
SENATE BILL 5522

State of Washington

62nd Legislature

2011 Regular Session

By Senators Tom and Murray

Read first time 01/28/11. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to creating the office of the superintendent of
2 public instruction as an executive branch agency; amending RCW
3 28A.300.010, 28A.300.030, 28A.300.035, 28A.300.040, 43.17.010,
4 43.17.020, 42.17A.705, 29A.04.110, 29A.24.191, 29A.32.031, 29A.36.121,
5 29A.52.231, 43.01.010, 43.01.020, and 43.03.010; reenacting and
6 amending RCW 42.17A.005; adding a new section to chapter 41.06 RCW;
7 adding a new chapter to Title 43 RCW; recodifying RCW 28A.300.010,
8 28A.300.020, 28A.300.030, 28A.300.040, 28A.300.050, 28A.300.120, and
9 28A.300.220; and providing a contingent effective date.

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

11 PART 1

12 OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

13 Sec. 101. RCW 28A.300.010 and 1990 c 33 s 250 are each amended to
14 read as follows:

15 ((A)) The office of the superintendent of public instruction is
16 created as an executive branch agency. The executive and
17 administrative head of the office shall be the superintendent of public

1 instruction. The superintendent shall be vested with all powers and
2 duties designated under this chapter and such other powers and duties
3 as may be authorized by law.

4 The superintendent of public instruction shall be ((elected by the
5 qualified electors of the state, on the first Tuesday after the first
6 Monday in November of the year in which state officers are elected, and
7 shall hold his or her office for the term of four years, and until his
8 or her successor is elected and qualified)) appointed by the governor
9 with the consent of the senate and shall serve at the pleasure of the
10 governor. The superintendent of public instruction shall be paid a
11 salary to be fixed by the governor in accordance with RCW 43.03.040.
12 If a vacancy occurs in the position while the senate is not in session,
13 the governor shall make a temporary appointment until the next meeting
14 of the senate.

15 NEW SECTION. Sec. 102. The superintendent of public instruction
16 may employ such assistants and personnel as necessary for the general
17 administration of the agency. This employment shall be in accordance
18 with the state civil service law, chapter 41.06 RCW, except as
19 otherwise provided.

20 **Sec. 103.** RCW 28A.300.030 and 1975 1st ex.s. c 275 s 46 are each
21 amended to read as follows:

22 The superintendent of public instruction, by rule ((~~or~~
23 ~~regulation~~)), may require the assistance of educational service
24 district boards and/or superintendents in the performance of any duty,
25 authority, or power imposed upon or granted to the superintendent of
26 public instruction by law ((~~or by the Constitution of the state of~~
27 ~~Washington~~)), upon such terms and conditions as the superintendent of
28 public instruction shall establish. ((~~Such authority to assist the~~
29 ~~superintendent of public instruction shall be limited to the service~~
30 ~~function of information collection and dissemination and the attestation~~
31 ~~to the accuracy and completeness of submitted information.~~))

32 NEW SECTION. Sec. 104. For rules adopted after the effective date
33 of this section, the superintendent of public instruction may not rely
34 solely on a section of law stating a statute's intent or purpose, on

1 the enabling provisions of the statute establishing the agency, or on
2 any combination of such provisions, for statutory authority to adopt
3 any rule.

4 **Sec. 105.** RCW 28A.300.035 and 1994 c 113 s 1 are each amended to
5 read as follows:

6 If the superintendent of public instruction or the state board of
7 education, in carrying out their powers and duties under this title
8 ((28A-RCW)) or chapter 43.-- RCW (the new chapter created in section
9 302 of this act), request the service of any certificated or classified
10 employee of a school district upon any committee formed for the purpose
11 of furthering education within the state, or within any school district
12 therein, and such service would result in a need for a school district
13 to employ a substitute for such certificated or classified employee
14 during such service, payment for such a substitute may be made by the
15 superintendent of public instruction from funds appropriated by the
16 legislature for the current use of the common schools and such payments
17 shall be construed as amounts needed for state support to the common
18 schools under RCW 28A.150.380. If such substitute is paid by the
19 superintendent of public instruction, no deduction shall be made from
20 the salary of the certificated or classified employee. In no event
21 shall a school district deduct from the salary of a certificated or
22 classified employee serving on such committee more than the amount paid
23 the substitute employed by the district.

24 **Sec. 106.** RCW 28A.300.040 and 2009 c 556 s 10 are each amended to
25 read as follows:

26 In addition to any other powers and duties as provided by law, the
27 powers and duties of the superintendent of public instruction shall be:

28 (1) To have supervision over all matters pertaining to the public
29 schools of the state;

30 (2) To report to the governor and the legislature such information
31 and data as may be required for the management and improvement of the
32 schools;

33 (3) To prepare and have printed such forms, registers, courses of
34 study, rules for the government of the common schools, and such other
35 material and books as may be necessary for the discharge of the duties

1 of teachers and officials charged with the administration of the laws
2 relating to the common schools, and to distribute the same to
3 educational service district superintendents;

4 (4) To travel, without neglecting his or her other official duties
5 as superintendent of public instruction, for the purpose of attending
6 educational meetings or conventions, of visiting schools, and of
7 consulting educational service district superintendents or other school
8 officials;

9 (5) To prepare and from time to time to revise a manual of the
10 Washington state common school code, copies of which shall be made
11 available online and which shall be sold at approximate actual cost of
12 publication and distribution per volume to public and nonpublic
13 agencies or individuals, said manual to contain Titles 28A and 28C RCW,
14 this chapter, rules related to the common schools, and such other
15 matter as the state superintendent or the state board of education
16 shall determine. Proceeds of the sale of such code shall be
17 transmitted to the public printer who shall credit the state
18 superintendent's account within the state printing plant revolving fund
19 by a like amount;

20 (6) To file all papers, reports and public documents transmitted to
21 the superintendent by the school officials of the several counties or
22 districts of the state, each year separately. Copies of all papers
23 filed in the superintendent's office, and the superintendent's official
24 acts, may, or upon request, shall be certified by the superintendent
25 and attested by the superintendent's official seal, and when so
26 certified shall be evidence of the papers or acts so certified to;

27 (7) To require annually, on or before the 15th day of August, of
28 the president, manager, or principal of every educational institution
29 in this state, a report as required by the superintendent of public
30 instruction; and it is the duty of every president, manager, or
31 principal, to complete and return such forms within such time as the
32 superintendent of public instruction shall direct;

33 (8) To keep in the superintendent's office a record of all teachers
34 receiving certificates to teach in the common schools of this state;

35 (9) To issue certificates as provided by law;

36 (10) To keep in the superintendent's office at the capital of the
37 state, all books and papers pertaining to the business of the

1 superintendent's office, and to keep and preserve in the
2 superintendent's office a complete record of statistics, as well as a
3 record of the meetings of the state board of education;

4 (11) With the assistance of the office of the attorney general, to
5 decide all points of law (~~(which)~~) that may be submitted to the
6 superintendent in writing by any educational service district
7 superintendent, or that may be submitted to the superintendent by any
8 other person, upon appeal from the decision of any educational service
9 district superintendent; and the superintendent shall publish his or
10 her rulings and decisions from time to time for the information of
11 school officials and teachers; and the superintendent's decision shall
12 be final unless set aside by a court of competent jurisdiction;

13 (12) To administer oaths and affirmations in the discharge of the
14 superintendent's official duties;

15 (13) To deliver to his or her successor(~~(, at the expiration of the~~
16 ~~superintendent's term of office,~~) all records, books, maps, documents
17 and papers of whatever kind belonging to the superintendent's office or
18 which may have been received by the superintendent's for the use of the
19 superintendent's office;

20 (14) To administer family services and programs to promote the
21 state's policy as provided in RCW 74.14A.025;

22 (15) To promote the adoption of school-based curricula and policies
23 that provide quality, daily physical education for all students, and to
24 encourage policies that provide all students with opportunities for
25 physical activity outside of formal physical education classes;

26 (16) To perform such other duties as may be required by law.

27 NEW SECTION. **Sec. 107.** A new section is added to chapter 41.06
28 RCW to read as follows:

29 In addition to the exemptions under RCW 41.06.070, the provisions
30 of this chapter shall not apply in the office of the superintendent of
31 public instruction to the superintendent, the superintendent's personal
32 secretary, the deputy superintendent, all division directors and
33 assistant directors, and one confidential secretary for each of these
34 officers.

35 **Sec. 108.** RCW 43.17.010 and 2009 c 565 s 25 are each amended to
36 read as follows:

1 There shall be departments of the state government which shall be
2 known as (1) the department of social and health services, (2) the
3 department of ecology, (3) the department of labor and industries, (4)
4 the department of agriculture, (5) the department of fish and wildlife,
5 (6) the department of transportation, (7) the department of licensing,
6 (8) the department of general administration, (9) the department of
7 commerce, (10) the department of veterans affairs, (11) the department
8 of revenue, (12) the department of retirement systems, (13) the
9 department of corrections, (14) the department of health, (15) the
10 department of financial institutions, (16) the department of
11 archaeology and historic preservation, (17) the department of early
12 learning, ~~((and))~~ (18) the Puget Sound partnership, and (19) the office
13 of the superintendent of public instruction, which shall be charged
14 with the execution, enforcement, and administration of such laws, and
15 invested with such powers and required to perform such duties, as the
16 legislature may provide.

17 **Sec. 109.** RCW 43.17.020 and 2009 c 565 s 26 are each amended to
18 read as follows:

19 There shall be a chief executive officer of each department to be
20 known as: (1) The secretary of social and health services, (2) the
21 director of ecology, (3) the director of labor and industries, (4) the
22 director of agriculture, (5) the director of fish and wildlife, (6) the
23 secretary of transportation, (7) the director of licensing, (8) the
24 director of general administration, (9) the director of commerce, (10)
25 the director of veterans affairs, (11) the director of revenue, (12)
26 the director of retirement systems, (13) the secretary of corrections,
27 (14) the secretary of health, (15) the director of financial
28 institutions, (16) the director of the department of archaeology and
29 historic preservation, (17) the director of early learning, ~~((and))~~
30 (18) the executive director of the Puget Sound partnership, and (19)
31 the superintendent of public instruction.

32 Such officers, except the director of fish and wildlife, shall be
33 appointed by the governor, with the consent of the senate, and hold
34 office at the pleasure of the governor. The director of fish and
35 wildlife shall be appointed by the fish and wildlife commission as
36 prescribed by RCW 77.04.055.

1 **Sec. 110.** RCW 42.17A.705 and 2010 c 204 s 902 are each amended to
2 read as follows:

3 For the purposes of RCW 42.17A.700, "executive state officer"
4 includes:

5 (1) The chief administrative law judge, the director of
6 agriculture, the director of the department of services for the blind,
7 the director of the state system of community and technical colleges,
8 the director of commerce, the secretary of corrections, the director of
9 early learning, the director of ecology, the commissioner of employment
10 security, the chair of the energy facility site evaluation council, the
11 secretary of the state finance committee, the director of financial
12 management, the director of fish and wildlife, the executive secretary
13 of the forest practices appeals board, the director of the gambling
14 commission, the director of general administration, the secretary of
15 health, the administrator of the Washington state health care
16 authority, the executive secretary of the health care facilities
17 authority, the executive secretary of the higher education facilities
18 authority, the executive secretary of the horse racing commission, the
19 executive secretary of the human rights commission, the executive
20 secretary of the indeterminate sentence review board, the director of
21 the department of information services, the executive director of the
22 state investment board, the director of labor and industries, the
23 director of licensing, the director of the lottery commission, the
24 director of the office of minority and women's business enterprises,
25 the director of parks and recreation, the director of personnel, the
26 executive director of the public disclosure commission, the executive
27 director of the Puget Sound partnership, the director of the recreation
28 and conservation office, the director of retirement systems, the
29 director of revenue, the secretary of social and health services, the
30 chief of the Washington state patrol, the executive secretary of the
31 board of tax appeals, the secretary of transportation, the secretary of
32 the utilities and transportation commission, the director of veterans
33 affairs, the president of each of the regional and state universities
34 and the president of The Evergreen State College, (~~and~~) each district
35 and each campus president of each state community college, and the
36 superintendent of public instruction;

37 (2) Each professional staff member of the office of the governor;

38 (3) Each professional staff member of the legislature; and

1 (4) Central Washington University board of trustees, the boards of
2 trustees of each community college and each technical college, each
3 member of the state board for community and technical colleges, state
4 convention and trade center board of directors, Eastern Washington
5 University board of trustees, Washington economic development finance
6 authority, Washington energy northwest executive board, The Evergreen
7 State College board of trustees, executive ethics board, fish and
8 wildlife commission, forest practices appeals board, forest practices
9 board, gambling commission, Washington health care facilities
10 authority, higher education coordinating board, higher education
11 facilities authority, horse racing commission, state housing finance
12 commission, human rights commission, indeterminate sentence review
13 board, board of industrial insurance appeals, information services
14 board, state investment board, commission on judicial conduct,
15 legislative ethics board, life sciences discovery fund authority board
16 of trustees, liquor control board, lottery commission, Pacific
17 Northwest electric power and conservation planning council, parks and
18 recreation commission, Washington personnel resources board, board of
19 pilotage commissioners, pollution control hearings board, public
20 disclosure commission, public employees' benefits board, recreation and
21 conservation funding board, salmon recovery funding board, shorelines
22 hearings board, board of tax appeals, transportation commission,
23 University of Washington board of regents, utilities and transportation
24 commission, Washington State University board of regents, and Western
25 Washington University board of trustees.

26 **PART 2**

27 **INTERNAL REFERENCES CORRECTIONS**

28 **Sec. 201.** RCW 29A.04.110 and 2005 c 2 s 4 are each amended to read
29 as follows:

30 "Partisan office" means a public office for which a candidate may
31 indicate a political party preference on his or her declaration of
32 candidacy and have that preference appear on the primary and general
33 election ballot in conjunction with his or her name. The following are
34 partisan offices:

35 (1) United States senator and United States representative;

1 (2) All state offices, including legislative, except ((+a+))
2 judicial offices ((and (b) the office of superintendent of public
3 instruction));

4 (3) All county offices except (a) judicial offices and (b) those
5 offices for which a county home rule charter provides otherwise.

6 **Sec. 202.** RCW 29A.24.191 and 2006 c 344 s 9 are each amended to
7 read as follows:

8 A scheduled election shall be lapsed, the office deemed stricken
9 from the ballot, no purported write-in votes counted, and no candidate
10 certified as elected, when:

11 (1) In an election for judge of the supreme court ((~~or~~
12 ~~superintendent of public instruction~~)), a void in candidacy occurs on
13 or after the eleventh Tuesday prior to a primary, public filings and
14 the primary being an indispensable phase of the election process for
15 such offices;

16 (2) Except as otherwise specified in RCW 29A.24.181, a nominee for
17 judge of the superior court entitled to a certificate of election
18 pursuant to Article 4, section 29, Amendment 41 of the state
19 Constitution dies or is disqualified on or after the eleventh Tuesday
20 prior to a primary;

21 (3) In other elections for nonpartisan office a void in candidacy
22 occurs or a vacancy occurs involving an unexpired term to be filled on
23 or after the eleventh Tuesday prior to an election.

24 **Sec. 203.** RCW 29A.32.031 and 2009 c 415 s 2 are each amended to
25 read as follows:

26 The voters' pamphlet published or distributed under RCW 29A.32.010
27 must contain:

28 (1) Information about each measure for an advisory vote of the
29 people and each ballot measure initiated by or referred to the voters
30 for their approval or rejection as required by RCW 29A.32.070;

31 (2) In even-numbered years, statements, if submitted, from
32 candidates for the office of president and vice president of the United
33 States, United States senator, United States representative, governor,
34 lieutenant governor, secretary of state, state treasurer, state
35 auditor, attorney general, commissioner of public lands,
36 ((~~superintendent of public instruction,~~)) insurance commissioner, state

1 senator, state representative, justice of the supreme court, judge of
2 the court of appeals, or judge of the superior court. Candidates may
3 also submit campaign contact information and a photograph not more than
4 five years old in a format that the secretary of state determines to be
5 suitable for reproduction in the voters' pamphlet;

6 (3) In odd-numbered years, if any office voted upon statewide
7 appears on the ballot due to a vacancy, then statements and photographs
8 for candidates for any vacant office listed in subsection (2) of this
9 section must appear;

10 (4) Contact information for the public disclosure commission
11 established under RCW (~~42.17.350~~) 42.17A.100;

12 (5) Contact information for major political parties;

13 (6) A brief statement explaining the deletion and addition of
14 language for proposed measures under RCW 29A.32.080; and

15 (7) Any additional information pertaining to elections as may be
16 required by law or in the judgment of the secretary of state is deemed
17 informative to the voters.

18 **Sec. 204.** RCW 29A.36.121 and 2004 c 271 s 129 are each amended to
19 read as follows:

20 (1)(a) The positions or offices on a primary consolidated ballot
21 shall be arranged in substantially the following order: United States
22 senator; United States representative; governor; lieutenant governor;
23 secretary of state; state treasurer; state auditor; attorney general;
24 commissioner of public lands; (~~superintendent of public instruction;~~)
25 insurance commissioner; state senator; state representative; county
26 officers; justices of the supreme court; judges of the court of
27 appeals; judges of the superior court; and judges of the district
28 court. For all other jurisdictions on the primary consolidated ballot,
29 the offices in each jurisdiction shall be grouped together and be in
30 the order of the position numbers assigned to those offices, if any.

31 (b)(i) The positions or offices on a primary party ballot must be
32 arranged in substantially the following order: United States senator;
33 United States representative; governor; lieutenant governor; secretary
34 of state; state treasurer; state auditor; attorney general;
35 commissioner of public lands; insurance commissioner; state senator;
36 state representative; and partisan county officers. For all other

1 jurisdictions on the primary party ballot, the offices in each
2 jurisdiction must be grouped together and be in the order of the
3 position numbers assigned to those offices, if any.

4 (ii) The positions or offices on a primary nonpartisan ballot must
5 be arranged in substantially the following order: (~~Superintendent of~~
6 ~~public instruction;~~) Justices of the supreme court; judges of the
7 court of appeals; judges of the superior court; and judges of the
8 district court. For all other jurisdictions on the primary nonpartisan
9 ballot, the offices in each jurisdiction must be grouped together and
10 be in the order of the position numbers assigned to those offices, if
11 any.

12 (2) The order of the positions or offices on an election ballot
13 shall be substantially the same as on a primary consolidated ballot
14 except that state ballot issues must be placed before all offices. The
15 offices of president and vice president of the United States shall
16 precede all other offices on a presidential election ballot. The
17 positions on a ballot to be assigned to ballot measures regarding local
18 units of government shall be established by the secretary of state by
19 rule.

20 (3) The political party or independent candidacy of each candidate
21 for partisan office shall be indicated next to the name of the
22 candidate on the primary and election ballot. A candidate shall file
23 a written notice with the filing officer within three business days
24 after the close of the filing period designating the political party to
25 be indicated next to the candidate's name on the ballot if either: (a)
26 The candidate has been nominated by two or more minor political parties
27 or independent conventions; or (b) the candidate has both filed a
28 declaration of candidacy declaring an affiliation with a major
29 political party and been nominated by a minor political party or
30 independent convention. If no written notice is filed the filing
31 officer shall give effect to the party designation shown upon the first
32 document filed. A candidate may be deemed nominated by a minor party
33 or independent convention only if all documentation required by chapter
34 29A.20 RCW has been timely filed.

35 **Sec. 205.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to
36 read as follows:

37 The offices of (~~superintendent of public instruction,~~) justice of

1 the supreme court, judge of the court of appeals, judge of the superior
2 court, and judge of the district court shall be nonpartisan and the
3 candidates therefor shall be nominated and elected as such.

4 All city, town, and special purpose district elective offices shall
5 be nonpartisan and the candidates therefor shall be nominated and
6 elected as such.

7 **Sec. 206.** RCW 42.17A.005 and 2010 c 204 s 101 are each reenacted
8 and amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

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

13 (2) "Agency" includes all state agencies and all local agencies.
14 "State agency" includes every state office, department, division,
15 bureau, board, commission, or other state agency. "Local agency"
16 includes every county, city, town, municipal corporation, quasi-
17 municipal corporation, or special purpose district, or any office,
18 department, division, bureau, board, commission, or agency thereof, or
19 other local public agency.

20 (3) "Authorized committee" means the political committee authorized
21 by a candidate, or by the public official against whom recall charges
22 have been filed, to accept contributions or make expenditures on behalf
23 of the candidate or public official.

24 (4) "Ballot proposition" means any "measure" as defined by RCW
25 29A.04.091, or any initiative, recall, or referendum proposition
26 proposed to be submitted to the voters of the state or any municipal
27 corporation, political subdivision, or other voting constituency from
28 and after the time when the proposition has been initially filed with
29 the appropriate election officer of that constituency before its
30 circulation for signatures.

31 (5) "Benefit" means a commercial, proprietary, financial, economic,
32 or monetary advantage, or the avoidance of a commercial, proprietary,
33 financial, economic, or monetary disadvantage.

34 (6) "Bona fide political party" means:

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

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

5 (c) The county central committee or legislative district committee
6 of a major political party. There may be only one legislative district
7 committee for each party in each legislative district.

8 (7) "Candidate" means any individual who seeks nomination for
9 election or election to public office. An individual seeks nomination
10 or election when he or she first:

11 (a) Receives contributions or makes expenditures or reserves space
12 or facilities with intent to promote his or her candidacy for office;

13 (b) Announces publicly or files for office;

14 (c) Purchases commercial advertising space or broadcast time to
15 promote his or her candidacy; or

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

18 (8) "Caucus political committee" means a political committee
19 organized and maintained by the members of a major political party in
20 the state senate or state house of representatives.

21 (9) "Commercial advertiser" means any person who sells the service
22 of communicating messages or producing printed material for broadcast
23 or distribution to the general public or segments of the general public
24 whether through the use of newspapers, magazines, television and radio
25 stations, billboard companies, direct mail advertising companies,
26 printing companies, or otherwise.

27 (10) "Commission" means the agency established under RCW
28 42.17A.100.

29 (11) "Compensation" unless the context requires a narrower meaning,
30 includes payment in any form for real or personal property or services
31 of any kind. For the purpose of compliance with RCW 42.17A.710,
32 "compensation" does not include per diem allowances or other payments
33 made by a governmental entity to reimburse a public official for
34 expenses incurred while the official is engaged in the official
35 business of the governmental entity.

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

1 (13)(a) "Contribution" includes:

2 (i) A loan, gift, deposit, subscription, forgiveness of
3 indebtedness, donation, advance, pledge, payment, transfer of funds
4 between political committees, or anything of value, including personal
5 and professional services for less than full consideration;

6 (ii) An expenditure made by a person in cooperation, consultation,
7 or concert with, or at the request or suggestion of, a candidate, a
8 political committee, the person or persons named on the candidate's or
9 committee's registration form who direct expenditures on behalf of the
10 candidate or committee, or their agents;

11 (iii) The financing by a person of the dissemination, distribution,
12 or republication, in whole or in part, of broadcast, written, graphic,
13 or other form of political advertising or electioneering communication
14 prepared by a candidate, a political committee, or its authorized
15 agent;

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

19 (b) "Contribution" does not include:

20 (i) Standard interest on money deposited in a political committee's
21 account;

22 (ii) Ordinary home hospitality;

23 (iii) A contribution received by a candidate or political committee
24 that is returned to the contributor within five business days of the
25 date on which it is received by the candidate or political committee;

26 (iv) A news item, feature, commentary, or editorial in a regularly
27 scheduled news medium that is of primary interest to the general
28 public, that is in a news medium controlled by a person whose business
29 is that news medium, and that is not controlled by a candidate or a
30 political committee;

31 (v) An internal political communication primarily limited to the
32 members of or contributors to a political party organization or
33 political committee, or to the officers, management staff, or
34 stockholders of a corporation or similar enterprise, or to the members
35 of a labor organization or other membership organization;

36 (vi) The rendering of personal services of the sort commonly
37 performed by volunteer campaign workers, or incidental expenses
38 personally incurred by volunteer campaign workers not in excess of

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

4 (vii) Messages in the form of reader boards, banners, or yard or
5 window signs displayed on a person's own property or property occupied
6 by a person. However, a facility used for such political advertising
7 for which a rental charge is normally made must be reported as an in-
8 kind contribution and counts towards any applicable contribution limit
9 of the person providing the facility;

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

11 (A) A political party or caucus political committee if the person
12 paying for the services is the regular employer of the person rendering
13 such services; or

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

18 (ix) The performance of ministerial functions by a person on behalf
19 of two or more candidates or political committees either as volunteer
20 services defined in (b)(vi) of this subsection or for payment by the
21 candidate or political committee for whom the services are performed as
22 long as:

23 (A) The person performs solely ministerial functions;

24 (B) A person who is paid by two or more candidates or political
25 committees is identified by the candidates and political committees on
26 whose behalf services are performed as part of their respective
27 statements of organization under RCW 42.17A.205; and

28 (C) The person does not disclose, except as required by law, any
29 information regarding a candidate's or committee's plans, projects,
30 activities, or needs, or regarding a candidate's or committee's
31 contributions or expenditures that is not already publicly available
32 from campaign reports filed with the commission, or otherwise engage in
33 activity that constitutes a contribution under (a)(ii) of this
34 subsection.

35 A person who performs ministerial functions under this subsection
36 (13)(b)(ix) is not considered an agent of the candidate or committee as
37 long as he or she has no authority to authorize expenditures or make
38 decisions on behalf of the candidate or committee.

1 (c) Contributions other than money or its equivalent are deemed to
2 have a monetary value equivalent to the fair market value of the
3 contribution. Services or property or rights furnished at less than
4 their fair market value for the purpose of assisting any candidate or
5 political committee are deemed a contribution. Such a contribution
6 must be reported as an in-kind contribution at its fair market value
7 and counts towards any applicable contribution limit of the provider.

8 (14) "Depository" means a bank, mutual savings bank, savings and
9 loan association, or credit union doing business in this state.

10 (15) "Elected official" means any person elected at a general or
11 special election to any public office, and any person appointed to fill
12 a vacancy in any such office.

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

19 (17) "Election campaign" means any campaign in support of or in
20 opposition to a candidate for election to public office and any
21 campaign in support of, or in opposition to, a ballot proposition.

22 (18) "Election cycle" means the period beginning on the first day
23 of January after the date of the last previous general election for the
24 office that the candidate seeks and ending on December 31st after the
25 next election for the office. In the case of a special election to
26 fill a vacancy in an office, "election cycle" means the period
27 beginning on the day the vacancy occurs and ending on December 31st
28 after the special election.

29 (19) "Electioneering communication" means any broadcast, cable, or
30 satellite television or radio transmission, United States postal
31 service mailing, billboard, newspaper, or periodical that:

32 (a) Clearly identifies a candidate for a state, local, or judicial
33 office either by specifically naming the candidate, or identifying the
34 candidate without using the candidate's name;

35 (b) Is broadcast, transmitted, mailed, erected, distributed, or
36 otherwise published within sixty days before any election for that
37 office in the jurisdiction in which the candidate is seeking election;
38 and

1 (c) Either alone, or in combination with one or more communications
2 identifying the candidate by the same sponsor during the sixty days
3 before an election, has a fair market value of five thousand dollars or
4 more.

5 (20) "Electioneering communication" does not include:

6 (a) Usual and customary advertising of a business owned by a
7 candidate, even if the candidate is mentioned in the advertising when
8 the candidate has been regularly mentioned in that advertising
9 appearing at least twelve months preceding his or her becoming a
10 candidate;

11 (b) Advertising for candidate debates or forums when the
12 advertising is paid for by or on behalf of the debate or forum sponsor,
13 so long as two or more candidates for the same position have been
14 invited to participate in the debate or forum;

15 (c) A news item, feature, commentary, or editorial in a regularly
16 scheduled news medium that is:

17 (i) Of primary interest to the general public;

18 (ii) In a news medium controlled by a person whose business is that
19 news medium; and

20 (iii) Not a medium controlled by a candidate or a political
21 committee;

22 (d) Slate cards and sample ballots;

23 (e) Advertising for books, films, dissertations, or similar works
24 (i) written by a candidate when the candidate entered into a contract
25 for such publications or media at least twelve months before becoming
26 a candidate, or (ii) written about a candidate;

27 (f) Public service announcements;

28 (g) A mailed internal political communication primarily limited to
29 the members of or contributors to a political party organization or
30 political committee, or to the officers, management staff, or
31 stockholders of a corporation or similar enterprise, or to the members
32 of a labor organization or other membership organization;

33 (h) An expenditure by or contribution to the authorized committee
34 of a candidate for state, local, or judicial office; or

35 (i) Any other communication exempted by the commission through rule
36 consistent with the intent of this chapter.

37 (21) "Expenditure" includes a payment, contribution, subscription,
38 distribution, loan, advance, deposit, or gift of money or anything of

1 value, and includes a contract, promise, or agreement, whether or not
2 legally enforceable, to make an expenditure. "Expenditure" also
3 includes a promise to pay, a payment, or a transfer of anything of
4 value in exchange for goods, services, property, facilities, or
5 anything of value for the purpose of assisting, benefiting, or honoring
6 any public official or candidate, or assisting in furthering or
7 opposing any election campaign. For the purposes of this chapter,
8 agreements to make expenditures, contracts, and promises to pay may be
9 reported as estimated obligations until actual payment is made.
10 "Expenditure" shall not include the partial or complete repayment by a
11 candidate or political committee of the principal of a loan, the
12 receipt of which loan has been properly reported.

13 (22) "Final report" means the report described as a final report in
14 RCW 42.17A.235(2).

15 (23) "General election" for the purposes of RCW 42.17A.405 means
16 the election that results in the election of a person to a state or
17 local office. It does not include a primary.

18 (24) "Gift" has the definition in RCW 42.52.010.

19 (25) "Immediate family" includes the spouse or domestic partner,
20 dependent children, and other dependent relatives, if living in the
21 household. For the purposes of the definition of "intermediary" in
22 this section, "immediate family" means an individual's spouse or
23 domestic partner, and child, stepchild, grandchild, parent, stepparent,
24 grandparent, brother, half brother, sister, or half sister of the
25 individual and the spouse or the domestic partner of any such person
26 and a child, stepchild, grandchild, parent, stepparent, grandparent,
27 brother, half brother, sister, or half sister of the individual's
28 spouse or domestic partner and the spouse or the domestic partner of
29 any such person.

30 (26) "Incumbent" means a person who is in present possession of an
31 elected office.

32 (27) "Independent expenditure" means an expenditure that has each
33 of the following elements:

34 (a) It is made in support of or in opposition to a candidate for
35 office by a person who is not (i) a candidate for that office, (ii) an
36 authorized committee of that candidate for that office, (iii) a person
37 who has received the candidate's encouragement or approval to make the
38 expenditure, if the expenditure pays in whole or in part for political

1 advertising supporting that candidate or promoting the defeat of any
2 other candidate or candidates for that office, or (iv) a person with
3 whom the candidate has collaborated for the purpose of making the
4 expenditure, if the expenditure pays in whole or in part for political
5 advertising supporting that candidate or promoting the defeat of any
6 other candidate or candidates for that office;

7 (b) The expenditure pays in whole or in part for political
8 advertising that either specifically names the candidate supported or
9 opposed, or clearly and beyond any doubt identifies the candidate
10 without using the candidate's name; and

11 (c) The expenditure, alone or in conjunction with another
12 expenditure or other expenditures of the same person in support of or
13 opposition to that candidate, has a value of eight hundred dollars or
14 more. A series of expenditures, each of which is under eight hundred
15 dollars, constitutes one independent expenditure if their cumulative
16 value is eight hundred dollars or more.

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

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

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

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

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

34 (30) "Legislative office" means the office of a member of the state
35 house of representatives or the office of a member of the state senate.

36 (31) "Lobby" and "lobbying" each mean attempting to influence the
37 passage or defeat of any legislation by the legislature of the state of
38 Washington, or the adoption or rejection of any rule, standard, rate,

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

5 (32) "Lobbyist" includes any person who lobbies either in his or
6 her own or another's behalf.

7 (33) "Lobbyist's employer" means the person or persons by whom a
8 lobbyist is employed and all persons by whom he or she is compensated
9 for acting as a lobbyist.

10 (34) "Ministerial functions" means an act or duty carried out as
11 part of the duties of an administrative office without exercise of
12 personal judgment or discretion.

13 (35) "Participate" means that, with respect to a particular
14 election, an entity:

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

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

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

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

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

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

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

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

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

15 (40) "Public office" means any federal, state, judicial, county,
16 city, town, school district, port district, special district, or other
17 state political subdivision elective office.

18 (41) "Public record" has the definition in RCW 42.56.010.

19 (42) "Recall campaign" means the period of time beginning on the
20 date of the filing of recall charges under RCW 29A.56.120 and ending
21 thirty days after the recall election.

22 (43) "Sponsor of an electioneering communications, independent
23 expenditures, or political advertising" means the person paying for the
24 electioneering communication, independent expenditure, or political
25 advertising. If a person acts as an agent for another or is reimbursed
26 by another for the payment, the original source of the payment is the
27 sponsor.

28 (44) "State office" means state legislative office or the office of
29 governor, lieutenant governor, secretary of state, attorney general,
30 commissioner of public lands, insurance commissioner, (~~superintendent~~
31 ~~of public instruction,~~) state auditor, or state treasurer.

32 (45) "State official" means a person who holds a state office.

33 (46) "Surplus funds" mean, in the case of a political committee or
34 candidate, the balance of contributions that remain in the possession
35 or control of that committee or candidate subsequent to the election
36 for which the contributions were received, and that are in excess of
37 the amount necessary to pay remaining debts incurred by the committee
38 or candidate with respect to that election. In the case of a

1 continuing political committee, "surplus funds" mean those
2 contributions remaining in the possession or control of the committee
3 that are in excess of the amount necessary to pay all remaining debts
4 when it makes its final report under RCW 42.17A.255.

5 (47) "Treasurer" and "deputy treasurer" mean the individuals
6 appointed by a candidate or political committee, pursuant to RCW
7 42.17A.210, to perform the duties specified in that section.

8 **Sec. 207.** RCW 43.01.010 and 1965 c 8 s 43.01.010 are each amended
9 to read as follows:

10 The governor, lieutenant governor, secretary of state, treasurer,
11 auditor, attorney general, (~~superintendent of public instruction,~~)
12 commissioner of public lands, and insurance commissioner, shall hold
13 office for the term of four years, and until their successors are
14 elected and qualified; and the term shall commence on the Wednesday
15 after the second Monday of January following their election.

16 **Sec. 208.** RCW 43.01.020 and 1965 c 8 s 43.01.020 are each amended
17 to read as follows:

18 The governor, lieutenant governor, secretary of state, treasurer,
19 auditor, attorney general, (~~superintendent of public instruction,~~)
20 commissioner of public lands, and insurance commissioner, shall, before
21 entering upon the duties of their respective offices, take and
22 subscribe an oath or affirmation in substance as follows: I do
23 solemnly swear (or affirm) that I will support the Constitution of the
24 United States and the Constitution and laws of the state of Washington,
25 and that I will faithfully discharge the duties of the office of (name
26 of office) to the best of my ability.

27 The oath or affirmation shall be administered by one of the
28 justices of the supreme court at the capitol. A certificate shall be
29 affixed thereto by the person administering the oath, and the oath or
30 affirmation so certified shall be filed in the office of the secretary
31 of state before the officer shall be qualified to discharge any
32 official duties: PROVIDED, That the oath of the secretary of state
33 shall be filed in the office of the state auditor.

34 **Sec. 209.** RCW 43.03.010 and 1989 c 10 s 8 are each amended to read
35 as follows:

1 elected official (S-0755/11), is validly submitted to and is approved
2 and ratified by the voters at the next general election. If the
3 proposed amendment is not approved and ratified, this act is void in
4 its entirety.

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