



## WASHINGTON LOBBYING DISCLOSURE

These resources are current as of 1/1/2019. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law.

Please email us at [advocacy@afj.org](mailto:advocacy@afj.org).

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### WHAT'S NEW IN THIS GUIDE

The following changes/additions have been made since the previous version of this guide:

- Updates to dollar amounts;
- Updated information regarding the reporting requirements applicable to lobbyist employers.
- **Note: Special attention should be paid to these reporting requirements.** Between September of 2015 and April of 2016, the State of Washington brought four separate lawsuits against non-profit organizations for having failed to file the required L-3c forms discussed herein.

**This guide summarizes key aspects of laws and regulations governing lobbying on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice**

**In some jurisdictions, including both the City of Seattle and King County, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.**

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# DEFINITIONS

## Lobbying

Lobbying – attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act. [RCW 42.17A.005\(33\)](#).

1. Legislative lobbying also “includes efforts to inform, sway, convince, or otherwise influence the action or inaction of legislative staff [including] gift, travel and entertainment expenditures for legislative staffers.” [PDC Lobbyist Employer Instructions](#) at “[Basic Information](#).”
2. State agency lobbying includes attempting to influence state agencies with respect to their “legislative” functions, i.e., setting rules, rates or standards. [PDC Lobbyist Employer Instructions](#) at “[Basic Information](#).”
3. Lobbying does not include an organization's act of communicating with its members. [RCW 42.17A.005\(33\)](#).

Legislation – “Legislation” includes bills, resolutions, motions, amendments, nomination, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and resolutions that, having passed both houses, are pending approval by the governor.” [RCW 42.17A.005\(31\)](#).

State Agency – “State Agency” includes every state office, department, division, board, bureau, commission, or other state agency. [RCW 42.17A.005\(3\)](#).

## Grassroots Lobbying

Grassroots Lobbying – “... a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation.” [RCW 42.17A.640\(1\)](#). Grassroots lobbying is subject to special [reporting rules](#), described below.

Activity to encourage the legislature to pass legislation is grassroots lobbying, even if no current or proposed bill is currently before legislature. *Peacock v. Public Disclosure Commission* (“PDC”), 84 Wn. App. 282, 928 P.2d 427 (1996) (holding that activities to gather signatures from registered voters to form new county constitute grassroots lobbying, because legislative action ultimately was required to create a new county).

## Lobbyists and Other Actors

Lobbyist – a lobbyist is anyone who lobbies, whether on his own behalf or on behalf of another person. [RCW 42.17A.005\(34\)](#).

Lobbyist's Employer – means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist. [RCW 42.17A.005\(35\)](#); [WAC 390-20-105](#).

## P.D.C – Public Disclosure Commission

Washington State agency regulating candidates and lobbyists.

# REGISTRATION

## Registration of Lobbyist Employers

A Lobbyist Employer does not register, but the employer must sign the registration form submitted by each lobbyist whom it employs or contracts for lobbying services, authorizing the lobbyist to lobby on its behalf. See [PDC Lobbyist Employer Instructions](#) at [Registration](#); [Lobbyist Registration Form L-1](#); [RCW 42.17A.600\(1\)\(g\)](#).

## Registration of Lobbyists

Prior to lobbying or within 30 days after being employed to lobby (whichever occurs first), a lobbyist must file a lobbyist registration form (Form L-1) with the PDC. Note that while some lobbying activities are exempt from the registration requirement (explained below), , an organization's staff members who did not initially expect to exceed the thresholds allowing a person to be exempt from the lobbyist registration requirement, but later realize they will exceed that threshold, must register *before* exceeding the threshold. [RCW 42.17A.600](#).

An amended registration form must be filed within one week of any changes in the information contained on the form. [RCW 42.17A.600](#).

A lobbyist must file a separate registration for each entity that employs the individual as a lobbyist. However, if more than one entity is paying lobbyist to work on the same piece of legislation, the lobbyist may file a single statement, detailing the name, business address and occupation of each person paying or contributing compensation, and the amount of the respective payments or contributions made by each such person. [RCW 42.17A.600\(2\)](#).

## Exemptions from Lobbyist Registration

A person who lobbies must register as a lobbyist, unless the person fits into one of the following exceptions:

1. Persons who limit their lobbying to appearing before public sessions of committees of the legislature and public meetings of state agencies;
2. Activities by lobbyists or other persons whose participation has been solicited by an agency under [RCW 34.05.310\(2\)](#);

3. Persons who lobby without pay and who spend no money on behalf of any public official or state employee “in connection with such lobbying”;
4. Persons who lobby no more than four days (or parts of four days) in any three-month period, spending no more than \$35 for or on behalf of any state official or employee<sup>1</sup>;
5. News and editorials by journalists; and
6. Certain government officials.  
[RCW 42.17A.610](#).

Grassroots lobbying requires registration and reporting by the entity making expenditures, as discussed below, but does not trigger an obligation that any individual register as a lobbyist.

### Disclosures on Registration Form

A lobbyist's registration includes two separate elements:

1. Providing the PDC with 2"x 2" glossy photograph, taken within the prior 12 months, along with a biography of no more than 50 words, to be included in a booklet published every two years, and distributed to legislators and the public, ([RCW 42.17A.605](#); [WAC 390-20-013](#)); and
2. Submitting a PDC Form L-1 to the PDC, which includes the following information:
  - Lobbyist's name, permanent business address, and any temporary residential and business addresses in Thurston county during the legislative session;
  - The name, address and occupation or business of the lobbyist's employer;
  - The duration of lobbyist's employment;
  - Lobbyist's compensation for lobbying, how much lobbyist is to be paid for expenses, and what expenses are to be reimbursed;
  - The relationship between the lobbyist and person paying the lobbyist to lobby, specifically whether the lobbyist is a regular employee whose services extend beyond lobbying, or whether the lobbyist's sole responsibility for the employer is to influence legislation;
  - The general subject or subjects of lobbyist's legislative interest;

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<sup>1</sup> A lobbyist who is not required to register under this exemption may voluntarily register. [RCW 42.17A.610\(5\)](#). The benefit is the lobbyist's name, photo, and contact information will be included in the booklet provided to legislators. A person who voluntarily chooses to register is not required to file the periodic reports described below. [WAC 390-20-018](#).

A written authorization from each of the lobbyist's employers confirming such employment;

The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter; and

If the lobbyist's employer is an entity such as a coalition or trade association, whose members include businesses or other entities, the lobbyist must disclose the name and address of each entity that has paid more than \$500 in dues or fees to the entity during the prior two years. Also included in this disclosure is any member that has agreed to pay more than \$500 in dues or fees to the entity during the current year.

[RCW 42.17A.600\(1\)](#); [WAC 390-20-110](#).

### Renewing Registration

Each lobbyist must file a new registration statement by the second Monday in January of each odd-numbered year; otherwise, lobbyist's registration will terminate. [RCW 42.17A.600\(4\)](#).

## REPORTING

### Reporting by Lobbyist Employers

#### Annual Reports

- o A person or entity employing a lobbyist must file an annual report on [Form L-3](#) by the last day of February, covering all activity that occurred during the prior year. The L-3 report must disclose:

The names of all lobbyists lobbying on behalf of the filer;

Lobbying expenses. Expenses previously reported by the lobbyist on monthly L-2 reports are summarized. Amounts not previously reported by the lobbyist on L-2 reports must be grouped into the following categories:

To vendors on behalf or to support registered lobbyist

To or on behalf of expert witnesses or others retained to provide specialized services in connection with employer's lobbying effort;

Entertainment, tickets, passes, travel expenses (travel, meals, lodging, etc.) and enrollment in courses, for legislators, officials, state employees, and their families;

For composing, designing, producing and distributing informational materials to be used primarily to influence legislation;

For grass roots lobbying expenses, including those previously reported on L-6 reports;

Contributions supporting or opposing candidates for legislative or statewide office (but not local candidates), or supporting or opposing statewide ballot measures, including those previously reported on monthly L-3c reports, but *excluding* contributions already reported on C-4 reports by the employer's PAC;

Independent expenditures supporting or opposing candidates for legislative or statewide office, or supporting or opposing statewide ballot measures;

Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring, or benefiting the legislator or state official;

Other lobbying related expenditures, whether by or through a registered lobbyist, not reported on any prior line of the form.

[RCW 42.17A.625](#), [RCW 42.17A.630](#); [WAC 390-20-110](#).

### Monthly Reports

- o Monthly reports are required when employers of lobbyists make political contributions. An employer of a lobbyist must file a report if it makes contributions to candidates and/or political committees, including its *own* political committee, aggregating \$110 or more in any calendar month which were not made through a lobbyist and included on the lobbyist's monthly L-2 report.
- o All such contributions must be disclosed on a [Form L-3c](#) report, to be filed with the PDC by the 15<sup>th</sup> day of the following month.  
[RCW 42.17A.630\(2\)\(a\)](#); [WAC 390-20-111](#).

### 24-Hour Reports

- o Electioneering Communications – Lobbyist employers, and any maker of independent expenditures, must file a [Form C-6](#) report within 24 hours (or on the next business day) after distribution of an electioneering communication, defined as any communication that:
  - clearly identifies a candidate;
  - is made within 60 days of the election;
  - costs at least \$1,000; and
  - is communicated via radio, television, postal mailing, billboard, newspaper, or periodical.  
[RCW 42.17A.305\(2\)](#).
- o Independent Expenditures – A Form C-6 report is due within 24 hours or on the next business day if the lobbyist employer makes an independent expenditure valued at \$1,000 or more within 21 days of the primary, general, or special election. [RCW 42.17A.255](#).
- o Late Contributions – An [LMC report](#) (or any communication identifying who the contribution was from, whom it was to, whom it was for [if earmarked], the amount, and the date) is due within 48 hours, or on the next business day, if the employer makes any political contributions of \$1,000 made during

the last seven days before a primary election, or the last 21 days before a general election.

The reports must be submitted to both the recipient of the contribution and the PDC.

The contributor must report to the PDC within 24 hours of making the contribution; the recipient must report to the PDC within 48 hours of receipt.

- The first report must be filed when the donor's contributions during the period aggregate to \$1,000 or more. Additional reports must be filed for each subsequent contribution from the donor to that recipient, regardless of the amount of the subsequent contributions [RCW 42.17A.265](#), [RCW 42.17A.625](#).
- For a more detailed discussion of reporting of electioneering communications, independent expenditures and late contributions, see the Alliance for Justice summary of [Washington State campaign finance law](#).

**Record Retention** – Employers of lobbyists must retain all records necessary to substantiate reports for five years. [RCW 42.17A.655\(1\)](#).

## Reporting by Lobbyists

### **Annual Reports**

- Unlike lobbyist employers, lobbyists are not required to file annual reports.

### **Monthly Reports**

- Lobbyists must file monthly reports on [Form L-2](#) by no later than the 15<sup>th</sup> day of the month following the month in which the reported activity occurred. If the activity included contributions or expenditures to state officials, a copy of the form must be sent to each such state official. [RCW 42.17A.615](#); [WAC 390-20-020](#).
- The report must include:
  - The totals of all expenditures for lobbying activities made or incurred by the lobbyist (or on behalf of the lobbyist by the lobbyist's employer) during the period covered by the report, segregated by the following categories:
    - Compensation,
    - food and refreshments,
    - living accommodations,
    - advertising,
    - travel,
    - contributions,
    - entertainment<sup>2</sup> of state officials, and state employees (including meals, beverages, tickets, and passes), and
    - other expenses or services;

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<sup>2</sup> Each individual expenditure of more than \$50 dollars for entertainment, including the lobbyist's expense, shall be identified by date, place, amount, and the names of all persons in the group, allocating any portion of the expenditure to individual participants.

- o A lobbyist employed by more than one employer must identify the proportion of the expenditures in each category incurred on behalf of each employer;
- p An itemized listing of contributions exceeding \$25 to or related to candidates, elected officials, officers or employees of agencies, and ballot propositions that were made, delivered, or transmitted by the lobbyist. Contributions must be itemized whether transmitted or delivered by the lobbyist, or originating from the lobbyist personally. Each contribution must be identified by date, amount, and the name of the benefited candidate, elected official, agency officer or employee, or ballot proposition;
- o The subject matter of proposed legislation or other activity which the lobbyist has been engaged in supporting or opposing during the reporting period, unless the activity was excluded from the definition of lobbying (e.g., because it consisted of testifying at open hearings, or responding to an invitation by an agency to assist in pilot rule-making);
- o An itemized listing of each payment for gifts of food or drink over \$50, and each payment for speaking or appearing at an event or seminar, or a similar payment, made to a state elected official, state officer, or state employee. Each payment shall be identified by recipient, date, and the actual or approximate value. A copy of the report must also be given to the recipient, who must also report the transaction; [RCW 42.17A.615\(2\)\(e\)](#); [RCW 42.17A.620](#);
- o The total of all expenditures, plus an itemized list of those expenditures, which were made during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist or otherwise. As used in this subsection, “expenditures” includes amounts paid or incurred during the reporting period for (i) “political advertising” as defined in [RCW 42.17A.005](#); and (ii) public relations, telemarketing, polling<sup>33</sup> and similar activities if such activities, directly or indirectly, aim to influence legislation or an administrative action. The report must itemize the amount, the person to whom the amount was paid, and a brief description of the activity. [RCW 42.17A.615\(f\)](#).

### Suspension of Lobbyist Registration

- o An expenditure report is required each month, even if there was no activity by the lobbyist the prior month. A lobbyist may suspend registration for months in which no lobbying will be done, no lobbying expenditures will be made, and no compensation will be received for lobbying. To suspend registration, a lobbyist must notify the PDC in writing. Registration may be re-activated by written notice to Commission, which must also confirm the information on the prior registration remains current (or submit an amended L-1 form). [WAC 390-17-017](#).

<sup>3</sup> As there are no statutory definitions of “public relations” or “telemarketing,” the PDC relies on dictionary definitions of those terms. Those definitions are printed in the [Lobbyist Employer Manual](#), p. 8.

## Record Retention

- o Lobbyists must retain all records necessary to substantiate reports for five years. [RCW 42.17A.150](#).

# GRASSROOTS LOBBYING

## Grassroots Lobbying

Grassroots lobbying expenditures must be reported on [Form L-6](#). If a person or entity makes grassroots lobbying expenditures exceeding \$1,400 in the aggregate within any three-month period or exceeding \$700 in the aggregate within any one-month period, and those expenditures are not reported by a registered lobbyist, a candidate or a political committee, then the sponsor of those expenditures must register and report as a grassroots lobbying campaign.

Grassroots lobbying expenditures that trigger registration and reporting are those “presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation.”

[RCW 42.17A.640](#).

## Registration

Registration is accomplished by filing the initial [Form L-6 Grassroots Lobbying Report](#), which must be filed within 30 days of expending a total of \$1,400 within a three-month period or \$700 in a one-month period for a campaign to the public intended to influence legislation. [RCW 42.17A.640\(2\)](#).

The registration form, Form L-6, must include the following information:

- a. The sponsor’s name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor’s affairs;
- b. The names, addresses, and business or occupations of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;
- c. The names and addresses of each person contributing \$25 or more to the campaign, and the aggregate amount contributed (only contributions specifically to support the grassroots lobbying must be reported; general-support contributions to the sponsor organization are not reportable);
- d. The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign; and
- e. The totals of all expenditures made or incurred to date on behalf of the campaign. Those totals must be segregated according to financial category, including:

1. Advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet;
2. contributions;
3. entertainment, including food and refreshments;
4. office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities;
5. consultants; and printing and mailing expenses. [RCW 42.17A.640\(2\)](#); [WAC 390-20-125](#).

### Grassroots Lobbying Reporting

- o After filing the initial registration form on [Form L-6](#), the sponsor of the grassroots lobbying expenditures must file monthly L-6 reports by the 10th of each month, reporting the total expended before that month, and detailing the activities of that prior month, by category. [RCW 42.17A.640](#), [WAC 390-20-125](#).

### Exceptions to Grassroots Lobbying Reporting

- o Costs for membership communications are not required to be reported as grassroots lobbying expenditures, and those expenses are not included in calculating whether an entity's expenditures trigger reporting. See [PDC Lobbyist Instructions](#) at "[Grass Roots Lobbying](#)."
- o A lobbyist employer does not need to file a Form L-6 if:
  - its lobbyist employee reports the expenditures on a monthly L-2 report, the employer pays for the expenditure from its general treasury,
  - and*
  - the employer does not do any fundraising for the purpose of funding the grassroots lobbying. However, if funds are raised specifically for the grassroots lobbying campaign, then registration on a Form L-6 is required. [PDC Lobbyist Instructions](#) at "[Grass Roots Lobbying](#)".

Even if the lobbyist's employer discloses its expenditures on an L-6 form, the lobbyist must include the same information on the lobbyist's Form L-2.

- o If a registered political committee sponsors grassroots lobbying – even if it engages in special fund-raising for the grassroots lobbying – it does *not* need to file a Form L-6. Rather, registered political committees must report both contributions received and expenditures made in a grassroots lobbying campaign as part of their regular reporting on PDC Forms C-3 and C-4.

### Terminating Grassroots Lobbying Campaign

- o When a grassroots lobbying campaign ends, the sponsor must file a "notice of termination" with the final monthly report, stating the totals of all contributions and expenditures. [RCW 42.17A.640\(4\)](#).

# REGULATIONS

## Special Rules for Nonprofits

Most lobbying rules apply to nonprofits on the same basis as other entities. However, nonprofits that sponsor seminars or educational events are permitted to offset expenses for legislators and state officials to attend. [RCW 42.52.010\(9\)\(f\)](#).

## Time Restrictions on Lobbying

There are no time restrictions on lobbying.

## Identification of Lobbyists

Lobbyists are not required to wear a distinctive badge, but their photo and a brief biography appears in a booklet and [online](#). [RCW 42.17A.605](#).

*Note that many states' rules on gifts, travel and other benefits provided to public officials are extremely complex. The laws outlined below are only summaries of some of the more commonly encountered issues; organizations and lobbyists are advised to consult with legal counsel for a complete analysis of their proposed activities before giving gifts or other benefits to officials.*

## Gifts/Entertainment

Gifts to public officials worth more than \$50 are not permitted, except occasional food or drink, which must be reported by lobbyist. [RCW 42.52.010](#); [RCW 42.52.150](#). *Note*, however, that on October 15, 2014, the Washington State Legislative Ethics Board declared that a legislator may not receive more than 12 free meals each year from lobbyists.

## Travel

Public officials may not accept free travel, other than:

- o trips for a speech or trade mission while on official business, if the trip is sponsored by a governmental or nongovernmental organization; or
- o seminars or other educational programs sponsored by a governmental or nonprofit organization.

[RCW 42.52.010\(9\)\(d\), \(f\)](#); [RCW 42.52.150](#).

## Campaign Contributions

Lobbyists may make campaign contributions, although all contributions they make personally or which they transmit via a bundler must be reported on their monthly lobbyist reports. [RCW 42.17A.615](#).

## Contingency Fees

The compensation of lobbyists may not be contingent upon success of any attempt to influence legislation. [RCW 42.17A.655\(2\)\(f\)](#).

## Revolving Door

Former officials may lobby without restriction.

## Table of Lobbying Restrictions

Activity	Regulated by State?	Statutory Citation
Lobbying by Former Officials	No.	
Limits on Lobbyists' Gifts to Officials	None permitted in excess of \$50, except occasional food or drink, which must be reported by lobbyist.	<a href="#">RCW 42.52.150</a>
Hospitality Provided to Officials	See above.	See above.
Trips Organized by Lobbyists	Only to trade missions, seminars or educational events sponsored by government or non-profit.	<a href="#">RCW 42.52.010(9)(f)</a>
Employment of Legislator or State Official	Yes. Report required within 15 days of employment.	<a href="#">RCW § 42.17A.645</a>

# CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

## Public Disclosure Commission

[www.pdc.wa.gov](http://www.pdc.wa.gov)

711 Capitol Way, Room 206

Olympia, WA 98504-0908

Tel: 360-753-1111

Fax (not for filing reports): 360-753-1112

Email (not for filing reports): [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)

*Written by Dmitri Iglitzin, Danielle Franco-Malone, and Laura Ewan, Barnard Iglitzin & Lavitt, LLP, 18 West Mercer St., Suite 400, Seattle, WA 98119.*

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## FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:

Email: [Advocacy@afj.org](mailto:Advocacy@afj.org)

Telephone: 1-866-NPLOBBY (675-6229)

### **For assistance regarding state law in Washington, please contact:**

Dmitri Iglitzin and the Campaign Finance Team at

Barnard Iglitzin & Lavitt

18 West Mercer Street, Suite 400

Seattle, WA 98119

Tel: 206-285-2828