23 one person need not be reported unless the person is one of the  
24 committee's ten largest sources of payments received, including any  
25 persons tied as the tenth largest source of payments received, during  
26 the current calendar year, and the value of the cumulative payments  
27 received from that person during the current calendar year is ten  
28 thousand dollars or greater. For payments to incidental committees  
29 from multiple persons received in aggregated form, any payment of  
30 more than ten thousand dollars from any single person must be  
31 reported, but the aggregated payment itself may not be reported. The  
32 commission may suspend or modify reporting requirements for payments  
33 received by an incidental committee in cases of manifestly  
34 unreasonable hardship under this chapter;

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

38 (i) The private foundation is contracting with the incidental  
39 committee for a specific purpose other than election campaign  
40 purposes;

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

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

5 ~~((c) For purposes of this subsection, commentary or analysis on  
6 a ballot measure by an incidental committee is not considered a  
7 contribution if it does not advocate specifically to vote for or  
8 against the ballot measure;))~~ and

9 (f) The money value of contributions of postage is the face value  
10 of the postage;

11 (3) Each loan, promissory note, or security instrument to be used  
12 by or for the benefit of the candidate or political committee made by  
13 any person, including the names and addresses of the lender and each  
14 person liable directly, indirectly or contingently and the date and  
15 amount of each such loan, promissory note, or security instrument;

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

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

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

30 (7) The name (~~(and)~~), address, and electronic contact information  
31 of each person (~~(directly compensated)~~) to whom an expenditure was  
32 made for soliciting or procuring signatures on an initiative or  
33 referendum petition, the amount of the compensation to each person,  
34 and the total expenditures made for this purpose. Such expenditures  
35 shall be reported under this subsection in addition to what is  
36 required to be reported under subsection (6) of this section;

37 (8) (a) The name and address of any person and the amount owed for  
38 any debt with a value of more than seven hundred fifty dollars that  
39 has not been paid for any invoices submitted, goods received, or  
40 services performed, within five business days during the period



1 within thirty days before an election, or within ten business days  
2 during any other period.

3 (b) For purposes of this subsection, debt does not include ~~((~~  
4 ~~(i))~~) regularly recurring expenditures of the same amount that  
5 have already been reported at least once and that are not late or  
6 outstanding ~~((~~  
7 ~~(i)~~ ~~Any obligations already reported to pay for goods and~~  
8 ~~services made by a third party on behalf of a candidate or political~~  
9 ~~committee after the original payment or debt to that party has been~~  
10 ~~reported))~~);

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

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

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

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

18 (1) For the purposes of this section the term "independent  
19 expenditure" means any expenditure that is made in support of or in  
20 opposition to any candidate or ballot proposition and is not  
21 otherwise required to be reported pursuant to RCW ~~((42.17A.220))~~  
22 42.17A.225, 42.17A.235, and 42.17A.240. "Independent expenditure"  
23 does not include: An internal political communication primarily  
24 limited to the contributors to a political party organization or  
25 political action committee, or the officers, management staff, and  
26 stockholders of a corporation or similar enterprise, or the members  
27 of a labor organization or other membership organization; or the  
28 rendering of personal services of the sort commonly performed by  
29 volunteer campaign workers, or incidental expenses personally  
30 incurred by volunteer campaign workers not in excess of fifty dollars  
31 personally paid for by the worker. "Volunteer services," for the  
32 purposes of this section, means services or labor for which the  
33 individual is not compensated by any person.

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

1 occurs first, the person who made the independent expenditure shall  
2 file with the commission an initial report of all independent  
3 expenditures made during the campaign prior to and including such  
4 date.

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

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

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

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

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

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

23 (5) Each report required by subsections (2) and (3) of this  
24 section shall disclose for the period beginning at the end of the  
25 period for the last previous report filed or, in the case of an  
26 initial report, beginning at the time of the first independent  
27 expenditure, and ending not more than one business day before the  
28 date the report is due:

29 (a) The name (~~and~~), address, and electronic contact information  
30 of the person filing the report;

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

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

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

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

6 (1) The sponsor of political advertising (~~who~~) shall file a  
7 special report to the commission within twenty-four hours of, or on  
8 the first working day after, the date the political advertising is  
9 first published, mailed, or otherwise presented to the public, if the  
10 political advertising:

11 (a) Is published, mailed, or otherwise presented to the public  
12 within twenty-one days of an election(~~, publishes, mails, or~~  
13 otherwise presents to the public political advertising supporting or  
14 opposing a candidate or ballot proposition that qualifies as an  
15 independent expenditure with a fair market value of one thousand  
16 dollars or more shall deliver, either electronically or in written  
17 form, a special report to the commission within twenty-four hours of,  
18 or on the first working day after, the date the political advertising  
19 is first published, mailed, or otherwise presented to the public));  
20 and

21 (b) Either:

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

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

28 (2) If a sponsor is required to file a special report under this  
29 section, the sponsor shall also deliver to the commission within the  
30 delivery period established in subsection (1) of this section a  
31 special report for each subsequent independent expenditure of any  
32 size supporting or opposing the same candidate who was the subject of  
33 the previous independent expenditure, supporting or opposing that  
34 candidate's opponent, or, in the case of a subsequent expenditure of  
35 any size made in support of or in opposition to a ballot proposition  
36 not otherwise required to be reported pursuant to RCW 42.17A.225,  
37 42.17A.235, or 42.17A.240, supporting or opposing the same ballot  
38 proposition that was the subject of the previous ((independent))  
39 expenditure.

1 (3) The special report must include:

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

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

5 (c) A detailed description of the expenditure;

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

8 (e) The amount of the expenditure;

9 (f) The name of the candidate supported or opposed by the  
10 expenditure, the office being sought by the candidate, and whether  
11 the expenditure supports or opposes the candidate; or the name of the  
12 ballot proposition supported or opposed by the expenditure and  
13 whether the expenditure supports or opposes the ballot proposition;  
14 and

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

16 (4) All persons required to report under RCW 42.17A.225,  
17 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the  
18 requirements of this section. The commission may determine that  
19 reports filed pursuant to this section also satisfy the requirements  
20 of RCW 42.17A.255.

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

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

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

37 (2) A political committee shall prepare and deliver to the  
38 commission a special report when it makes a contribution or an

1 aggregate of contributions to a single entity that totals one  
2 thousand dollars or more during a special reporting period.

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

8 (4) Special reporting periods, for purposes of this section,  
9 include:

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

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

14 (c) An aggregate of contributions includes only those  
15 contributions received from a single entity during any one special  
16 reporting period or made by the contributing political committee to a  
17 single entity during any one special reporting period.

18 (5) If a campaign treasurer files a special report under this  
19 section for one or more contributions received from a single entity  
20 during a special reporting period, the treasurer shall also file a  
21 special report under this section for each subsequent contribution of  
22 any size which is received from that entity during the special  
23 reporting period. If a political committee files a special report  
24 under this section for a contribution or contributions made to a  
25 single entity during a special reporting period, the political  
26 committee shall also file a special report for each subsequent  
27 contribution of any size which is made to that entity during the  
28 special reporting period.

29 (6) Special reports required by this section shall be delivered  
30 electronically, or in written form (~~(, including but not limited to~~  
31 ~~mailgram, telegram, or nightletter. The special report may be~~  
32 ~~transmitted orally by telephone to the commission if the written form~~  
33 ~~of the report is postmarked and mailed to the commission or the~~  
34 ~~electronic filing is transferred to the commission within the~~  
35 ~~delivery periods established in (a) and (b) of this subsection)) if  
36 an electronic alternative is not available.~~

37 (a) The special report required of a contribution recipient under  
38 subsection (1) of this section shall be delivered to the commission  
39 within forty-eight hours of the time, or on the first working day  
40 after: The contribution of one thousand dollars or more is received

1 by the candidate or treasurer; the aggregate received by the  
2 candidate or treasurer first equals one thousand dollars or more; or  
3 any subsequent contribution from the same source is received by the  
4 candidate or treasurer.

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

13 (7) The special report shall include:

14 (a) The amount of the contribution or contributions;

15 (b) The date or dates of receipt;

16 (c) The name and address of the donor;

17 (d) The name and address of the recipient; and

18 (e) Any other information the commission may by rule require.

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

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

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

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

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

33 (a) Name and address of the sponsor;

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

35 (i) General treasury funds. The name and address of businesses,  
36 unions, groups, associations, or other organizations using general  
37 treasury funds for the communication, however, if a business, union,  
38 group, association, or other organization undertakes a special  
39 solicitation of its members or other persons for an electioneering

1 communication, or it otherwise receives funds for an electioneering  
2 communication, that entity shall report pursuant to (b)(ii) of this  
3 subsection;

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

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

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

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

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

19 (f) The amount of the expenditure;

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

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

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

32 (3) Electioneering communications shall be reported  
33 electronically by the sponsor using software provided or approved by  
34 the commission. The commission may make exceptions on a case-by-case  
35 basis for a sponsor who lacks the technological ability to file  
36 reports using the electronic means provided or approved by the  
37 commission.

38 (4) All persons required to report under RCW 42.17A.225,  
39 42.17A.235, 42.17A.240, and 42.17A.255 are subject to the  
40 requirements of this section, although the commission may determine

1 by rule that persons filing according to those sections may be exempt  
2 from reporting some of the information otherwise required by this  
3 section. The commission may determine that reports filed pursuant to  
4 this section also satisfy the requirements of RCW 42.17A.255 and  
5 42.17A.260.

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

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

10 (1) Each commercial advertiser who has accepted or provided  
11 political advertising or electioneering communications during the  
12 election campaign shall maintain (~~(documents and)~~) current books of  
13 account and related materials as provided by rule that shall be open  
14 for public inspection during normal business hours during the  
15 campaign and for a period of no less than (~~(three)~~) five years after  
16 the date of the applicable election. The documents and books of  
17 account shall specify:

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

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

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

22 (2) At the request of the commission, each commercial advertiser  
23 required to comply with subsection (1) of this section shall  
24 (~~(deliver)~~) provide to the commission copies of the information that  
25 must be maintained and be open for public inspection pursuant to  
26 subsection (1) of this section.

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

29 (1) It is a violation of this chapter for any person to make, or  
30 for any candidate or political committee to accept from any one  
31 person, contributions reportable under RCW 42.17A.240 in the  
32 aggregate exceeding fifty thousand dollars for any campaign for  
33 statewide office or exceeding five thousand dollars for any other  
34 campaign subject to the provisions of this chapter within twenty-one  
35 days of a general election. This subsection does not apply to:

36 (a) Contributions made by, or accepted from, a bona fide  
37 political party as defined in this chapter, excluding the county



1 central committee or legislative district committee(~~(. This~~  
2 ~~subsection does not apply to)):~~

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

5 (c) Payments received by an incidental committee.

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

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

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

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

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

21 (1) Before lobbying, or within thirty days after being employed  
22 as a lobbyist, whichever occurs first, unless exempt under RCW  
23 42.17A.610, a lobbyist shall register by filing with the commission a  
24 lobbyist registration statement, in such detail as the commission  
25 shall prescribe, that includes the following information:

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

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

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

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

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

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

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

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

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

16 (2) Any lobbyist who receives or is to receive compensation from  
17 more than one person for lobbying shall file a separate notice of  
18 representation for each person. However, if two or more persons are  
19 jointly paying or contributing to the payment of the lobbyist, the  
20 lobbyist may file a single statement detailing the name, business  
21 address, and occupation of each person paying or contributing and the  
22 respective amounts to be paid or contributed.

23 (3) Whenever a change, modification, or termination of the  
24 lobbyist's employment occurs, the lobbyist shall file with the  
25 commission an amended registration statement within one week of the  
26 change, modification, or termination.

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

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

33 Each lobbyist shall at the time (~~he or she~~) the lobbyist  
34 registers submit electronically to the commission a recent photograph  
35 of (~~himself or herself~~) the lobbyist of a size and format as  
36 determined by rule of the commission, together with the name of the  
37 lobbyist's employer, the length of (~~his or her~~) the lobbyist's  
38 employment as a lobbyist before the legislature, a brief biographical  
39 description, and any other information (~~he or she~~) the lobbyist may

1 wish to submit not to exceed fifty words in length. The photograph  
2 and information shall be published by the commission (~~(at least~~  
3 ~~biennially in a booklet form for distribution to legislators and the~~  
4 ~~public)~~) on its web site.

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

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

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

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

14 (3) News or feature reporting activities and editorial comment by  
15 working members of the press, radio, digital media, or television and  
16 the publication or dissemination thereof by a newspaper, book  
17 publisher, regularly published periodical, radio station, digital  
18 platform, or television station;

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

30 (5) Persons who restrict their lobbying activities to no more  
31 than four days or parts of four days during any three-month period  
32 and whose total expenditures during such three-month period for or on  
33 behalf of any one or more members of the legislature or state elected  
34 officials or public officers or employees of the state of Washington  
35 in connection with such lobbying do not exceed twenty-five dollars.  
36 The commission shall adopt rules to require disclosure by persons  
37 exempt under this subsection or their employers or entities which  
38 sponsor or coordinate the lobbying activities of such persons if it  
39 determines that such regulations are necessary to prevent frustration

1 of the purposes of this chapter. Any person exempt under this  
2 subsection (5) may at (~~his or her~~) the person's option register and  
3 report under this chapter;

4 (6) The governor;

5 (7) The lieutenant governor;

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

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

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

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

15 (1) Any lobbyist registered under RCW 42.17A.600 and any person  
16 who lobbies shall file electronically with the commission monthly  
17 reports of (~~his or her~~) the lobbyist's or person's lobbying  
18 activities. The reports shall be made in the form and manner  
19 prescribed by the commission and must be signed by the lobbyist. The  
20 monthly report shall be filed within fifteen days after the last day  
21 of the calendar month covered by the report.

22 (2) The monthly report shall contain:

23 (a) The totals of all expenditures for lobbying activities made  
24 or incurred by the lobbyist or on behalf of the lobbyist by the  
25 lobbyist's employer during the period covered by the report.  
26 Expenditure totals for lobbying activities shall be segregated  
27 according to financial category, including compensation; food and  
28 refreshments; living accommodations; advertising; travel;  
29 contributions; and other expenses or services. Each individual  
30 expenditure of more than twenty-five dollars for entertainment shall  
31 be identified by date, place, amount, and the names of all persons  
32 taking part in the entertainment, along with the dollar amount  
33 attributable to each person, including the lobbyist's portion.

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

37 (c) An itemized listing of each contribution of money or of  
38 tangible or intangible personal property, whether contributed by the  
39 lobbyist personally or delivered or transmitted by the lobbyist, to

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

13 (d) The subject matter of proposed legislation or other  
14 legislative activity or rule making under chapter 34.05 RCW, the  
15 state administrative procedure act, and the state agency considering  
16 the same, which the lobbyist has been engaged in supporting or  
17 opposing during the reporting period, unless exempt under RCW  
18 42.17A.610(2).

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

24 (f) The total expenditures paid or incurred during the reporting  
25 period by the lobbyist for lobbying purposes, whether through or on  
26 behalf of a lobbyist or otherwise, for (i) political advertising as  
27 defined in RCW 42.17A.005; and (ii) public relations, telemarketing,  
28 polling, or similar activities if the activities, directly or  
29 indirectly, are intended, designed, or calculated to influence  
30 legislation or the adoption or rejection of a rule, standard, or rate  
31 by an agency under the administrative procedure act. The report shall  
32 specify the amount, the person to whom the amount was paid, and a  
33 brief description of the activity.

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

35 (a) Unreimbursed personal living and travel expenses not incurred  
36 directly for lobbying;

37 (b) Any expenses incurred for (~~his or her~~) the lobbyist's own  
38 living accommodations;

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

1 (d) Any expenses incurred for telephone, and any office expenses,  
2 including rent and salaries and wages paid for staff and secretarial  
3 assistance.

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

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

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

18 (a) The name of each state elected official and the name of each  
19 candidate for state office who was elected to the office and any  
20 member of the immediate family of those persons to whom the person  
21 reporting has paid any compensation in the amount of eight hundred  
22 dollars or more during the preceding calendar year for personal  
23 employment or professional services, including professional services  
24 rendered by a corporation, partnership, joint venture, association,  
25 union, or other entity in which the person holds any office,  
26 directorship, or any general partnership interest, or an ownership  
27 interest of ten percent or more, the value of the compensation in  
28 accordance with the reporting provisions set out in RCW  
29 42.17A.710(~~((2))~~) (3), and the consideration given or performed in  
30 exchange for the compensation.

31 (b) The name of each state elected official, successful candidate  
32 for state office, or members of (~~(his or her)~~) the official's or  
33 candidate's immediate family to whom the person reporting made  
34 expenditures, directly or indirectly, either through a lobbyist or  
35 otherwise, the amount of the expenditures and the purpose for the  
36 expenditures. For the purposes of this subsection, "expenditure"  
37 shall not include any expenditure made by the employer in the  
38 ordinary course of business if the expenditure is not made for the  
39 purpose of influencing, honoring, or benefiting the elected official,

1 successful candidate, or member of his immediate family, as an  
2 elected official or candidate.

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

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

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

15 (f) The names, offices sought, and party affiliations of  
16 candidates for state offices supported or opposed by independent  
17 expenditures of the person reporting and the amount of each such  
18 expenditure.

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

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

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

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

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

3       (1) A person required to register as a lobbyist under RCW  
4 42.17A.600 shall substantiate financial reports required to be made  
5 under this chapter with accounts, bills, receipts, books, papers, and  
6 other necessary documents and records. All such documents must be  
7 obtained and preserved for a period of at least five years from the  
8 date of filing the statement containing such items and shall be made  
9 available for inspection by the commission at any time. If the terms  
10 of the lobbyist's employment contract require that these records be  
11 turned over to (~~his or her~~) the lobbyist's employer, responsibility  
12 for the preservation and inspection of these records under this  
13 subsection shall be with such employer.

14       (2) A person required to register as a lobbyist under RCW  
15 42.17A.600 shall not:

16       (a) Engage in any lobbying activity before registering as a  
17 lobbyist;

18       (b) Knowingly deceive or attempt to deceive a legislator  
19 regarding the facts pertaining to any pending or proposed  
20 legislation;

21       (c) Cause or influence the introduction of a bill or amendment to  
22 that bill for the purpose of later being employed to secure its  
23 defeat;

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

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

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

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



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

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

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

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

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

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

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

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

1 certifying that they have read and are familiar with RCW 42.17A.555  
2 or 42.52.180, whichever is applicable.

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

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

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

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

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

14 (b) Each bank account, savings account, and insurance policy in  
15 which a direct financial interest was held that exceeds twenty  
16 thousand dollars at any time during the reporting period; each other  
17 item of intangible personal property in which a direct financial  
18 interest was held that exceeds two thousand dollars during the  
19 reporting period; the name, address, and nature of the entity; and  
20 the nature and highest value of each direct financial interest during  
21 the reporting period;

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

29 (d) Every public or private office, directorship, and position  
30 held as trustee; except that an elected official or executive state  
31 officer need not report the elected official's or executive state  
32 officer's service on a governmental board, commission, association,  
33 or functional equivalent, when such service is part of the elected  
34 official's or executive state officer's official duties;

35 (e) All persons for whom any legislation, rule, rate, or standard  
36 has been prepared, promoted, or opposed for current or deferred  
37 compensation. For the purposes of this subsection, "compensation"  
38 does not include payments made to the person reporting by the  
39 governmental entity for which the person serves as an elected

1 official or state executive officer or professional staff member for  
2 (~~his or her~~) the person's service in office; the description of  
3 such actual or proposed legislation, rules, rates, or standards; and  
4 the amount of current or deferred compensation paid or promised to be  
5 paid;

6 (f) The name and address of each governmental entity,  
7 corporation, partnership, joint venture, sole proprietorship,  
8 association, union, or other business or commercial entity from whom  
9 compensation has been received in any form of a total value of two  
10 thousand dollars or more; the value of the compensation; and the  
11 consideration given or performed in exchange for the compensation;

12 (g) The name of any corporation, partnership, joint venture,  
13 association, union, or other entity in which is held any office,  
14 directorship, or any general partnership interest, or an ownership  
15 interest of ten percent or more; the name or title of that office,  
16 directorship, or partnership; the nature of ownership interest; and:

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

22 and (ii) the name of each governmental unit, corporation,  
23 partnership, joint venture, sole proprietorship, association, union,  
24 or other business or commercial entity from which the entity has  
25 received compensation in any form in the amount of ten thousand  
26 dollars or more during the preceding twelve months and the  
27 consideration given or performed in exchange for the compensation. As

28 used in (g)(ii) of this subsection, "compensation" does not include  
29 payment for water and other utility services at rates approved by the  
30 Washington state utilities and transportation commission or the  
31 legislative authority of the public entity providing the service.

32 With respect to any bank or commercial lending institution in which  
33 is held any office, directorship, partnership interest, or ownership  
34 interest, it shall only be necessary to report either the name,  
35 address, and occupation of every director and officer of the bank or  
36 commercial lending institution and the average monthly balance of  
37 each account held during the preceding twelve months by the bank or  
38 commercial lending institution from the governmental entity for which  
39 the individual is an official or candidate or professional staff  
40 member, or all interest paid by a borrower on loans from and all

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

4 (h) A list, including legal or other sufficient descriptions as  
5 prescribed by the commission, of all real property in the state of  
6 Washington, the assessed valuation of which exceeds ten thousand  
7 dollars in which any direct financial interest was acquired during  
8 the preceding calendar year, and a statement of the amount and nature  
9 of the financial interest and of the consideration given in exchange  
10 for that interest;

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

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

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

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

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

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

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

6        (i) The city or town;

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

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

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

15        (3) Where an amount is required to be reported under subsection  
16 (1)(a) through (m) of this section, it shall be sufficient to comply  
17 with the requirement to report whether the amount is less than four  
18 thousand dollars, at least four thousand dollars but less than twenty  
19 thousand dollars, at least twenty thousand dollars but less than  
20 forty thousand dollars, at least forty thousand dollars but less than  
21 one hundred thousand dollars, or one hundred thousand dollars or  
22 more. An amount of stock may be reported by number of shares instead  
23 of by market value. No provision of this subsection may be  
24 interpreted to prevent any person from filing more information or  
25 more detailed information than required.

26        ~~((3))~~ (4) Items of value given to an official's or employee's  
27 spouse, domestic partner, or family member are attributable to the  
28 official or employee, except the item is not attributable if an  
29 independent business, family, or social relationship exists between  
30 the donor and the spouse, domestic partner, or family member.

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

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

37        (a) If the court finds that the violation of any provision of  
38 this chapter by any candidate ~~((or political)),~~ committee, or  
39 incidental committee probably affected the outcome of any election,

1 the result of that election may be held void and a special election  
2 held within sixty days of the finding. Any action to void an election  
3 shall be commenced within one year of the date of the election in  
4 question. It is intended that this remedy be imposed freely in all  
5 appropriate cases to protect the right of the electorate to an  
6 informed and knowledgeable vote.

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

14 (c) A person who violates any of the provisions of this chapter  
15 may be subject to a civil penalty of not more than ten thousand  
16 dollars for each violation. However, a person or entity who violates  
17 RCW 42.17A.405 may be subject to a civil penalty of ten thousand  
18 dollars or three times the amount of the contribution illegally made  
19 or accepted, whichever is greater.

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

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

31 (ii) The impact on the public, including whether the  
32 noncompliance deprived the public of timely or accurate information  
33 during a time-sensitive period or otherwise had a significant or  
34 material impact on the public;

35 (iii) Experience with campaign finance law and procedures or the  
36 financing, staffing, or size of the respondent's campaign or  
37 organization;

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

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

5 (vi) Whether the respondent or any person benefited politically  
6 or economically from the noncompliance;

7 (vii) Whether there was a personal emergency or illness of the  
8 respondent or member of (~~his or her~~) the respondent's immediate  
9 family;

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

12 (ix) Whether there was commission staff or equipment error,  
13 including technical problems at the commission that prevented or  
14 delayed electronic filing;

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

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

18 (xii) Good faith efforts to comply, including consultation with  
19 commission staff prior to initiation of enforcement action and  
20 cooperation with commission staff during enforcement action and a  
21 demonstrated wish to acknowledge and take responsibility for the  
22 violation;

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

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

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

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

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

37 (h) Any state agency official, officer, or employee who is  
38 responsible for or knowingly directs or expends public funds in  
39 violation of RCW 42.17A.635 (2) or (3) may be subject to personal  
40 liability in the form of a civil penalty in an amount that is at

1 least equivalent to the amount of public funds expended in the  
2 violation.

3 (i) The court may enjoin any person to prevent the doing of any  
4 act herein prohibited, or to compel the performance of any act  
5 required herein.

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

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

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

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

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

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

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

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

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

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

38 (b) The commission shall, by rule, develop additional processes  
39 by which a respondent may agree by stipulation to any allegations and



1 pay a penalty subject to a schedule of violations and penalties,  
2 unless waived by the commission as provided for in this section. Any  
3 stipulation must be referred to the commission for review. If  
4 approved or modified by the commission, agreed to by the parties, and  
5 the respondent complies with all requirements set forth in the  
6 stipulation, the matter is then considered resolved and no further  
7 action or review is allowed.

8 (3) If the commission initiates an investigation, an initial  
9 hearing must be held within ninety days of the complaint being filed.  
10 Following an investigation, in cases where it chooses to determine  
11 whether ((~~an actual~~)) a violation has occurred, the commission shall  
12 hold a hearing pursuant to the administrative procedure act, chapter  
13 34.05 RCW. Any order that the commission issues under this section  
14 shall be pursuant to such a hearing.

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

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

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

39 (d) Any order issued by the commission is subject to judicial  
40 review under the administrative procedure act, chapter 34.05 RCW. If

1 the commission's order is not satisfied and no petition for review is  
2 filed within thirty days, the commission may petition a court of  
3 competent jurisdiction of any county in which a petition for review  
4 could be filed under that jurisdiction, for an order of enforcement.  
5 Proceedings in connection with the commission's petition shall be in  
6 accordance with RCW 42.17A.760.

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

10 (a) Additional authority is needed to ensure full compliance with  
11 this chapter;

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

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

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

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

22 (i) Referral by the commission pursuant to RCW 42.17A.755(4); or  
23 (ii) Receipt of a notice of intent to commence a citizen's  
24 action, as provided under RCW 42.17A.775(3).

25 (b) Within forty-five days of receiving a referral from the  
26 commission or a citizen's action notice, the attorney general must  
27 ~~((provide notice of his or her))~~ publish a decision whether to  
28 commence an action on the attorney general's office web site ~~((within~~  
29 forty-five days of receiving the referral, which constitutes state  
30 action for purposes of this chapter)). Publication of the decision  
31 within the forty-five day period shall preclude a citizen's action  
32 pursuant to RCW 42.17A.775.

33 ~~((b))~~ (c) The attorney general should use the enforcement  
34 powers in this section in a consistent manner that provides guidance  
35 in complying with the provisions of this chapter to candidates,  
36 political committees, or other individuals subject to the regulations  
37 of this chapter.

38 (2) The attorney general may investigate or cause to be  
39 investigated the activities of any person who there is reason to

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

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

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

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

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

37 (a) The commission has not taken action authorized under RCW  
38 42.17A.755(1) within ninety days of the complaint being filed with  
39 the commission; and

1 (b) For matters referred to the attorney general within ninety  
2 days of the commission receiving the complaint, the attorney general  
3 has not commenced an action, or published a decision whether to  
4 commence an action pursuant to RCW 42.17A.765(1)(b), within forty-  
5 five days of receiving referral from the commission.

6 (3) To initiate the citizen's action, after meeting the  
7 requirements under subsection (2) of this section, a person must  
8 notify the attorney general and the commission that (~~he or she~~) the  
9 person will commence a citizen's action if:

10 (a) Within ten days (~~if~~), the commission does not take action  
11 (~~or, if~~) authorized under RCW 42.17A.755(1); and

12 (b) Within forty-five days, where applicable, the attorney  
13 general does not commence an action or publish a decision whether to  
14 commence an action pursuant to RCW 42.17A.765(1)(b).

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

20 (5) If the person who brings the citizen's action prevails, the  
21 judgment awarded shall escheat to the state, (~~but he or she shall be~~  
22 ~~entitled to be reimbursed by the state~~) except for reasonable costs  
23 and reasonable attorneys' fees (~~the person incurred~~) awarded by the  
24 court, if any, which shall be paid by the defendant. In the case of a  
25 citizen's action that is dismissed and that the court also finds was  
26 brought without reasonable cause, the court may order the person  
27 commencing the action to pay all trial costs and reasonable  
28 attorneys' fees incurred by the defendant.

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

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

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

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

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

10       (2) RCW 42.17A.061 (Access goals) and 2010 c 204 s 203, 2000 c  
11 237 s 5, & 1999 c 401 s 2.

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

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

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