
SENATE BILL 6152

State of Washington

66th Legislature

2020 Regular Session

By Senators Salomon, Billig, Hunt, Nguyen, McCoy, Lovelett, Kuderer, Rolfes, Liias, Van De Wege, Das, and Wilson, C.

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1 AN ACT Relating to certification of the level of foreign national
2 ownership for corporations that participate in Washington state
3 elections; amending RCW 42.17A.005, 42.17A.240, 42.17A.250, and
4 42.17A.255; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that upholding the
7 First Amendment rights of freedom of speech and free association, as
8 they relate to participating in elections, are core values in the
9 United States. The United States supreme court has repeatedly held
10 that these rights include the right to make campaign contributions in
11 support of candidates and ballot measures at the federal, state, and
12 local levels.

13 The legislature also finds, in accordance with federal law as
14 required under the federal foreign agents registration act, that
15 these rights are reserved solely for citizens of the United States,
16 whether they act as individuals or as an association. The First
17 Amendment protection does not apply to foreign nationals, who are
18 forbidden under federal law from directly or indirectly making
19 political contributions or financing so-called independent
20 expenditures and electioneering communications, either individually
21 or collectively through a corporation or other association.

1 Therefore, it falls to individual states to enforce the prohibition
2 on foreign influence in our state and local elections by requiring
3 that corporations that make political contributions certify that they
4 are not owned or controlled by foreign nationals.

5 **Sec. 2.** RCW 42.17A.005 and 2019 c 428 s 3 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

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

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

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

22 (4) "Ballot proposition" means any "measure" as defined by RCW
23 29A.04.091, or any initiative, recall, or referendum proposition
24 proposed to be submitted to the voters of the state or any municipal
25 corporation, political subdivision, or other voting constituency from
26 and after the time when the proposition has been initially filed with
27 the appropriate election officer of that constituency before its
28 circulation for signatures.

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

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

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

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

1 (c) The county central committee or legislative district
2 committee of a major political party. There may be only one
3 legislative district committee for each party in each legislative
4 district.

5 (7) "Books of account" means:

6 (a) In the case of a campaign or political committee, a ledger or
7 similar listing of contributions, expenditures, and debts, such as a
8 campaign or committee is required to file regularly with the
9 commission, current as of the most recent business day; or

10 (b) In the case of a commercial advertiser, details of political
11 advertising or electioneering communications provided by the
12 advertiser, including the names and addresses of persons from whom it
13 accepted political advertising or electioneering communications, the
14 exact nature and extent of the services rendered and the total cost
15 and the manner of payment for the services.

16 (8) "Candidate" means any individual who seeks nomination for
17 election or election to public office. An individual seeks nomination
18 or election when the individual first:

19 (a) Receives contributions or makes expenditures or reserves
20 space or facilities with intent to promote the individual's candidacy
21 for office;

22 (b) Announces publicly or files for office;

23 (c) Purchases commercial advertising space or broadcast time to
24 promote the individual's candidacy; or

25 (d) Gives consent to another person to take on behalf of the
26 individual any of the actions in (a) or (c) of this subsection.

27 (9) "Caucus political committee" means a political committee
28 organized and maintained by the members of a major political party in
29 the state senate or state house of representatives.

30 (10) "Commercial advertiser" means any person that sells the
31 service of communicating messages or producing material for broadcast
32 or distribution to the general public or segments of the general
33 public whether through brochures, fliers, newspapers, magazines,
34 television, radio, billboards, direct mail advertising, printing,
35 paid internet or digital communications, or any other means of mass
36 communications used for the purpose of appealing, directly or
37 indirectly, for votes or for financial or other support in any
38 election campaign.

39 (11) "Commission" means the agency established under RCW
40 42.17A.100.

1 (12) "Committee" unless the context indicates otherwise, includes
2 a political committee such as a candidate, ballot proposition,
3 recall, political, or continuing political committee.

4 (13) "Compensation" unless the context requires a narrower
5 meaning, includes payment in any form for real or personal property
6 or services of any kind. For the purpose of compliance with RCW
7 42.17A.710, "compensation" does not include per diem allowances or
8 other payments made by a governmental entity to reimburse a public
9 official for expenses incurred while the official is engaged in the
10 official business of the governmental entity.

11 (14) "Continuing political committee" means a political committee
12 that is an organization of continuing existence not limited to
13 participation in any particular election campaign or election cycle.

14 (15)(a) "Contribution" includes:

15 (i) A loan, gift, deposit, subscription, forgiveness of
16 indebtedness, donation, advance, pledge, payment, transfer of funds,
17 or anything of value, including personal and professional services
18 for less than full consideration;

19 (ii) An expenditure made by a person in cooperation,
20 consultation, or concert with, or at the request or suggestion of, a
21 candidate, a political or incidental committee, the person or persons
22 named on the candidate's or committee's registration form who direct
23 expenditures on behalf of the candidate or committee, or their
24 agents;

25 (iii) The financing by a person of the dissemination,
26 distribution, or republication, in whole or in part, of broadcast,
27 written, graphic, digital, or other form of political advertising or
28 electioneering communication prepared by a candidate, a political or
29 incidental committee, or its authorized agent;

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

33 (b) "Contribution" does not include:

34 (i) Accrued interest on money deposited in a political or
35 incidental committee's account;

36 (ii) Ordinary home hospitality;

37 (iii) A contribution received by a candidate or political or
38 incidental committee that is returned to the contributor within ten
39 business days of the date on which it is received by the candidate or
40 political or incidental committee;

1 (iv) A news item, feature, commentary, or editorial in a
2 regularly scheduled news medium that is of interest to the public,
3 that is in a news medium controlled by a person whose business is
4 that news medium, and that is not controlled by a candidate or a
5 political or incidental committee;

6 (v) An internal political communication primarily limited to the
7 members of or contributors to a political party organization or
8 political or incidental committee, or to the officers, management
9 staff, or stockholders of a corporation or similar enterprise, or to
10 the members of a labor organization or other membership organization;

11 (vi) The rendering of personal services of the sort commonly
12 performed by volunteer campaign workers, or incidental expenses
13 personally incurred by volunteer campaign workers not in excess of
14 fifty dollars personally paid for by the worker. "Volunteer
15 services," for the purposes of this subsection, means services or
16 labor for which the individual is not compensated by any person;

17 (vii) Messages in the form of reader boards, banners, or yard or
18 window signs displayed on a person's own property or property
19 occupied by a person. However, a facility used for such political
20 advertising for which a rental charge is normally made must be
21 reported as an in-kind contribution and counts toward any applicable
22 contribution limit of the person providing the facility;

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

24 (A) A political party or caucus political committee if the person
25 paying for the services is the regular employer of the person
26 rendering such services; or

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

31 (ix) The performance of ministerial functions by a person on
32 behalf of two or more candidates or political or incidental
33 committees either as volunteer services defined in (b)(vi) of this
34 subsection or for payment by the candidate or political or incidental
35 committee for whom the services are performed as long as:

36 (A) The person performs solely ministerial functions;

37 (B) A person who is paid by two or more candidates or political
38 or incidental committees is identified by the candidates and
39 political committees on whose behalf services are performed as part

1 of their respective statements of organization under RCW 42.17A.205;
2 and

3 (C) The person does not disclose, except as required by law, any
4 information regarding a candidate's or committee's plans, projects,
5 activities, or needs, or regarding a candidate's or committee's
6 contributions or expenditures that is not already publicly available
7 from campaign reports filed with the commission, or otherwise engage
8 in activity that constitutes a contribution under (a)(ii) of this
9 subsection.

10 A person who performs ministerial functions under this subsection
11 (15)(b)(ix) is not considered an agent of the candidate or committee
12 as long as the person has no authority to authorize expenditures or
13 make decisions on behalf of the candidate or committee.

14 (c) Contributions other than money or its equivalent are deemed
15 to have a monetary value equivalent to the fair market value of the
16 contribution. Services or property or rights furnished at less than
17 their fair market value for the purpose of assisting any candidate or
18 political committee are deemed a contribution. Such a contribution
19 must be reported as an in-kind contribution at its fair market value
20 and counts towards any applicable contribution limit of the provider.

21 (16) "Depository" means a bank, mutual savings bank, savings and
22 loan association, or credit union doing business in this state.

23 (17) "Elected official" means any person elected at a general or
24 special election to any public office, and any person appointed to
25 fill a vacancy in any such office.

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

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

36 (20) "Election cycle" means the period beginning on the first day
37 of January after the date of the last previous general election for
38 the office that the candidate seeks and ending on December 31st after
39 the next election for the office. In the case of a special election
40 to fill a vacancy in an office, "election cycle" means the period

1 beginning on the day the vacancy occurs and ending on December 31st
2 after the special election.

3 (21)(a) "Electioneering communication" means any broadcast,
4 cable, or satellite television, radio transmission, digital
5 communication, United States postal service mailing, billboard,
6 newspaper, or periodical that:

7 (i) Clearly identifies a candidate for a state, local, or
8 judicial office either by specifically naming the candidate, or
9 identifying the candidate without using the candidate's name;

10 (ii) Is broadcast, transmitted electronically or by other means,
11 mailed, erected, distributed, or otherwise published within sixty
12 days before any election for that office in the jurisdiction in which
13 the candidate is seeking election; and

14 (iii) Either alone, or in combination with one or more
15 communications identifying the candidate by the same sponsor during
16 the sixty days before an election, has a fair market value or cost of
17 one thousand dollars or more.

18 (b) "Electioneering communication" does not include:

19 (i) Usual and customary advertising of a business owned by a
20 candidate, even if the candidate is mentioned in the advertising when
21 the candidate has been regularly mentioned in that advertising
22 appearing at least twelve months preceding the candidate becoming a
23 candidate;

24 (ii) Advertising for candidate debates or forums when the
25 advertising is paid for by or on behalf of the debate or forum
26 sponsor, so long as two or more candidates for the same position have
27 been invited to participate in the debate or forum;

28 (iii) A news item, feature, commentary, or editorial in a
29 regularly scheduled news medium that is:

30 (A) Of interest to the public;

31 (B) In a news medium controlled by a person whose business is
32 that news medium; and

33 (C) Not a medium controlled by a candidate or a political or
34 incidental committee;

35 (iv) Slate cards and sample ballots;

36 (v) Advertising for books, films, dissertations, or similar works
37 (A) written by a candidate when the candidate entered into a contract
38 for such publications or media at least twelve months before becoming
39 a candidate, or (B) written about a candidate;

40 (vi) Public service announcements;

1 (vii) An internal political communication primarily limited to
2 the members of or contributors to a political party organization or
3 political or incidental committee, or to the officers, management
4 staff, or stockholders of a corporation or similar enterprise, or to
5 the members of a labor organization or other membership organization;

6 (viii) An expenditure by or contribution to the authorized
7 committee of a candidate for state, local, or judicial office; or

8 (ix) Any other communication exempted by the commission through
9 rule consistent with the intent of this chapter.

10 (22) "Expenditure" includes a payment, contribution,
11 subscription, distribution, loan, advance, deposit, or gift of money
12 or anything of value, and includes a contract, promise, or agreement,
13 whether or not legally enforceable, to make an expenditure.
14 "Expenditure" also includes a promise to pay, a payment, or a
15 transfer of anything of value in exchange for goods, services,
16 property, facilities, or anything of value for the purpose of
17 assisting, benefiting, or honoring any public official or candidate,
18 or assisting in furthering or opposing any election campaign. For the
19 purposes of this chapter, agreements to make expenditures, contracts,
20 and promises to pay may be reported as estimated obligations until
21 actual payment is made. "Expenditure" shall not include the partial
22 or complete repayment by a candidate or political or incidental
23 committee of the principal of a loan, the receipt of which loan has
24 been properly reported.

25 (23) "Final report" means the report described as a final report
26 in RCW 42.17A.235(11) (a).

27 (24) "Foreign national" includes:

28 (a) An individual who is not a citizen of the United States and
29 who is not lawfully admitted for permanent residence;

30 (b) A government of a foreign country;

31 (c) A foreign political party; and

32 (d) A partnership, association, corporation, organization, or
33 other combination of persons organized under the laws of or having
34 its principal place of business in a foreign country.

35 (25) "General election" for the purposes of RCW 42.17A.405 means
36 the election that results in the election of a person to a state or
37 local office. It does not include a primary.

38 ~~((25))~~ (26) "Gift" has the definition in RCW 42.52.010.

39 ~~((26))~~ (27) "Immediate family" includes the spouse or domestic
40 partner, dependent children, and other dependent relatives, if living

1 in the household. For the purposes of the definition of
2 "intermediary" in this section, "immediate family" means an
3 individual's spouse or domestic partner, and child, stepchild,
4 grandchild, parent, stepparent, grandparent, brother, half brother,
5 sister, or half sister of the individual and the spouse or the
6 domestic partner of any such person and a child, stepchild,
7 grandchild, parent, stepparent, grandparent, brother, half brother,
8 sister, or half sister of the individual's spouse or domestic partner
9 and the spouse or the domestic partner of any such person.

10 ~~((27))~~ (28) "Incidental committee" means any nonprofit
11 organization not otherwise defined as a political committee but that
12 may incidentally make a contribution or an expenditure in excess of
13 the reporting thresholds in RCW 42.17A.235, directly or through a
14 political committee. Any nonprofit organization is not an incidental
15 committee if it is only remitting payments through the nonprofit
16 organization in an aggregated form and the nonprofit organization is
17 not required to report those payments in accordance with this
18 chapter.

19 ~~((28))~~ (29) "Incumbent" means a person who is in present
20 possession of an elected office.

21 ~~((29))~~ (30)(a) "Independent expenditure" means an expenditure
22 that has each of the following elements:

23 (i) It is made in support of or in opposition to a candidate for
24 office by a person who is not:

25 (A) A candidate for that office;

26 (B) An authorized committee of that candidate for that office;

27 and

28 (C) A person who has received the candidate's encouragement or
29 approval to make the expenditure, if the expenditure pays in whole or
30 in part for political advertising supporting that candidate or
31 promoting the defeat of any other candidate or candidates for that
32 office;

33 (ii) It is made in support of or in opposition to a candidate for
34 office by a person with whom the candidate has not collaborated for
35 the purpose of making the expenditure, if the expenditure pays in
36 whole or in part for political advertising supporting that candidate
37 or promoting the defeat of any other candidate or candidates for that
38 office;

39 (iii) The expenditure pays in whole or in part for political
40 advertising that either specifically names the candidate supported or

1 opposed, or clearly and beyond any doubt identifies the candidate
2 without using the candidate's name; and

3 (iv) The expenditure, alone or in conjunction with another
4 expenditure or other expenditures of the same person in support of or
5 opposition to that candidate, has a value of one thousand dollars or
6 more. A series of expenditures, each of which is under one thousand
7 dollars, constitutes one independent expenditure if their cumulative
8 value is one thousand dollars or more.

9 (b) "Independent expenditure" does not include: Ordinary home
10 hospitality; communications with journalists or editorial staff
11 designed to elicit a news item, feature, commentary, or editorial in
12 a regularly scheduled news medium that is of primary interest to the
13 general public, controlled by a person whose business is that news
14 medium, and not controlled by a candidate or a political committee;
15 participation in the creation of a publicly funded voters pamphlet
16 statement in written or video form; an internal political
17 communication primarily limited to contributors to a political party
18 organization or political action committee, the officers, management
19 staff, and stockholders of a corporation or similar enterprise, or
20 the members of a labor organization or other membership organization;
21 or the rendering of personal services of the sort commonly performed
22 by volunteer campaign workers or incidental expenses personally
23 incurred by volunteer campaign workers not in excess of two hundred
24 fifty dollars personally paid for by the worker.

25 (~~(30)~~) (31) (a) "Intermediary" means an individual who transmits
26 a contribution to a candidate or committee from another person unless
27 the contribution is from the individual's employer, immediate family,
28 or an association to which the individual belongs.

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

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

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

36 (~~(31)~~) (32) "Legislation" means bills, resolutions, motions,
37 amendments, nominations, and other matters pending or proposed in
38 either house of the state legislature, and includes any other matter
39 that may be the subject of action by either house or any committee of

1 the legislature and all bills and resolutions that, having passed
2 both houses, are pending approval by the governor.

3 ~~((32))~~ (33) "Legislative office" means the office of a member
4 of the state house of representatives or the office of a member of
5 the state senate.

6 ~~((33))~~ (34) "Lobby" and "lobbying" each mean attempting to
7 influence the passage or defeat of any legislation by the legislature
8 of the state of Washington, or the adoption or rejection of any rule,
9 standard, rate, or other legislative enactment of any state agency
10 under the state administrative procedure act, chapter 34.05 RCW.
11 Neither "lobby" nor "lobbying" includes an association's or other
12 organization's act of communicating with the members of that
13 association or organization.

14 ~~((34))~~ (35) "Lobbyist" includes any person who lobbies either
15 on the person's own or another's behalf.

16 ~~((35))~~ (36) "Lobbyist's employer" means the person or persons
17 by whom a lobbyist is employed and all persons by whom the lobbyist
18 is compensated for acting as a lobbyist.

19 ~~((36))~~ (37) "Ministerial functions" means an act or duty
20 carried out as part of the duties of an administrative office without
21 exercise of personal judgment or discretion.

22 ~~((37))~~ (38) "Participate" means that, with respect to a
23 particular election, an entity:

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

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

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

31 (d) Makes a recommendation regarding whether a candidate should
32 be supported or opposed before a contribution is made by a subsidiary
33 corporation or local unit with respect to that candidate or that
34 candidate's opponent; or

35 (e) Directly or indirectly collaborates or consults with a
36 subsidiary corporation or local unit on matters relating to the
37 support of or opposition to a candidate, including, but not limited
38 to, the amount of a contribution, when a contribution should be
39 given, and what assistance, services or independent expenditures, or

1 electioneering communications, if any, will be made or should be made
2 in support of or opposition to a candidate.

3 ~~((38))~~ (39) "Person" includes an individual, partnership, joint
4 venture, public or private corporation, association, federal, state,
5 or local governmental entity or agency however constituted,
6 candidate, committee, political committee, political party, executive
7 committee thereof, or any other organization or group of persons,
8 however organized.

9 ~~((39))~~ (40) "Political advertising" includes any advertising
10 displays, newspaper ads, billboards, signs, brochures, articles,
11 tabloids, flyers, letters, radio or television presentations, digital
12 communication, or other means of mass communication, used for the
13 purpose of appealing, directly or indirectly, for votes or for
14 financial or other support or opposition in any election campaign.

15 ~~((40))~~ (41) "Political committee" means any person (except a
16 candidate or an individual dealing with the candidate's or
17 individual's own funds or property) having the expectation of
18 receiving contributions or making expenditures in support of, or
19 opposition to, any candidate or any ballot proposition.

20 ~~((41))~~ (42) "Primary" for the purposes of RCW 42.17A.405 means
21 the procedure for nominating a candidate to state or local office
22 under chapter 29A.52 RCW or any other primary for an election that
23 uses, in large measure, the procedures established in chapter 29A.52
24 RCW.

25 ~~((42))~~ (43) "Public office" means any federal, state, judicial,
26 county, city, town, school district, port district, special district,
27 or other state political subdivision elective office.

28 ~~((43))~~ (44) "Public record" has the definition in RCW
29 42.56.010.

30 ~~((44))~~ (45) "Recall campaign" means the period of time
31 beginning on the date of the filing of recall charges under RCW
32 29A.56.120 and ending thirty days after the recall election.

33 ~~((45))~~ (46) "Remediable violation" means any violation of this
34 chapter that:

35 (a) Involved expenditures or contributions totaling no more than
36 the contribution limits set out under RCW 42.17A.405(2) per election,
37 or one thousand dollars if there is no statutory limit;

38 (b) Occurred:

39 (i) More than thirty days before an election, where the
40 commission entered into an agreement to resolve the matter; or

1 (ii) At any time where the violation did not constitute a
2 material violation because it was inadvertent and minor or otherwise
3 has been cured and, after consideration of all the circumstances,
4 further proceedings would not serve the purposes of this chapter;

5 (c) Does not materially harm the public interest, beyond the harm
6 to the policy of this chapter inherent in any violation; and

7 (d) Involved:

8 (i) A person who:

9 (A) Took corrective action within five business days after the
10 commission first notified the person of noncompliance, or where the
11 commission did not provide notice and filed a required report within
12 twenty-one days after the report was due to be filed; and

13 (B) Substantially met the filing deadline for all other required
14 reports within the immediately preceding twelve-month period; or

15 (ii) A candidate who:

16 (A) Lost the election in question; and

17 (B) Did not receive contributions over one hundred times the
18 contribution limit in aggregate per election during the campaign in
19 question.

20 (~~(46)~~) (47) (a) "Sponsor" for purposes of an electioneering
21 communications, independent expenditures, or political advertising
22 means the person paying for the electioneering communication,
23 independent expenditure, or political advertising. If a person acts
24 as an agent for another or is reimbursed by another for the payment,
25 the original source of the payment is the sponsor.

26 (b) "Sponsor," for purposes of a political or incidental
27 committee, means any person, except an authorized committee, to whom
28 any of the following applies:

29 (i) The committee receives eighty percent or more of its
30 contributions either from the person or from the person's members,
31 officers, employees, or shareholders;

32 (ii) The person collects contributions for the committee by use
33 of payroll deductions or dues from its members, officers, or
34 employees.

35 (~~(47)~~) (48) "Sponsored committee" means a committee, other than
36 an authorized committee, that has one or more sponsors.

37 (~~(48)~~) (49) "State office" means state legislative office or
38 the office of governor, lieutenant governor, secretary of state,
39 attorney general, commissioner of public lands, insurance

1 commissioner, superintendent of public instruction, state auditor, or
2 state treasurer.

3 ~~((49))~~ (50) "State official" means a person who holds a state
4 office.

5 ~~((50))~~ (51) "Surplus funds" mean, in the case of a political
6 committee or candidate, the balance of contributions that remain in
7 the possession or control of that committee or candidate subsequent
8 to the election for which the contributions were received, and that
9 are in excess of the amount necessary to pay remaining debts or
10 expenses incurred by the committee or candidate with respect to that
11 election. In the case of a continuing political committee, "surplus
12 funds" mean those contributions remaining in the possession or
13 control of the committee that are in excess of the amount necessary
14 to pay all remaining debts or expenses when it makes its final report
15 under RCW 42.17A.255.

16 ~~((51))~~ (52) "Technical correction" means the correction of a
17 minor or ministerial error in a required report that does not
18 materially harm the public interest and needs to be corrected for the
19 report to be in full compliance with the requirements of this
20 chapter.

21 ~~((52))~~ (53) "Treasurer" and "deputy treasurer" mean the
22 individuals appointed by a candidate or political or incidental
23 committee, pursuant to RCW 42.17A.210, to perform the duties
24 specified in that section.

25 ~~((53))~~ (54) "Violation" means a violation of this chapter that
26 is not a remediable violation, minor violation, or an error
27 classified by the commission as appropriate to address by a technical
28 correction.

29 **Sec. 3.** RCW 42.17A.240 and 2019 c 428 s 21 are each amended to
30 read as follows:

31 Each report required under RCW 42.17A.235 (1) through (4) must be
32 certified as correct by the treasurer and the candidate and shall
33 disclose the following, except an incidental committee only must
34 disclose and certify as correct the information required under
35 subsections (2)(d), (5), and ~~((6))~~ (7) of this section:

- 36 (1) The funds on hand at the beginning of the period;
37 (2) The name and address of each person who has made one or more
38 contributions during the period, together with the money value and
39 date of each contribution and the aggregate value of all

1 contributions received from each person during the campaign, or in
2 the case of a continuing political committee, the current calendar
3 year, with the following exceptions:

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

6 (b) Income that results from a fund-raising activity conducted in
7 accordance with RCW 42.17A.230 may be reported as one lump sum, with
8 the exception of that portion received from persons whose names and
9 addresses are required to be included in the report required by RCW
10 42.17A.230;

11 (c) Contributions of no more than twenty-five dollars in the
12 aggregate from any one person during the election campaign may be
13 reported as one lump sum if the treasurer maintains a separate and
14 private list of the name, address, and amount of each such
15 contributor;

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

29 (e) Payments from private foundations organized under section
30 501(c)(3) of the internal revenue code to an incidental committee do
31 not have to be reported if:

32 (i) The private foundation is contracting with the incidental
33 committee for a specific purpose other than election campaign
34 purposes;

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

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

39 (f) Commentary or analysis on a ballot proposition by an
40 incidental committee is not considered a contribution if it does not

1 advocate specifically to vote for or against the ballot proposition;
2 and

3 (g) The money value of contributions of postage is the face value
4 of the postage;

5 (3) Each loan, promissory note, or security instrument to be used
6 by or for the benefit of the candidate or political committee made by
7 any person, including the names and addresses of the lender and each
8 person liable directly, indirectly or contingently and the date and
9 amount of each such loan, promissory note, or security instrument;

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

11 (5) A certification from each corporation making a contribution
12 to the candidate, political committee, or incidental committee that
13 the corporation's ownership comprises less than fifty percent foreign
14 nationals;

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

18 ((+6)) (7) The name and address of each person to whom an
19 expenditure was made in the aggregate amount of more than fifty
20 dollars during the period covered by this report, the amount, date,
21 and purpose of each expenditure, and the total sum of all
22 expenditures. An incidental committee only must report on
23 expenditures, made and reportable as contributions as defined in RCW
24 42.17A.005, to election campaigns. For purposes of this subsection,
25 commentary or analysis on a ballot proposition by an incidental
26 committee is not considered an expenditure if it does not advocate
27 specifically to vote for or against the ballot proposition;

28 ((+7)) (8) The name, address, and electronic contact information
29 of each person to whom an expenditure was made for soliciting or
30 procuring signatures on an initiative or referendum petition, the
31 amount of the compensation to each person, and the total expenditures
32 made for this purpose. Such expenditures shall be reported under this
33 subsection in addition to what is required to be reported under
34 subsection ((+6)) (7) of this section;

35 ((+8)) (9)(a) The name and address of any person and the amount
36 owed for any debt with a value of more than seven hundred fifty
37 dollars that has not been paid for any invoices submitted, goods
38 received, or services performed, within five business days during the
39 period within thirty days before an election, or within ten business
40 days during any other period.

1 (b) For purposes of this subsection, debt does not include
2 regularly recurring expenditures of the same amount that have already
3 been reported at least once and that are not late or outstanding;

4 ~~((9))~~ (10) The surplus or deficit of contributions over
5 expenditures;

6 ~~((10))~~ (11) The disposition made in accordance with RCW
7 42.17A.430 of any surplus funds; and

8 ~~((11))~~ (12) Any other information required by the commission by
9 rule in conformance with the policies and purposes of this chapter.

10 **Sec. 4.** RCW 42.17A.250 and 2010 c 204 s 411 are each amended to
11 read as follows:

12 (1) An out-of-state political committee organized for the purpose
13 of supporting or opposing candidates or ballot propositions in
14 another state that is not otherwise required to report under RCW
15 42.17A.205 through 42.17A.240 shall report as required in this
16 section when it makes an expenditure supporting or opposing a
17 Washington state candidate or political committee. The committee
18 shall file with the commission a statement disclosing:

19 (a) Its name and address;

20 (b) The purposes of the out-of-state committee;

21 (c) The names, addresses, and titles of its officers or, if it
22 has no officers, the names, addresses, and the titles of its
23 responsible leaders;

24 (d) The name, office sought, and party affiliation of each
25 candidate in the state of Washington whom the out-of-state committee
26 is supporting or opposing and, if the committee is supporting or
27 opposing the entire ticket of any party, the name of the party;

28 (e) The ballot proposition supported or opposed in the state of
29 Washington, if any, and whether the committee is in favor of or
30 opposed to that proposition;

31 (f) The name and address of each person residing in the state of
32 Washington or corporation that has a place of business in the state
33 of Washington who has made one or more contributions in the aggregate
34 of more than twenty-five dollars to the out-of-state committee during
35 the current calendar year, together with the money value and date of
36 the contributions;

37 (g) The name, address, and employer of each person or corporation
38 residing outside the state of Washington who has made one or more
39 contributions in the aggregate of more than two thousand five hundred

1 fifty dollars to the out-of-state committee during the current
2 calendar year, together with the money value and date of the
3 contributions. Annually, the commission must modify the two thousand
4 five hundred fifty dollar limit in this subsection based on
5 percentage change in the implicit price deflator for personal
6 consumption expenditures for the United States as published for the
7 most recent twelve-month period by the bureau of economic analysis of
8 the federal department of commerce;

9 (h) The name and address of each person in the state of
10 Washington to whom an expenditure was made by the out-of-state
11 committee with respect to a candidate or political committee in the
12 aggregate amount of more than fifty dollars, the amount, date, and
13 purpose of the expenditure, and the total sum of the expenditures;
14 ((and))

15 (i) A certification from each corporation making a contribution
16 to the candidate or political committee that the corporation's
17 ownership comprises less than fifty percent foreign nationals; and

18 (j) Any other information as the commission may prescribe by rule
19 in keeping with the policies and purposes of this chapter.

20 (2) Each statement shall be filed no later than the tenth day of
21 the month following any month in which a contribution or other
22 expenditure reportable under subsection (1) of this section is made.
23 An out-of-state committee incurring an obligation to file additional
24 statements in a calendar year may satisfy the obligation by timely
25 filing reports that supplement previously filed information.

26 **Sec. 5.** RCW 42.17A.255 and 2019 c 428 s 22 are each amended to
27 read as follows:

28 (1) For the purposes of this section the term "independent
29 expenditure" means any expenditure that is made in support of or in
30 opposition to any candidate or ballot proposition and is not
31 otherwise required to be reported pursuant to RCW 42.17A.225,
32 42.17A.235, and 42.17A.240. "Independent expenditure" does not
33 include: An internal political communication primarily limited to the
34 contributors to a political party organization or political action
35 committee, or the officers, management staff, and stockholders of a
36 corporation or similar enterprise, or the members of a labor
37 organization or other membership organization; or the rendering of
38 personal services of the sort commonly performed by volunteer
39 campaign workers, or incidental expenses personally incurred by

1 volunteer campaign workers not in excess of fifty dollars personally
2 paid for by the worker. "Volunteer services," for the purposes of
3 this section, means services or labor for which the individual is not
4 compensated by any person.

5 (2) Within five days after the date of making an independent
6 expenditure that by itself or when added to all other such
7 independent expenditures made during the same election campaign by
8 the same person equals one hundred dollars or more, or within five
9 days after the date of making an independent expenditure for which no
10 reasonable estimate of monetary value is practicable, whichever
11 occurs first, the person who made the independent expenditure shall
12 file with the commission an initial report of all independent
13 expenditures made during the campaign prior to and including such
14 date.

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

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

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

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

27 The report filed pursuant to (a) of this subsection (3) shall be
28 the final report, and upon submitting such final report the duties of
29 the reporting person shall cease, and there shall be no obligation to
30 make any further reports.

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

33 (5) Each report required by subsections (2) and (3) of this
34 section shall disclose for the period beginning at the end of the
35 period for the last previous report filed or, in the case of an
36 initial report, beginning at the time of the first independent
37 expenditure, and ending not more than one business day before the
38 date the report is due:

39 (a) The name, address, and electronic contact information of the
40 person filing the report;

1 (b) The name and address of each person to whom an independent
2 expenditure was made in the aggregate amount of more than fifty
3 dollars, and the amount, date, and purpose of each such expenditure.
4 If no reasonable estimate of the monetary value of a particular
5 independent expenditure is practicable, it is sufficient to report
6 instead a precise description of services, property, or rights
7 furnished through the expenditure and where appropriate to attach a
8 copy of the item produced or distributed by the expenditure;

9 (c) The total sum of all independent expenditures made during the
10 campaign to date; (~~and~~)

11 (d) A certification from each corporation making a contribution
12 to the candidate or political committee that the corporation's
13 ownership comprises less than fifty percent foreign nationals; and

14 (e) Such other information as shall be required by the commission
15 by rule in conformance with the policies and purposes of this
16 chapter.

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