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MISCELLANEOUS NO. 2

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CONFLICT OF INTEREST

## APPENDIX III

### COMMUNITY CONCILIATION BOARDS

The purpose of this act is to provide local forums for the conciliation of petty criminal and civil complaints in villages and cities of less than one thousand persons according to the 1972 census where no district court is presently sitting or is located within a distance of thirty miles.

The conciliation board may:

1. conciliate petty criminal offenses within the terms of AS 12.45.120 and 12.45.130.
2. handle civil matters of less than \$500 in claimed damages.
3. handle informal disposition of complaints against juveniles.

The conciliation board shall have competence over any matter where a state magistrate has jurisdiction to hear the case.

There shall be not less than four or more than six members of the conciliation board. Each shall be fulltime residents of the village for not less than one year. One member shall be appointed as secretary. He shall summarize each proceeding, including names of persons who bring information to the council, the nature of the problem, and the compromise reached by the parties.

Copies of the compromise shall be transmitted to the nearest judge for review and approval. The board shall hold one copy of the compromise. Each party shall hold a copy of the compromise.

If the compromise is not followed, any aggrieved party shall have leave to file a civil action or private criminal complaint within sixty days.

The board will inquire within twenty days as to whether the compromise has been met by the parties and will have the power to recall the parties for such inquiry. The board shall notify local police agents, the magistrate and the district court where a compromise has not been effected.

#### Members of the board

Members of the board shall be part-time employees of the court system and paid at a sum of \$10 per meeting. The board shall keep minutes. Sessions of the board shall be private at the request of one of the parties.

Three of the six members of the conciliation board shall be female and three shall be male. Two shall be twenty-five years old or younger, two shall be twenty-six to fifty years of age, and two members shall be over fifty years of age.

If one-third of the electorate of a village or municipality speak a non-English language in ordinary social intercourse within the village or municipality, then at least three members of the conciliation board shall be conversant in that language.

No member of the conciliation board shall hold any other job directly related to the making, enforcement, or adjudication of law in the village or municipality while he is a member of the conciliation board.

### Procedure

Each party to the dispute may submit oral or written information on his behalf and request the presence of any other member of the village. He may view or listen to information presented by the other party to the dispute. Board members may ask questions. Parties may ask questions.

At the conclusion of testimony, the board shall offer its suggestion as to a compromise after privately conferring. Each party shall suggest modifications. Parties may confer privately. The secretary shall write down the final compromise. Each party and board member shall sign the compromise.

The board may suggest work or fines paid to third parties as well as acts of remuneration between the parties as elements of the compromise.

Participation in conciliation is discretionary for each of the parties. Cases may be referred by the court, police, attorneys, or other persons. Referepts shall be notified of the resultant compromise or the failure to achieve a compromise.

## PARALEGALS IN THE BUSH

Stephen Conn\* and Arthur Hipplert†

### INTRODUCTION

Paralegalism, that is, the assumption by lay persons of roles normally ascribed to professionally trained persons within the justice system, has from the inception of American sovereignty over the territory been the driving force of Alaska bush justice for rural natives.<sup>1</sup> United States Commissioners who were not attorneys, missionaries, school teachers, ship captains, and others were empowered to take or took for themselves the roles of law giver, law enforcer and law adjudicator.<sup>2</sup>

Since statehood when troopers, judges and attorneys began to offer an occasional presence in the remote villages, expediency and common sense tended to encourage the continued legal communication and resolution of disputes by residents of the village, specifically by village chiefs in Indian groups and village council members among both Indians and Eskimos.<sup>3</sup> While lawyers and

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<sup>1</sup> "More than 70 percent of Alaska's Natives (about 37,000 persons) live in 178 villages and towns that are predominantly native . . . throughout the half-million square miles of the state—an area greater than the combined areas of the 19 most eastern states of the United States . . . None of these is an urban place. Half of these places have a population of 155 persons or less." Federal Field Comm. for Dev. Planning in Alaska, *Alaska Natives and the Land* 6 (1968). "Although rural crime is not being accurately measured, estimates indicate that as many as 20 to 25% of Alaska's Part I crimes occur in the state's bush area. Furthermore, 32% of Alaska's offenders are of native decent, and most of these individuals are originally from the bush." Carroll L. Swartz, *Bush Criminal Justice*, July 17, 1973 (unpublished memorandum to Lauris S. Parker, Executive Director, Criminal Justice Planning Agency, Office of the Governor, on file in the agency, Juneau).

<sup>2</sup> M. Crane, *Governance For Alaska: Some Aspects of Representation* 154-56, 206-11 (1957) (unpublished doctoral dissertation in University of Alaska Library, Fairbanks); D. JENNIFER, *ESKIMO ADMINISTRATION* pt. I (1962).

In 1908 the Commissioner of Education for the territory recommended that teachers in villages be endowed with the formal legal authority of United States Commissioners or United States Marshals because: "The natives have learned the limitations of authority of the school teachers and of the native policemen. They are not inclined to lead a hygienic life and they will not unless compelled to do so. Nevertheless every native has great respect for any governmental authority that can maintain itself. It will not be difficult to establish better sanitary conditions when they know they will be punished for nonfulfillment of requirements." 1910 BUREAU OF EDUCATION ANN. REP. 1042.

<sup>3</sup> A. Hippler & S. Conn, *Athabaskan Law Ways and Their Relationship to Contemporary Problems of "Bush Justice"*, August 1972, (located at University of Alaska, Fairbanks); A. Hippler & S. Conn, *Northern Eskimo Law Ways and Their*

jurists throughout the nation have defined new roles for paralegals because of their increasing workloads,<sup>4</sup> the use of paralegals in Alaska did not come about due to the attorneys' desire to reduce their onerous professional obligations. It is instead the absence of accessible legal professionals in Alaska's rural areas which has resulted in a large portion of the state's justice system being composed of village-based, resident paralegals. Today these paralegals convey legal information, interpret law and facts, and even decide or weigh legal issues in the resolution of disputes.

The policy question that professionals in the Alaska justice system today confront is not whether or not to employ paralegals in rural Alaska, but how to enhance the professional's capacity to serve potential clients. Improved coordination with paralegals already at work and the development of a new group of specially trained paralegals could make much needed legal information accessible to rural Alaskans.

Presently, access to the courts and to legal professionals is limited because attorneys are concentrated in urban areas and in predominately non-native communities.<sup>5</sup> This has left a vacuum which has been filled by paralegals and paralegal institutions. These paralegals, whether acting formally as United States Commissioners or magistrates or informally as village council members, proffer to rural natives a process of justice that is distinctly non-adversarial. They have often interpreted and enforced law in one step. Their influence upon the shared community perception of the legal process has been immense and little affected by court decisions that have attempted to extend into villages the Anglo-American jury system and representation by attorneys to prospective clients.<sup>6</sup> It

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Relationship to Contemporary Problems of "Bush Justice," June 1973 (located at University of Alaska, Fairbanks) [hereinafter cited as Bush Justice Reports].

<sup>4</sup> "Caught at the crossroads of chronic caseloads and cost crunches, poverty lawyers and wealthy attorneys alike have a hounded duty to re-examine their traditional functions. In the critical self-appraisal they shall discover that many of their jealously guarded tasks can be performed equally well by non-lawyer legal assistants." M. Ader, *A Brief Guide to the Training and Deployment of Paraprofessionals*, 5 CLEARINGHOUSE REV. 1 (1971). See also Silver, *The Imminent Failure of Legal Services for the Poor: Why and How to Limit Caseload*, 46 J. URBAN L. 217 (1968); ABA SPECIAL COMMITTEE ON LEGAL ASSISTANTS, *THE UTILIZATION OF LEGAL ASSISTANTS BY LAW FIRMS IN THE UNITED STATES: LIBERATING THE LAWYER* (Preliminary Draft 1971).

<sup>5</sup> Presently there are 530 members of the Alaska state bar. Ninety-three are located in Juneau, Sitka, Haines and Ketchikan, 357 in Anchorage, Kenai, Homer and Palmer (approximately 350 of these in Anchorage), seventy-two in Fairbanks and eight in Nome. Telephone conversation with the secretary to the executive director, Alaska Bar Association, October 1, 1973. Three attorneys reside in Bethel on contracts with Alaska State Public Defender Agency and Alaska Legal Services, Inc.

<sup>6</sup> *Alexander v. City of Anchorage*, 490 P.2d 10 (Alaska 1971) (representation offered indigents where conviction may result in jail or loss of valuable licence or fine so heavy as to indicate criminality). On the guarantee to defendants from the bush of fellow villagers on juries, see also *Alvarado v. State*, 486 P.2d 891 (Alaska

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must be concluded that because attorneys are and will continue to be inaccessible to village communities on a daily basis, the decisions they would be called upon to make in an urban setting are being made and will continue to be made in the bush by paralegals who have had little or no formal legal training and under circumstances which render review by professionals impossible. Therefore, the shape of the justice system in rural villages and the roles of paralegals in the villages are inseparable issues.

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I. PARALEGALISM IN ALASKA

Paralegals presently at work in Alaska's villages include village council members, lay magistrates, village constables, correctional aides, welfare fee agents and food stamp agents. Each of these individuals makes crucial legal judgments that are often technically outside of his scope of training or jurisdiction but that are critical to the continuing communication and application of law in the villages.

A. *The Village Council as a Legal Forum*

The village council has emerged as a local forum for dispute style had its antecedent, especially in southwest Alaska, in the lectures to offenders delivered in the Kashim, that traditional meeting and social center.<sup>7</sup> Early teacher-missionaries who were attempting

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1971). *Alvarado's* promised effect of more jury trials in the bush has been vitiated by plea bargaining and by ALASKA RULES OF COURT PROCEDURE AND ADMINISTRATION 18.1(a)(3), (c) (1973). The practical effect of this rule has been to give the administrative director the power to recommend that trials not be held in villages because of the absence of adequate public facilities. A recent decision by the state supreme court puts in question the capacity of most small villages to contract with the state to provide enforcement by the courts of local ordinances. It interprets broadly the "judicial services" that must be subsidized locally. See *State v. City of Anchorage*, — P.2d — (Alaska 1973, Opinion No. 932, September 12, 1973). Circuit riding by the district attorney, public defender and district or superior court judge has not brought trials to the villages. Instead, operating under extraordinary pressures of time and money (with a chartered plane often waiting their departure in smaller villages), they engage in plea bargaining that usually disposes of the entire docket of felonies without trials in the superior courts or further incarceration for the defendant. This process baffles village constables and other complaining witnesses who may have been brought into a nearby village to testify against their fellow-resident as well as villagers summoned for jury duty or those who visit the court to observe the adversary process for the first time.

7. "Besides being a community center in which fetes and dances were held and guests were entertained, it was the seat of government, the juveniles as well as supreme court, the source of news, the bachelor's club and the school of law and industry . . . . If boys were unruly, disrespectful or antagonistic, its venerable body took it into their hands to correct the offenders. The culprits would be placed in the center of the group, and the lecture they would receive from all sides approximated the 'third degree' in severity, for it would be kept up until the guilty ones turned red and hung their heads in shame or broke down and wept. This punishment was usually sufficient. It was meted out to boys, girls, men and women alike. If the drilling had no effect the offender might be banished from the village and should the

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to "civilize" such communities did not attempt to reinforce the Kashim as a legal institution, in large part because few understood it to be one. Instead, they tended to ridicule it<sup>8</sup> while offering villages a council format, patterned after the New England town meeting, as a model for local democratic activity.<sup>9</sup> Despite these efforts at reform, the process of lecture and reconciliation that marked a distinctly Eskimo approach to problem solving came to be the process of justice before the council. The village councils thus became the quasi-legislative and judicial bodies in the Alaskan bush.

Successful councils were marked by similar characteristics throughout Alaska's bush. They tended to employ conciliation between offenders and victims. They did not distinguish between criminal and civil offenses. Although their investigations were thorough, they sought to establish evidentiary guilt only when they decided to refer the matter to outside agents of territorial or state law.

Councils looked to outside authority for reinforcement of their jurisdiction and employed that authority as a second or even third tier of the local justice system.<sup>10</sup> However, this use of outside authority as a threat did not mean that the adversary system or substantive state or territorial law was applied by the council. Outside authorities were notified when the council could not resolve the dispute in order that the offender be removed from the village. However, the removal of the offender and the subsequent court proceedings and correctional disposition had little or no substantive impact on council procedures in the villagers' eyes. The offender was removed, kept away for awhile, and then allowed to return.

crime be of sufficient gravity, the death penalty would be pronounced!" Keithan & Borah, *An Outpost of Civilization in the Arctic*, TRAVEL MAGAZINE, AUG. 1927, at 14.

<sup>8</sup> "In the kosgas at Cape Prince of Wales and Diomed Islands countless valuable hours are wasted in drumming and howling just as the Ipanese people did hundreds of years ago when almost every people in the world were wild . . . [I.] little school boys are allowed to spend their sleeping time in the kosgas so that when they come to school they are too sleepy to learn anything. The school children outside are never allowed to visit dance houses. If they go their parents are punished . . . Long ago the Shismaref people decided that a dancing kosga was a bad thing for them and their children so they did a wise thing and used their kosga for firewood." Ookpek, *Kosga House Dancing*, THE ESKIMO, June 1917, at 4.

<sup>9</sup> "The village council is fining owners of loose dogs one sack of coal each. Those who fail to clean up their yards are similarly fined. The coal is sold in summer and the proceeds used for buying lumber for coffins. This council is solving many village problems and shows how self-government improves a community." Wainwright, THE ESKIMO, July 1917, at 10.

<sup>10</sup> Bush Justice Reports (1973), *supra* note 3, at 34-44. In the village of Wainwright during the 1940's, a council of elders of the Presbyterian church lectured offenders who were church members. When it could not satisfactorily reform the offender or conciliate a dispute, it sent the case to the village council. If the council's authoritative intervention did not succeed, the United States Commissioner in the village was notified. The commissioner handled the case informally if he could, but he could also notify the U.S. Marshal or district attorney in Nome in more serious cases. The council could bypass the commissioner and notify outsiders as well.

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The thrust of the council's procedure was directed at obtaining symbolic or material contrition from the offender because this was the desired goal of both the paralegals and the village society.<sup>11</sup>

Offenses regularly resolved by the council included private injuries to persons and property, slander, gambling and riotous public acts committed while drunk. Cases sent out usually involved more violent acts committed by repeatedly violent persons such as rape and brandishing firearms while drunk.

The disposition of disputes by village councils has been encouraged by police agencies, local judges and, later, by district attorneys with little or no inquiry into the councils' technical or even Constitutional propriety. As a recent district attorney for the fourth judicial district explained it:

We fully recognize that such local rules of many of the villages are technically defective for want of authority in the village council to pass and enforce ordinances or because of conflicts with state law. Further, one could formulate constitutional objections to their content as well as to their enforcement and adjudication by the same body which enacted them, the village council. However, the position of the State Troopers as far as I have observed it, and the position of this office as well as of judges and magistrates concerned in administering justice in the villages, has been to encourage the village authorities to manage the smaller criminal affairs of their own communities as much as possible without resort to the formalities of state law. The beneficent effects of such indigenous forms of justice are observable in the communities in which they prevail.

This local administration of justice in terms which are understood and readily acquiesced in by the persons concerned is probably of ancient origin. Those who are aware of its operation would undoubtedly hope that it will not be stifled in the attempt to bring about improvements in our own criminal law system.<sup>12</sup>

The professional's response to the village council's role in dispute resolution was determined by logistics as well as by theory. His justice system simply could not reach villages with problems with the kind of reliable frequency necessary to maintain its own credibility. A single state trooper in Bethel in the early 1960's was

<sup>11</sup> Fines were employed as a means to indicate to outside police and judges that the council had taken action. However, because the fines were often in kind contributions to the village and often announced to give force to a lecture but not collected, the impersonal effect of court-imposed punishment was avoided.

<sup>12</sup> Letter from Stephen Cooper, district attorney, fourth judicial district, to Robert Arnold, Feb. 2, 1971 (on file, Institute of Social Economic and Government Research, Fairbanks).

allocated to serve over fifty villages widely dispersed over 90,000 square miles of often inaccessible islands, rivers and tundra. Even after two additional troopers had been added, the physical immensity of southwestern Alaska was not appreciably better managed.

### B. State Magistrates

In village Alaska the introduction in the early 1960's of magistrates as lay judges of limited civil and criminal jurisdiction<sup>13</sup> dictated a shift in paralegalism from a technically informal to a technically formal process. Today twenty-three of fifty-five magistrates are Alaska natives.<sup>14</sup> As recognized officers of the district court, technically they have supplanted village councils as adjudicators in communities where they reside. However, this introduction of formal authority over petty misdemeanors and small civil claims has not meant that all disputes taken before the councils find their way to magistrate's court. The most important reason for this is that since there are no attorneys to direct civil complaints and to defend criminal charges, the new, magistrate-led, adversary system flounders. Alaska Legal Services (the major source of civil legal assistance in the bush) does not usually attempt to represent clients in the village in petty civil disputes.<sup>15</sup> And unless the state public defender is present in the village, defendants in criminal actions usually do not request him.<sup>16</sup>

Because their training has been limited, sentencing magistrates often feel constrained by the penalties stipulated in criminal statutes and do not apply a process of conciliation as an alternative to a fine or jail term.<sup>17</sup> Instead, they simply find defendants guilty and ameliorate what they see as arbitrarily harsh sentences by suspending imposition of them. Although by statute they are judicial officers, magistrates also function as the recipients of criminal complaints and are the most effective communicators of the complaints to the state troopers. In this light, they are perceived as an arm of law enforcement and not as an independent agent of the law who might consider anew the merits of those complaints.<sup>18</sup>

<sup>13</sup> AS 22.15.120 (1962).

<sup>14</sup> Memorandum, Background on Magistrates by Judicial District, August 8, 1973 (from William R. Nix, magistrate supervisor, to Arthur H. Snowden, administrative director, Alaska court system).

<sup>15</sup> The board of Alaska Legal Services placed a \$500 minimum on civil disputes to be taken by staff attorneys. The rule is waived in matters where over-riding non-monetary issues may be joined if the case is taken. Fee-generating cases are referred to private attorneys. Interview with Eric Treisman, deputy director, Alaska Legal Services, Inc., in Fairbanks, Oct. 6, 1973.

<sup>16</sup> Inexperience with the adversary system and with attorneys also color the attitudes of potential clients. See S. Conn and A. Hippler, Notes on Representation of Native Clients, September 7, 1972 (unpublished paper prepared for Alaska State Public Defender Agency).

<sup>17</sup> Bush Justice Reports (1973), *supra* note 3, at 47.

<sup>18</sup> *Id.*

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Ironically, native magistrates perform best as parajudges by operating outside their formal roles as they privately attempt to seek informal solutions to potential civil and criminal complaints. They often encourage other resident paralegals, such as the constables or the council, to conciliate matters that they feel do not deserve formal arrest and predictable sentence by the court.

C. Village Constables

Native police have been employed in villages from the inception of white contact with northern Eskimo communities.<sup>19</sup> However, these police were usually employed as agents of the council and not as agents of the territorial and state police. They were charged with enforcement of council-made rules. Constables brought offenders and witnesses to the council meetings or conducted investigations for the council but did not conduct independent investigations that led to formal arrest.<sup>20</sup>

The development of a village constable training program for southwest Alaska by the Department of Public Safety in 1971 represented a significant reallocation of responsibility among paralegals in the bush.<sup>21</sup> Although constables were trained to investigate all offenses with the council and were under direct supervision by state troopers, the impact of the program has been to place personal authority in village constables to act as case resolvers as well as case investigators. In some villages, the council rejected this new state of affairs. However, what has emerged in other villages has been a distinctly diminished role for councils and a clearer line of authority and communication between constables and troopers who visit the village to review their work and to remove some of their cases for prosecution. Preliminary statistics on the resolution of cases submitted to troopers and to the state criminal justice planning agency indicate that in the villages affected, constables along with councils or magistrates have emerged as local conciliators.<sup>22</sup> The long-range effect has been to weaken both the decision making authority of village councils and their leverage over which cases were capable of conciliation and which deserved removal from the village.

<sup>19</sup> "The mission is under many obligations to Capt. Healy of the 'Bear' for bringing up our coal and supplies last year, and appointing ten Eskimo police to take charge of drunken natives who might be inclined to be disorderly." W. Lopp, *A Year Alone in Alaska*, 46 AMERICAN MISSIONARY 386, 391 (1892).

<sup>20</sup> Bush Justice Report (1973), *supra* note 3 at 34.

<sup>21</sup> CRIMINAL JUSTICE PLANNING AGENCY, ALASKA CRIMINAL JUSTICE PLAN 31-32 (1972).

<sup>22</sup> During a six months' period in 1972 village constables resolved 139 crimes, councils resolved 151, and 135 crimes resulted in court action in the village or in outside courts. Village Police Training, 1972 Annual Report 1 (unpublished report on file at the Criminal Justice Planning Agency, Juneau).

#### D. *Correctional Aides*

In 1971 the Division of Corrections instituted a program to introduce paralegals into larger bush communities to serve as assistants to probation officers. Aides were trained to investigate the home background of offenders, to research information to be put into the probation officers' reports, and to visit clients on probation who had been returned to the village. The program has been underfunded, under-equipped, and beset with resignations.<sup>23</sup> Functionally, it has failed to develop useful ties to the magistrate or to the councils that might have allowed for continued work in community-based correction by the council. However, correctional aides as well as other paralegals are solicited for legal advice by magistrates and councils in nearby villages.

#### E. *Other Village Paraprofessionals*

A survey of the present state of paralegalism in the bush must include those paralegals who administer the welfare program in the villages. The Department of Health and Social Services employs over 200 fee agents to take applications and to relay information to district officers.<sup>24</sup> The state's food stamp program also employs 200 agents from nominees suggested by village councils.<sup>25</sup> In its administration of a general assistance program in native villages, the Bureau of Indian Affairs uses several administrative approaches which place legal decisions regarding need in the hands of lay persons.<sup>26</sup> No cadre of legal advocates or attorneys are available in the villages to question professional or paraprofessional determinations regarding interpretations of the complex guidelines for welfare.

#### F. *The Paralegals as Ombudsmen*

The presiding district court judge of the fourth judicial district has described the overriding importance of the magistrate as a paralegal:

<sup>23</sup> Aides are located in Nome, Kotzebue, Barrow and Bethel. Their title had been changed to Program Service Aides. E. Pierson, *Aides Program Special Report and Evaluation* (unpublished and undated report on file in the Division of Corrections, Juneau).

<sup>24</sup> Telephone interview with Ray Pagenkopf, Program Administrator of Div. of Family and Children Services, Dept. of Health and Social Services, in Juneau, Oct. 1, 1973. The welfare fee agent program was terminated in 1969 but has been reinstated in 1973. See also ALASKA DIVISION OF PUBLIC WELFARE STAFF MANUAL § 333.12 (1970).

<sup>25</sup> Interview with Ray Pagenkopf, Dept. of Health and Social Services, in Fairbanks, Oct. 1, 1973.

<sup>26</sup> For example, general assistance is administered through the Fairbanks regional office of the Bureau of Indian Affairs in three ways. Assistance is channeled through a village advisory council in thirty Northern villages. Five village councils have contracts to issue assistance. Seven villages deal directly with the regional office. Interview with Robert Elliot, Bureau of Indian Affairs, in Fairbanks, Oct. 1, 1973.

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The magistrate until the recent past (if not still) has frequently been the *only* state official in many of the smaller cities and villages. Therefore he or she is *the* person to whom the local residents go for almost any assistance from the cradle to the grave, which automatically makes the magistrate the unofficial peacemaker for the community.<sup>27</sup>

Yet other observers have remarked that in fact each paralegal who acts for a state agency, be he fee agent, constable or magistrate, becomes an ombudsman, a primary source of legal information and interpretation for his clients in such matters as social security and unemployment benefits, land claims, consumer complaints, and legal documents mailed to villagers that name them in actions for debts, divorces, or adoptions.<sup>28</sup> The village paralegals (as well as trusted troopers and officials who visit or communicate with the villages) may be less well equipped to respond to "submerged" legal issues than to the commonplace ones. There is presently no paralegal who can identify litigable issues that may have widespread implications for the quality of life of villagers.<sup>29</sup>

G. Summary

As we have indicated, paralegals have been only partially successful in supplying legal information to villagers. However, they are the primary source of this information. They have rarely defined problems to the extent that attorneys are then contacted to pursue them in civil litigation, nor has that been their purpose. They have been more successful in diverting cases from the legal process. They offer authoritative attention to many problems without the red tape or delay concomitant in looking for the answer

<sup>27</sup> H. H. Connelly, *The Magistrates' Role in Alaska Past and Present* 7 (unpublished & undated paper prepared for the Magistrate Advisory Committee of the state supreme court).

<sup>28</sup> D. Jones, *Child Welfare Problems in an Alaska Native Village*, 143 *SOCIAL SERVICE REV.* 297, 302, 308 (1969). Interview with Dorothy Jones, Professor of Sociology, University of Alaska in Fairbanks, Oct. 2, 1973.

<sup>29</sup> In September 1973 a staff attorney of Alaska Legal Services visited a small Northern Eskimo village accompanied by author Conn and discovered the following potentially litigable issues: (1) a contract dispute between the village and the state over maintenance of the local airport runway; (2) a contract dispute between twenty-five residents and the state housing authority over the authority's failure to define in contracts of purchase the dollar value of "sweat equity" or the final purchase price of houses constructed in the village; (3) a further possible statutory violation by the agency due to its failure to consider utility costs in formulating monthly house payments; (4) an attempt by a subcontractor of the Environmental Protection Agency to have village council settle a contractual claim with the council for services of villagers in the construction of a water plant at twenty-five cents on the dollar; and (5) a dozen rejections of enrollments by the Department of Interior under the Alaska Native Claims Settlement Act, 43 U.S.C. §§ 1601-24 (1971). No paralegal in the village had been trained to realize the significance of legal questions in each of these matters. The council had requested the attorney because of physical imperfections in the houses constructed for purchase from the state agency. Other issues emerged only after discussion and review of the council's correspondence for the previous six months.

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from an outside agency or attorney. Paradoxically, as we have noted, the successful conciliation of disputes within the villages has occurred most often when paralegals performed outside their described roles or extralegally and were able to define the shape of legal procedure for themselves and for their clients.

If the state's legal community is to address problems in the bush through improved coordination with paralegals who can convey needed information about the legal process and who can when necessary adapt the process of justice to village expectations, it must recognize the two distinct functions of paralegals in Alaska. The first is to provide *on site* legal information sufficient to encourage potential clients to make knowledgeable choices and, if necessary, to obtain professional legal assistance in the realm of criminal, civil and administrative law. The second function is to divert from the legal process local conflicts that are best resolved in the village. Each function has been defined by the particular needs, successes and failures of paralegals who have been allowed to define the process of bush justice from territorial days to the present.

Paralegals will remain the primary source of justice for rural villages. Professionals must consider how best to improve their working relationship with them if cases that require exportation are to reach the courts and if alternatives to litigation or incarceration for lesser matters are to be retained.

It is no exaggeration to conclude that the rural justice system peopled by paralegals in Alaska is not merely a pale reflection of the law enforcement with judicial process found in urban areas, but is rather an entirely different phenomenon. To view Alaska's varied experience with paralegals and determined needs for the future more sharply, the models for paraprofessionalism developed in other places offer points of comparison and evaluation.

## II. PARAPROFESSIONALISM: THE LARGER CONTEXT

### A. Models for Paraprofessional Activity

Jean and Edgar Cahn, duly credited as the conceptualists of the neighborhood legal services in the United States,<sup>30</sup> were also instrumental in introducing paralegalism into programs that might offer models for Alaska, such as the Dixwell Legal Services Program which serves an urban ghetto and the Navajo legal services pro-

<sup>30</sup> Cahn & Cahn, *The War on Poverty: A Civilian Perspective*, 73 YALE L.J. 1317 (1964); Cahn & Cahn, *What Price Justice: The Civilian Perspective Revisited*, 41 NOTRE DAME L.J. 927 (1966).

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ject, Dinebeina Nahiilna Be Agaditahe. Paralegals in these instances were introduced to build bridges between ghetto or Indian communities and middle-class attorneys who sought to inform and assist clients without patronizing members of distinctly different cultural and social backgrounds. In each project, the roles of paralegals thus introduced were broadened by program participants from mere interlocutors to individuals who were themselves definers of legal issues, primary communicators of law, and dispute resolvers.<sup>31</sup>

As later functionally defined by the Calms in a proposal to establish the nation's first law school to "train, certify, and place legal technicians in paralegal positions"<sup>32</sup> and "to institutionalize the education as an integral part of law school,"<sup>33</sup> the role-models for paralegals were grouped functionally into four categories: (1) legal assistant/legal secretary; (2) lay advocate; (3) law office administrator; and (4) arbitrator, mediator, ombudsman.<sup>34</sup> With the exception of the law office administrator, these role models are relevant to the discussion of Alaska's rural paralegals.

#### B. *Paraprofessional Roles: Legal Assistant*

The legal assistant "acts as a contact or referral agent, receptionist, interviewer, investigator and in other auxiliary roles."<sup>35</sup> This role has been explicitly sanctioned in American Bar Association interpretations of the Code of Professional Responsibility.<sup>36</sup> The legal assistant works directly as an adjunct to an attorney and does not offer legal advice. The Alaska State Public Defender Agency has employed law students and prospective law students in this capacity.<sup>37</sup> The difficulty of defining paralegals in Alaska merely as lay persons who operate from offices at a great distance from the village is that this would not offer preliminary communi-

<sup>31</sup> Dixwell Legal Rights Ass'n, *Community Workers: a Manual for Lawyers*, in *A COMPILATION OF MATERIALS FOR THE LEGAL ASSISTANT AND THE LAY ADVOCATE* 251, 262 (1971) [hereinafter cited as *Dixwell Manual*]; Interview with Peterson Zah, Deputy Director of DNA legal service, on the work of lay advocates [hereinafter cited as *Zah Interview*] and Interview with Leonard B. Jimson, Tribal court advocate, in VICENTE, JIMSON, CONN & KELLOG, 2 *LAW OF THE PEOPLE* 238, 257 (1972).

<sup>32</sup> Antioch School of Law, *Preliminary Program Description, The Training of Certified Legal Technicians* (undated) [hereinafter cited as *Antioch Program Design*].

<sup>33</sup> *Id.* at 1.

<sup>34</sup> *Id.* at 4-5.

<sup>35</sup> *Id.* at 4.

<sup>36</sup> "A lawyer can employ lay secretaries, lay investigators, lay detectives, lay researchers, accountants, lay scribes, nonlawyer draftsmen or nonlawyer researchers. In fact he may employ nonlawyers to do any task for him except counsel clients about law matters, engage directly in the practice of law, appear in court or appear in formal proceedings a part of the judicial process, so long as it is he who takes the work and vouches for it to the client and becomes responsible to the client." ABA OPINION No. 316 (1967); ABA, *CODE OF PROFESSIONAL RESPONSIBILITY AND CODE OF JUDICIAL CONDUCT* 16 (1971).

<sup>37</sup> B. Timbers, *Office of the Public Defender Brings New Justice to the Bush*, 1 *ALASKA BAR BRIEF* 6 (1972).

cation with native people who do not recognize the possible responses available to them from the legal system. The legal assistant would respond only as attorneys presently respond, to problems of sufficient severity to merit litigation already defined in part by client groups.

### C. *Paraprofessional Roles: Lay Advocates*

The second role of paralegals is that of lay advocate. As the Antioch proposal defines him:

This legal technician has great contact with the client community, acts as a community counselor, educates the disenfranchised to their legal rights. . . . He is informal advocate, counselor, investigator, researcher, sympathetic listener and negotiator. He enables the client community to feel less in awe of the system and more competent to articulate grievances, to seek remedies and to turn to the appropriate authorities or professionals for assistance where needed.<sup>38</sup>

The lay advocate's forte is his capacity to relate legal information to the community because he is of the community. It is no exaggeration to state that the success of the Navajo project and the Dixwell project has been due to the use of resident lay advocates from the reservation or ghetto to *redefine* for prospective clients their grievances in fashions capable of local resolution or resolution with the assistance of an attorney.<sup>39</sup>

Although one can conceal the true function of the lay advocate behind a semantic smoke screen and term it "community education," in fact his role has been to advise potential clients that their rights have been infringed upon, to refer them to attorneys, and often to act as an advocate on their behalf.

#### 1. The Constitutional Response to Lay Advocacy

In three landmark cases, the United States Supreme Court has opened the way for this form of lay advocacy in Alaska. In *NAACP v. Button*,<sup>40</sup> the court held that first amendment rights as absorbed by the fourteenth amendment, particularly the freedoms of speech, assembly, and petition, mandated a showing of compelling state interest where the state's statutes on barratry or champerty and unauthorized practice of law functioned to proscribe lay persons' capacity to reach their peers with information regarding both

<sup>38</sup> Antioch Program Design at 4-5.

<sup>39</sup> Dixwell Manual at 260; Zab Interview at 254.

<sup>40</sup> 371 U.S. 415, 9 L. Ed. 2d 405 (1963).

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<sup>41</sup> 377 U.S.

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*Button* dealt substantively with lay advocacy on behalf of equal protection suits against racial discrimination, political as well as legal issues of little pecuniary interest to the rank and file of the Virginia state bar. However, the decision's impact with respect to lay advocacy on behalf of private legal issues where a lawyer would be monetarily rewarded by the activities of *collaborating lay advocates* was left to be clarified by two later cases. In *Brotherhood of Railroad Trainmen v. Virginia*<sup>41</sup> a particular attorney was the beneficiary of private referrals from the union. In *United Mineworkers v. Illinois State Bar Association*<sup>42</sup> a salaried union attorney processed workmen's compensation claims.

Said the court in the latter case:

That the states have broad power to regulate the practice of law is, of course, beyond question. . . . But it is equally apparent that broad rules framed to protect the public and to preserve respect for the administration of justice can in their actual operation significantly impair the value of associational freedoms.<sup>43</sup>

Thus it was held that *Button* and *Trainmen* were controlling, and that, notwithstanding the potential for remuneration, such advocacy was protected.

## 2. Beyond "Stirring Up Litigation" to Representation Roles

Even Cahn and Cahn could not have fully predicted the likely activities of a lay advocate in an Alaskan village. At least two representational roles might be considered in light of the present-day needs of villagers for local legal assistance. The lay advocate might question welfare and food stamp decisions made by other paralegals and represent clients in fair hearings. He might advise arrested residents on their legal rights and even represent them in preliminary appearances or hearings on misdemeanors before the local magistrate.

It can be argued that each of these activities goes beyond those roles described in *Button*, *Trainmen*, and *United Mineworkers*. Further, they may be prohibited by Alaska state statutes which limit the private practice of law "to active members of the state

<sup>41</sup> 377 U.S. 1, 12 L. Ed. 2d 89 (1964).

<sup>42</sup> 389 U.S. 217, 19 L. Ed. 2d 426 (1969).

<sup>43</sup> *Id.* at 222, 19 L. Ed. 2d at 430.

bar."<sup>44</sup> Whether or not activities of the lay advocate may constitutionally be restricted may turn upon the particular area of the law in which the paralegal becomes involved.

Representation by a lay advocate is specifically allowed welfare recipients in fair hearings by the federal rules which govern state welfare programs.<sup>45</sup> The Supreme Court has ruled that the supremacy clause<sup>46</sup> made federal rules overriding in a comparable administrative proceeding where lay representation was allowed.<sup>47</sup> However, it is likely that the issue of lay representation in rural Alaska would turn upon broader Constitutional issues.

The scope of these issues is best described by the consideration of the second hypothetical role for a lay advocate, his advisement of the arrested villager of his rights and initial representation of him when he makes crucial decisions before the magistrate—should he remain silent, should he enter a guilty plea, should he have a trial before the magistrate or request a hearing before a district judge, or should he request an attorney?

### 3. Alaska Villages and Prisons—An Analogy for the Lay Advocate?

In *Hackin v. Arizona*,<sup>48</sup> the United States Supreme Court dismissed an appeal for lack of a substantial federal question when an Arizonan lay advocate appealed from his conviction for unauthorized practice of law. Hackin had represented a state prisoner without charge because the state limited free representation and no attorney could be found to take on the job. However, in *Johnson v. Avery*<sup>49</sup> the high court held that the state could not prohibit the practice of a "prison lawyer" unless a reasonable alternative to lay representation was offered where the effect of such a prohibition was to abrogate the right of a fellow prisoner to file a writ of habeas corpus.

The majority opinion in *Johnson* emphasized not only the substantial right involved but also the particular deficiencies inherent among this isolated group of potential prisoner-petitioners that made self-help an unreasonable alternative. The majority said:

In a community where illiteracy and mental deficiency is notoriously high, it is not enough to ask a prisoner to be his

<sup>44</sup> AS 08.08.210 (who may practice) and AS 08.08.230 (unlawful practice as misdemeanor).

<sup>45</sup> See IV Handbook of Public Administration sec. 6200(3)(G)(2) (1967).

<sup>46</sup> U.S. CONST. art. VI.

<sup>47</sup> *Sperry v. Florida*, 373 U.S. 379, 10 L. Ed. 2d 428 (1963) (patent law).

<sup>48</sup> 389 U.S. 143, 19 L. Ed. 2d 347 (1967).

<sup>49</sup> 393 U.S. 483, 21 L. Ed. 2d 718 (1969).

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own lawyer. . . . Without assistance of fellow prisoners, some  
meritorious claims would never see the light of a courtroom.<sup>60</sup>

Prisons are doubtless special environments. However, in a com-  
parative context of isolation, educational deprivation, inexperience  
with the legal system, and absence of accessible help from attorneys  
to define and frame issues, how different are prisons from many  
Alaska villages that have yet to be visited by an attorney?<sup>61</sup>

It might be argued that *Johnson* turned on an essential federal  
right for prisoners that had been effectively blocked by prison  
regulations as well as by circumstance. However, *Johnson* should  
be read in light of the expanded interpretation of *Button* in *Train-*  
*men* and in *United Mineworkers*, where the court noted that its de-  
cision related to interference with the freedoms of speech, petition,  
and assembly in matters of local as well as federal concern.<sup>62</sup> If the  
educational and physical constraints upon prisoners (and not merely  
the absence of state-furnished attorneys as in *Hackin*) gave the  
high court pause, could they balance the substantive evils that might  
well flow from the employment of village paralegals against the  
procedural and substantive rights lost where attorneys can be  
sought only with the combined blessing of good communications,  
good weather, and adequate travel budgets—and then necessarily  
with delay? These handicaps to representation are reinforced in the  
villages where a criminal defendant may or may not make a volun-  
tary and intelligent waiver or assertion of his right to an attorney  
before a lay judge.<sup>63</sup> In fact, the lack of physical access to an attor-

<sup>60</sup> *Id.* at 487, 21 L. Ed. 2d at 721.

<sup>61</sup> A comparison of the Southwestern Wade Hampton Census District and a  
sample of offenders in Alaska prisons is illustrative. While 16.5 percent of the  
offender sample had graduated from high school and an additional 10.2 percent had  
completed the General Educational Development Test to qualify for a high school  
diploma, only 8.9 percent of villagers in the census district had completed their high  
school education.

The median level of education for offenders was approximately nine years. The  
sample included juvenile offenders whose education had been interrupted by their  
incarceration. The median level of education of Wade Hampton adults (excluding  
those 24 years or younger) was 3.1 years. 1970 U.S. BUREAU OF CENSUS 3-157, table  
120 (1971); Alaska Vocational Rehabilitation Services, A Survey of Public Offenders  
12 (1970).

The data indicates that members of the adult prison population may have a  
higher level of *present* educational competence to make legal decisions than the  
adult population of a rural region in Alaska.

The economic deprivation of this rural district at least matches that of incar-  
cerated persons. The 864 families and unrelated individuals in this thirteen village  
district had a per capita 1970 income of \$1,069 and median family income of \$2,417  
with 66.8 percent of the families recorded below the defined poverty level and 74.8  
percent recorded at 125 percent of the poverty level. 1970 U.S. BUREAU OF CENSUS  
PZ(1)-C3 (1971).

<sup>62</sup> 389 U.S. at 224, 19 L. Ed. 2d at 431 (1967).

<sup>63</sup> One can ask whether any rural native defendant can knowingly and volun-  
tarily waive his rights before a lay judge without access to advice by counsel or a

ney to discuss these waivers means that villagers may not employ their legal rights to obtain an attorney even when they are entitled to one.

*D. Arbitrator-Mediator-Ombudsman: Proven Alternatives in Alaska*

The last relevant model is the arbitrator-mediator-ombudsman to work within what the Cahns term "advocacy mechanisms." Within these "new" legal institutions, the paralegal intermediary will "provide mediation of disputes, take complaints and advise citizens . . . [and] form neighborhood advisory groups to the local prosecutor's officer . . ."<sup>54</sup>

Employment of the paralegal as an intermediary offers perhaps less conflict and more historical precedent in Alaska than in any other state. The "new" institutions of which the Cahns write have an older institutional base in village councils.

What opportunities for incorporation of the institutional success of the council into present-day legal procedure exist? First, the "informal adjustment" of juvenile cases prior to the filing of a petition has, with the removal of juvenile cases from lower courts, become a job as yet undelegated but one that the council could implement so that village people could affect the juvenile's future and aid the legal process.<sup>55</sup>

Second, the council could regularly apply Alaska statutes that allow misdemeanors with civil implications to be compromised be-

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competently trained paralegal. Both the U.S. Supreme Court and the Supreme Court of Alaska have affirmed the right to "effective representation" by counsel absent knowing and intelligent waivers by the defendant in order to guarantee his right to a fair hearing that is not a "mockery and farce" but a "genuine trial." See *Powell v. Alabama*, 287 U.S. 45, 77 L. Ed. 158 (1932); *Escobedo v. Illinois*, 378 U.S. 478, 12 L. Ed. 2d 977 (1963); *Ingram v. State*, 450 P.2d 161 (Alaska 1969); and *Anderson v. State*, 438 P.2d 228 (Alaska 1968).

Whether lay judges can comprehensively communicate legal rights or effectively act in criminal matters even when attorneys represent defendants is the basis of a challenge of the lay judge system in rural California. *Amicus Argues Criminal Jurisdiction by Lay Judges Unconstitutional*, 6 CLEARINGHOUSE REV. 558 (1972). However, in Alaska, one could not garnish a due process argument against waivers (or trials) before lay judges with the argument of amicus, National Legal Aid and Defender Ass'n, that "the lay system is not longer justified by necessity."

<sup>54</sup> Antloch Program Design, *supra* note 34, at 5.

<sup>55</sup> A proposal to transfer jurisdiction of juveniles from the district court to superior court passed the legislature after successive failures in three legislative sessions. AS 47.10.10 (1962). However, some district court judges and magistrates continued to serve as masters under Civil Rule 53. See 1967-68 ALASKA JUDICIAL COUNCIL REP. 45 (1969).

Young adult advisory panels to serve as advisors to the court are already sanctioned by AS 47.10.075 (1962). Lay judges have been employed in New York to conciliate disputes between juvenile offenders and adults in a prehearing diversion project. W. Statsky, *The Training of Community Judges: Rehabilitative Adjudication*, COLUMB. SURVEY OF HUMAN RIGHTS LAW (1973) (at press).

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tween offenders and victims.<sup>56</sup> While the statutes do not encompass all village problems that might be conciliated, they lay the basis for a formalized arrangement between the court and the council that would allow the villages to retain decision-making power of cases that affect them immediately and that have historically been conciliated by paralegals in the village.

Third, in lieu of attempts by correctional aides to introduce new concepts of community-based rehabilitation, the council could be regularly employed to advise the magistrate regarding "social facts" that are relevant to his final disposition of the case.<sup>57</sup>

E. Training for a New Paralegalism: Some Suggestions

One of the implications of the several roles that relate both to the existing paralegalism and to the new paralegalism that might be employed in Alaska is that training must be imaginative, thorough, and even more well grounded in village experience than that given paralegals who are prepared to work in daily association with attorneys. Even a legal assistant will make independent judgments as he travels and investigates cases on behalf of an attorney or legal agency.

Several guidelines emerge from existing programs that should focus planning for extensive paralegal education programs in Alaska universities.<sup>58</sup> First, the paralegal's education must match his job requirements. Training to do in-office work will not adequately educate the lay advocate who must regularly confront problems that relate to the law of contracts, torts, welfare, land claims, or criminal and civil procedure.

Second, the paralegals should not be trained in anticipation of jobs that do not and are not likely to exist. The villages do not need a large complement of legal secretaries. Potential sponsors and employers of paralegals, be they regional corporations or public agencies, should be drawn closely into the planning and definitional process by academicians.

Third, the cultural and historical experience of native people should be intrinsically tied to the training of native paralegals who will communicate and work within that special context. This means

<sup>56</sup> AS 12.45.120 and 12.45.130 (1962). For a description of analogous reforms see J. Kole, Arbitration as an Alternative to the Criminal Warrant, 56 JUDICATURE 295 (1973).

<sup>57</sup> S. Conn & A. Hippler, Bush Justice: Sentencing Reforms, Role for the Council (1973) (unpublished paper prepared for the state supreme court).

<sup>58</sup> See, e.g., Division of Community Services, Anchorage Community College of the University of Alaska, Paralegal Program, Professional Training for Legal Assistants, March 10, 1972 (unpublished proposal).

that if law is to be addressed in a comparative context, comparative with options that are customary or extra-legal but still effective, it should also be taught in that context.<sup>59</sup>

The future of paralegalism is everywhere exciting, but for rural Alaska it offers the promise of effective representation and the engagement with the legal process by those denied it.

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<sup>59</sup> Two examples of such training materials are W. Statsky, *Teaching Advocacy: Learner-Focused Training for Paralegals* (1973), and VICENTI, JIMSON, CONN & KELLOG, *supra* note 31.

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rule allowed the c

<sup>5</sup> See, e.g., B  
43 A.B.A.J. 127  
*Rule and Proced.*  
*A Reform Long C*  
*Coke: No Fault*  
*From Contributor*  
L. Rev. 135 (1958)  
Turk, *Comparative*

HB 411

February 14, 1974

Honorable Jay Rabinowitz  
Chief Justice, Alaska Supreme Court  
941 4th Avenue  
Anchorage, Alaska 99501

Dear Chief Justice Rabinowitz:

Same to Gov. Egan

Enclosed please find testimony on House Bill 411, an act relating to the establishing of the Fifth Judicial District of the Superior Court, and attached flyer.

I respectfully request that you take this as a preliminary effort. These present actions do need to be considered preliminary because of several recognized mutual feelings that the proposed judicial boundary should be left flexible at this time. Also, the additional judge called for in House Bill 411 should be kept optional pending further evaluation of load and overload cases in the courts. The final boundary setting in the creation of the Fifth Judicial District will necessarily have to be cooperatively achieved involving the Egan Administration, the Superior Court, and those advocating improved law and order. The concept of home services of justice is long overdue, this feeling includes services in education, application of laws and related regulations by a "foreign" government. The fact that these foreign provisions have been disrupting to rural communities, families, and even people themselves cannot continue to be ignored.

Again, I respectfully request your assistance and cooperation in refining and implementing the concept of the Fifth Judicial District.

For your information, I am planning to make my letters to you part of the documents in support of House Bill 411.

Sincerely,

Phillip Guy

February 8, 1974

William A. Egan, Governor  
Pouch A  
Juneau, Alaska

Same to Chief Justice Rabinowitz

Dear Governor Egan:

First, I am a Yupik Eskimo from Kwethluk on the Alaska's Southwest, approximately 20 miles Northwest of Bethel on the Kuskokwim River area.

I am writing regarding HB 411, a proposed bill calling for the establishing of a fifth Judicial District of the Superior Court.

I am seeing at this time that we (the Alaskan Native without formal education of which there are many) are being propelled, plunged and made to conform to the Anglosaxon concept of government. We are being forced into this disconcerting situation at a time when the whole State is being confronted with rising crimes in the form of burglaries, murders, rape, alcohol and drug abuse and other civil improprieties in all areas. Further, I foresee during and after the implementation of the Alaska Native Claims Settlement Act tremendous amounts of court proceedings relating to real estate transactions, matters relating to money, property, and custody where the minor is concerned. The need for more of our people to seek and acquire formal education becomes apparent. In addition to the formal education needs, participation by the affected people is absolutely necessary in the exercise of the practice of the Anglosaxon government. In this respect, "the exercise and practice", of a "foreign" government has failed and even suppressed, although seemingly not intentionally, our conformance to a very complex concept.

The distant deliberator, the provider of guidance, implementor of the concept in areas of justice, education and others within the weatherized concept of government must be brought closer to the people. I further

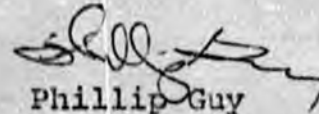
realize that the creating of a new predominantly rural Judicial District may create administrative problems for its Court, and I can understand how Court planners might, unfortunately, almost automatically react negatively to my proposal. I would hope you would turn this idea around and first think "why not, what are the many things and higher justices we can bring about?"

Then secondly, look at negative aspects, as of course you must, in considering any plan.

I feel with the expanding sphere of public law in the last 10 years we can now find good judges, interested in public service. I ask only your open mindedness and the benefits of your imagination.

Honorable Governor Egan, I respectfully solicit your support of HB 411 and request you and your designee to participate, provide testimony, at a hearing on February 15, 1974 in Room 104 of the Assembly Apartments. I regret that I did not write to inform you sooner.

Respectfully submitted,

  
Phillip Guy

PG:cb

# HB 411

**PRIME SPONSOR:**

Phillip Guy                      District 17

**CO-SPONSORS:**

Richard L. Mcveigh .....	10
Willard L. Bowman .....	10
Edward G. Barber .....	7
Helen Beirne .....	10
Mike Bradner .....	17
Genie Chance .....	7
Chuck Degnan .....	20
Milo H. Fritz .....	9
Terry Gardiner.....	1
W. Glenn Hackney .....	17
John Hubner .....	17
Jacob Laktonen Jr. ....	13
Joseph E. McGill .....	14
J. Hugh Malone .....	11
Russ Meekins .....	7
Jo Ann Miller .....	7
Mike Miller .....	4
Edward F. Naughton .....	12
William K. Parker.....	7
Lawrence D. Peterson .....	16
A. M. Saylor .....	8
Kieth Speckling .....	5
I. Lavell Wilson .....	18



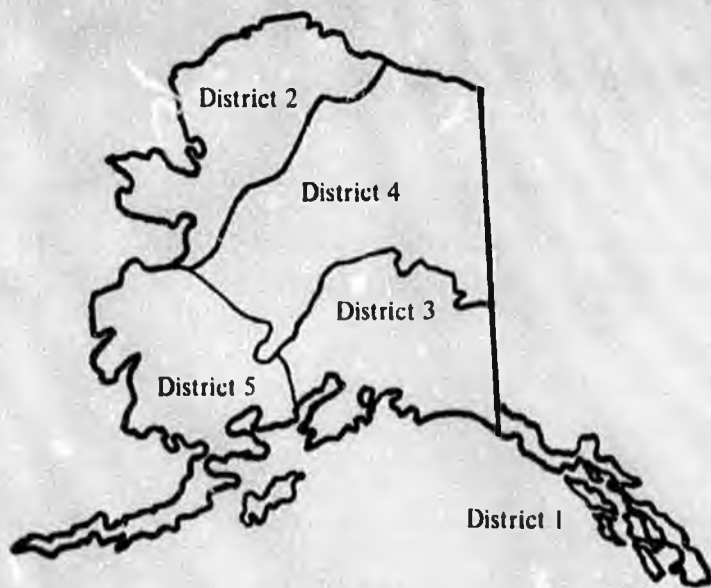
\*\*\*\*\* ESTABLISHING \*\*\*\*\*  
**THE FIFTH JUDICIAL DISTRICT  
FOR THE STATE OF ALASKA**

---

*The prime sponsor expresses appreciation  
for support of HB 411.*

The Bethel and Kuskokwim area needs to become the State of Alaska's Fifth Judicial District. This Fifth Judicial District would include election districts 14, 15, 16, and 17, creating a boundry unifying more agencies and services of the government. This area contains the greatest concentration of Native population in the State of Alaska, with approximately 13,500 Native Alaskans and 3,000 white residents living in more than 50 villages surrounding Bethel.

*Map showing Alaska's new judicial district.*



Presently, the Kuskokwim area is served by a Superior Court Judge stationed in Anchorage, who "circuit rides" to Bethel once a month. This judge is elected from a district which includes Fairbanks, physically

located 500 miles away, representative of a completely different way of life. We need justice administered by a resident whose family lives among us and is responsive to the local needs of the people. We need a more equal distribution of public protection, and administration of justice to end the breakdown of services and facilities to the rural areas, that have resulted in the term "bush justice". In the first eight months of 1973, 594 state criminal cases alone were filed in Bethel, and this only begins the list of services administered by the court. Presently, the only legal representative of eligible low-income people is Alaska Legal Services, which handles only civil cases, not criminal cases.

The establishment of a Fifth Judicial District will also promote the development of additional court system personnel in the recording and administrative section, plus promote establishment of related services which are badly needed in this area. With the passage and implementation of the Alaska Native Claims Settlement Act, and continued development of the village and municipal corporations, litigation will sharply increase. Under the Act, the Bethel area has 13,500 new property owners and corporate stock holders.

TESTIMONY ON HB 411  
AN ACT ESTABLISHING  
THE FIFTH JUDICIAL DISTRICT  
OF THE  
SUPERIOR COURT  
BY  
PHILLIP GUY



REPRESENTATIVE PHILLIP GUY

Alaska State Legislature

POUCH V

JUNEAU, ALASKA 99801

HB 411

COMMITTEES:  
LOCAL GOVERNMENT  
RESOURCES

DISTRICT 15

- AKIACHAK
- AKIAK
- ATMAUTLUAK
- BETHEL
- CHEFORNAK
- E EK
- KIPNUK
- KONGIGANAK
- KWETHLUK
- KWILLINGOK
- MEKORYUK
- NAPAKIAK
- NAPASKIAK
- NEWTOK
- NIGHTMUTE
- OSCARVILLE
- TOKSOOK BAY
- TULUKSAK
- TULUTULIAK
- TUNUNAK
- CAPE ROMANZOF
- HOOPER BAY

2nd Vice-  
PRESIDENT  
A.V.C.P., INC.  
KUSKOKWIM - YUKON

- AKIACHAK
- AKIAK
- ALAKANUK
- ANDREAFSKY
- ANIAK
- ATMAUTLUAK
- BETHEL
- CHEFORNAK
- CHEVAK
- CROOKED CREEK
- E EK
- EMMONAK
- GEORGETOWN (K)
- GOODNEWS BAY
- HAMILTON
- HOLITNA
- HOOPER BAY
- KASIGLOOK
- KIPNUK
- KONGIGANAK
- KOTLIK
- KWETHLUK
- KWIGILLINGOK
- LIME VILLAGE
- LOWER KALSKAG
- FORTUNA LEDGE  
(MARSHALL)
- MEKORYUK
- MOUNTAIN VILLAGE
- NAPAKIAK
- NAPASKIAK
- NEWTOK
- NIGHTMUTE
- NUNAFITCHUK
- OHOGAMIUT
- OSCARVILLE
- PILOT STATION
- PITKAS POINT
- PLATINUM
- RUSSION MISSION (K)
- RUSSION MISSION (Y)
- RED DEVIL
- SCAMMON BAY
- SHELDON'S POINT
- SLEETMUTE
- ST. MARY'S
- STONY RIVER
- TOKSOOK BAY
- TULUKSAK
- TULUTULIAK
- TUNUNAK
- UPPER KALBKAG

The aim of HB 411 is to bring justice closer to home, to stop transporting defendants and stop the confusion of record keeping between the Bethel area, Nome, Fairbanks, and Anchorage. The Yukon Kuskokwim does not want to remain a service district to Anchorage, but wants to create and maintain its own unified court system. With all of Alaska's history and tradition, the state, being equal in size to many other states combined, any wonder, in the process of development, new districts with greater powers of self-determination emerge. The effort by the Alaska Court System to alleviate the Yukon Kuskokwim judicial problems by making Bethel a service district to the Third Judicial District, centered in Anchorage, must be considered a temporary move toward establishing Bethel's own unified court system within its own district.

The area south of St. Michaels, which is presently located in the Second Judicial District, already looks to Bethel for judicial services, rather than Nome, because of geographic proximity. From a cultural and linguistic standpoint, these villages are part of Bethel, rather than related to Nome and the land of the Inupiak. Why retain Yukon Kuskokwim as an administrative exten-

sion of Fairbanks, or Anchorage when the de-facto recognition makes Bethel the center. The Fifth Judicial District will formalize a system that is already accepted.

The importance of confirmation election of a judge must not be underestimated. An elected judge must consider local cultural needs, as the local people, through an election, approve or disapprove the appointment of this judicial officer. This process stops law from becoming "de-humanized." Presently, a judge in Bethel is confirmed by local officials included in the Fairbanks election district. Judges do not campaign to be elected. A judicial council consisting of three lay members, three attorneys, and one judge, that represents the court system, receives applications, and recommends nomination of two or more applicants to the Governor. The sole function of this council is to evaluate applications. From the nominated applicants, the Governor appoints a judge. This appointment lasts for three years. The appointed judge then faces a confirmation election. The public does not choose a judge in a contested election, but the public does have the opportunity to confirm or reject the appointment.

Studies have been and are being made on the problems of "bush justice." These studies aimed towards dispute and conflict resolution should have been made ten years ago. We are moving forward, not backward. With the passage of Alaska Native Land Claims Settlement Act, changes are occurring too fast to set up arbitration boards to interpret law, case by case, between the traditional village councils and the system of the court. The Native villages must

accept the western concept by virtue and nature of the Alaska Native Land Claims Settlement Act; the land recording activity will be a major process of the court. Land becoming a commodity, a viable marketable item, will create a need for dispute resolution of traditional rights versus those granted by the Alaska Native Land Claims Settlement Act, into the realm of Anglo-Saxon law. Developing economic and commercial activity will require instrument recording for secured loans, conditional sales contracts, chattel mortgages, and corporate charters recorded as businesses are established. Individual lease activity, oil, and industry-related mineral leases will greatly increase court and legal activity in the Fifth Judicial District. These records must be available for use to the people concerned.

The Federal State Land Use Planning Commission, in its projections, predicts a four-fold increase in land record filing alone.

The enrollment has formalized family relationships, which means inheritance estates, birth, death, and adoption will become court-related activity of the district. No more will a son, father or grandson be able to assume property ownership of a deceased relative or friend. This will all become legal activity within the decedent's estate. For judicial purposes in managing economic and social affairs, establishing a Fifth Judicial District will enable the 50 villages in the Bethel area to better serve and respond to the needs and purposes of its inhabitants.

The district also needs the development of just and enforceable municipal ordinances which are compatible and understood throughout the region, which will continue to promote unification, on the road to self-determination. Functioning on an established judicial district, a comprehensive

program can be developed for criminal and civil justice. Law enforcement for the region and villages in developing procedures and facilities to qualify and secure funds from the U.S. Department of Justice, is imperative to the development of the region. De-toxification centers, community based counseling, and probation services, medical evacuation facilities, a search and rescue group, are only a few related activities of a new judicial district. Organizing a regional police force is imperative to replace the scattered, isolated, and presently non-existent police force. This can become a reality in planning for law enforcement activity. Presently, law enforcement in many villages, is on a voluntary basis. Consideration can be made to re-define the role of the Alaskan State Troopers within the region to begin development of district enforcement capability. Federal and State funds can be sought to train Native people to become more capable agents and administrators of law enforcement and related services. A future borough status should be considered for development of regional land-use plans to establish zoning strategies in determining and representing land related issues.

The Fifth Judicial District would help create area-wide power, instrumental in receiving a better break in the Federal Revenue Sharing Program. The Yukon Kuskokwim areas absolutely need to become the State of Alaska's Fifth Judicial District.

# TELEGRAM

**NCA ALASKA COMMUNICATIONS, INC.**

**PHONE: 586-6440**

**JUNEAU, ALASKA 99801**

**18008 POM NOME ALASKA 02-13 330P BDT**

**PMS REP PHILLIP GUY**

**JUNEAU**

**BT**

**WE SUPPORT AND URGE PASSAGE OF HB 411 ALSO HB 232**

**NORTHWESTERN ALASKA CHAMBER OF COMMERCE.**

**1974 FEB 13 PM 6 42**

**KENAI PENINSULA BAR ASSOCIATION**

P. O. BOX 397

KENAI, ALASKA 99611

TELEPHONE 283-7564

8 February 1974

Representative Clem Tillion  
Chairman, Judiciary Committee  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska

Re: House Bill 411 -- establishing a Fifth Judicial District

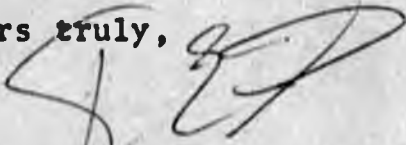
Dear Chairman Tillion:

It is my understanding that the House of Representatives is considering Legislation proposing the establishment of a Fifth Judicial District which would generally include the Kuskokwim-Yukon Valley to Barrow including all of the Seward Peninsula and Bristol Bay.

This Association is sensitive to the need for judicial services for all of Alaska's people. It is our observation that designation of a judicial district implements the philosophy of bringing judicial services to the people where they live. This makes the system serve the people more closely rather than the reverse situation.

From my general experience, I would urge the passage of House Bill 411 in its present form, or as it might be changed to best meet the needs and desires of those anxious to secure passage of this legislation.

Yours truly,

  
JAMES E. FISHER  
President

cc: Representative Phillip Guy  
cc: Kenai Peninsula Legislative Delegation:

Representative Hugh Malone  
Representative Keith W. Specking  
Senator Jalmar M. Kerttula  
Senator W.I. "Bob" Palmer



Superior Court

State of Alaska

SECOND JUDICIAL DISTRICT

FEDERAL BUILDING

NOME, ALASKA

99762

WILLIAM H. SANDERS, PRESIDING JUDGE

February 7, 1974

Rep. Phillip Guy  
House of Representatives  
Pouch V  
Juneau, Alaska 99801

Re: House Bill No. 411

Dear Rep. Guy:

I wish to thank you for the opportunity of expressing my opinion regarding House Bill No. 411. After speaking with you on the telephone I checked and reviewed House Bill 411, 232, 231 and Senate Bill 148.

I find that House Bill 232 has passed the House and is now in the Senate Judiciary Committee.

From our standpoint in the north and west, I would approve House Bill 411 and House Bill 232. Would suggest that you include the changes the House passed in House Bill 232 into House Bill 411.

The opinions expressed in this letter are my own and do not represent the opinion of the Alaska Court System or the Supreme Court.

Sincerely yours,

William H. Sanders

WHS:dw

P.S.: The people of this area would in all probability object to any amendments to House Bill 411 except as to those changes already passed the House in House Bill 232.

cc: The Honorable Jay A. Rabinowitz  
Arthur H. Snowden, II

CONFLICT  
OF  
INTEREST

CHAPTER 1, LAWS OF 1973  
INITIATIVE MEASURE NO. 276 TO THE PEOPLE



PUBLIC DISCLOSURE COMMISSION  
OLYMPIA, WASH 98504

Sections 14, 18, 20 and subsection 4 of section 40 were declared unconstitutional by the Thurston County Superior Court. As a result, these sections are currently inoperable. The cases involved are now pending appeal before the State Supreme Court.

July 24, 1973

CHAPTER 1, LAWS 1973  
INITIATIVE MEASURE NO. 276 TO THE PEOPLE  
DISCLOSURE--CAMPAIGN FINANCING--LOBBYING--RECORDS

1 AN ACT relating to campaign financing, activities of lobbyists,  
2 access to public records, and financial affairs of elective  
3 officers and candidates; requiring disclosure of sources of  
4 campaign contributions, objects of campaign expenditures, and  
5 amounts thereof; limiting campaign expenditures; regulating  
6 the activities of lobbyists and requiring reports of their  
7 expenditures; restricting use of public funds to influence  
8 legislative decisions; governing access to public records;  
9 specifying the manner in which public agencies will maintain  
10 such records; requiring disclosure of elective officials' and  
11 candidates' financial interests and activities; establishing  
12 a public disclosure commission to administer the act; and  
13 providing civil penalties.

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

15 Section 1. DECLARATION OF POLICY. It is hereby declared by  
16 the sovereign people to be the public policy of the State of Washing-  
17 ton:

18 (1) That political campaign and lobbying contributions and  
19 expenditures be fully disclosed to the public and that secrecy is to  
20 be avoided.

21 (2) That the people have the right to expect from their elec-  
22 ted representatives at all levels of government the utmost of inte-  
23 grity, honesty and fairness in their dealings.

24 (3) That the people shall be assured that the private finan-  
25 cial dealings of their public officials, and of candidates for those  
26 offices, present no conflict of interest between the public trust  
27 and private interests.

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

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

8 (6) That public confidence in government at all levels can  
9 best be sustained by assuring the people of the impartiality and hon-  
10 esty of the officials in all public transactions and decisions.

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

16 (8) That the concepts of disclosure and limitation of election  
17 campaign financing are established by the passage of the Federal Elec-  
18 tion Campaign Act of 1971 by the Congress of the United States, and  
19 in consequence thereof it is desirable to have implementing legisla-  
20 tion at the state level.

21 (9) That small contributions by individual contributors are  
22 to be encouraged, and that not requiring the reporting of small con-  
23 tributions may tend to encourage such contributions.

24 (10) That the public's right to know of the financing of  
25 political campaigns and lobbying and the financial affairs of elected  
26 officials and candidates far outweighs any right that those matters  
27 remain secret and private.

28 (11) That, mindful of the right of individuals to privacy and  
29 of the desirability of the efficient administration of government,  
30 full access to information concerning the conduct of government on  
31 every level must be assured as a fundamental and necessary precondi-  
32 tion to the sound governance of a free society.

33 The provisions of this act shall be liberally construed to

1 promote complete disclosure of all information respecting the fi-  
2 nancing of political campaigns and lobbying, and the financial affairs  
3 of elected officials and candidates, and full access to public rec-  
4 ords so as to assure continuing public confidence in fairness of  
5 elections and governmental processes, and so as to assure that the  
6 public interest will be fully protected.

7 Sec. 2. DEFINITIONS.

8 (1) "Agency" includes all state agencies and all local agen-  
9 cies. "State agency" includes every state office, public official,  
10 department, division, bureau, board, commission or other state  
11 agency. "Local agency" includes every county, city, city and county,  
12 school district, municipal corporation, district, political sub-  
13 division, or any board, commission or agency thereof, or other local  
14 public agency.

15 (2) "Ballot proposition" means any "measure" as defined by  
16 R.C.W. 29.01.110, or any initiative, recall, or referendum proposi-  
17 tion proposed to be submitted to the voters of any specific consti-  
18 tuency which has been filed with the appropriate election officer of  
19 that constituency.

20 (3) "Campaign depository" means a bank designated by a can-  
21 didate or political committee pursuant to section 5 of this act.

22 (4) "Campaign treasurer" and "deputy campaign treasurer"  
23 mean the individuals appointed by a candidate or political committee,  
24 pursuant to section 5 of this act, to perform the duties specified  
25 in that section.

26 (5) "Candidate" means any individual who seeks election to  
27 public office. An individual shall be deemed to seek election when  
28 he first:

29 (a) Receives contributions or makes expenditures or reserves  
30 space or facilities with intent to promote his candidacy for office;  
31 or

32 (b) Announces publicly or files for office.

33 (6) "Commercial advertiser" means any person who sells the

1 service of communicating messages or producing printed material for  
2 broadcast or distribution to the general public or segments of the  
3 general public whether through the use of newspapers, magazines,  
4 television and radio stations, billboard companies, direct mail ad-  
5 vertising companies, printing companies, or otherwise.

6 (7) "Commission" means the agency established under section  
7 35 of this act.

8 (8) "Contribution" includes a loan, gift, deposit, subscrip-  
9 tion, forgiveness of indebtedness, donation, advance, pledge, pay-  
10 ment, transfer of funds between political committees, or transfer of  
11 anything of value, including personal and professional services for  
12 less than full consideration, but does not include ordinary home  
13 hospitality and the rendering of "part time" personal services of  
14 the sort commonly performed by volunteer campaign workers or inciden-  
15 tal expenses not in excess of twenty-five dollars personally paid for  
16 by any volunteer campaign worker. "Part time" services, for the pur-  
17 poses of this act, means services in addition to regular full time  
18 employment, or, in the case of an unemployed person, services not  
19 in excess of twenty hours per week, excluding weekends. For the pur-  
20 poses of this act, contributions other than money or its equivalents  
21 shall be deemed to have a money value equivalent to the fair market  
22 value of the contribution. Sums paid for tickets to fund-raising  
23 events such as dinners and parties are contributions; however, the  
24 amount of any such contribution may be reduced for the purpose of  
25 complying with the reporting requirements of this act, by the actual  
26 cost of consumables furnished in connection with the purchase of  
27 such tickets, and only the excess over actual cost of such consum-  
28 ables shall be deemed a contribution.

29 (9) "Elected official" means any person elected at a general  
30 or special election to any public office, and any person appointed  
31 to fill a vacancy in any such office.

32 (10) "Election" includes any primary, general or special  
33 election for public office and any election in which a ballot pro-

1 position is submitted to the voters.

2 (11) "Election campaign" means any campaign in support of or  
3 in opposition to a candidate for election to public office and any  
4 campaign in support of, or in opposition to, a ballot proposition.

5 (12) "Expenditure" includes a payment, contribution, sub-  
6 scription, distribution, loan, advance, deposit, or gift of money or  
7 anything of value, and includes a contract, promise, or agreement,  
8 whether or not legally enforceable, to make an expenditure. The  
9 term "expenditure" also includes a promise to pay, a payment or a  
10 transfer of anything of value in exchange for goods, services, pro-  
11 perty, facilities or anything of value for the purpose of assisting,  
12 benefiting or honoring any public official or candidate or assisting  
13 in furthering or opposing any election campaign.

14 (13) "Final report" means the report described as a final  
15 report in section 8, subsection 2, of this act.

16 (14) "Immediate family" includes the spouse and children  
17 living in the household and other relatives living in the household.

18 (15) "Legislation" means bills, resolutions, motions, amend-  
19 ments, nominations, and other matters pending or proposed in either  
20 house of the state legislature, and includes any other matter which  
21 may be the subject of action by either house, or any committee of  
22 the legislature and all bills and resolutions which having passed  
23 both houses, are pending approval by the Governor.

24 (16) "Lobby" and "lobbying" each mean attempting to influ-  
25 ence the passage or defeat of any legislation by the legislature of  
26 the State of Washington, or the adoption or rejection of any rule,  
27 standard, rate or other legislative enactment of any state agency  
28 under the state Administrative Procedure Acts, chap. 34.04 R.C.W. and  
29 chap. 28 B.19 R.C.W.

30 (17) "Lobbyist" includes any person who shall lobby either in  
31 his own or another's behalf.

32 (18) "Lobbyist's employer" means the person or persons by  
33 whom a lobbyist is employed and all persons by whom he is compensated

1 for acting as a lobbyist.

2 (19) "Person" includes an individual, partnership, joint  
3 venture, public or private corporation, association, federal, state  
4 or local governmental entity or agency however constituted, candi-  
5 date, committee, political committee, political party, executive  
6 committee thereof, or any other organization or group of persons,  
7 however organized.

8 (20) "Persons in interest" means the person who is the sub-  
9 ject of a record or any representative designated by said person,  
10 except that if such person be under a legal disability, the term  
11 "person in interest" shall mean and include the parent or duly  
12 appointed legal representative.

13 (21) "Political advertising" includes any advertising dis-  
14 plays, newspaper ads, billboards, signs, brochures, articles,  
15 tabloids, flyers, letters, radio or television presentations or  
16 other means of mass communication, used for the purpose of appealing,  
17 directly or indirectly, for votes or for financial or other support  
18 in any election campaign.

19 (22) "Political committee" means any person (except a candi-  
20 date or an individual dealing with his own funds or property) having  
21 the expectation of receiving contributions or making expenditures in  
22 support of, or opposition to, any candidate or any ballot proposi-  
23 tion.

24 (23) "Public office" means any federal, state, county, city,  
25 town, school district, port district, special district, or other  
26 state political subdivision elective office.

27 (24) "Public record" includes any writing containing infor-  
28 mation relating to the conduct of government or the performance of  
29 any governmental or proprietary function prepared, owned, used or  
30 retained by any state or local agency regardless of physical form  
31 or characteristics.

32 (25) "Writing" means handwriting, typewriting, printing,  
33 photostating, photographing, and every other means of recording any

1 form of communication or representation, including letters, words,  
2 pictures, sounds, or symbols, or combination thereof, and all papers,  
3 maps, magnetic or paper tapes, photographic films and prints, mag-  
4 netic or punched cards, discs, drums and other documents.

5 As used in this act, the singular shall take the plural and  
6 any gender, the other, as the context requires.

#### 7 CHAPTER I. CAMPAIGN FINANCING

8 Sec. 3. APPLICABILITY. The provisions of this act relating  
9 to election campaigns shall apply in all election campaigns other  
10 than (a) for precinct committeeman; (b) for the President and Vice  
11 President of the United States; and (c) for an office the constitu-  
12 ency of which does not encompass a whole county and which contains  
13 less than five thousand registered voters as of the date of the most  
14 recent general election in such district.

15 Sec. 4. OBLIGATION OF POLITICAL COMMITTEES TO FILE STATEMENT  
16 OF ORGANIZATION. (1) Every political committee, within ten days  
17 after its organization or, within ten days after the date when it  
18 first has the expectation of receiving contributions or making ex-  
19 penditures in any election campaign, whichever is earlier, shall file  
20 a statement of organization with the commission and with the county  
21 auditor of the county in which the candidate resides (or in the case  
22 of a political committee supporting or opposing a ballot proposition,  
23 the county in which the campaign treasurer resides). Each political  
24 committee in existence on the effective date of this act shall file a  
25 statement of organization with the commission within ninety days after  
26 such effective date.

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

- 29 (a) The name and address of the committee;
- 30 (b) The names and addresses of all related or affiliated com-  
31 mittees or other persons, and the nature of the relationship or  
32 affiliation;
- 33 (c) The names, addresses, and titles of its officers; or if

1 it has no officers, the names, addresses and titles of its respon-  
2 sible leaders;

3 (d) The name and address of its campaign treasurer and cam-  
4 paign depository;

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

6 (f) The name, office sought, and party affiliation of each  
7 candidate whom the committee is supporting or opposing, and, if the  
8 committee is supporting the entire ticket of any party, the name of  
9 the party;

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

12 (h) What distribution of surplus funds will be made in the  
13 event of dissolution; and

14 (i) Such other information as the commission may by regula-  
15 tion prescribe, in keeping with the policies and purposes of this act.

16 (3) Any material change in information previously submitted  
17 in a statement of organization shall be reported to the commission  
18 and to the appropriate county auditor within the ten days following  
19 the change.

20 Sec. 5. CAMPAIGN TREASURER AND DEPOSITORIES. (1) Each can-  
21 didate, at or before the time he announces publicly or files for  
22 office, and each political committee, at or before the time it files  
23 a statement of organization, shall designate and file with the com-  
24 mission the names and addresses of:

25 (a) One legally competent individual, who may be the candi-  
26 date, to serve as a campaign treasurer; and

27 (b) One bank doing business in this state to serve as cam-  
28 paign depository.

29 (2) A candidate, a political committee or a campaign treas-  
30 urer may appoint as many deputy campaign treasurers as is considered  
31 necessary and may designate not more than one additional campaign  
32 depository in each other county in which the campaign is conducted.  
33 The candidate or political committee shall file the names and

1 addresses of the deputy campaign treasurers and additional campaign  
2 depositories with the commission.

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

6 (b) In the event of the death, resignation, removal, or  
7 change of a campaign treasurer, deputy campaign treasurer or deposi-  
8 tory, the candidate or political committee shall designate and file  
9 with the commission the name and address of any successor.

10 (4) No campaign treasurer, deputy campaign treasurer, or cam-  
11 paign depository shall be deemed to be in compliance with the provi-  
12 sions of this act until his name and address is filed with the  
13 commission.

14 Sec. 6. DEPOSIT OF CONTRIBUTIONS--STATEMENT OF CAMPAIGN  
15 TREASURER--ANONYMOUS CONTRIBUTIONS. (1) All monetary contributions  
16 received by a candidate or political committee shall be deposited by  
17 the campaign treasurer or deputy treasurer in a campaign depository  
18 in an account designated, "Campaign Fund of....."  
19 (name of candidate or political committee).

20 (2) All deposits made by a campaign treasurer or deputy cam-  
21 paign treasurer shall be accompanied by a statement containing the  
22 name of each person contributing the funds so deposited and the amount  
23 contributed by each person: PROVIDED, that contributions not exceed-  
24 ing five dollars from any one person may be deposited without identi-  
25 fying the contributor. The statement shall be in triplicate, upon a  
26 form prescribed by the commission, one copy to be retained by the  
27 campaign depository for its records, one copy to be filed by the  
28 campaign treasurer with the commission, and one copy to be retained  
29 by the campaign treasurer for his records. In the event of deposits  
30 made by a deputy campaign treasurer, the third copy shall be for-  
31 warded to the campaign treasurer to be retained by him for his  
32 records. Each statement shall be certified as correct by the cam-  
33 paign treasurer or deputy campaign treasurer making the deposit.

1 (3) (a) Accumulated anonymous contributions in excess of one  
2 dollar from any individual contributor, and

3 (b) Accumulated anonymous contributions in excess of one per  
4 cent of the total accumulated contributions received to date or three  
5 hundred dollars (whichever is less),

6  
7 shall not be deposited, used or expended, but shall be returned to the  
8 donor, if his identity can be ascertained. If the donor cannot be as-  
9 certained, the contribution shall escheat to the state, and shall be  
10 paid to the state treasurer for deposit in the state general fund.

11 Sec. 7. AUTHORIZATION OF EXPENDITURES AND RESTRICTIONS  
12 THEREON. No expenditures shall be made or incurred by any candidate  
13 or political committee except on the authority of the campaign treas-  
14 urer or the candidate, and a record of all such expenditures shall be  
15 maintained by the campaign treasurer.

16 Sec. 8. CANDIDATES' AND TREASURERS' DUTY TO REPORT. (1) On  
17 the day the campaign treasurer is designated, each candidate or poli-  
18 tical committee shall file with the commission and the county audi-  
19 tor of the county in which the candidate resides (or in the case of a  
20 political committee supporting or opposing a ballot proposition, the  
21 county in which the campaign treasurer resides), in addition to any  
22 statement of organization required under section 4, a report of all  
23 contributions received and expenditures made in the election campaign  
24 prior to that date: PROVIDED, that if the political committee is an  
25 organization of continuing existence not established in anticipation  
26 of any particular election the campaign treasurer shall report, at  
27 the times required by this act, and at such other times as are des-  
28 ignated by the commission, all contributions received and expenditures  
29 made since the date of his or his predecessor's last report. In  
30 addition to any statement of organization required under section 4,  
31 the initial report of the campaign treasurer of such a political  
32 committee in existence at the time this act becomes effective need  
33 include only:

1 (a) The funds on hand at the time of the report, and

2 (b) Such other information as shall be required by the commis-  
3 sion by regulation in conformance with the policies and purposes of  
4 this act.

5 (2) At the following intervals each campaign treasurer shall  
6 file with the commission and the county auditor of the county in which  
7 the candidate resides (or in the case of a political committee sup-  
8 porting or opposing a ballot proposition the county in which the cam-  
9 paign treasurer resides) a further report of the contributions  
10 received and expenditures made since the date of the last report:

11 (a) On the fifth and nineteenth days immediately preceding  
12 the date on which the election is held; and

13 (b) Within ten days after the date of a primary election, and  
14 within twenty-one days after the date of all other elections; and

15 (c) On the tenth day of each month preceding the election in  
16 which no other reports are required to be filed under this section.

17 The report filed under paragraph (b) above shall be the final  
18 report if there is no outstanding debt or obligation, and the campaign  
19 fund is closed, and the campaign is concluded in all respects, and if  
20 in the case of a political committee, the committee has ceased to  
21 function and has dissolved. If the candidate or political committee  
22 has any outstanding debt or obligation, additional reports shall be  
23 filed at least once every six months until the obligation or indebted-  
24 ness is entirely satisfied at which time a final report shall be  
25 filed. A continuing political committee shall file reports as re-  
26 quired by this act until it is dissolved, at which time a final report  
27 shall be filed. Upon submitting a final report, the duties of the  
28 campaign treasurer shall cease and there shall be no obligation to  
29 make any further reports.

30 (3) The campaign treasurer shall maintain books of account in  
31 accordance with generally accepted accounting principles reflecting  
32 all contributions and expenditures on a current basis within three  
33 business days of receipt or expenditure. During the eight days

1 immediately preceding the date of the election the books of account  
2 shall be kept current within one business day and shall be open for  
3 public inspection during normal business hours at the principal cam-  
4 paign headquarters or, if there is no campaign headquarters, at the  
5 address of the campaign treasurer.

6 (4) All reports filed pursuant to this section shall be cer-  
7 tified as correct by the candidate and the campaign treasurer.

8 (5) Copies of all reports filed pursuant to this section  
9 shall be readily available for public inspection at the principal  
10 campaign headquarters or, if there is no campaign headquarters, at  
11 the address of the campaign treasurer.

12 Sec. 9. CONTENTS OF REPORT. (1) Each report required under  
13 section 8 of this act shall disclose for the period beginning at the  
14 end of the period for the last report or, in the case of an initial  
15 report, at the time of the first contribution or expenditure, and  
16 ending not more than three days prior to the date the report is due:

17 (a) The funds on hand at the beginning of the period;

18 (b) The name and address of each person who has made one or  
19 more contributions during the period, together with the money value  
20 and date of such contributions and the aggregate value of all contri-  
21 butions received from each such person during the preceding twelve-  
22 month period: PROVIDED, that contributions not exceeding five  
23 dollars in aggregate from any one person during the election campaign  
24 may be reported as one lump sum so long as the campaign treasurer  
25 maintains a separate and private list of the names and amounts of  
26 each such contributor;

27 (c) Each loan, promissory note or security instrument to be  
28 used by or for the benefit of the candidate or political committee  
29 made by any person, together with the names and addresses of the  
30 lender and each person liable directly, indirectly or contingently  
31 and the date and amount of each such loan, promissory note or secur-  
32 ity instrument:

33 (d) The name and address of each political committee from

1 which the reporting committee or candidate received, or to which that  
2 committee or candidate made, any transfer of funds, together with the  
3 amounts, dates and purpose of all such transfers;

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

5 (f) The name and address of each person to whom an expendi-  
6 ture was made in the aggregate amount of twenty-five dollars or more,  
7 and the amount, date and purpose of each such expenditure;

8 (g) The total sum of expenditures;

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

10 (i) The disposition made of any surplus of contributions over  
11 expenditures;

12 (j) Such other information as shall be required by the com-  
13 mission by regulation in conformance with the policies and purposes of  
14 this act; and

15 (k) Funds received from a political committee not domiciled in  
16 Washington State and not otherwise required to report under this act  
17 (a "non-reporting committee"). Such funds shall be forfeited to the  
18 State of Washington unless the non-reporting committee has filed with  
19 the commission a statement disclosing: (i) its name and address;  
20 (ii) the purposes of the non-reporting committee; (iii) the names,  
21 addresses and titles of its officers or if it has no officers, the  
22 names, addresses and titles of its responsible leaders; (iv) a state-  
23 ment whether the non-reporting committee is a continuing one; (v) the  
24 name, office sought, and party affiliation of each candidate in the  
25 State of Washington whom the non-reporting committee is supporting,  
26 and, if such committee is supporting the entire ticket of any party,  
27 the name of the party; (vi) the ballot proposition supported or  
28 opposed in the State of Washington, if any, and whether such committee  
29 is in favor of or opposed to such proposition; (vii) the name and  
30 address of each person residing in the State of Washington or corpor-  
31 ation which has a place of business in the State of Washington who  
32 has made one or more contributions to the non-reporting committee  
33 during the preceding twelve month period, together with the money

1 value and date of such contributions; (viii) the name and address of  
2 each person in the State of Washington to whom an expenditure was  
3 made by the non-reporting committee on behalf of a candidate or  
4 political committee in the aggregate amount of twenty-five dollars or  
5 more, the amount, date and purpose of such expenditure, and the total  
6 sum of such expenditures; (ix) such other information as the commis-  
7 sion may by regulation prescribe, in keeping with the policies and  
8 purposes of this act.

9 (2) The campaign treasurer and the candidate shall certify  
10 the correctness of each report.

11 Sec. 10. SPECIAL REPORTS. In addition to the other reports  
12 required by this act

13 (1) Any person who makes an expenditure in support of or in  
14 opposition to any candidate or proposition (except to the extent that  
15 a contribution is made directly to a candidate or political commit-  
16 tee), in the aggregate amount of one hundred dollars or more during  
17 an election campaign, shall file with the commission a report signed  
18 by the contributor disclosing (a) the contributor's name and address,  
19 and (b) the date, nature, amount and recipient of such contribution  
20 or expenditure; and

21 (2) Any person who contributes in the aggregate amount of one  
22 hundred dollars or more during the preceding twelve month period to  
23 any political committee not domiciled in the State of Washington or  
24 not otherwise required to report under this act, if the person  
25 reasonably expects such political committee to make contributions in  
26 respect to any election covered by this act, shall file with the  
27 commission a report signed by the contributor disclosing (a) the con-  
28 tributor's name and address, and (b) the date, nature, amount and  
29 recipient of such contribution, and (c) any instructions given as to  
30 the use or disbursement of such contribution.

31 Sec. 11. COMMERCIAL ADVERTISERS' DUTY TO REPORT. (1) Within  
32 fifteen days after an election each commercial advertiser who has  
33 accepted or provided political advertising during the election

1 campaign shall file a report with the commission which shall be certi-  
2 fied as correct and shall specify:

3 (a) The names and addresses of persons from whom it accepted  
4 political advertising;

5 (b) The exact nature and extent of the advertising services  
6 rendered;

7 (c) The consideration and the manner of paying that consider-  
8 ation for such services; and

9 (d) Such other facts as the commission may by regulation  
10 prescribe, in keeping with the policies and purposes of this act.

11 (2) No report shall be required from any commercial adver-  
12 tiser as to any single candidate or political committee when the total  
13 value of such political advertising does not exceed fifty dollars.

14 Sec. 12. IDENTIFICATION OF CONTRIBUTIONS AND COMMUNICATIONS.

15 No contribution shall be made and no expenditure shall be incurred,  
16 directly or indirectly, in a fictitious name, anonymously, or by one  
17 person through an agent, relative or other person in such a manner as  
18 to conceal the identity of the source of the contribution.

19 Sec. 13. FORBIDS USE OF PUBLIC OFFICE FACILITIES IN CAMPAIGNS.

20 No elective official nor any employee of his office may use or auth-  
21 orize the use of any of the facilities of his public office, directly  
22 or indirectly, for the purpose of assisting his campaign for re-  
23 election to the office he holds or for election to any other office,  
24 or for election of any other person to any office or for the promo-  
25 tion or opposition to any ballot proposition. Facilities of public  
26 office include, but are not limited to, use of stationery, postage,  
27 machines and equipment, use of employees of the office during working  
28 hours, vehicles, office space, publications of the office, and clien-  
29 tele lists of persons served by the office: PROVIDED, that this  
30 section shall not apply to those activities performed by the official  
31 or his office which are part of the normal and regular conduct of the  
32 office.

33 Sec. 14. CAMPAIGN EXPENDITURE LIMITATIONS. (1) The total of

1 expenditures made in any election campaign in connection with any  
2 public office shall not exceed the larger of the following amounts:

3 (a) Ten cents multiplied by the number of voters registered  
4 in the constituency at the last general election for the public  
5 office; or

6 (b) Five thousand dollars; or

7 (c) A sum equal to the public salary which will be paid to  
8 the occupant of the office which the candidate seeks, during the term  
9 for which the successful candidate will be elected: PROVIDED, that  
10 with respect to candidates for the office of governor and lieutenant  
11 governor of the State of Washington only, a sum equal to the public  
12 salary which will be paid the governor during the term sought, multi-  
13 plied by two; and with respect to candidates for the state legisla-  
14 ture only, a sum equal to the public salary which will be paid to a  
15 member of the state senate during his term.

16 (2) In any election campaign in connection with any statewide  
17 ballot proposition the total of expenditures made shall not exceed  
18 one hundred thousand dollars. The total of such expenditures in any  
19 election campaign in connection with any other ballot proposition  
20 shall not exceed ten cents multiplied by the number of voters regis-  
21 tered in the constituency voting on such proposition.

## 22 CHAPTER II. LOBBYIST REPORTING

23 Sec. 15. REGISTRATION OF LOBBYISTS. (1) Before doing any  
24 lobbying, or within thirty days after being employed as a lobbyist,  
25 whichever occurs first, a lobbyist shall register by filing with the  
26 commission a lobbyist registration statement, in such detail as the  
27 commission shall prescribe, showing:

28 (a) His name, permanent business address, and any temporary  
29 residential and business addresses in Thurston County during the leg-  
30 islative session;

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

33 (c) The duration of his employment;

1 (d) His compensation for lobbying; how much he is to be paid  
2 for expenses, and what expenses are to be reimbursed; and a full and  
3 particular description of any agreement, arrangement or understanding  
4 according to which his compensation, or any portion thereof, is or  
5 will be contingent upon the success of any attempt to influence legis-  
6 lation.

7 (e) Whether the person from whom he receives said compensation  
8 employs him solely as a lobbyist or whether he is a regular employee  
9 performing services for his employer which include but are not limited  
10 to the influencing of legislation;

11 (f) The general subject or subjects of his legislative inter-  
12 est;

13 (g) A written authorization from each of the lobbyist's em-  
14 ployers confirming such employment;

15 (h) The name and address of the person who will have custody  
16 of the accounts, bills, receipts, books, papers, and documents re-  
17 quired to be kept under this act;

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

28 (2) Any lobbyist who receives or is to receive compensation  
29 from more than one person for his services as a lobbyist shall file  
30 a separate notice of representation with respect to each such person;  
31 except that where a lobbyist whose fee for acting as such in respect  
32 to the same legislation or type of legislation is, or is to be, paid  
33 or contributed to by more than one person then such lobbyist may file

1 a single statement, in which he shall detail the name, business ad-  
2 dress and occupation of each person so paying or contributing, and  
3 the amount of the respective payments or contributions made by each  
4 such person.

5 (3) Whenever a change, modification, or termination of the  
6 lobbyist's employment occurs, the lobbyist shall, within one week of  
7 such change, modification or termination, furnish full information  
8 regarding the same by filing with the commission an amended registra-  
9 tion statement.

10 (4) Each lobbyist who has registered shall file a new regis-  
11 tration statement, revised as appropriate, each January, and failure  
12 to do so shall terminate his registration.

13 Sec. 16. EXEMPTION FROM REGISTRATION. The following persons  
14 and activities shall be exempt from registration and reporting under  
15 sections 15, 17, 19, and 20 of this act:

16 (1) Persons who limit their lobbying activities to appearance  
17 before public sessions of committees of the legislature, or public  
18 hearings of state agencies.

19 (2) News or feature reporting activities and editorial com-  
20 ment by working members of the press, radio, or television and the  
21 publication or dissemination thereof by a newspaper, book publisher,  
22 regularly published periodical, radio station, or television station.

23 (3) Lobbying without compensation or other consideration:  
24 PROVIDED, such person makes no expenditure for or on behalf of any  
25 member of the legislature or elected official or public officer or  
26 employee of the State of Washington in connection with such lobbying.  
27 Any person exempt under this subsection (3) may at his option register  
28 and report under this act.

29 (4) The Governor.

30 (5) The Lieutenant Governor.

31 (6) Except as provided by section 19(1), members of the leg-  
32 islature.

33 (7) Except as provided by section 19(1), persons employed by

1 the legislature for the purpose of aiding in the preparation and en-  
2 actment of legislation.

3 (8) Except as provided by section 19 elected state officers,  
4 state officers appointed by the Governor subject to confirmation by  
5 the Senate, and employees of any state agency.

6 Sec. 17. REPORTING BY LOBBYISTS. (1) Any lobbyist regis-  
7 tered under section 15 of this act and any person who lobbies shall  
8 file with the commission periodic reports of his activities signed by  
9 both the lobbyist and the lobbyist's employers. The reports shall be  
10 made in the form and manner prescribed by the commission. They shall  
11 be due quarterly and shall be filed within thirty days after the end  
12 of the calendar quarter covered by the report. In addition to the  
13 quarterly reports, while the legislature is in session, any lobbyist  
14 who lobbies with respect to any legislation shall file interim weekly  
15 periodic reports for each week that the legislature is in session,  
16 which reports need be signed only by the lobbyist and which shall be  
17 filed on each Tuesday for the activities of the week ending on the  
18 preceding Saturday.

19 (2) Each such quarterly and weekly periodic report shall con-  
20 tain:

21 (a) The totals of all expenditures made or incurred by such  
22 lobbyist or on behalf of such lobbyist by the lobbyist's employer  
23 during the period covered by the report, which totals shall be segre-  
24 gated according to financial category, including food and refresh-  
25 ments; living accommodations; advertising; travel; telephone; contri-  
26 butions; office expenses, including rent and the salaries and wages  
27 paid for staff and secretarial assistance, or the proportionate  
28 amount thereof, paid or incurred for lobbying activities; and other  
29 expenses or services; PROVIDED HOWEVER, that unreimbursed personal  
30 living and travel expenses of a lobbyist not incurred directly or  
31 indirectly for any lobbying purpose need not be reported; and PRO-  
32 VIDED FURTHER, that the interim weekly reports of legislative lobby-  
33 ists for the legislative session need show only the expenditures for

1 food and refreshments; living accommodations; travel; contributions;  
2 and such other categories as the commission shall prescribe by rule.  
3 Each individual expenditure of more than fifteen dollars for enter-  
4 tainment shall be identified by date, place, amount, and the names of  
5 all persons in the group partaking in or of such entertainment includ-  
6 ing any portion thereof attributable to the lobbyist's participation  
7 therein but without allocating any portion of such expenditure to  
8 individual participants.

9 (b) In the case of a lobbyist employed by more than one em-  
10 ployer, the proportionate amount of such expenditures in each category  
11 incurred on behalf of each of his employers.

12 (c) An itemized listing of each such expenditure in the na-  
13 ture of a contribution of money or of tangible or intangible personal  
14 property to any legislator, or for or on behalf of any legislator.  
15 All contributions made to, or for the benefit of, any legislator  
16 shall be identified by date, amount, and the name of the legislator  
17 receiving, or to be benefited by each such contribution.

18 (d) The subject matter of proposed legislation or rulemaking;  
19 the proposed rules, standards, rates or other legislative enactments  
20 under chap. 34.04 R.C.W. and chap 28B.19 R.C.W. (the state Administra-  
21 tive Procedure Acts) and the state agency considering the same; and  
22 the number of each senate or house bill, resolution, or other legis-  
23 lative activity which the lobbyist has been engaged in supporting or  
24 opposing during the reporting period; PROVIDED, that in the case of  
25 appropriations bills the lobbyist shall enumerate the specific sec-  
26 tion or sections which he supported or opposed.

27 Sec. 18. REPORTS BY EMPLOYERS OF REGISTERED LOBBYISTS. Every  
28 employer of a lobbyist registered under this act shall file with the  
29 commission on or before January 31st of each year a statement disclos-  
30 ing for the preceding twelve months the following information:

31 (1) The name of each elected official, candidate, or any  
32 member of his immediate family to whom such employer has paid any  
33 compensation, the value of such compensation and the consideration

1 given or performed in exchange for such compensation.

2 (2) The name of any corporation, partnership, joint venture,  
3 association, union or other entity of which any elected official,  
4 candidate, or any member of his immediate family is a member, offi-  
5 cer, partner, director, associate or employee and to which  
6 the employer has paid compensation, the value of such compensa-  
7 tion and the consideration given or performed in exchange for such  
8 compensation.

9 Sec. 19. LEGISLATIVE ACTIVITIES OF STATE AGENCIES AND OTHER  
10 UNITS OF GOVERNMENT. (1) Every legislator and every committee of  
11 the Legislature shall file with the commission quarterly reports list-  
12 ing the names, addresses, and salaries of all persons employed by the  
13 person or committee making the filing for the purpose of aiding in  
14 the preparation and enactment of legislation during the preceding  
15 quarter. The reports shall be made in the form and the manner pres-  
16 cribed by the commission and shall be filed between the first and  
17 tenth days of each calendar quarter.

18 (2) Unless expressly authorized by law, no state funds shall  
19 be used directly or indirectly for lobbying: PROVIDED, this shall  
20 not prevent state officers or employees from communicating with a  
21 member of the legislature on the request of that member; or communi-  
22 cating to the legislature, through the proper official channels,  
23 requests for legislative action or appropriations which are deemed  
24 necessary for the efficient conduct of the public business or actu-  
25 ally made in the proper performance of their official duties;  
26 PROVIDED FURTHER, that this subsection shall not apply to the legis-  
27 lative branch.

28 (3) Each state agency which expends state funds in lobbying  
29 pursuant to an express authorization by law or whose officers or  
30 employees communicate to members of the legislature on request of any  
31 member or communicate to the legislature requests for legislation or  
32 appropriations shall file with the commission quarterly statements  
33 providing the following information for the quarter just completed:

1 (a) The name of the agency filing the statement;

2 (b) The name, title, and job description and salary of each  
3 employee engaged in such legislative activity, a general description  
4 of the nature of his legislative activities, and the proportionate  
5 amount of his time spent on such activities.

6 (c) In the case of any communications to a member of the leg-  
7 islature in response to a request from the member, the name of the  
8 member making the request and the nature and subject of the request.

9 The statements shall be in the form and the manner prescribed  
10 by the commission and shall be filed within thirty days after the  
11 end of the quarter covered by the report.

12 (4) The provisions of this section shall not relieve any  
13 state officer or any employee of a state agency from complying with  
14 other provisions of this act, if such officer or employee is not  
15 otherwise exempted.

16 Sec. 20 GRASS ROOTS LOBBYING CAMPAIGNS. (1) Any person  
17 who has made expenditures not reported under other  
18 sections of this act, exceeding five hundred  
19 dollars in the aggregate within any three month  
20 period or exceeding two hundred dollars in the aggregate within any  
21 one month period in presenting a program addressed to the public, a  
22 substantial portion of which is intended, designed, or calculated  
23 primarily to influence legislation shall be required to register  
24 and report, as provided in subsection (2), as a sponsor of a grass  
25 roots lobbying campaign.

26 (2) Within thirty days after becoming a sponsor of a grass  
27 roots lobbying campaign, the sponsor shall register by filing with  
28 the commission a registration statement, in such detail as the com-  
29 mission shall prescribe, showing:

30 (a) The sponsor's name, address, and business or occupation,  
31 and, if the sponsor is not an individual, the names, addresses and  
32 titles of the controlling persons responsible for managing the  
33 sponsor's affairs.

1 (b) The names, addresses, and business or occupation of all  
2 persons organizing and managing the campaign, or hired to assist the  
3 campaign, including any public relations or advertising firms partici-  
4 pating in the campaign, and the terms of compensation for all such  
5 persons.

6 (c) The names and addresses of all persons contributing to the  
7 campaign, and the amount contributed by each contributor.

8 (d) The purpose of the campaign, including the specific legis-  
9 lation, rules, rates, standards or proposals which are the subject  
10 matter of the campaign.

11 (e) The totals of all expenditures made or incurred to date on  
12 behalf of the campaign, which totals shall be segregated according to  
13 financial category, including but not limited to the following:  
14 advertising, segregated by media and, in the case of large expendi-  
15 tures (as provided by rule of the commission), by outlet; contribu-  
16 tions; entertainment, including food and refreshments; office  
17 expenses including rent and the salaries and wages paid for staff and  
18 secretarial assistance, or the proportionate amount thereof paid or  
19 incurred for lobbying campaign activities; consultants; and printing  
20 and mailing expenses.

21 (3) Every sponsor who has registered under this section shall  
22 file monthly reports with the commission, which shall be filed by the  
23 tenth day of the month for the activity during the preceding month.  
24 The reports shall update the information contained in the sponsor's  
25 registration statement and in prior reports and shall show contribu-  
26 tions received and totals of expenditures made during the month, in  
27 the same manner as provided for in the registration statement.

28 (4) When the campaign has been terminated, the sponsor shall  
29 file a notice of termination with the final monthly report, which  
30 notice shall state the totals of all contributions and expenditures  
31 made on behalf of the campaign, in the same manner as provided for in  
32 the registration statement.

33 Sec. 21. EMPLOYMENT OF LEGISLATORS, ATTACHES, OR STATE

1 EMPLOYEES; STATEMENT, CONTENTS AND FILING. If any person registered  
2 or required to be registered as a lobbyist under this act employs, or  
3 if any employer of any person registered or required to be registered  
4 as a lobbyist under this act, employs any member of the legislature,  
5 or any member of any state board or commission, or any employee of the  
6 legislature, or any full-time state employee, if such new employee  
7 shall remain in the partial employ of the State or any agency thereof,  
8 then the new employer shall file a statement under oath with the com-  
9 mission setting out the nature of the employment, the name of the  
10 person to be paid thereunder, and the amount of pay or consideration  
11 to be paid thereunder. The statement shall be filed within fifteen  
12 days after the commencement of such employment.

13 Sec. 22. EMPLOYMENT OF UNREGISTERED PERSONS. It shall be a  
14 violation of this act for any person to employ for pay or any con-  
15 sideration, or pay or agree to pay any consideration to, a person to  
16 lobby who is not registered under this act except upon condition that  
17 such person register as a lobbyist as provided by this act, and such  
18 person does in fact so register as soon as practicable.

19 Sec. 23. DUTIES OF LOBBYISTS. A person required to register  
20 as a lobbyist under this act shall also have the following obliga-  
21 tions, the violation of which shall constitute cause for revocation of  
22 his registration, and may subject such person, and such person's em-  
23 ployer, if such employer aids, abets, ratifies or confirms any such  
24 act, to other civil liabilities, as provided by this act:

25 (1) Such persons shall obtain and preserve all accounts, bills,  
26 receipts, books, papers, and documents necessary to substantiate the  
27 financial reports required to be made under this act for a period of  
28 at least six years from the date of the filing of the statement con-  
29 taining such items, which accounts, bills, receipts, books, papers and  
30 documents shall be made available for inspection by the commission at  
31 any time: PROVIDED, that if a lobbyist is required under the terms of  
32 his employment contract to turn any records over to his employer,  
33 responsibility for the preservation of such records under this

1 subsection shall rest with such employer.

2 (2) In addition, a person required to register as a lobbyist  
3 shall not:

4 (a) Engage in any activity as a lobbyist before registering as  
5 such;

6 (b) Knowingly deceive or attempt to deceive any legislator as  
7 to any fact pertaining to any pending or proposed legislation;

8 (c) Cause or influence the introduction of any bill or amend-  
9 ment thereto for the purpose of thereafter being employed to secure  
10 its defeat;

11 (d) Knowingly represent an interest adverse to any of his em-  
12 ployers without first obtaining such employer's written consent  
13 thereto after full disclosure to such employer of such adverse inter-  
14 est;

15 (e) Exercise any undue influence, extortion, or unlawful re-  
16 taliation upon any legislator by reason of such legislator's position  
17 with respect to, or his vote upon, any pending or proposed legisla-  
18 tion.

#### 19 CHAPTER III. REPORTING OF ELECTED OFFICIALS FINANCIAL AFFAIRS

20 Sec. 24. ELECTED OFFICIALS REPORTS OF FINANCIAL AFFAIRS. (1)  
21 Every elected official (except President, Vice President and precinct  
22 committeemen) shall on or before January 31st of each year, and every  
23 candidate (except for the offices of President, Vice President and  
24 precinct committeeman) shall, within two weeks of becoming a candi-  
25 date, file with the commission a written statement sworn as to its  
26 truth and accuracy stating for himself and his immediate family for  
27 the preceding twelve months:

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

29 (b) Each direct financial interest in excess of five thousand  
30 dollars in a bank or savings account or cash surrender value of any  
31 insurance policy; each other direct financial interest in excess of  
32 five hundred dollars; and the name, address, nature of entity, nature  
33 and value of each such direct financial interest; and

1 (c) The name and address of each creditor to whom the value of  
2 five hundred dollars or more was owed; the original amount of each  
3 debt to each such creditor; the amount of each debt owed to each cre-  
4 ditor as of the date of filing; the terms of repayment of each such  
5 debt; and the security given, if any, for each such debt: PROVIDED,  
6 that debts arising out of a "retail installment transaction" as de-  
7 fined in chap. 63.14 R.C.W. (Retail Installment Sales Act) need not be  
8 reported; and

9 (d) Every public or private office, directorship and position  
10 as trustee held; and

11 (e) All persons for whom actual or proposed legislation,  
12 rules, rates, or standards has been prepared, promoted, or opposed  
13 for current or deferred compensation; the description of such actual  
14 or proposed legislation, rules, rates or standards; and the amount of  
15 current or deferred compensation paid or promised to be paid; and

16 (f) The name and address of each governmental entity, corpor-  
17 ation, partnership, joint venture, sole proprietorship, association,  
18 union, or other business or commercial entity from whom compensation  
19 has been received in any form of a total value of five hundred dol-  
20 lars or more; the value of such compensation; and the consideration  
21 given or performed in exchange for such compensation; and

22 (g) The name of any corporation, partnership, joint venture,  
23 association, union or other entity in which is held any office, dir-  
24 ectorship or any general partnership interest, or an ownership inter-  
25 est of ten percent or more; the name or title of that office,  
26 directorship or partnership; the nature of ownership interest; and  
27 with respect to each such entity the name of each governmental entity,  
28 corporation, partnership, joint venture, sole proprietorship, associ-  
29 ation, union or other business or commercial entity from which such  
30 entity has received compensation in any form in the amount of five  
31 hundred dollars or more during the preceding twelve months and the  
32 consideration given or performed in exchange for such compensation;  
33 and

1 (h) A list, including legal descriptions, of all real prop-  
2 erty in the State of Washington, the assessed valuation of which  
3 exceeds two thousand five hundred dollars in which any direct finan-  
4 cial interest was acquired during the preceding calendar year, and a  
5 statement of the amount and nature of the financial interest and of  
6 the consideration given in exchange for such interest; and

7 (i) A list, including legal descriptions, of all real prop-  
8 erty in the State of Washington, the assessed valuation of which  
9 exceeds two thousand five hundred dollars in which any direct finan-  
10 cial interest was divested during the preceding calendar year, and a  
11 statement of the amount and nature of the consideration received in  
12 exchange for such interest, and the name and address of the person  
13 furnishing such consideration; and

14 (j) A list, including legal descriptions, of all real prop-  
15 erty in the State of Washington, the assessed valuation of which  
16 exceeds two thousand five hundred dollars in which a direct financial  
17 interest was held: PROVIDED, that if a description of such property  
18 has been included in a report previously filed, such property may be  
19 listed, for purposes of this provision, by reference to such previ-  
20 ously filed report;

21 (k) A list, including legal descriptions, of all real prop-  
22 erty in the State of Washington, the assessed valuation of which  
23 exceeds five thousand dollars, in which a corporation, partnership,  
24 firm, enterprise or other entity had a direct financial interest, in  
25 which corporation, partnership, firm or enterprise a ten percent or  
26 greater ownership interest was held; and

27 (l) Such other information as the commission may deem neces-  
28 sary in order to properly carry out the purposes and policies of  
29 this act, as the commission shall by rule prescribe.

30 (2) Where an amount is required to be reported under sub-  
31 section (1), paragraphs (a) through (k) of this section, it shall be  
32 sufficient to comply with such requirement to report whether the  
33 amount is less than one thousand dollars, at least one thousand

1 dollars but less than five thousand dollars, at least five  
2 thousand dollars but less than ten thousand dollars, at least  
3 ten thousand dollars but less than twenty-five thousand dollars,  
4 or twenty-five thousand dollars or more. An amount of stock may  
5 be reported by number of shares instead of by market value. No  
6 provision of this subsection shall be interpreted to prevent any per-  
7 son from filing more information or more detailed information than  
8 required.

9 (3) Elected official and candidates reporting under this  
10 section shall not be required to file the statements required to be  
11 filed with the Secretary of State under R.C.W. 42.21.060.

#### 12 CHAPTER IV. PUBLIC RECORDS

13 Sec. 25. DUTY TO PUBLISH PROCEDURES. (1) Each state agency  
14 shall separately state and currently publish in the Washington Admin-  
15 istrative Code and each local agency shall prominently display and  
16 make available for inspection and copying at the central office of  
17 such local agency, for guidance of the public:

18 (a) descriptions of its central and field organization and  
19 the established places at which, the employees from whom, and the  
20 methods whereby, the public may obtain information, make submissions  
21 or requests, or obtain copies of agency decisions;

22 (b) statements of the general course and method by which its  
23 operations are channeled and determined, including the nature and  
24 requirements of all formal and informal procedures available;

25 (c) rules of procedure;

26 (d) substantive rules of general applicability adopted as  
27 authorized by law, and statements of general policy or interpreta-  
28 tions of general applicability formulated and adopted by the agency;  
29 and

30 (e) each amendment or revision to, or repeal of any of the  
31 foregoing.

32 (2) Except to the extent that he has actual and timely notice  
33 of the terms thereof, a person may not in any manner be required to

1 resort to, or be adversely affected by, a matter required to be pub-  
2 lished or displayed and not so published or displayed.

3 Sec. 26. DOCUMENTS AND INDEXES TO BE MADE PUBLIC. (1) Each  
4 agency, in accordance with published rules, shall make available for  
5 public inspection and copying all public records. To the extent re-  
6 quired to prevent an unreasonable invasion of personal privacy, an  
7 agency shall delete identifying details when it makes available or  
8 publishes any public record; however, in each case, the justification  
9 for the deletion shall be explained fully in writing.

10 (2) Each agency shall maintain and make available for public  
11 inspection and copying a current index providing identifying informa-  
12 tion as to the following records issued, adopted, or promulgated after  
13 June 30, 1972:

14 (a) final opinions, including concurring and dissenting  
15 opinions, as well as orders, made in the adjudication of cases;

16 (b) those statements of policy and interpretations of policy,  
17 statute and the Constitution which have been adopted by the agency;

18 (c) administrative staff manuals and instructions to staff  
19 that affect a member of the public;

20 (d) planning policies and goals, and interim and final plan-  
21 ning decisions;

22 (e) factual staff reports and studies, factual consultant's  
23 reports and studies, scientific reports and studies, and any other  
24 factual information derived from tests, studies, reports or surveys,  
25 whether conducted by public employees or others; and

26 (f) correspondence, and materials referred to therein, by and  
27 with the agency relating to any regulatory, supervisory or enforce-  
28 ment responsibilities of the agency, whereby the agency determines, or  
29 opines upon, or is asked to determine or opine upon, the rights of the  
30 state, the public, a subdivision of state government, or of any pri-  
31 vate party.

32 (3) An agency need not maintain such an index, if to do so  
33 would be unduly burdensome, but it shall in that event:

1 (a) issue and publish a formal order specifying the reasons  
2 why and the extent to which compliance would unduly burden or inter-  
3 fere with agency operations; and

4 (b) make available for public inspection and copying all in-  
5 dexes maintained for agency use.

6 (4) A public record may be relied on, used, or cited as pre-  
7 cedent by an agency against a party other than an agency and it may  
8 be invoked by the agency for any other purpose only if--

9 (a) it has been indexed in an index available to the public;  
10 or

11 (b) parties affected have timely notice (actual or construc-  
12 tive) of the terms thereof.

13 (5) This act shall not be construed as giving authority to  
14 any agency to give, sell or provide access to lists of individuals  
15 requested for commercial purposes, and agencies shall not do so un-  
16 less specifically authorized or directed by law.

17 Sec. 27. FACILITIES FOR COPYING. Public records shall be  
18 available to any person for inspection and copying, and agencies  
19 shall, upon request for identifiable records, make them promptly  
20 available to any person. Agency facilities shall be made available  
21 to any person for the copying of public records except when and to  
22 the extent that this would unreasonably disrupt the operations of the  
23 agency.

24 Sec. 28. TIMES FOR INSPECTION AND COPYING. Public records  
25 shall be available for inspection and copying during the customary  
26 office hours of the agency: PROVIDED, that if the agency does not  
27 have customary office hours of at least thirty hours per week, the  
28 public records shall be available from nine o'clock a.m. to noon and  
29 from one o'clock p.m. to four o'clock p.m. Monday through Friday,  
30 excluding legal holidays, unless the person making the request and  
31 the agency or its representative agree on a different time.

32 Sec. 29. PROTECTION OF PUBLIC RECORDS. Agencies shall adopt  
33 and enforce reasonable rules and regulations, consonant with the

1 intent of this act to provide full public access to official records,  
2 to protect public records from damage or disorganization, and to pre-  
3 vent excessive interference with other essential functions of the  
4 agency. Such rules and regulations shall provide for the fullest  
5 assistance to inquirers and the most timely possible action on re-  
6 quests for information.

7 Sec. 30. CHARGES FOR COPYING. No fee shall be charged for  
8 the inspection of public records. Agencies may impose a reasonable  
9 charge for providing copies of public records and for the use by any  
10 person of agency equipment to copy public records, which charges  
11 shall not exceed the amount necessary to reimburse the agency for its  
12 actual costs incident to such copying.

13 Sec. 31. CERTAIN PERSONAL AND OTHER RECORDS EXEMPT. (1) The  
14 following shall be exempt from public inspection and copying:

15 (a) Personal information in any files maintained for students  
16 in public schools, patients or clients of public institutions or pub-  
17 lic health agencies, welfare recipients, prisoners, probationers or  
18 parolees.

19 (b) Personal information in files maintained for employees,  
20 appointees or elected officials of any public agency to the extent  
21 that disclosure would violate their right to privacy.

22 (c) Information required of any taxpayer in connection with  
23 the assessment or collection of any tax if the disclosure of the in-  
24 formation to other persons would violate the taxpayer's right to  
25 privacy or would result in unfair competitive disadvantage to such  
26 taxpayer.

27 (d) Specific intelligence information and specific investi-  
28 gative files compiled by investigative, law enforcement and penology  
29 agencies, and state agencies vested with the responsibility to dis-  
30 cipline members of any profession, the non-disclosure of which is  
31 essential to effective law enforcement or for the protection of any  
32 person's right to privacy.

33 (e) Information revealing the identity of persons who file

1 complaints with investigative, law enforcement or penology agencies,  
2 except as the complainant may authorize.

3 (f) Test questions, scoring keys, and other examination data  
4 used to administer a license, employment or academic examination.

5 (g) Except as provided by chap. 8.26 R.C.W., the contents  
6 of real estate appraisals, made for or by any agency relative to the  
7 acquisition of property, until the project is abandoned or until such  
8 time as all of the property has been acquired, but in no event shall  
9 disclosure be denied for more than three years after the appraisal.

10 (h) Valuable formulae, designs, drawings and research data  
11 obtained by any agency within five years of the request for disclo-  
12 sure when disclosure would produce private gain and public loss.

13 (i) Preliminary drafts, notes, recommendations, and intra-  
14 agency memorandums in which opinions are expressed or policies  
15 formulated or recommended except that a specific record shall not be  
16 exempt when publicly cited by an agency in connection with any agency  
17 action.

18 (j) Records which are relevant to a controversy to which an  
19 agency is a party but which records would not be available to another  
20 party under the rules of pretrial discovery for causes pending in the  
21 superior courts.

22 (2) The exemptions of this section shall be inapplicable to  
23 the extent that information, the disclosure of which would violate  
24 personal privacy or vital governmental interests, can be deleted  
25 from the specific records sought. No exemption shall be construed  
26 to permit the nondisclosure of statistical information not descrip-  
27 tive of any readily identifiable person or persons.

28 (3) Inspection or copying of any specific records, exempt  
29 under the provisions of this section, may be permitted if the superior  
30 court in the county in which the record is maintained finds, after a  
31 hearing with notice thereof to every person in interest and the agency,  
32 that the exemption of such records, is clearly unnecessary to protect  
33 any individual's right to privacy or any vital governmental function.

1 (4) Agency responses refusing, in whole or part, inspection of  
2 any record shall include a statement of the specific exemption author-  
3 izing the withholding of the record (or part) and a brief explanation  
4 of how the exemption applies to the record withheld.

5 Sec. 32. PROMPT RESPONSES REQUIRED. Responses to requests for  
6 records shall be made promptly by agencies. Denials of requests must  
7 be accompanied by a written statement of the specific reasons there-  
8 for. Agencies shall establish mechanisms for the most prompt possible  
9 review of decisions denying inspection, and such review shall be  
10 deemed completed at the end of the second business day following the  
11 denial of inspection and shall constitute final agency action for the  
12 purposes of judicial review.

13 Sec. 33. COURT PROTECTION OF RECORDS. The examination of any  
14 specific record may be enjoined if, upon motion and affidavit, the  
15 superior court for the county in which the movant resides or in which  
16 the record is maintained, finds that such examination would clearly  
17 not be in the public interest and would substantially and irreparably  
18 damage any person, or would substantially and irreparably damage vital  
19 governmental functions.

20 Sec. 34. JUDICIAL REVIEW OF AGENCY ACTIONS. (1) Upon the mo-  
21 tion of any person having been denied an opportunity to inspect or copy a  
22 public record by an agency, the superior court in the county in which  
23 a record is maintained may require the responsible agency to show cause  
24 why it has refused to allow inspection or copying of a specific record  
25 or class of records. The burden of proof shall be on the agency to  
26 establish that refusal to permit public inspection and copying is required.

27 (2) Judicial review of all agency actions taken or challenged  
28 under Sections 25 through 32 of this act shall be de novo. Courts  
29 shall take into account the policy of this act that free and open  
30 examination of public records is in the public interest, even though  
31 such examination may cause inconvenience or embarrassment to public  
32 officials or others. Courts may examine any record in camera in any  
33 proceeding brought under this section.

1 (3) Any person who prevails against an agency in any action  
2 in the courts seeking the right to inspect or copy any public record  
3 shall be awarded all costs, including reasonable attorney fees, in-  
4 curred in connection with such legal action. In addition, it shall  
5 be within the discretion of the court to award such person an amount  
6 not to exceed twenty-five dollars for each day that he was denied the  
7 right to inspect or copy said public record.

8 CHAPTER V. ADMINISTRATION AND ENFORCEMENT

9 Sec. 35. COMMISSION--ESTABLISHED--MEMBERSHIP. There is here-  
10 by established a "Public Disclosure Commission" which shall be com-  
11 posed of five members who shall be appointed by the governor, with  
12 the consent of the senate. All appointees shall be persons of the  
13 highest integrity and qualifications. No more than three members  
14 shall have an identification with the same political party. The ori-  
15 ginal members shall be appointed within sixty days after the effec-  
16 tive date of this act. The term of each member shall be five years  
17 except that the original five members shall serve initial terms of  
18 one, two, three, four and five years, respectively, as designated by  
19 the governor. No member of the commission, during his tenure, shall

20 (1) hold or campaign for elective office; (2) be an officer of any  
21 political party or political committee; (3) permit his name to be  
22 used, or make contributions, in support of or in opposition to any  
23 candidate or proposition; (4) participate in any way in any election  
24 campaign; or (5) lobby or employ or assist a lobbyist. No member  
25 shall be eligible for appointment to more than one full term. A  
26 vacancy on the commission shall be filled within thirty days of the  
27 vacancy by the governor, with the consent of the senate, and the  
28 appointee shall serve for the remaining term of his predecessor. A  
29 vacancy shall not impair the powers of the remaining members to exer-  
30 cise all of the powers of the commission. Three members of the com-  
31 mission shall constitute a quorum. The commission shall elect its  
32 own chairman and adopt its own rules of procedure in the manner pro-  
33 vided in chap. 34.04 R.C.W. Any member of the commission may be

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

3 Members shall serve without compensation, but shall be reim-  
4 bursed for necessary traveling and lodging expenses actually incurred  
5 while engaged in the business of the commission as provided in chap.  
6 43.03 R.C.W.

7 Sec. 36. COMMISSION--DUTIES. The commission shall:

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

10 (2) Prepare and publish a manual setting forth recommended  
11 uniform methods of bookkeeping and reporting for use by persons re-  
12 quired to make reports and statements under this act;

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

15 (4) Investigate whether properly completed statements and re-  
16 ports have been filed within the times required by this act;

17 (5) Upon complaint or upon its own motion, investigate and  
18 report apparent violations of this act to the appropriate law en-  
19 forcement authorities;

20 (6) Prepare and publish an annual report to the governor as  
21 to the effectiveness of this act and its enforcement by appropriate  
22 law enforcement authorities; and

23 (7) Enforce this act according to the powers granted it by law.

24 Sec. 37. COMMISSION--ADDITIONAL POWERS. The commission is  
25 empowered to:

26 (1) Adopt, promulgate, amend and rescind suitable administra-  
27 tive rules and regulations to carry out the policies and purposes of  
28 this act;

29 (2) Prepare and publish such reports and technical studies  
30 as in its judgment will tend to promote the purposes of this act,  
31 including reports and statistics concerning campaign financing,  
32 lobbying, financial interests of elected officials, and enforcement  
33 of this act;

1 (3) Make from time to time, on its own motion, audits and  
2 field investigations;

3 (4) Make public the fact that an alleged or apparent violation  
4 has occurred and the nature thereof;

5 (5) Administer oaths and affirmations, subpoena witnesses,  
6 compel their attendance, take evidence and require the production of  
7 any books, papers, correspondence, memorandums or other records which  
8 the commission deems relevant or material for the purpose of any in-  
9 vestigation authorized under this act, or any other proceeding under  
10 this act;

11 (6) Adopt and promulgate a Code of Fair Campaign Practices;

12 (7) Relieve, by published regulation of general applicability,  
13 candidates or political committees of obligations to comply with the  
14 provisions of this act relating to election campaigns, if they have  
15 not received contributions nor made expenditures in connection with  
16 any election campaign of more than one thousand dollars; and

17 (8) Enact regulations prescribing reasonable requirements for  
18 keeping accounts of and reporting on a quarterly basis costs in-  
19 curred by state agencies, counties, cities and other municipalities  
20 and political subdivisions in preparing, publishing and distributing  
21 legislative information. The term "legislative information," for the  
22 purposes of this subsection, means books, pamphlets, reports and  
23 other materials prepared, published or distributed at substantial  
24 cost, a substantial purpose of which is to influence the passage or  
25 defeat of any legislation. The state auditor in his regular exami-  
26 nation of each agency under chap. 43.09 R.C.W. shall review such  
27 regulations, accounts and reports and make appropriate findings,  
28 comments and recommendations in his examination reports concerning  
29 those agencies.

30 (9) The commission, after hearing, by order may suspend or  
31 modify any of the reporting requirements hereunder in a particular  
32 case if it finds that literal application of this act works a  
33 manifestly unreasonable hardship and if it also finds that such

1 suspension or modification will not frustrate the purposes of the  
2 act. Any such suspension or modification shall be only to the  
3 extent necessary to substantially relieve the hardship. The  
4 commission shall act to suspend or modify any reporting require-  
5 ments only if it determines that facts exist that are clear  
6 and convincing proof of the findings required hereunder. Any  
7 citizen shall have standing to bring an action in Thurston County  
8 Superior Court to contest the propriety of any order entered  
9 hereunder within one year from the date of the entry of such order.

10 Sec. 38. SECRETARY OF STATE, ATTORNEY GENERAL--DUTIES.

11 (1) The secretary of state, through his office, shall perform  
12 such ministerial functions as may be necessary to enable the com-  
13 mission to carry out its responsibilities under this act. The  
14 office of the secretary of state shall be designated as the  
15 place where the public may file papers or correspond with the  
16 commission and receive any form or instruction from the commis-  
17 sion.

18 (2) The attorney general, through his office, shall supply  
19 such assistance as the commission may require in order to carry  
20 out its responsibilities under this act. The commission may  
21 employ attorneys who are neither the attorney general nor an  
22 assistant attorney general to carry out any function of the  
23 attorney general prescribed in this section.

24 Sec. 39. CIVIL REMEDIES AND SANCTIONS. (1) One or  
25 more of the following civil remedies and sanctions may be im-  
26 posed by the court order in addition to any other remedies pro-  
27 vided by law:

28 (a) If the court finds that the violation of any provision  
29 of this act by any candidate or political committee probably affec-  
30 ted the outcome of any election, the result of said election may be  
31 held void and a special election held within sixty days of such finding.  
32 Any action to void an election shall be commenced within one year of  
33 the date of the election in question. It is intended that this

1 remedy be imposed freely in all appropriate cases to protect the  
2 right of the electorate to an informed and knowledgeable vote.

3 (b) If any lobbyist or sponsor of any grass roots lobbying  
4 campaign violates any of the provisions of this act, his registration  
5 may be revoked or suspended and he may be enjoined from receiving  
6 compensation or making expenditures for lobbying: PROVIDED, however,  
7 that imposition of such sanction shall not excuse said lobbyist from  
8 filing statements and reports required by this act.

9 (c) Any person who violates any of the provisions of this  
10 act may be subject to a civil penalty of not more than ten thousand  
11 dollars for each such violation.

12 (d) Any person who fails to file a properly completed state-  
13 ment or report within the time required by this act may be subject to  
14 a civil penalty of ten dollars per day for each day each such delin-  
15 quency continues.

16 (e) Any person who fails to report a contribution or expendi-  
17 ture may be subject to a civil penalty equivalent to the amount he  
18 failed to report.

19 (f) The court may enjoin any person to prevent the doing of  
20 any act herein prohibited, or to compel the performance of any act  
21 required herein.

22 Sec. 40. ENFORCEMENT. (1) The attorney general and the  
23 prosecuting authorities of political subdivisions of this state may  
24 bring civil actions in the name of the state for any appropriate civil  
25 remedy, including but not limited to the special remedies provided in  
26 Section 39.

27 (2) The attorney general and the prosecuting authorities of  
28 political subdivisions of this state may investigate or cause to be  
29 investigated the activities of any person who there is reason to be-  
30 lieve is or has been acting in violation of this act, and may require  
31 any such person or any other person reasonably believed to have in-  
32 formation concerning the activities of such person to appear at a  
33 time and place designated in the county in which such person resides

1 or is found, to give such information under oath and to produce all  
2 accounts, bills, receipts, books, papers, and documents which may be  
3 relevant or material to any investigation authorized under this act.

4 (3) When the attorney general or the prosecuting authority of  
5 any political subdivision of this state requires the attendance of  
6 any person to obtain such information or the production of the ac-  
7 counts, bills, receipts, books, papers, and documents which may be  
8 relevant or material to any investigation authorized under this act,  
9 he shall issue an order setting forth the time when and the place  
10 where attendance is required and shall cause the same to be delivered  
11 to or sent by registered mail to the person at least fourteen days  
12 before the date fixed for attendance. Such order shall have the same  
13 force and effect as a subpoena, shall be effective state-wide, and,  
14 upon application of the attorney general or said prosecuting author-  
15 ity, obedience to the order may be enforced by any superior court  
16 judge in the county where the person receiving it resides or is found,  
17 in the same manner as though the order were a subpoena. The court,  
18 after hearing, for good cause, and upon application of any person  
19 aggrieved by the order, shall have the right to alter, amend, revise,  
20 suspend, or postpone all or any part of its provisions. In any case  
21 where the order is not enforced by the court according to its terms,  
22 the reasons for the court's actions shall be clearly stated in writ-  
23 ting, and such action shall be subject to review by the appellate  
24 courts by certiorari or other appropriate proceeding.

25 (4) Any person who has notified the attorney general in writ-  
26 ting that there is reason to believe that some provision of this act  
27 is being or has been violated may himself bring in the name of the  
28 state any of the actions (hereinafter referred to as a citizen's  
29 action) authorized under this act if the attorney general has failed  
30 to commence an action hereunder within forty days after such notice  
31 and if the attorney general has failed to commence an action within  
32 ten days after a notice in writing delivered to the attorney general  
33 advising him that a citizen's action will be brought if the attorney

1 general does not bring an action if the person who brings the citi-  
2 zen's action prevails, he shall be entitled to one-half of any judg-  
3 ment awarded, and to the extent the costs and attorney's fees he  
4 has incurred exceed his share of the judgment, he shall be entitled  
5 to be reimbursed for such costs and fees by the State of Washington.  
6 PROVIDED, that in the case of a citizen's action which is dismissed  
7 and which the court also finds was brought without reasonable cause,  
8 the court may order the person commencing the action to pay all costs  
9 of trial and reasonable attorney's fees incurred by the defendant.

10 (5) In any action brought under this section, the court may  
11 award to the state all costs of investigation and trial, including a  
12 reasonable attorney's fee to be fixed by the court. If the violation is  
13 found to have been intentional, the amount of the judgment, which shall  
14 for this purpose include the costs, may be trebled as punitive damages.  
15 If damages or treble damages are awarded in such an action brought  
16 against a lobbyist, the judgment may be awarded against the lobbyist,  
17 and the lobbyist's employer or employers joined as defendants, jointly  
18 severally, or both. If the defendant prevails, he shall be awarded all  
19 costs of trial, and may be awarded a reasonable attorney's fee to be  
20 fixed by the court to be paid by the State of Washington.

21 Sec. 41. LIMITATION ON ACTIONS. A y action brought under the  
22 provisions of this act must be commenced within six years after the  
23 date when the violation occurred.

24 Sec. 42. DATE OF MAILING DEEMED DATE OF RECEIPT. When any  
25 application, report, statement, notice, or payment required to be  
26 made under the provisions of this act has been deposited post-paid  
27 in the United States mail properly addressed, it shall be deemed to  
28 have been received on the date of mailing. It shall be presumed that  
29 the date shown by the post office cancellation mark on the envelope  
30 is the date of mailing.

31 Sec. 43. CERTIFICATION OF REPORTS. Every report and state-  
32 ment required to be filed under this act shall identify the person  
33 preparing it, and shall be certified as complete and correct, both by

1 the person preparing it and by the person or whose behalf it is filed.

2 Sec. 44. STATEMENTS AND REPORTS PUBLIC RECORDS. All state-  
3 ments and reports filed under this act shall be public records of the  
4 agency where they are filed, and shall be available for public inspec-  
5 tion and copying during normal business hours at the expense of the  
6 person requesting copies, provided that the charge for such copies  
7 shall not exceed actual cost to the agency.

8 Sec. 45. DUTY TO PRESERVE STATEMENTS AND REPORTS. Persons  
9 with whom statements or reports or copies of statements or reports  
10 are required to be filed under this act shall preserve them for not  
11 less than six years. The commission, however, shall preserve such  
12 statements or reports for not less than ten years.

13 Sec. 46. SEVERABILITY. If any provision of this act or its  
14 application to any person or circumstance is held invalid, the re-  
15 mainder of the act, or the application of the provision to other  
16 persons or circumstances is not affected.

17 Sec. 47. CONSTRUCTION. The provisions of this act are to be  
18 liberally construed to effectuate the policies and purposes of this  
19 act. In the event of conflict between the provisions of this act and  
20 any other act, the provisions of this act shall govern.

21 Sec. 48. CHAPTER AND SECTION HEADINGS NOT PART OF LAW. Chap-  
22 ter and section captions or headings as used in this act do not  
23 constitute any part of the law.

24 Sec. 49. EFFECTIVE DATE. The effective date of this act  
25 shall be January 1, 1973.

26 Sec. 50. REPEALS. Chap. 9, Laws of 1965, as amended by  
27 sec. 9, chap. 150, Laws of 1965 ex. sess., and R.C.W. 29.18.140, and  
28 chap. 131, Laws of 1967 ex. sess. and R.C.W. 44.64; and chap. 42,  
29 Laws of 1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 24  
30 and chap. 98, Laws of 1972 (42nd Leg. 2nd Ex. Sess. and Referendum  
31 Bill No. 25 are each hereby repealed.

None under Comm not Lt. gov.

exemption less than \$1000

exemption on and not frustrate's purpose of law

Sec 30 exemption of records

P-24-  
P-26 2,500 limit on real property

report in ranges on property value

Stock reported by no. of shares

interest of \$,000 in banks

# INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS

FINANCIAL DISCLOSURES AND LIMITATIONS AFFECTING POLITICAL CAMPAIGNS, PUBLIC OFFICIALS AND LOBBYISTS -- OTHER MATTERS. INITIATIVE. REQUIRES REPORTS OF RECEIPTS AND EXPENDITURES IN CAMPAIGNS FOR STATE AND LOCAL OFFICES AND BALLOT MEASURES. LIMITS EXPENDITURES FOR STATE-WIDE CANDIDATES AND MEASURES. PROHIBITS PUBLIC OFFICIALS FROM PARTICIPATING IN GOVERNMENTAL DECISIONS AFFECTING THEIR "FINANCIAL INTERESTS." REQUIRES DISCLOSURE OF CERTAIN ASSETS AND INCOME BY CERTAIN PUBLIC OFFICIALS. REQUIRES "LOBBYISTS" TO REGISTER AND FILE REPORTS SHOWING RECEIPTS AND EXPENDITURES IN LOBBYING ACTIVITIES. CREATES FAIR POLITICAL PRACTICES COMMISSION. REVISES BALLOT PAMPHLET REQUIREMENTS. PROVIDES CRIMINAL AND CIVIL SANCTIONS FOR VIOLATIONS. ENACTS AND REPEALS STATUTES ON OTHER MISCELLANEOUS AND ABOVE MATTERS. IF THE PROPOSED INITIATIVE IS ADOPTED, UNDEFINED ADDITIONAL FINANCING FROM STATE SOURCES WILL BE REQUIRED IN THE AMOUNTS OF \$930,000 FOR FISCAL YEAR 1974-75, \$1,630,000 IN EACH SUBSEQUENT FISCAL YEAR IN WHICH A GENERAL ELECTION IS HELD AND \$1,100,000 IN EACH FISCAL YEAR IN WHICH NO GENERAL ELECTION IS HELD.

The People of the State of California do enact as follows:

SECTION 1. Title 9 is added to the Government Code as follows:

## TITLE 9. POLITICAL REFORM

### CHAPTER 1. GENERAL

81000. This title shall be known and may be cited as the "Political Reform Act of 1974."

81001. The people find and declare as follows:

(a) State and local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth.

(b) Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them.

(c) Costs of conducting election campaigns have increased greatly in recent years, and candidates have been forced to finance their campaigns by seeking large contributions from lobbyists and organizations who thereby gain disproportionate influence over governmental decisions.

(d) The influence of large campaign contributors is increased because existing laws for disclosure of campaign receipts and expenditures have proved to be inadequate.

(e) Lobbyists often make their contributions to incumbents who cannot be effectively challenged because of election laws and abusive practices which give the incumbent an unfair advantage.

(f) The wealthy individuals and organizations which make large campaign contributions frequently extend their influence by employing lobbyists and spending large amounts to influence legislative and administrative actions.

(g) The influence of large campaign contributors in ballot measure elections is increased because the ballot pamphlet mailed to the voters by the state is difficult to read and almost impossible for a layman to understand.

(h) Previous laws regulating political practices have suffered from inadequate enforcement by state and local authorities.

81002. The people enact this title to accomplish the following purposes:

(a) Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited.

(b) The amounts that may be expended in statewide elections should be limited in order that the importance of money in such elections may be reduced.

(c) The activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials.

(d) Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided.

(e) The state ballot pamphlet should be converted into a useful document so that voters will not be entirely dependent on paid advertising for information regarding state measures.

(f) Laws and practices unfairly favoring incumbents should be abolished in order that elections may be conducted more fairly.

(g) Adequate enforcement mechanisms should be provided to public officials and private citizens in order that this title will be vigorously enforced.

81003. This title should be liberally construed to accomplish its purposes.

81004. All reports and statements filed under this title shall be signed under penalty of perjury and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his knowledge it is true and complete. A report or statement filed by a committee shall be signed and verified by the treasurer, and a report or statement filed by any other organization shall be signed and verified by a responsible officer of the organization or by an attorney or a certified public accountant. Every person who signs and verifies any report or statement required to be filed under this title which contains material matter which he knows to be false is guilty of perjury.

81005. Reports and statements required by this title shall be filed as follows:

(a) Reports and statements required by Chapter 6 and reports and statements of statewide elected officers, candidates for statewide elective office, committees supporting such candidates, state central committees of political parties, and committees supporting or opposing statewide measures -- one original and one copy with the Secretary of State and, except for reports and statements required by Chapter 6, two copies with the clerk of Los Angeles County and two copies with the clerk of the City and County of San Francisco;

(b) Reports and statements of candidates for and persons holding the office of superior court judge, member of the State Legislature, and member of the Board of Equalization, and of committees supporting such candidates -- one original and one copy with the Secretary of State, and two copies with the clerk of each county which in whole or in part is included in the district;

(c) Reports and statements of candidates for and persons holding any elective office not mentioned above which is voted upon in more than one county, of committees supporting such candidates and committees supporting or opposing measures to be voted on in more than one county but not statewide -- one original and one copy with the clerk of the county having the largest population, and two copies with the clerk of each additional county wholly or partially included in the district;

(d) Reports and statements of candidates for and persons holding any elective office not mentioned above which is voted upon wholly within one city, of committees supporting such candidates and committees supporting or opposing measures to be voted upon wholly within one city -- one original and one copy with the city clerk;

(e) Reports and statements of candidates for and persons holding any elective office not mentioned above, of committees supporting such candidates and committees supporting or opposing measures to be voted upon in not more than one county -- one original and one copy with the county clerk.

(f) All reports and statements required by Chapter 7 -- one original with the agency, which shall make and retain a copy and forward the original to the code reviewing body.

81006. No fee or charge shall be collected by any officer for the filing of any report or statement or for the forms upon which reports or statements are to be prepared, except that lobbyists may be charged not more than twenty-five dollars (\$25) per year for registration.

81007. When a report or statement or copies thereof required to be filed with any officer under this title have been sent by first-class registered mail, addressed to the officer, it shall for purposes of any deadline be deemed to have been received by him on the date of the deposit in the mail. It shall be presumed until the contrary is established that the date shown by the post office cancellation mark on the envelope containing the report or statement is the date it was deposited in the mail.

81008. Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from such persons. Copies shall be provided at a charge not to exceed ten cents (\$0.10) per page. Campaign statements shall be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday and Sunday preceding a statewide election.

81009. Original reports and statements filed pursuant to this title shall be preserved by the filing officer. One copy shall be preserved by each additional officer with whom copies are filed for four years, and may thereafter be destroyed.

81010. With respect to reports and statements filed with him pursuant to this title, the filing officer shall:

(a) Supply the necessary forms and manuals prescribed by the Commission;

(b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this title;

(c) Notify promptly all persons and known committees who have failed to file a report or statement in the form and at the time required by this title;

(d) Report apparent violations of this title to the appropriate agencies; and

(e) Compile and maintain a current list of all reports and statements filed with his office.

81011. Whenever in this title the amount of goods, services, facilities or anything of value other than money is required to be reported, the amount shall be the estimated fair market value at the time received or expended, and a description of the goods, services, or facilities shall be appended to the report or statement.

81012. This title may be amended or repealed by the procedures set forth in this section. If any portion of subsection (a) is declared invalid, then subsection (b) shall be the exclusive means of amending or repealing this title.

(a) This title may be amended to further its purposes by statute, passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring and signed by the governor, if at least forty days prior to passage in each house the bill in its final form has been delivered to the Commission for distribution to the news media and to every person who has requested the Commission to send copies of such bills to him.

(b) This title may be amended or repealed by a statute that becomes effective only when approved by the electors.

81013. Nothing in this title prevents the Legislature or any other state or local agency from imposing additional requirements on any person if the requirements do not prevent the person from complying with this title. If any act of the Legislature conflicts with the provisions of this title, this title shall prevail.

81014. Whenever any reference is made in this title to a federal or state statute and that statute has been or is subsequently repealed or amended, the Commission may promulgate regulations to carry out the intent of this title as nearly as possible.

81015. If any provision of this title, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this title to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this title are severable.

81016. Chapter 8 of this title shall go into effect immediately. The Director of Finance shall make sufficient funds available to the Secretary of State out of the emergency fund or any other fund of the state for the immediate implementation of Chapter 8. The remainder of this title shall go into effect on January 7, 1975. Whenever reference is made in this title to the effective date of this title, the date referred to is January 7, 1975.

## CHAPTER 2. DEFINITIONS

81020. Unless the contrary is stated or clearly appears from the context, the definitions set forth in this chapter shall govern the interpretation of this title.

81021. "Adjusting an amount for cost of living changes" means multiplying the amount by a multiplier determined at the beginning of each year by the Director of Finance to reflect changes in the price index, based on the change between the 1967 and 1974 price indexes.

82002. "Administrative action" means the proposal, drafting, development, consideration, amendment, enactment or repeal by any state agency, of any rule, regulation or other action in any rule-making proceeding or any quasi-legislative proceeding, which shall include any proceeding governed by Chapter 4.5 of Division 3 of Title 2 of the Government Code (beginning with Section 11371).

82003. "Agency" means any state agency or local government agency.

82004. "Agency official" means any member, officer, employee or consultant of any state agency who as part of his official responsibilities participates in any administrative action in other than a purely clerical, secretarial or ministerial capacity.

82005. "Business entity" means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

82006. "Campaign statement" means an itemized report which is prepared on a form prescribed by the Commission and which provides the information required by Chapter 4 of this title.

82007. "Candidate" means an individual who is listed on the ballot or who has qualified to have write-in votes on his behalf counted by election officials, for nomination for or election to any elective office, or who receives a contribution or makes an expenditure or gives his consent for any other person to receive a contribution or make an expenditure with a view to bringing about his nomination or election to any elective office, whether or not the specific elective office for which he will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he has announced his candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any officeholder who is the subject of a recall election. "Candidate" does not include any person within the meaning of Section 301(b) of the Federal Election Campaign Act of 1971.

82008. "City" means a general law or a chartered city.

82009. "Civil service employee" means any state employee who is covered by the state civil service system or any employee of a local government agency who is covered by a similar personnel system.

82009.5. "Clerk" refers to the city or county clerk unless the city council or board of supervisors has designated any other agency to perform the specified function.

82010. "Closing date" means the date through which any report or statement filed under this title is required to be complete.

82011. "Code revising body" means:  
(a) The Commission, with respect to the Conflict of Interest Code of a state agency, a county board of supervisors, a city council, or any local government agency with jurisdiction in more than one county;  
(b) The board of supervisors, with respect to the Conflict of Interest Code of any county agency other than the board of supervisors, and of any local government agency, other than a city agency, with jurisdiction wholly within the county;  
(c) The city council, with respect to the Conflict of Interest Code of any city agency other than the city council; and  
(d) The Attorney General, with respect to the Conflict of Interest Code of the Commission.

82012. "Commission" means the Fair Political Practices Commission.

82013. "Committed" means any person or combination of persons who directly or indirectly receives contributions or makes expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates, or the passage or defeat of any measure, including any committee or subcommittee of a political party, whether national, state or local, in:  
(a) Contributions received total five hundred dollars (\$500) or more in a calendar year;  
(b) Expenditures and contributions made, other than contributions described in subsection (a), total five hundred dollars (\$500) or more in a calendar year; or  
(c) Contributions of cash, checks and other cash equivalents paid directly to candidates and committees total five thousand dollars (\$5,000) or more in a calendar year. Persons or combinations of persons who are covered by this subsection but not by subsections (a) or (b) are deemed to be committed only for purposes of Chapter 4 of this title.

82014. "Conflict of Interest Code" means a set of rules and regulations adopted by an agency pursuant to Chapter 7 of this title.

82015. "Contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the request of a candidate, committee or elected officer is a contribution to the candidate, committee or elected officer, unless full and adequate consideration is received for making the expenditure.  
The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund raising events, the candidate's own money or property used on behalf of his campaign; the granting of discounts or rebates not extended to the public generally; or the granting of discounts or rebates by individuals and firms which are not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.  
The term "contribution" further includes any transfer of anything of value received by a committee from another committee.  
The term "contribution" does not include amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution. However, the fact that such amounts have been received shall be indicated in the appropriate campaign statement.  
Notwithstanding the foregoing definition of "contribution," the term does not include substantial personal services or payments made by any individual for his own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him.

82016. "Controlled committee" means a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he, his agent or any other committee he controls has a significant influence on the actions or decisions of the committee.

82017. "County" includes a city and county.

82018. "Cumulative amount" in a campaign statement means the amount contributed or expended since the closing date of the most recent post-closing statement which has been filed by the filer. If the filer has not previously filed a campaign statement pursuant to any of these sections, the cumulative amount is the amount contributed or expended since the effective date of this title.

82019. "Designated employee" means any officer, employee, member or consultant of any agency whose position with the agency:  
(a) Is exempt from the state civil service system by virtue of subdivisions (a), (c), (d), (e), (f), (g), or (h) of Section 4 of Article XXIV of the Constitution, unless the position is elective or solely secretarial, clerical or manual;  
(b) Is elective, other than an elective state officer; or  
(c) Is designated in a Conflict of Interest Code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest.  
"Designated employee" does not include an elected state officer or any unsalaried member of any board or commission which serves a solely advisory function.

82020. "Elected officer" means any person who holds an elective office or has been elected to an elective office but has not yet taken office. A person who is appointed to fill a vacant elective office is an elected officer.

82021. "Elected state officer" means any person who holds an elective state office or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elected state officer.

82022. "Election" means any primary, general, special or recall election held in this state. The primary and general or special elections are separate elections for purposes of this title.

82023. "Elective office" means any state, regional, county, municipal, district or district office which is filled at an election. "Elective office" also

82024. "Elective state office" means the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, member of the Legislature and member of the State Board of Equalization.

82025. "Expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

82026. "Filer" means the person filing or required to file any statement or report under this title.

82027. "Filing officer" means the office or officer with whom any statement or report is required to be filed under this title. If copies of a statement or report are required to be filed with more than one office or officer, the one first named is the filing officer, and the copy filed with him shall be signed in the original and shall be deemed the original copy.

82028. "Gift" means any payment to the extent that consideration of equal or greater value is not received. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value. The term "gift" does not include informational material such as books, reports, pamphlets, calendars or periodicals. No payment for travel or reimbursement for any expenses shall be deemed "informational material."

82029. "Immediate family" means the spouse and dependent children. Whenever disclosure of investments or interest in real property is required by this title, investments and interests in real property of members of the immediate family shall also be disclosed.

82030. (a) "Income" means, except as provided in subsection (b), income of any nature from any source, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, capital gain, return of capital, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness, discount in the price of anything of value unless the discount is available to members of the public without regard to official status, rebate, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.  
(b) "Income" does not include:

- (1) Campaign contributions required to be reported under Chapter 4 of this title;
- (2) Salary and reimbursement for expenses or per diem received from a state or local government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic or charitable organization;
- (3) Gifts of informational material, such as books, pamphlets, reports, calendars or periodicals;
- (4) Gifts which are not used and which, within thirty days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;
- (5) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered income if the donor is acting as an agent or intermediary for any person not covered by this paragraph;
- (6) Any devise or inheritance;
- (7) Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or governmental agency;
- (8) Dividends, interest or any other return on a security which is registered with the Securities and Exchange Commission of the United States Government.

82031. "Independent committee" means a committee which is not controlled either directly or indirectly by a candidate or controlled committee, and which does not act jointly with a candidate or controlled committee in connection with the making of expenditures. A committee may be controlled with respect to one or more candidates and independent with respect to other candidates.

82032. "Influencing legislative or administrative action" means promoting, supporting, influencing, modifying, opposing or delaying any legislative or administrative action by any means, including but not limited to the provision of use of information, statistics, studies or analysis.

82033. "Interest in real property" includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction if the fair market value of the interest is greater than one thousand dollars (\$1,000). Interest in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.

82034. "Investment" means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value exceeds one thousand dollars (\$1,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or governmental agency. Investments of an individual includes a pro rata share of investments of any business entity of that in which the individual or spouse owns, directly, indirectly or beneficially, a ten percent interest or greater. The term "parent, subsidiary or otherwise related business entity" shall be specifically defined by regulations of the Commission.

82035. "Jurisdiction" means the state with respect to a state agency and, with respect to a local government agency, the region, county, city, district or other geographical area in which it has jurisdiction. Real property shall be deemed to be "within the jurisdiction" with respect to a local government agency if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

82036. "Late contribution" means any contribution of one thousand dollars (\$1,000) or more received after the closing date of the last campaign statement required to be filed prior to an election.

82037. "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the Legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the Legislature acting in his official capacity. "Legislative action" also means the action of the Governor in approving or vetoing any bill.

82038. "Legislative official" means any employee or consultant of the Legislature whose duties are not solely secretarial, clerical or manual.

82039. "Lobbyist" means any person who is employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his agents with any elective state official, agency official or legislative official for the purpose of influencing legislation or administrative action, if a substantial or regular portion of the activities for which he receives consideration is for the purpose of influencing legislation or administrative action. No person is a lobbyist by reason of activities described in Section 66300.

82040. "Lobbyist's account" means any fund, account or trust controlled by a lobbyist in connection with his activities as a lobbyist.

82041. "Local government agency" means a county, city or district of any kind including special district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of them, but does not include any court or any agency in the judicial branch of government.

82041.5. "Mass mailing" means two hundred or more identical or nearly identical pieces of mail, but does not include a form letter or other mail which is sent in response to a request, letter or other inquiry.

82042. "Mayor" of a city includes mayor of a city and county.

82043. "Measure" means any constitutional amendment or other proposition which is submitted to a popular vote at an election by action of a

82044. "Payment" means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

82045. "Payment to influence legislative or administrative action" means any of the following types of payment:

(a) Direct or indirect payment to a lobbyist whether for salary, fee, compensation for expenses, or any other purpose, by a person employing or contracting for the services of the lobbyist separately or jointly with other persons;

(b) Payment in support or assistance of a lobbyist or his activities, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist;

(c) Payment which directly or indirectly benefits any elective state official, legislative official or agency official or a member of the immediate family of any such official;

(d) Payment, including compensation, payment or reimbursement for the services, time or expenses of an employee, for or in connection with direct communication with any elective state official, legislative official or agency official;

(e) Payment for or in connection with soliciting or urging other persons to enter into direct communication with any elective state official, legislative official or agency official.

82046. "Period covered" by a statement or report required to be filed by this title means, unless a different period is specified, the period beginning with the day after the closing date of the most recent statement or report which has been filed, and ending with the closing date of the statement or report in question. If the person filing the statement or report has not previously filed a statement or report of the same type, the period covered begins on the effective date of this title. Nothing in this chapter shall be interpreted to exempt any person from disclosing transactions which occurred prior to the effective date of this title according to the laws then in effect.

82047. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert.

82048. "Public official" means every member, officer, employee or consultant of a state or local government agency.

82049. "State agency" means every state office, department, division, bureau, board and commission, and the Legislature, but does not include the courts or any agency in the judicial branch of government.

82050. "State candidate" means a candidate who seeks nomination or election to any elective state office.

82051. "State measure" means any measure which is submitted or is intended to be submitted to the voters of the state.

82052. "Statewide candidate" means a candidate who seeks election to any statewide elective office.

82052.5. "Statewide election" means an election for statewide elective office.

82053. "Statewide elective office" means the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer and Superintendent of Public Instruction.

82054. "Statewide petition" means a petition to qualify a proposed state measure.

82055. "Voting age population" means the population of the state aged eighteen years or over as determined by the United States Secretary of Commerce pursuant to Section 104 (a) (5) of the Federal Election Campaign Act of 1971. If for any reason no such determination is made, the Commission shall from time to time determine the voting age population from the best readily available sources of information.

### CHAPTER 3. FAIR POLITICAL PRACTICES COMMISSION

83100. There is hereby established in state government the Fair Political Practices Commission. The Commission shall have five members, including the chairman. No more than three members of the Commission shall be members of the same political party.

83101. The chairman and one additional member of the Commission shall be appointed by the Governor. The Governor's appointees shall not be members of the same political party.

83102. (a) The Attorney General, the Secretary of State and the Controller shall each appoint one member of the Commission.

(b) If the Attorney General, the Secretary of State and the Controller are all members of the same political party, the chairman of the state central committee of any other political party with a registration of more than five hundred thousand shall submit to the Controller a list of not less than five persons who are qualified and willing to be members of the Commission. The list shall be submitted not less than ten days after the effective date of this chapter for the Controller's initial appointment, and not later than January 2 immediately prior to any subsequent appointment by the Controller. If the Controller receives one or more lists pursuant to this section, his appointment shall be made from one of such lists.

83103. Members and the chairman of the Commission shall serve four-year terms beginning on February 1 and ending on January 31 or as soon thereafter as their successors are qualified, except that the initial appointees under Section 83102 shall serve six-year terms. No member or chairman who has been appointed at the beginning of a term is eligible for reappointment. All initial appointments shall be made by February 1, 1975.

83104. Vacancies on the Commission shall be filled, within thirty days, by appointment of the same official who appointed the prior holder of the position. The provisions of Section 83102 (b) are not applicable to the filling of vacancies. Appointments to fill vacancies shall be for the unexpired term of the member or chairman whom the appointee succeeds. A vacancy or vacancies shall not impair the right of the remaining members to exercise all of the powers of the board. Three members shall constitute a quorum.

83105. Each member of the Commission shall be an elector, no member of the Commission, during his tenure, shall hold or seek election to any other public office, serve as an officer of any political party or partisan organization, participate in or contribute to an election campaign, or employ or be employed as a lobbyist. Members of the Commission may be removed by the Governor, with concurrence of the Senate, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office or violation of this section, after written notice and opportunity for a reply.

83106. The chairman of the Commission shall be compensated at the same rate as the president of the Public Utilities Commission. Each remaining member shall be compensated at the rate of one hundred dollars (\$100) for each day on which he engages in official duties. The members and chairman of the Commission shall be reimbursed for expenses incurred in performance of their official duties.

83107. The Commission shall appoint an executive director who shall act in accordance with Commission policies and regulations and with applicable law. The Commission shall appoint and discharge officers, counsel and employees, consistent with applicable civil service laws, and shall fix the compensation of employees and prescribe their duties.

83108. The Commission may delegate authority to the chairman or the executive director to act in the name of the Commission between meetings of the Commission.

83109. For purposes of Section 14801 of the Government Code, no nonclassified position under the Commission shall be included in the same class as the civil service classification plan with any position of any other department or agency.

83110. The principal office of the Commission shall be in Sacramento but it may establish offices, meet, and exercise its powers at any other place in the state. Meetings of the Commission shall be public except that the Commission may provide otherwise for discussions of personnel and litigation.

83111. The Commission has primary responsibility for the impartial, effective administration and implementation of this title.

83112. The Commission may adopt, amend and repeal rules and regulations to carry out the purposes and provisions of this title, and to govern procedures of the Commission. These rules and regulations shall be adopted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 4.5, Sections 11371 et seq.) and shall be consistent with this title and other applicable law.

83113. The Commission shall, in addition to its other duties:

(a) Prepare forms for reports, statements, notices and other documents required by this title;

(b) Prepare and publish manuals and instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with and enforcement of this title, and explain the duties of persons and

(c) Provide assistance to agencies and public officials in administering the provisions of this title.

83114. Any person may request the Commission to issue an opinion with respect to his duties under this title. The Commission shall, within fourteen days, either issue the opinion or advise the person who made the request whether an opinion will be issued. No person who acts in good faith on an opinion issued to him by the Commission shall be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. The Commission's opinions shall be public records and may from time to time be published.

83115. Upon the sworn complaint of any person or on its own initiative, the Commission shall investigate possible violations of this title relating to any state agency, state official, state election, lobbyist or state legislative or administrative action. Within fourteen days after receipt of a complaint under this section, the Commission shall notify in writing the person who made the complaint of the action, if any, the Commission has taken or plans to take on the complaint, together with the reasons for such action or non-action. If no decision has been made within fourteen days, the person who made the complaint shall be notified of the reasons for the delay and shall subsequently receive notification as provided above.

83116. When the Commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if such a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 5, Sections 11500 et seq.). The Commission shall have all the powers granted by that chapter.

When the Commission determines on the basis of the hearing that a violation has occurred, it shall issue an order which may require the violator to:

(a) Cease and desist violation of this title;

(b) File any reports, statements or other documents or information required by this title;

(c) Pay a monetary penalty of up to two thousand dollars (\$2,000) to the General Fund of the state.

When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

83117. The Commission may:

(a) Accept grants, contributions and appropriations;

(b) Contract for any services which cannot satisfactorily be performed by its employees;

(c) Employ legal counsel. Upon request of the Commission, the Attorney General shall provide legal advice and representation without charge to the Commission.

83118. The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

83119. The Commission may refuse to excuse any person from testifying, or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the Commission notwithstanding an objection that the testimony or evidence required of him may tend to incriminate him. No individual shall be prosecuted in any manner or subjected to any penalty or forfeiture whatever for or on account of any transaction, act, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. No immunity shall be granted to any witness under this section unless the Commission has notified the Attorney General of its intention to grant immunity to the witness at least thirty days in advance, or unless the Attorney General waives this requirement.

83120. An interested person may seek judicial review of any action of the Commission.

83121. If judicial review is sought of any action of the Commission relating to a pending election, the matter shall be advanced on the docket of the court and put ahead of other actions. The court may, consistent with due process of law, shorten deadlines and take other steps necessary to permit a timely decision.

83122. There is hereby appropriated from the General Fund of the state to the Fair Political Practices Commission the sum of five hundred thousand dollars (\$500,000) during the fiscal year of 1974-1975, and the sum of one million dollars (\$1,000,000), adjusted for cost of living changes, during each fiscal year thereafter, for expenditure to support the operations of the Commission pursuant to this title. The expenditures of funds under this appropriation shall be subject to the normal administrative review given to other state appropriations. The Legislature shall appropriate such additional amounts to the Commission and other agencies as may be necessary to carry out the provisions of this title.

The definition of "expenditure" in Section 82005 is not applicable to this section.

### CHAPTER 4. CAMPAIGN DISCLOSURE

#### Article 1. Organization of Committees

84100. (a) Every committee shall have a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a committee at a time when there is a vacancy in the office of treasurer.

(b) No expenditure shall be made by or on behalf of a committee without the authorization of the treasurer or that of his designated agent.

(c) All contributions received by a person acting as an agent of a candidate shall be reported promptly by such person to the candidate or any of his designated agents, and contributions received by a person acting as an agent of a committee shall be reported promptly by the recipient to the committee's treasurer or any of his designated agents. "Promptly" as used in this section means not later than five days before the closing date of the campaign statement required to be filed by the treasurer, and immediately if the contribution was received less than five days before the closing date. All contributions shall be segregated from and may not be commingled with any personal funds of the recipient or any other person.

(d) It shall be the duty of each candidate, treasurer and elected officer to keep such detailed accounts, records, bills and receipts as shall be required by regulations adopted by the Commission to expedite the performance of all obligations imposed by this chapter.

84101. Every committee which is a committee by virtue of Section 82013 (a) shall file with the Secretary of State a statement of organization within ten days after it is formed as a committee. Each such committee in existence at the date of enactment of this chapter shall file a statement with the Secretary of State within thirty days after the effective date of this chapter. The Secretary of State shall assign a number to each committee which files a statement of organization and shall notify the committee of the number. The Secretary of State shall send a copy of statements filed pursuant to this section to the clerk of each county which he deems appropriate.

84102. The statement of organization required by Section 84101 shall include:

(a) The name, street address and telephone number, if any, of the committee;

(b) The name, street address and telephone number of each person, if any, with which the committee is affiliated or connected;

(c) The full name, street address and telephone number, if any, of the treasurer and other principal officers;

(d) The full name and office sought by each candidate and the title and ballot number, if any, of each measure, which the committee supports or opposes;

(e) A statement whether the committee is independent or controlled, and if it is controlled, the name of each candidate or committee by which it is controlled or with which it acts jointly;

(f) The disposition of surplus funds which will be made in the event of dissolution;

(g) Such other information as shall be required by the rules or regulations of the Commission consistent with the purposes and provisions of this chapter.

84103. Whenever there is a change in any of the information contained in a statement of organization, an amendment shall be filed within ten days to reflect the change.

#### Article 2. Filing of Campaign Statements

84200. Each candidate and each committee supporting or opposing a candidate or candidates shall file campaign statements not later than ten days prior to the election, or later than twelve days prior to the election, and not later than forty-five days after the election.

84201. Notwithstanding the provisions of Section 84200, when a special, general or runoff election is held less than sixty days before the regular

prior to the primary, not later than seven days prior to the primary, not later than seven days prior to the special, general or runoff election, and not later than sixty-five days after the special, general or runoff election.

84202. (a) Not later than sixty-five days after a measure has been qualified for the ballot, the proponent shall file a campaign statement; the closing date of which shall be the fifty-eighth day following the qualification of the measure.

(b) If any proposed measure does not qualify for the ballot, the proponent shall file a campaign statement within sixty-five days after the final deadline for circulating the petition, the closing date of which shall be the fifty-eighth day following the deadline.

84203. Each committee supporting or opposing a measure shall file a campaign statement not later than thirty-five days prior to the election, not later than seven days prior to the election and not later than seventy days after the election.

84204. If a committee is required to file campaign statements with respect to both candidates and measures on the ballot at the same election, the committee may file its campaign statements according to the schedule of any section in this article which is applicable.

84205. The closing date for each campaign statement filed under Sections 84200, 84201 and 84203 is three days prior to the filing deadline, except that when the filing deadline is sixty-five or seventy days after an election, the closing date is seven days prior to the filing deadline. Any campaign statement required by Section 84202, and any campaign statement required to be filed after an election by Sections 84200, 84201 and 84203 may be filed prior to the closing date if all liabilities of the filer have been paid and no additional contributions or expenditures are anticipated.

84206. Every candidate and committee that receives contributions or makes expenditures during the periods specified in this section, and every elected officer, except as provided below, shall file campaign statements as provided in this section, unless the candidate, committee or elected officer is required to file campaign statements in connection with any election or elections held within the periods specified in subsections (a) and (b):

(a) For the period January 1 through June 30, campaign statements shall be filed not later than July 31.

(b) For the period July 1 through December 31, campaign statements shall be filed not later than January 31.

If a campaign statement was filed in connection with an election held during the six-month period immediately prior to a period specified in this section, the period covered by the campaign statement filed pursuant to this section shall begin from the day after the closing date of the previous campaign statement. This section is not applicable to elected officers whose salaries are less than one hundred dollars (\$100) a month or to judges, unless such an elected officer or judge is a candidate or committee who receives contributions or makes expenditures during the specified periods.

84207. Notwithstanding the provisions of Section 84200, a candidate for reelection for judicial office whose name does not appear on the ballot by reason of Section 25304 of the Elections Code shall file his campaign statement within seventeen days following the date of the general election and shall not be required to file any additional campaign statements. His campaign statement shall include contributions and expenditures in connection with his candidacy at both the primary and general elections. If such a candidate's name does not appear on the ballot at the primary election but does appear on the ballot at the general election, he shall file the campaign statements required by Section 84200 before and after the general election, and such campaign statements shall include contributions and expenditures in connection with his candidacy at both the primary and general elections. This section is not applicable to a committee supporting one or more candidates for judicial office, and each such committee shall observe the requirements of Section 84200.

84208. Every person who is required by Section 102 (a) of the Federal Election Campaign Act of 1971 (2 U.S.C.A. section 432 (a)) to file a copy of any statement or report with the Secretary of State of California shall, at the time such filing is required, file two copies of each such statement or report with the Secretary of State, one of which shall have an original signature, and two copies with:

(a) The clerk of Los Angeles County and the clerk of the City and County of San Francisco in the case of reports relating to a campaign for nomination or election of a candidate to the office of President or Vice-President of the United States, or United States Senator;

(b) The clerk of each county in which the congressional district is located in the case of reports relating to the campaign for nomination or election of a candidate to the office of Representative in Congress.

84209. A candidate shall verify his campaign statement and the campaign statement of each committee subject to his control. His verification shall be in accordance with the provisions of Section 81004 except that it shall state that to the best of his knowledge the treasurer of each controlled committee used all reasonable diligence in the preparation of the committee's statement. This section does not relieve the treasurer of any committee from the obligation to verify each campaign statement filed by the committee pursuant to Section 81004.

84210. Each campaign statement required by this article shall contain the following information:

(a) Under the heading "receipts," the total amount of contributions received, and under the heading "expenditures," the total amount of expenditures made during the period covered by the campaign statement and the cumulative amount of such totals (provided that if any loans have been repaid during the period covered by the campaign statement, the amount of such repayment shall be subtracted from the total amount of contributions received and expenditures made, and provided further that the amount of a loan or payment of a loan by a third party shall not be included in such total);

(b) The total amount of contributions received during the period covered by the campaign statement from persons who have given fifty dollars (\$50) or more;

(c) The total amount of contributions received during the period covered by the campaign statement from persons who have given less than fifty dollars (\$50);

(d) The total amount of expenditures made during the period covered by the campaign statement to persons who have received fifty dollars (\$50) or more;

(e) The total amount of expenditures disbursed during the period covered by the campaign statement to persons who have received less than fifty dollars (\$50);

(f) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement;

(g) The full name of each person from whom a contribution or contributions totaling fifty dollars (\$50) or more has been received, together with his street address, occupation, and the name of his employer, if any, or the principal place of business if he is self-employed, the amount he contributed, the date on which each contribution was received during the period covered by the campaign statement, and the cumulative amount he contributed. In the case of committees which are listed as contributors, the campaign statement shall also contain the number assigned to the committee by the Secretary of State or if no such number has been assigned, the full name and street address of the treasurer of the committee. Loans received shall be set forth in a separate schedule and the foregoing information shall be stated in regard to the lender and any person who is liable directly, indirectly or contingently on the loan, together with the date and amount of the loan and, if the loan has been repaid, the date of repayment and by whom paid;

(h) The full name and street address of each person to whom an expenditure or expenditures totaling fifty dollars (\$50) or more has been made, together with the amount of each separate expenditure to each person during the period covered by the campaign statement, a brief description of the consideration for which the expenditure was made; the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee, and in the case of committees which are listed, the number assigned to each such committee by the Secretary of State or if no such number has been assigned, the full name and street address of the treasurer of the committee;

(i) In a campaign statement filed by a committee supporting or opposing more than one candidate or measure, the amount of expenditures for or against each candidate or measure during the period covered by the campaign statement and the cumulative amount of expenditures for or against each such candidate or measure;

(j) The full name, residential and business addresses and telephone numbers of the filer or, in the case of a campaign statement filed by a committee, the name and telephone number of the committee and the committee's street address and telephone number;

(k) In a campaign statement filed by a candidate, the full name and street address of any committee of which he has knowledge, which has received contributions or made expenditures on behalf of the candidate, along with the full name, street address and telephone number of the treasurer of such committee;

84211. In order to determine for purposes of subsections (b), (c), (d), (e), (f) and (h) of Section 84210 whether fifty dollars (\$50) has been contributed by or expended to any person, only those contributions and expenditures which are included within the cumulative amount shall be considered.

84212. Whenever any provision of this chapter requires the filing of a campaign statement by a candidate, the candidate may in lieu thereof file a

84213. Two or more committees which act jointly in support of or in opposition to any candidate or measure may file consolidated campaign statements under this chapter.

84214. Each late contribution shall be reported by filing with the filing officer within forty-eight hours of its receipt the full name, street address, occupation, and the name of employer, if any, or the principal place of business if self-employed, of the contributor. Filing of a report of late contributions may be by any written means of communication, including but not limited to telegram or letter, and need not contain an original signature. Late contributions shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

### Article 3. Prohibitions

84300. No contribution or expenditure of fifty dollars (\$50) or more shall be made in cash. Any contribution of fifty dollars (\$50) or more other than an in-kind contribution shall be made by a written instrument containing the name of the donor and the name of the payee.

84301. No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

84302. No person shall make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both his own full name and street address, occupation, and the name of his employer, if any, or his principal place of business if he is self-employed, and the full name and street address, occupation, and the name of employer, if any, or principal place of business if self-employed, of the other person. The recipient of the contribution shall include in his campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.

84303. No expenditure shall be made, other than overhead or normal operating expenses, by an agent or independent contractor, including but not limited to an advertising agency, on behalf of or for the benefit of any candidate or committee unless it is reported by the candidate or committee. If the expenditure were made directly by the candidate or committee, unless the agent or independent contractor files a campaign statement reporting the expenditures, the agent or independent contractor shall make known to the candidate or committee all information required to be reported by this section.

84304. No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling fifty dollars (\$50) or more in a calendar year. An anonymous contribution of fifty dollars (\$50) or more shall not be kept by the intended recipient but instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state.

84305. No person shall make an expenditure for the purpose of sending a mass mailing unless the postage is paid by postage meter or the mail is sent by first class or third class bulk rate mail. The bulk rate number or meter number shall be stated in a campaign statement, and a copy of every mass mailing in support of or in opposition to a state candidate or state measure shall be sent to the Commission. Such copies sent to the Commission shall be public records.

## CHAPTER 5. LIMITATIONS ON EXPENDITURES

### Article 1. Statewide Candidates

85100. Aggregate expenditures by a statewide candidate, his agents and controlled committees during the five months prior to an election shall not exceed the following amounts, adjusted in all years after 1974 for cost of living changes:

(a) For a primary election for Governor, seven cents (\$0.07) multiplied by the voting age population;

(b) For an election for Governor other than a primary election, nine cents (\$0.09) multiplied by the voting age population;

(c) For a primary or general election for any statewide elective office other than Governor, three cents (\$0.03) multiplied by the voting age population.

85101. The amounts set forth in Section 85100 shall be reduced by ten percent for an incumbent who is seeking reelection to the same statewide elective office.

85102. The state central committee of a political party, and committees and subcommittees which it controls, shall not make expenditures during the five months prior to a statewide election aggregating more than one percent (1.0%) multiplied by the voting age population and adjusted for cost of living changes. For purposes of this section, a county central committee is not a committee or subcommittee controlled by a state central committee.

85103. Except as provided in Sections 85102 or 85104, no independent committees shall make expenditures aggregating more than ten thousand dollars (\$10,000) during the five months preceding a statewide election in support of or in opposition to the candidate seeking a nomination or election to a single statewide elective office. Two or more independent committees which act jointly in making expenditures shall be considered a single independent committee for purposes of this chapter.

85104. Not less than sixty days prior to an election an independent committee may file with the Commission a statement of intent to make expenditures aggregating ten thousand dollars (\$10,000) in support of a statewide candidate. The Commission shall immediately notify all candidates for the nomination or office in question of the statement of intent and shall require the candidate being supported to file a verified statement of whether or not the committee is independent of him. The Commission shall approve the statement of intent not more than thirty-nine days prior to the election if it finds that the committee is an independent committee, that it is in good faith in supporting the candidate, and that it has the intention and ability to incur the expenditures. If the statement of intent is approved, the Commission shall notify each candidate for the nomination or office in question of the statement of intent supported by the independent committee that the limits contained in Section 85100 may be increased by the amount in the statement of intent filed by the independent committee, except to the extent that statements of intent to make expenditures in support of such other candidates are also approved. The Commission shall not approve statements of intent for support of a candidate aggregating more than one cent (0.01%) multiplied by the voting age population and adjusted for cost of living changes. If statements of intent exceeding this amount are submitted, the Commission shall apportion the expenditures among the independent committees which have filed statements of intent on the basis of a strictly arithmetic formula which shall be prescribed by regulation.

85105. Expenditures incurred by an independent committee for communication directed to its own members or employees shall not be included within the limitations contained in Sections 85103 and 85104.

85106. If an expenditure is incurred in support of more than one candidate, the entire amount is charged to each candidate for purposes of Section 85100 and a proportionate amount is charged to each candidate for purposes of Sections 85102 and 85104.

85107. The provisions of Section 82095 to the contrary notwithstanding, for purposes of this chapter an expenditure is made during the five-month period before the election if either payment is made or the consideration is received during that period. However, if the consideration is received before the primary election and payment is made after the primary election, the expenditure shall be charged only to the primary election and not to the general election.

85108. Payments made for the purpose of registering voters or for bringing voters to the polls, here are not expenditures within the meaning of this chapter. This section does not affect the duty to disclose such payments under Chapter 8 of this title.

### Article 2. Circulation of Statewide Petitions

85200. No person shall incur any expenditure in furtherance of the circulation or qualification of a statewide petition without the express or implied authorization of the proponent. For purposes of this article, "expenditure" does not include:

(a) Unreimbursed expenses incurred by a circulator incidental to his circulation of the petition;

(b) Expenditures for advertising or speech regarding the measure unless the advertising or speech is directly incidental to circulation of the petition.

85201. Not more than twenty-five cents (0.25) multiplied by the number of signatures required for qualification, adjusted for cost of living changes, shall be spent in furtherance of the circulation or qualification of a statewide petition.

... by clear and convincing evidence would not have qualified but for a violation of this article. The proponents of the measure shall be a party or real party in interest to any action brought under this section. Actions under this section may be initiated by the Commission or any voter. No judgment shall be issued under this section later than the day prior to the election. If a judgment against the proponent under this section is reversed after the election or after it is too late to submit the measure to the voters on the scheduled day of the election, the proposed measure will be deemed to have qualified on the day of the reversal of the judgment.

85203. Any provision of law to the contrary notwithstanding, the election precinct of a person signing a statewide petition shall not be required to appear on the petition when it is filed with the county clerk, nor any additional information regarding a signer other than the information required to be written by the signer.

### Article 3. Statewide Measures

85300. "Expenditures" as used in this article means expenditures to influence the action of the voters for or against the adoption of any state measure which has qualified to be placed on the ballot.

85301. No committee shall make expenditures with respect to any state measure in excess of ten thousand dollars (\$10,000) without complying with the requirements of this article. For purposes of this article, two or more committees which act jointly in making expenditures shall be deemed a single committee.

85302. Any committee which intends to make expenditures in excess of ten thousand dollars (\$10,000) with respect to any state measure shall, not later than twenty-eight days prior to the election, file a statement of intent with the Commission, which shall identify the measure and state whether the committee intends to support or oppose the measure and the amount the committee intends to spend. The Commission shall approve the statement of intent, subject to the limitations set forth in this article, if it finds that the committee is in good faith in supporting or opposing the measure and that it has the intention and ability to incur the expenditures. Not less than twenty-one days prior to the election the Commission shall notify each committee whose statement of intent has been approved of the limitation on expenditures that is applicable to the committee.

85303. Aggregate expenditures in support of or in opposition to a state measure shall not exceed the lower of the amounts set forth in subsection (a) or (b) of this section.

(a) Eight cents (\$.08) multiplied by the voting age population, adjusted for cost of living changes.

(b) Five hundred thousand dollars (\$500,000) plus the aggregate amount set forth in the approved statements of intent filed by committees on the opposite side of the issue.

85304. If the aggregate amounts set forth in the approved statements of intent filed in support of or in opposition to a state measure exceed the limitations contained in Section 85303, the Commission shall apportion the permissible expenditures among the committees which have filed statements of intent on the basis of a strictly arithmetic formula which shall be prescribed by regulation.

85305. Expenditures incurred by a committee for communication directed to its own members or employees shall not be included within the limitations imposed by this article.

## CHAPTER 6. LOBBYISTS

### Article 1. Registration and Reporting

86100. Any person employed or retained as a lobbyist shall register with the Secretary of State before doing anything to influence legislative or administrative action.

86101. Each lobbyist shall register by filing with the Secretary of State a recent 3-inch by 4-inch black-and-white photograph of himself, a written authorization to act as a lobbyist from each person by whom he is employed or with whom he contracts, and a statement containing:

(a) His full name, business address, and telephone number;

(b) The name and business address of each person by whom he is employed or with whom he contracts for lobbying purposes, and the form of his employment or contract if known;

(c) A listing of each state agency whose administrative actions he will attempt to influence as a substantial or regular portion of his activities as a lobbyist; and

(d) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

86102. Each registered lobbyist shall renew his registration by filing a new photograph, authorization and registration statement within twenty days after the opening of each regular session of the Legislature.

86103. If any change occurs in any of the information contained in a registration statement, an appropriate amendment shall be filed within twenty days after the change. Each registered lobbyist shall file a notice of termination within thirty days after he ceases the activity which required his registration. He shall remain subject to Sections 86202 and 86203 for six months after filing his notice of termination.

86104. All information listed on any registration statement and on any amendment, renewal or notice of termination shall be printed in the journals of the Senate and Assembly within thirty days after filing. Within one hundred twenty days after the commencement of each regular session of the Legislature, the Secretary of State shall publish a directory of registered lobbyists. He shall publish, from time to time, such supplements to the directory as may be necessary.

86105. Every lobbyist who incurs expenses or expects to incur expenses in connection with his activities as a lobbyist shall establish one or more accounts, each of which shall be designated by a name. All payments received by a lobbyist for the purpose of paying expenses incurred by him in connection with his activities as a lobbyist shall be deposited without delay into his account. A lobbyist may deposit other funds, including his own personal funds, into his account.

86106. (a) Except as provided in subsection (b) of this section, no person shall pay any expense incurred by a lobbyist in connection with his activities as a lobbyist unless such payment is made directly from the lobbyist's account. Any lobbyist who makes a gift to an elected state officer, legislative official or an agency official is deemed to be acting in connection with his activities as a lobbyist.

(b) The Commission shall promulgate regulations permitting the use of cash which has been withdrawn from a lobbyist's account to defray petty cash items.

86107. Every lobbyist shall file periodic reports containing:

(a) The monetary value of all payments, including but not limited to salary, fees, and reimbursement of expenses, received in consideration for or directly or indirectly in support of or in connection with influencing legislative or administrative action, and the full name and address of each person from whom amounts or things of value have been received and the total monetary value received from each person;

(b) With respect to each account controlled by the lobbyist at any time during the period covered by the reports:

(1) The name of the account;

(2) The amount deposited in the account during the period;

(3) The full name and address of each person who is the source of any amounts deposited into the account, together with the amount attributable to each source;

(4) The date and amount of each disbursement from the account during the period, together with the full name and address of the payee, a specific description of the consideration, if any, for which the disbursement was made and the full name and address of official position of the beneficiary. If the beneficiary is other than the payee or the lobbyist, in the case of disbursements for gifts of food and beverages, the full name of the person and the official position, if any, who received the food and beverages, and the amount paid for each person shall be stated. In the case of any disbursement which covers more than one item, an itemization shall be shown that would be required if a separate disbursement had been made for each item. The Commission may by regulation provide for the reporting of overhead expenditures without detailed itemization; and

(5) The cash balance of the account at the beginning and end of the period covered by the report.

(c) With respect to any expenses in furtherance of his activities as a lobbyist which, pursuant to Section 86106(b), are not made directly from an account, such information as regulations of the Commission shall require:

(1) The name and official position of each elected state official, legislative official and agency official, the name of each state candidate, and the name of each member of the immediate family of any such official or candidate with whom the lobbyist has engaged in an exchange of money, goods, services or anything of value and the nature and date of each such exchange and the monetary value exchanged;

(2) The name and address of any business entity in which the lobbyist knows or has reason to know that an elective state official, legislative official, agency official or state candidate is a proprietor, partner, director, officer or manager, or has more than a fifty percent ownership interest, with

anything of value and the nature and date of each exchange and the monetary value exchanged, if the total value of such exchanges is five hundred dollars (\$500) or more in a calendar year;

(3) A specific description of legislative or administrative action which the lobbyist has influenced or attempted to influence, and the agencies involved, if any;

(4) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

86108. Subject to the exceptions in Section 86300, the following persons shall file the statements required by Section 86107:

(a) Any person who employs or contracts for the services of one or more lobbyists, whether independently or jointly with other persons; and

(b) Any person who directly or indirectly makes payments to influence legislative or administrative action of two hundred fifty dollars (\$250) or more in value in any month, unless all of the payments are of the type described in Section 82045(c).

86109. Every person described in Section 86108 shall file periodic reports containing:

(a) The name, business address and telephone number of the person making the report;

(b) Information sufficient to identify the nature and interests of the filer, including:

(1) If the filer is an individual, the name and address of his employer, if any, or his principal place of business if he is self-employed, and a description of the business activity in which he or his employer is engaged;

(2) If the filer is a business entity, a description of the business activity in which it is engaged;

(3) If the filer is an industry, trade or professional association, a description of the industry, trade or profession which it represents including a specific description of any portion or faction of the industry, trade or profession which the association exclusively or primarily represents and, if the association has no more than fifty members, the names of the members; and

(4) If the filer is not an individual, business entity or industry, trade or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived.

The information required by this subsection (b) need be stated only in the first report filed during a calendar year, except to reflect changes in the information previously reported.

(c) The total amount of payments to influence legislative and administrative action during the period, and the name and address of each person to whom such payments in an aggregate value of twenty-five dollars (\$25) or more have been made during the period by the filer, together with the date, amount, and a description of the consideration received for each such expenditure, and the name of the beneficiary of each expenditure if other than the filer or the payee.

(d) The name and official position of each elective state official, legislative official and agency official, the name of each state candidate, and the name of each member of the immediate family of any such official or candidate with whom the filer has engaged in an exchange of money, goods, services or anything of value and the nature and date of each such exchange and the monetary value exchanged, if the fair market value of either side of the exchange exceeded one thousand dollars (\$1,000).

(e) The name and address of any business entity in which the person making the report knows or has reason to know that an elective state official, legislative official, agency official or state candidate is a proprietor, partner, director, officer, manager, or has more than a fifty percent ownership interest, with whom the person making the report has engaged in an exchange of money, goods, services or anything of value and the nature and date of each such exchange and the monetary value exchanged, if the total value of such exchanges is one thousand dollars (\$1,000) or more in a calendar year;

(f) The date and amount of each contribution made by the filer and the name of the recipient of each contribution;

(g) A specific description of legislative or administrative action which the person making the report has attempted to influence;

(h) The name of each lobbyist employed or retained by the person making the report, together with the total amount paid to each lobbyist and the portion of that amount which was paid for specific purposes, including salary, fees, general expenses and any special expenses.

(i) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

86110. Reports required by Sections 86107 and 86109 shall be filed during the month following each month during any part of which the Legislature was in session and during the month following each calendar quarter. The period covered shall be from the beginning of the calendar year through the last day of the month prior to the month during which the report is filed, except that the period covered shall not include any month covered in previous reports filed by the same person. When total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire calendar year to date.

86111. All information contained in reports filed pursuant to this article shall be printed in a supplement to the Senate and Assembly journals within ninety days after they are filed.

### Article 2. Prohibitions

86200. "Contribution" as used in this article means a contribution made to a state candidate, a committee supporting a state candidate, or an elected state officer.

86201. "Gift" as used in this article means a gift made directly or indirectly to a state candidate, an elected state officer, a legislative official or an agency official.

86202. It shall be unlawful for a lobbyist to make a contribution, or to act as an agent or intermediary in the making of any contribution, or to arrange for the making of any contribution by himself or by any other person.

86203. It shall be unlawful for a lobbyist to make gifts to one person aggregating more than ten dollars (\$10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

86204. It shall be unlawful for any person knowingly to receive any contribution or gift which is made unlawful by Section 86202 or 86203.

### 86205. No lobbyist shall:

(a) Do anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to him or to his employer;

(b) Engage in activities in connection with any elected state officer, legislative official, agency official or state candidate with respect to any material fact pertinent to any pending or proposed legislative or administrative action;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat;

(d) Attempt to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or in cause any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person;

(e) Represent falsely, directly or indirectly, that he can control the official action of any elected state officer, legislative official, or agency official;

(f) Accept or agree to accept any payment in any way contingent upon the defeat, enactment or outcome of any proposed legislative or administrative action.

### Article 3. Exemptions

86300. The provisions of this chapter are not applicable to:

(a) Any elected public official acting in his official capacity, or any employee of the State of California acting within the scope of his employment;

(b) Any newspaper or other periodical of general circulation, book publisher, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which is the ordinary course of business publishing news items, editorials, or other communications, or paid advertisement, which directly or indirectly urge legislative or administrative action if such newspaper, periodical, book publisher, radio or television station or individual, unless in no further or other activities in connection with urging legislative or administrative action other than to appear before a committee of the Legislature or before a state agency in support of or in opposition to such action; or

(c) A person who representing a bona fide church or religious society acting for the purpose of protecting the public right to practice the disciplines of such church.

## CHAPTER 7. CONFLICTS OF INTEREST

### Article 1. General Prohibitions

87100. No public official of any level of state or local government shall make, participate in making or in any way attempt to use his official position

87101. Section 87100 does not prevent any public official from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that an official's vote is needed to break a tie does not make his participation legally required for purposes of this section.

87102. The requirements of Section 87100 are in addition to the requirements of Articles 2 and 3 of this chapter and any Conflict of Interest Code adopted thereunder. No provision of Chapter 11 of this title is applicable to this article except the provisions of Section 91003. The remedies provided in that section may be sought against any public official other than an elected state officer, and those remedies are the exclusive remedies for a violation or threatened violation of Section 87100.

87103. An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on:

- Any business entity in which the public official has a direct or indirect investment worth more than one thousand dollars (\$1,000);
  - Any real property in which the public official has a direct or indirect interest worth more than one thousand dollars (\$1,000);
  - Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating two hundred fifty dollars (\$250) or more in value received by or promised to the public official within twelve months prior to the time when the decision is made; or
  - Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.
- For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent or behalf of a public official, by any business entity controlled by the public official or by a trust in which he has a substantial interest. A business entity is controlled by a public official if the public official, his agents, spouse and dependent children hold more than fifty percent of the ownership interest in the entity. A public official has a substantial interest in a trust when the official, his spouse and dependent children have a present or future interest worth more than one thousand dollars (\$1,000).

## Article 2. Disclosure

87200. This article is applicable to elected state officers, members of the board of supervisors and chief administrative officers of counties, mayors, city managers, chief administrative officers and members of city councils of cities, and to candidates for any of these offices at any election.

87201. Every candidate for an office specified in Section 87200 shall file with his declaration of candidacy a statement disclosing his investments and his interests in real property.

87202. Every person who is elected to an office specified in Section 87200 shall, within thirty days after assuming such office, file a statement disclosing his investments and his interests in real property. Every person who is appointed to an office specified in Section 87200 shall file such a statement not less than ten days prior to assuming office. Persons who hold an office mentioned in Section 87200 on the effective date of this article shall file such a statement within thirty days after the effective date of this article.

87203. Every person who holds an office specified in Section 87200 shall, within thirty days after each anniversary of assuming office, file a statement disclosing his investments, his interests in real property and his income during the period since the previous statement filed under this section or Section 87202. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

87204. Every person who leaves an office specified in Section 87200 shall, within thirty days after leaving the office, file a statement disclosing his investments, his interests in real property, and his income during the period since the previous statement filed under Sections 87202 or 87203. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

87205. (a) For purposes of determining the anniversary of assuming an office, the date on which the term of office began is deemed the date of assuming office, whether or not the person holding the office actually assumed the office on that date.

(b) A person who completes a term of an office specified in Section 87200 and on the same day begins a term of the same office or another such office of the same jurisdiction is not deemed to assume office or leave office. The day on which the new term begins shall be deemed an anniversary of assuming the office.

87206. When an investment or an interest in real property is required to be disclosed under this article, the statement shall contain:

- A statement of the nature of the investment or interest;
- The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- The address or other precise location of the real property;
- A statement whether the fair market value of the investment or interest in real property exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer;
- In the case of an investment which constitutes fifty percent or more of the ownership interest in a business entity, disclosure of the investments and interests in real property of the business entity;
- In the case of a statement filed under Sections 87201 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

87207. (a) When income is required to be reported under this article, the statement shall contain, except as provided in subsections (b) and (c):

- The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
- A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000), and whether it was greater than ten thousand dollars (\$10,000);
- A description of the consideration, if any, for which the income was received;
- In the case of a gift, the amount and the date on which the gift was received.

(b) When income of a business entity, including income of a sole proprietorship, is required to be reported under this article, the statement shall contain:

- The name, address, and a general description of the business activity of the business entity;
- In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);
- In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

## Article 3. Conflict of Interest Codes

87300. Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

87301. It is the policy of this act that Conflict of Interest Codes shall be formulated at the most decentralized level possible, but without precluding intra-departmental review. Any question of the level of a department which should be deemed an agency for purposes of Section 87300 shall be resolved by the code reviewing body.

87302. Each Conflict of Interest Code shall contain the following provisions:

- Specific enumeration of the positions within the agency which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;
- Requirements that each designated employee file annual statements disclosing investable investment, interests in real property and income. The Conflict of Interest Code shall set forth for each position or category of positions enumerated under subsection (a) of this section the specific types of investments, interests in real property and income which are reportable and the manner of reporting each item. An investment, interest in real property, or income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee while in the position. The manner of reporting reportable items shall be substantially equivalent to the requirements of Article 2 of this chapter. The first statement filed under this section by a designated employee shall disclose all reportable investments and interests in real property. Statements shall be filed by each designated employee within thirty days after the effective date of the Conflict of Interest Code. Thereafter, new civil service designated

employees shall file statements within thirty days after assuming office. All other new designated employees shall file statements not less than ten days before assuming office or, if subject to confirmation, ten days before being confirmed, unless an earlier assumption of office is required by emergency circumstances. The provisions of the Conflict of Interest Code adopted under this subsection shall not be applicable to any designated employee who is covered by Article 2 of this chapter.

(c) Specific provisions setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making or participating in the making of any decision. Disqualification shall be required by the Conflict of Interest Code when the designated employee has a financial interest as defined in Section 87103, which it is reasonably foreseeable may be affected materially by the decision. No designated employee shall be required to disqualify himself with respect to any matter which could not legally be acted upon or decided without his participation.

87303. No Conflict of Interest Code shall be effective until it has been approved by the code reviewing body. Each agency shall submit a proposed Conflict of Interest Code to the code reviewing body by the deadline established for the agency by the code reviewing body. The deadline for any agency in existence on April 1, 1975, shall not be earlier than April 1, 1976. The deadline for any agency not in existence on April 1, 1975, shall be six months after it comes into existence. Within ninety days after receiving the proposed code or receiving any proposed amendments or revisions, the code reviewing body shall:

- Approve the proposed code as submitted;
- Revise the proposed code and approve it as revised; or
- Return the proposed code to the agency for revision and resubmission within sixty days. The code reviewing body shall either approve the revised code or revise it and approve it. When a proposed Conflict of Interest Code or amendment is approved by the code reviewing body, it shall be deemed adopted and shall be promulgated by the agency.

87304. If any agency fails to submit a proposed Conflict of Interest Code or amendments within the time limits prescribed pursuant to Sections 87303 or 87305, the code reviewing body may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a Conflict of Interest Code for the agency.

87305. If after six months following the deadline for submission of the proposed Conflict of Interest Code to the code reviewing body no Conflict of Interest Code has been adopted and promulgated, the superior court may, in an action filed by the agency, the code reviewing body, any officer, employee, member or consultant of the agency, or any resident of the jurisdiction, prepare a Conflict of Interest Code and order its adoption by the agency or grant any other appropriate relief. The agency and the code reviewing body shall be parties to any action filed pursuant to this section.

87306. Every agency shall amend its Conflict of Interest Code, subject to the provisions of Section 87303, when change is necessitated by changed circumstances, including the creation of new positions which must be designated pursuant to Section 87302 (a) and relevant changes in the duties assigned to existing positions. Proposals for amendments or revisions shall be submitted to the code reviewing body within ninety days after the changed circumstances necessitating the amendments have become apparent. If after nine months following the occurrence of such changes the Conflict of Interest Code has not been amended or revised, the superior court may issue any appropriate order in an action brought under the procedures set forth in Section 87305.

87307. An agency may at any time amend its Conflict of Interest Code, subject to the provisions of Section 87303, either upon its own initiative or in response to a petition submitted by an officer, employee, member or consultant of the agency, or a resident of the jurisdiction. If the agency fails to act upon such a petition within ninety days, the petition shall be deemed denied. Within thirty days after the denial of a petition, the petitioner may appeal to the code reviewing body. The code reviewing body shall either dismiss the appeal or issue an appropriate order to the agency within ninety days.

87308. Judicial review of any action of a code reviewing body under this chapter may be sought by the agency, by an officer, employee, member or consultant of the agency, or by a resident of the jurisdiction.

87309. No Conflict of Interest Code or amendment shall be approved by the code reviewing body or signed by a court if it:

- Fails to provide reasonable assurance that all foreseeable potential conflict of interest situations will be detected or prevented;
- Fails to provide to each affected person a clear and specific statement of his duties under the Code; or
- Fails to adequately differentiate between designated employees with different powers and responsibilities.

87310. If the duties of a designated employee are so broad or indefinite that the requirements of Section 87302 cannot be complied with, the Conflict of Interest Code shall require the designated employee to comply with the requirements of Article 2 of this chapter.

87311. The review of proposed Conflict of Interest Codes by the commission and by the Attorney General and the preparation of proposed Conflict of Interest Codes by state agencies shall be subject to the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by local government agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.

87312. The Commission shall, upon request, provide technical assistance to agencies in the preparation of Conflict of Interest Codes. Such assistance may include the preparation of model provisions for various types of agencies. Nothing in this section shall relieve each agency of the responsibility for adopting a Conflict of Interest Code appropriate to its individual circumstances.

## CHAPTER 8. BALLOT PAMPHLET

88000. There shall be a state ballot pamphlet which shall be prepared by the Secretary of State.

88001. The ballot pamphlet shall contain:

- A complete copy of each state measure;
- A copy of the specific constitutional or statutory provision, if any, which would be repealed or revised by each state measure;
- A copy of the arguments and rebuttals for and against each state measure;
- A copy of the analysis of each state measure;
- Tables of contents, indexes, art work, graphics and other materials which the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.

88002. The ballot pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

- Upon the top portion of the first page and not exceeding one-third of the page shall appear:
  - The identification of the measure by number and title;
  - The official summary prepared by the Attorney General;
  - The total number of votes cast for and against the measure in both the State Senate and Assembly if the measure was passed by the Legislature.
- Upon the lower portion of the first left page and upon the top half of the right page, if necessary, shall appear the analysis prepared by the legislative analyst.

(c) If arguments for and against the measure have been submitted, then the text of the measure shall appear on the right page facing the analysis. If the text does not fit on that page, it shall be continued in the back of the pamphlet. Arguments for and against the measure shall be placed on the next left and right pages, respectively. The rebuttals shall be placed immediately below the arguments.

(d) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis. The text of the measure shall be printed in the back of the pamphlet.

(e) The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(f) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency."

88003. The legislative analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenues or cost to state or local government. The analysis shall be written in clear and concise terminology which will easily be understood by the average voter, and shall explain the use of technical terms whenever necessary. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information which the average voter needs to understand the measure adequately. The legislative

Analyst may cooperate with professional writers, educational specialists or other persons for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The legislative analyst may also request the assistance of any state department, agency, or official in preparing his analysis. The title of the measure which appears on the ballot shall be amended to contain a summary of the legislative analyst's estimate of the net state and local government financial impact.

88004. Measures shall be printed in the ballot pamphlet, so far as possible, in the same order, manner and form in which they are designated upon the ballot.

88005. The ballot pamphlet shall be printed according to the following specifications:

- The pages of the pamphlet shall be not smaller than 8 1/2 x 11 inches in size;
- It shall be printed in clear readable type, no less than 10-point, except that the text of any measure may be set forth in 8 point type;
- It shall be printed on a quality and weight of paper which in the judgment of the Secretary of State best serves the voters;
- The pamphlet shall contain a certificate of correctness by the Secretary of State.

88005.5 The Legislative Counsel shall prepare and proofread the texts of all measures and the provisions which are repealed or revised.

88006. Not less than twenty days before he submits the copy for the ballot pamphlet to the state printer, the Secretary of State shall make such copy available for public examination. Any voter may seek a writ of mandate requiring any such copy to be amended or deleted from the ballot pamphlet. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading or inconsistent with the requirements of this chapter or the Elections Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the ballot pamphlet as required by law. Venue for a proceeding under this section shall be exclusively in Sacramento County. The Secretary of State shall be named as the respondent and the state printer and the person or official who authored the copy in question shall be named as real parties in interest. If the proceeding is initiated by the Secretary of State, the state printer shall be named as the respondent.

88007. Notwithstanding the provisions of Section 81012, the Legislature may without restriction amend this chapter to add to the ballot pamphlet information regarding candidates or any other information.

## CHAPTER 9. INCUMBENCY

88008. Any provision of law to the contrary notwithstanding, the order of names of candidates on the ballot in every election shall be determined without regard to whether the candidate is an incumbent.

88009. No legislative newsletter or other mass mailing shall be sent at public expense by or on behalf of any elected state officer after the elected state officer has filed a declaration of candidacy for any office.

## CHAPTER 10. AUDITING

90000. Except as provided in Section 90006, the Franchise Tax Board shall make audits and field investigations with respect to reports and statements filed with the Secretary of State under Chapters 4 and 6 of this title.

90001. Audits and investigations shall be made pursuant to Section 90000 with respect to the reports and statements of:

- Each lobbyist required to register or file with the secretary of State;
- Each candidate who has received more than fifteen percent of the total vote cast for the office for which he was running in either a general or special election;
- Each candidate running in a primary, general, or special election for whom the Franchise Tax Board determines more than twenty-five thousand dollars (\$25,000) of expenditures have been made, whether by the candidate or by a committee or committees supporting his candidacy;
- Each committee, other than a committee defined in Section 82013(c), supporting one or more such candidates, insofar as its reports and statements relate to the support of such candidates;
- Each committee, other than a committee defined in Section 82013(c), which is required to register or file reports or statements with the Secretary of State, and which the Franchise Tax Board determines has spent more than ten thousand dollars (\$10,000) during any calendar year.

90002. (a) Audits and investigations of all lobbyists shall be performed annually and shall cover all reports and statements filed since the previous audit and investigation.

(b) No audit or investigation of any candidate or committee in connection with a report or statement required by Chapter 4 of this title, other than a report or statement required by Section 84205, shall begin until after the last date for filing the first report or statement following the general or special election for the office for which the candidate ran, or following the election at which the measure was adopted or defeated. When the campaign statements of a candidate or a committee supporting a candidate are audited and investigated, the audit and investigation shall cover all campaign statements filed in connection with the primary and general or special elections and any previous campaign statements filed pursuant to Section 84205 since the last campaign statement filed in connection with an election.

The Franchise Tax Board shall determine from its audit and investigation if there is probable cause to believe that any candidate, committee or proponent of a state measure has exceeded the limitations provisions of Chapter 5. Any such finding shall be reported to the Commission and the Attorney General.

90003. In addition to the audits and investigations required by Section 90001, the Franchise Tax Board and the Commission may make investigations and audits with respect to any reports or statements required by Chapters 4 or 6 of this title.

90004. The Franchise Tax Board shall periodically prepare reports which shall be sent to the Commission and the Attorney General. The reports of the Franchise Tax Board shall be public documents and shall contain in detail the Franchise Tax Board's findings with respect to the accuracy and completeness of each report and statement reviewed and its findings with respect to any report or statement that would have been but was not filed.

90005. No member, employee or agent of the Franchise Tax Board shall divulge or make known in any manner any particulars of any reports, documents, or information which he receives by virtue of this chapter, except in furtherance of the work of the Franchise Tax Board or in connection with any court proceeding or any lawful investigation of any agency.

90006. Audits and field investigations of candidates for Controller and member of the Board of Equalization and of committees supporting such candidates shall be made by the Commission instead of the Franchise Tax Board.

## CHAPTER 11. ENFORCEMENT

91000. (a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.

(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars (\$10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.

(c) Prosecution for violation of this title must be commenced within two years after the date on which the violation occurred.

91001. (a) The Attorney General is responsible for enforcing the criminal provisions of this title with respect to state agencies, lobbyists and state elections. The city and district attorneys of any city or county in which a violation occurs have concurrent powers and responsibilities with the Attorney General.

(b) The civil prosecutor is prima facie responsible for enforcement of the civil penalties and remedies of this title. The civil prosecutor is the Commission with respect to the state or any state agency, the city attorney with respect to a city or city agency, and the district attorney with respect to any other agency. The civil prosecutor may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction.

91002. No person convicted of a misdemeanor under this title shall be a candidate for any public office or act as a principal for a period of four years following the date of the conviction unless the court at the time of sentencing specifically determines that this provision shall not be applicable. A plea of not guilty to a misdemeanor shall be deemed a conviction for purposes of this section. Any person violating this section is guilty of a felony.

91003. (a) Any person residing in the jurisdiction may sue for injunctive relief to enforce, restrain or to compel compliance with the provisions of this title. The court may in its discretion require the plaintiff to file a complaint with the Commission prior to seeking injunctive relief. The court may award to a plaintiff or defendant who prevails his costs of litigation.

(b) Upon a preliminary showing in an action brought by a person residing in the jurisdiction that a violation of Article 1 of Chapter 7 of this title or of a disqualification provision of a Conflict of Interest Code has occurred, the court may restrain the execution of any official action in relation to which such a violation occurred, pending final adjudication. If it is ultimately determined that a violation has occurred and that the official action might not otherwise have been taken or approved, the court may set the official action aside as void. The official actions covered by this subsection include but are not limited to orders, permits, resolutions and contracts, but do not include the enactment of any state legislation. In considering the granting of preliminary or permanent injunctive relief under this subsection, the court shall accord due weight to any injury that may be suffered by innocent persons relying on the official action.

91003.5 Any person who violates a provision of Article 2 or 3 of Chapter 7 is subject to discipline by his agency, including dismissal, consistent with any applicable civil service or other personnel laws, regulations and procedures.

91004. Any person who intentionally or negligently violates any of the reporting requirements of this act shall be liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount not more than the amount or value not properly reported.

91005. (a) Any person who makes or receives a contribution, gift or expenditure in violation of Section 84300, 84304, 86202, 86203 or 86204, or makes an expenditure in violation of Chapter 5 is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to five hundred dollars (\$500) or three times the amount of the unlawful contribution, gift or expenditure, whichever is greater.

(b) Any designated employee who realizes an economic benefit as a result of a violation of a disqualification provision of a Conflict of Interest Code is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to three times the value of the benefit.

91006. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

91007. Any person, before filing a civil action pursuant to Sections 91004 and 91005, must first file with the civil prosecutor a written request for the civil prosecutor to commence the action. The request shall include a statement of the grounds for believing a cause of action exists. The civil prosecutor shall respond within forty days after receipt of the request, indicating whether he intends to file a civil action. If the civil prosecutor indicates in the affirmative, and files suit within forty days thereafter, no other action may be brought unless the action brought by the civil prosecutor is dismissed without prejudice as provided for in Section 91008.

91008. Not more than one judgment on the merits with respect to any violation may be obtained under Sections 91004 and 91005. Actions brought for the same violation or violations shall have precedence for purposes of trial in order of the time filed. Such actions shall be dismissed once judgment has been entered or a settlement approved by the court in a previously filed action. The court may dismiss a pending action without prejudice to any other action for failure of the plaintiff to proceed diligently and in good faith. The action may be so dismissed on motion of the civil prosecutor or any plaintiff in an action based on the same violation.

91009. In determining the amount of liability under Sections 91004 or 91005, the court may take into account the seriousness of the violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action brought under Section 91004 or 91005, the plaintiff shall receive fifty percent of the amount recovered. The remaining fifty percent shall be deposited in the General Fund of the state. In an action brought by the civil prosecutor, the entire amount recovered shall be paid to the general fund or treasury of the jurisdiction.

91010. No request to the civil prosecutor pursuant to Section 91007 shall be made or filed in connection with a report or statement required by Chapter 4 of this title until the time when an audit and investigation could be begun under Section 90002 (b).

91011. No action shall be filed under Sections 91004 or 91005 more than two years after the first day on which a request to the civil prosecutor could be filed.

91012. The court may award to a plaintiff or defendant other than an agency, who prevails in any action authorized by this title his costs of litigation, including reasonable attorney's fees. On motion of any party, a court shall require a private plaintiff to post a bond in a reasonable amount at any stage of the litigation to guarantee payment of costs.

91013. If any person files a statement or report, or a copy of a statement or report, after any deadline imposed by the act, he shall, in addition to any other penalties or remedies established by this act, be liable to the filing officer or other officer with whom the copy is required to be filed for the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed. The officer shall deposit any funds received under this section into the general fund of the jurisdiction of which he is an officer. No liability under this section shall exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100), whichever is greater.

91014. Nothing in this chapter shall exempt any person from applicable provisions of any other laws of this state.

SECTION 7: Chapter 1 (commencing with Section 11500) of Division B of the Elections Code is repealed.

### ~~§ 11500. Definitions~~

~~Unless the context otherwise clearly requires, the definitions set forth in this article shall govern the construction of this chapter.~~

### ~~11501. Candidates~~

~~"Candidate" means any person who seeks nomination or election to a federal, state, county, or local office, or to a district office, or to a nonpartisan office in a general law or official law election, or to a primary election, or to a caucus, or to a committee of the election primary election.~~

### ~~§ 11502. Committee~~

~~"Committee" means a committee or group of persons organized for the purpose or charged with the duty of conducting the election campaign of any political party or of any candidate or group of candidates.~~

### ~~§ 11503. Campaign statement~~

~~"Campaign statement" means an itemized statement prepared in duplicate by a candidate and by the treasurer of a committee, including under each of the following provisions of Section 11504:~~

~~(a) In detail all money paid, loaned, contributed, or otherwise furnished, directly or indirectly, to the candidate or treasurer or for the use of the candidate or treasurer, in aid of the candidate's nomination or election;~~

~~(b) All money contributed, loaned or expended, directly or indirectly, by the candidate or treasurer or through any other person in aid of the candidate's nomination or election;~~

~~(c) The names of all persons who paid, loaned, contributed, or otherwise furnished, directly or indirectly,~~

~~and the amount of all money to whom such money was paid, loaned, contributed, or otherwise furnished, directly or indirectly.~~





with the Secretary of State. Other candidates and employees required to file statements under this chapter shall file with the county clerk in the county in which they reside.

§ 3704. Violations

A candidate who violates a provision of this chapter is guilty of a misdemeanor and any person who violates a provision of this chapter with the knowledge of the truthfulness of such act or omission is guilty of a felony.

§ 3750. Statement by candidate; contents; filing

Each candidate for state or local public office and each political committee supporting such candidate shall file, as a public record, a written statement containing such pertinent information as follows: (a) Total amount of money expended on behalf of his campaign together with the specific amounts contributed by each person or organization.

Statement for a candidate for state office shall be filed with the Secretary of State, and statements for candidates for local office shall be filed with the county clerk of the county in which the candidate resides.

§ 3751. Time for filing

Statements required under Section 3750 shall be filed at the following times:

(a) Between 30 and 25 days prior to the election;

(b) Between 30 and 15 days after the election.

§ 3752. Condition with campaign statement

A statement required under the provisions of Section 3751 may be completed if the campaign statement submitted in Section 3750 of this election code.

§ 3753. Definitions

A candidate for public office

(a) "Candidate" means a person who has filed a statement of intent to run for public office and who has been placed on the ballot.

(b) "Candidate for public office" means a person who has filed a statement of intent to run for public office and who has been placed on the ballot.

§ 3754. Violations

A candidate who violates a provision of this chapter is guilty of a misdemeanor and any person who violates a provision of this chapter with the knowledge of the truthfulness of such act or omission is guilty of a felony.

§ 3755. Estimate of financial impact of measure

The Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3756. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

SECTION 61. Sections 3566, 3566.3, 3568, 3569, 3570, 3571 and 3572 of the Elections Code are repealed.

§ 3566. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3566.3. Estimate of financial impact of measure

The Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3568. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3569. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3570. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3571. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3572. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3573. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3574. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3575. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3576. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3577. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3578. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3579. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3580. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.

§ 3581. Analytical measure

Whenever any measure qualifies for a place on the ballot the Secretary of State shall submit to each legislative committee a copy of the measure to be considered. The legislative committee shall prepare an advisory report on the measure and submit it to the Secretary of State. The Secretary of State shall submit the advisory report to the Legislature.