

SECTION BY SECTION SUMMARY OF INITIATIVE 276

Section 1. Declares it to be public policy of the State of Washington that disclosure of political campaign and lobbyist financing and the financial affairs of elected officials, and information concerning the conduct of government are essential to sustain public confidence in government at all levels.

Section 2. Defines terms used in the act. Of particular interest are the definition of a "candidate" as any individual seeking election when he first receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy or announces publicly or files for office. "Contribution" includes anything of value except part-time volunteer services. "Lobbying" includes attempting to influence administrative decisions as well as legislation.

CHAPTER I. CAMPAIGN FINANCING

Section 3. The election campaign provisions apply to all campaigns except for precinct committeeman, President and Vice President of the United States and for an office covering less than a whole county and which contains less than 5,000 voters.

Section 4. Requires every political committee to file a statement of organization including its name and address, names and addresses of all related committees, names and addresses and titles of its responsible leaders, name and address of its campaign treasurer and campaign depository, whether it is a continuing committee, the candidate or political party or ballot proposition it supports, and what distribution will be made of surplus funds.

Section 5. Requires each candidate and each political committee to designate and file with the commission the names and addresses of its campaign treasurer and the bank which is to serve as campaign depository. Deputy campaign treasurers and additional campaign depositories may be designated in each county where the campaign is conducted.

Section 6. Requires contributions to be deposited along with a statement containing the name of each person making a deposit in excess of \$5. Accumulated anonymous contributions above a designated maximum (the lesser of 1% of contributions or \$300.) must be returned to the donor or forfeited to the state general fund.

Section 7. Prohibits expenditures except on the authority of the campaign treasurer or the candidate.

Section 8. Requires a report of all contributions received and expenditures made in the election campaign at least once each month, and on the fifth and nineteenth days preceding the election, and after the election. Also requires the campaign treasurer to maintain books of account in accordance with generally accepted accounting principles and to have the books of account open for public inspection during the week before the election.

Section 9. Requires that the report made under Section 8 include the name and address of each person who made a contribution in excess of \$5, every loan or promissory note or security instrument, any transfer of funds between political committees, and all other contributions not otherwise listed or exempted, and every expenditure made in excess of \$25. Also provides that funds received from political committees outside the state of Washington shall be forfeited to the state unless the out-of-state committee has filed a report under this act.

Section 10. Requires a special report from any person who makes a direct expenditure (other than a contribution to a candidate or political committee) in excess of \$100 during an election campaign. Also requires a special report from any person who contributes more than \$100 to a political committee outside the state of Washington if it is expected that the committee will make contributions with respect to elections covered by this act.

Section 11. Requires commercial advertisers to report after the election the source and amounts of political advertising.

Section 12. Prohibits contributions made in a fictitious name or in a manner which serves to conceal the donor's identity.

Section 13. Forbids the use of public office facilities in election campaigns.

Section 14. Limits campaign expenditures to the higher of the following amounts: 10 cents per registered voter, \$5,000, or a sum equal to the total salary for the term of the office sought. For Governor or Lt. Governor, twice the salary for a Governor's term may be spent, and candidates for the legislature may spend up to the salary for a state senator's term. The limit on ballot proposition campaigns is \$100,000 for statewide measures and 10 cents per registered voter for issues less than statewide in scope.

CHAPTER II. LOBBYIST REPORTING

Section 15. Requires each lobbyist to file a registration statement each January including his name, address, identity of employer, duration of his employment, his compensation, and subjects of his legislative interests.

Section 16. Exempts from lobbyist registration and reporting: appearances at public hearings; news media; lobbying without compensation; the governor and lieutenant governor; and legislators and their aides and other state officials.

Section 17. Requires lobbyists to make quarterly reports (weekly while the legislature is in session) of expenditures made and legislation supported or opposed.

Section 18. Requires employers of registered lobbyists to file each year a statement disclosing business transactions with elected officials.

Section 19. Requires legislators to file quarterly reports listing the names, addresses, and salaries of all persons employed in legislative activities. Prohibits the use of state funds for lobbying. Requires state agencies to report names and salaries of employees engaged in legislative activities.

Section 20. Requires reports by sponsors of grass roots lobbying campaigns addressed to the public intended primarily to influence legislation. Reports must include names and addresses of sponsors and public relations or advertising firms participating in the campaign, and names and addresses of all persons contributing to the campaign, the purpose of the campaign, and the expenditures made.

Section 21. Requires registered lobbyists and their employers to report when they have employed any legislator or member of any state board or commission or any other state employee.

Section 22. Prohibits employing an unregistered lobbyist.

Section 23. Requires each lobbyist to preserve bills and receipts and books of account; and prohibits him from lobbying before registering, deceiving any legislator, introducing a bill for the purpose of being employed to secure its defeat, representing an interest adverse to his employer, and exercising any undue influence, extortion, or unlawful retaliation upon any legislator.

CHAPTER III. REPORTING OF ELECTED OFFICIALS FINANCIAL AFFAIRS

Section 24. Requires annual reports by elected officials including occupation, name of employer, and business address; bank or savings accounts or insurance with a cash value in excess of \$5,000, and other direct financial interest in excess of \$500; debts in excess of \$500 except retail installment transactions; every public or private office, directorship and position as trustee; all persons for whom legislation was prepared for compensation; transactions with business entities in excess of \$500; business transactions in excess of \$500 with any firm in which the elected official has a substantial ownership interest; real estate held, acquired or divested with an assessed valuation in excess of \$2,5000; real estate with an assessed valuation in excess of \$5,000 held by a business entity in which the elected official has a substantial ownership interest.

CHAPTER IV. PUBLIC RECORDS

Section 25. Requires each state and local agency to make public: a description of its organization and the places where the public may obtain information, make requests and obtain copies of agency decisions; a statement of the general course or method by which its operations are channeled and determined; and its rules of procedure and statements of general policy.

Section 26. Requires each agency to make available for inspection and copying all public records and index of those records.

Section 27. Requires that agency facilities be made available for copying of public records except when it would unreasonably disrupt the operations of the agency.

Section 28. Requires that public records be available for inspection and copying during customary office hours of the agency.

Section 29. Requires agencies to adopt rules to protect public records from damage or disorganization, and to provide assistance to inquirers and timely action on requests for information.

Section 30. Prohibits charging any fee for inspection of public records, and permits a charge for copies not to exceed actual cost to the agency.

Section 31. Exempts from public inspection and copying: (a) personal information in files of students, patients, clients, welfare recipients, prisoners, probationers, or parolees; (b) personal information in employee files; (c) information required of any taxpayer in connection with the assessment or collection of any tax; (d) intelligence information and investigative files of law enforcement agencies, and agencies responsible for disciplining members of professions; (e) information revealing the identity of persons who file complaints with law enforcement agencies; (f) test questions and examination data; (g) real estate appraisals; (h) valuable formulas, designs, drawing and research data; (i) preliminary drafts, notes, recommendations and intra-agency memorandums; (j) records which would not be available under court rules of discovery. Provides for inspection and copying of exempted records if exempt parts can be deleted or if superior court finds that exemption is clearly unnecessary to protect right of privacy or any vital governmental function.

Section 32. Requires agencies to make prompt responses to requests for records and to accompany denials of requests with written statement of specific reasons.

Section 33. Provides that superior court may enjoin examination of any specific record if such examination would clearly not be in the public interest and would substantially and irreparably damage any person or any vital governmental functions.

Section 34. Provides for court review of agency refusal to allow inspection or copying of records.

Section 35. Establishes a "Public Disclosure Commission" composed of five unpaid members appointed by the governor with the consent of the senate for staggered five-year terms. No more than three members may serve from the same political party and members are not eligible for reappointment to more than one full term. No member can hold elective office, participate in any election campaign, or lobby or employ or assist a lobbyist.

Section 36. Requires the commission: to develop and provide reporting forms; prepare and publish a manual setting forth methods of bookkeeping and reporting; compile and maintain all filed reports; investigate whether reports have been properly filed; investigate and report apparent violations to the appropriate law enforcement authorities; prepare and publish an annual report as to the effectiveness of the act; and enforce the act according to the powers granted by law.

Section 37. Empowers the commission: to adopt administrative rules; prepare and publish reports and technical studies; make audits and field investigations; make public the fact that alleged or apparent violations have occurred; subpoena witnesses and documents; promulgate a code of fair campaign practices; relieve from reporting, candidates and committees receiving or spending less than \$1,000; enact regulations requiring public agencies to keep accounts of costs incurred in preparing, publishing and distributing legislative information; suspend or modify reporting requirements where literal application would work a manifestly unreasonable hardship. The commission may not make suspensions or modifications which would frustrate the purposes of the act.

Section 38. Provides that the office of the secretary of state shall perform functions required by the commission, and that the attorney general shall supply legal assistance, and that the commission may employ other attorneys.

Section 39. Authorizes the following civil remedies and sanctions by the courts: voiding an election; revoking lobbyist registration; civil penalty of not more than \$10,000; civil penalty of \$10 per day for late filed reports; civil penalty equivalent to the amount of contribution or expenditure not reported; and, injunction to compel compliance with the act.

Section 40. Authorizes attorney general and local prosecutors to bring civil actions, and provides for direct citizen action if attorney general fails or refuses to bring such action.

Section 41. Requires that any legal action brought under the act must be commenced within six years from the date of the violation.

Section 42. Provides that the date of mailing shall be deemed the date of receipt of reports required under the act.

Section 43. Requires that each report and statement filed under the act identify the person preparing it and be certified as complete and correct by the person preparing it and by the person on whose behalf it is filed.

Section 44. Provides that all statements and reports filed under the act shall be public records.

Section 45. Requires copy of reports to be preserved for not less than six years.

Section 46 through Section 50 provide that the invalidity of any part of this act shall not affect the remainder of the act; that the act is to be liberally construed and shall govern in the event of conflict with other laws; that chapter and section captions and headings are not part of the law; that the effective date of the act shall be January 1, 1973; and that certain other laws are repealed.