

SB 5153 - S AMD 212  
By Senator Billig

WITHDRAWN 3/11/2015

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the public has  
4 the right to know who is contributing to election campaigns in  
5 Washington state and that campaign finance disclosure deters  
6 corruption, increases public confidence in Washington state  
7 elections, and strengthens our representative democracy.

8 The legislature finds that campaign finance disclosure is  
9 overwhelmingly supported by the citizens of Washington state as  
10 evidenced by the two initiatives that largely established  
11 Washington's current campaign finance system. Both passed with over  
12 seventy-two percent of the popular vote, as well as winning margins  
13 in every county in the state.

14 The legislature finds that nonprofit organizations are  
15 increasingly engaging in campaign activities in Washington state and  
16 across the country, including taking a more active role in  
17 contributing to candidate and ballot proposition campaigns. In some  
18 cases, these activities are occurring without adequate public  
19 disclosure due to loopholes in campaign finance regulations.

20 Therefore, the legislature intends to increase transparency and  
21 accountability, deter corruption, and strengthen confidence in the  
22 election process by closing campaign finance disclosure loopholes and  
23 requiring the disclosure of contributions and expenditures by  
24 nonprofit organizations that participate significantly in Washington  
25 state elections.

26 **Sec. 2.** RCW 42.17A.005 and 2011 c 145 s 2 and 2011 c 60 s 19 are  
27 each reenacted and amended to read as follows:

28 The definitions in this section apply throughout this chapter  
29 unless the context clearly requires otherwise.

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

1 (2) "Agency" includes all state agencies and all local agencies.  
2 "State agency" includes every state office, department, division,  
3 bureau, board, commission, or other state agency. "Local agency"  
4 includes every county, city, town, municipal corporation, quasi-  
5 municipal corporation, or special purpose district, or any office,  
6 department, division, bureau, board, commission, or agency thereof,  
7 or other local public agency.

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

12 (4) "Ballot proposition" means any "measure" as defined by RCW  
13 29A.04.091, or any initiative, recall, or referendum proposition  
14 proposed to be submitted to the voters of the state or any municipal  
15 corporation, political subdivision, or other voting constituency from  
16 and after the time when the proposition has been initially filed with  
17 the appropriate election officer of that constituency before its  
18 circulation for signatures.

19 (5) "Benefit" means a commercial, proprietary, financial,  
20 economic, or monetary advantage, or the avoidance of a commercial,  
21 proprietary, financial, economic, or monetary disadvantage.

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

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

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

29 (c) The county central committee or legislative district  
30 committee of a major political party. There may be only one  
31 legislative district committee for each party in each legislative  
32 district.

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

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

39 (b) Announces publicly or files for office;

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

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

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

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

15 (10) "Commission" means the agency established under RCW  
16 42.17A.100.

17 (11) "Compensation" unless the context requires a narrower  
18 meaning, includes payment in any form for real or personal property  
19 or services of any kind. For the purpose of compliance with RCW  
20 42.17A.710, "compensation" does not include per diem allowances or  
21 other payments made by a governmental entity to reimburse a public  
22 official for expenses incurred while the official is engaged in the  
23 official business of the governmental entity.

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

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

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

32 (ii) An expenditure made by a person in cooperation,  
33 consultation, or concert with, or at the request or suggestion of, a  
34 candidate, a political committee, the person or persons named on the  
35 candidate's or committee's registration form who direct expenditures  
36 on behalf of the candidate or committee, or their agents;

37 (iii) The financing by a person of the dissemination,  
38 distribution, or republication, in whole or in part, of broadcast,  
39 written, graphic, or other form of political advertising or

1 electioneering communication prepared by a candidate, a political  
2 committee, or its authorized agent;

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

6 (b) "Contribution" does not include:

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

9 (ii) Ordinary home hospitality;

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

14 (iv) A news item, feature, commentary, or editorial in a  
15 regularly scheduled news medium that is of primary interest to the  
16 general public, that is in a news medium controlled by a person whose  
17 business is that news medium, and that is not controlled by a  
18 candidate or a political committee;

19 (v) An internal political communication primarily limited to the  
20 members of or contributors to a political party organization or  
21 political committee, or to the officers, management staff, or  
22 stockholders of a corporation or similar enterprise, or to the  
23 members of a labor organization or other membership organization;

24 (vi) The rendering of personal services of the sort commonly  
25 performed by volunteer campaign workers, or incidental expenses  
26 personally incurred by volunteer campaign workers not in excess of  
27 fifty dollars personally paid for by the worker. "Volunteer  
28 services," for the purposes of this subsection, means services or  
29 labor for which the individual is not compensated by any person;

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

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

37 (A) A political party or caucus political committee if the person  
38 paying for the services is the regular employer of the person  
39 rendering such services; or

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

5 (ix) The performance of ministerial functions by a person on  
6 behalf of two or more candidates or political committees either as  
7 volunteer services defined in (b)(vi) of this subsection or for  
8 payment by the candidate or political committee for whom the services  
9 are performed as long as:

10 (A) The person performs solely ministerial functions;

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

15 (C) The person does not disclose, except as required by law, any  
16 information regarding a candidate's or committee's plans, projects,  
17 activities, or needs, or regarding a candidate's or committee's  
18 contributions or expenditures that is not already publicly available  
19 from campaign reports filed with the commission, or otherwise engage  
20 in activity that constitutes a contribution under (a)(ii) of this  
21 subsection.

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

26 (c) Contributions other than money or its equivalent are deemed  
27 to have a monetary value equivalent to the fair market value of the  
28 contribution. Services or property or rights furnished at less than  
29 their fair market value for the purpose of assisting any candidate or  
30 political committee are deemed a contribution. Such a contribution  
31 must be reported as an in-kind contribution at its fair market value  
32 and counts towards any applicable contribution limit of the provider.

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

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

38 (16) "Election" includes any primary, general, or special  
39 election for public office and any election in which a ballot  
40 proposition is submitted to the voters. An election in which the

1 qualifications for voting include other than those requirements set  
2 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
3 the state of Washington shall not be considered an election for  
4 purposes of this chapter.

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

8 (18) "Election cycle" means the period beginning on the first day  
9 of January after the date of the last previous general election for  
10 the office that the candidate seeks and ending on December 31st after  
11 the next election for the office. In the case of a special election  
12 to fill a vacancy in an office, "election cycle" means the period  
13 beginning on the day the vacancy occurs and ending on December 31st  
14 after the special election.

15 (19)(a) "Electioneering communication" means any broadcast,  
16 cable, or satellite television or radio transmission, United States  
17 postal service mailing, billboard, newspaper, or periodical that:

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

21 (ii) Is broadcast, transmitted, mailed, erected, distributed, or  
22 otherwise published within sixty days before any election for that  
23 office in the jurisdiction in which the candidate is seeking  
24 election; and

25 (iii) Either alone, or in combination with one or more  
26 communications identifying the candidate by the same sponsor during  
27 the sixty days before an election, has a fair market value of one  
28 thousand dollars or more.

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

30 (i) Usual and customary advertising of a business owned by a  
31 candidate, even if the candidate is mentioned in the advertising when  
32 the candidate has been regularly mentioned in that advertising  
33 appearing at least twelve months preceding his or her becoming a  
34 candidate;

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

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

1 (A) Of primary interest to the general public;

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

4 (C) Not a medium controlled by a candidate or a political  
5 committee;

6 (iv) Slate cards and sample ballots;

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

11 (vi) Public service announcements;

12 (vii) A mailed internal political communication primarily limited  
13 to the members of or contributors to a political party organization  
14 or political committee, or to the officers, management staff, or  
15 stockholders of a corporation or similar enterprise, or to the  
16 members of a labor organization or other membership organization;

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

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

21 (20) "Expenditure" includes a payment, contribution,  
22 subscription, distribution, loan, advance, deposit, or gift of money  
23 or anything of value, and includes a contract, promise, or agreement,  
24 whether or not legally enforceable, to make an expenditure.  
25 "Expenditure" also includes a promise to pay, a payment, or a  
26 transfer of anything of value in exchange for goods, services,  
27 property, facilities, or anything of value for the purpose of  
28 assisting, benefiting, or honoring any public official or candidate,  
29 or assisting in furthering or opposing any election campaign. For the  
30 purposes of this chapter, agreements to make expenditures, contracts,  
31 and promises to pay may be reported as estimated obligations until  
32 actual payment is made. "Expenditure" (~~shall~~) does not include the  
33 partial or complete repayment by a candidate or political committee  
34 of the principal of a loan, the receipt of which loan has been  
35 properly reported.

36 (21) "Final report" means the report described as a final report  
37 in RCW 42.17A.235(2).

38 (22) "General election" for the purposes of RCW 42.17A.405 means  
39 the election that results in the election of a person to a state or  
40 local office. It does not include a primary.

1 (23) "Gift" has the definition in RCW 42.52.010.

2 (24) "Immediate family" includes the spouse or domestic partner,  
3 dependent children, and other dependent relatives, if living in the  
4 household. For the purposes of the definition of "intermediary" in  
5 this section, "immediate family" means an individual's spouse or  
6 domestic partner, and child, stepchild, grandchild, parent,  
7 stepparent, grandparent, brother, half brother, sister, or half  
8 sister of the individual and the spouse or the domestic partner of  
9 any such person and a child, stepchild, grandchild, parent,  
10 stepparent, grandparent, brother, half brother, sister, or half  
11 sister of the individual's spouse or domestic partner and the spouse  
12 or the domestic partner of any such person.

13 (25)(a) "Incidental committee" means any nonprofit organization  
14 not otherwise defined as a political committee but that may  
15 incidentally make a contribution or an expenditure in support of, or  
16 opposition to, any candidate or any ballot proposition in Washington,  
17 directly or through a political committee.

18 (b) "Incidental committee" does not include any organization  
19 under section 527 of the internal revenue code of 1986 that meets or  
20 exceeds the reporting requirements of this chapter in its public  
21 filings with the federal election commission.

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

24 ((+26+)) (27) "Independent expenditure" means an expenditure that  
25 has each of the following elements:

26 (a) It is made in support of or in opposition to a candidate for  
27 office by a person who is not (i) a candidate for that office, (ii)  
28 an authorized committee of that candidate for that office, (iii) a  
29 person who has received the candidate's encouragement or approval to  
30 make the expenditure, if the expenditure pays in whole or in part for  
31 political advertising supporting that candidate or promoting the  
32 defeat of any other candidate or candidates for that office, or (iv)  
33 a person with whom the candidate has collaborated for the purpose of  
34 making the expenditure, if the expenditure pays in whole or in part  
35 for political advertising supporting that candidate or promoting the  
36 defeat of any other candidate or candidates for that office;

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



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

7 ~~((+27))~~ (28) (a) "Intermediary" means an individual who transmits  
8 a contribution to a candidate or committee from another person unless  
9 the contribution is from the individual's employer, immediate family,  
10 or an association to which the individual belongs.

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

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

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

18 ~~((+28))~~ (29) "Legislation" means bills, resolutions, motions,  
19 amendments, nominations, and other matters pending or proposed in  
20 either house of the state legislature, and includes any other matter  
21 that may be the subject of action by either house or any committee of  
22 the legislature and all bills and resolutions that, having passed  
23 both houses, are pending approval by the governor.

24 ~~((+29))~~ (30) "Legislative office" means the office of a member  
25 of the state house of representatives or the office of a member of  
26 the state senate.

27 ~~((+30))~~ (31) "Lobby" and "lobbying" each mean attempting to  
28 influence the passage or defeat of any legislation by the legislature  
29 of the state of Washington, or the adoption or rejection of any rule,  
30 standard, rate, or other legislative enactment of any state agency  
31 under the state administrative procedure act, chapter 34.05 RCW.  
32 Neither "lobby" nor "lobbying" includes an association's or other  
33 organization's act of communicating with the members of that  
34 association or organization.

35 ~~((+31))~~ (32) "Lobbyist" includes any person who lobbies either  
36 in his or her own or another's behalf.

37 ~~((+32))~~ (33) "Lobbyist's employer" means the person or persons  
38 by whom a lobbyist is employed and all persons by whom he or she is  
39 compensated for acting as a lobbyist.

1       (~~(33)~~) (34) "Ministerial functions" means an act or duty  
2 carried out as part of the duties of an administrative office without  
3 exercise of personal judgment or discretion.

4       (~~(34)~~) (35) "Participate" means that, with respect to a  
5 particular election, an entity:

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

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

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

13       (d) Makes a recommendation regarding whether a candidate should  
14 be supported or opposed before a contribution is made by a subsidiary  
15 corporation or local unit with respect to that candidate or that  
16 candidate's opponent; or

17       (e) Directly or indirectly collaborates or consults with a  
18 subsidiary corporation or local unit on matters relating to the  
19 support of or opposition to a candidate, including, but not limited  
20 to, the amount of a contribution, when a contribution should be  
21 given, and what assistance, services or independent expenditures, or  
22 electioneering communications, if any, will be made or should be made  
23 in support of or opposition to a candidate.

24       (~~(35)~~) (36) "Person" includes an individual, partnership, joint  
25 venture, public or private corporation, association, federal, state,  
26 or local governmental entity or agency however constituted,  
27 candidate, committee, political committee, political party, executive  
28 committee thereof, or any other organization or group of persons,  
29 however organized.

30       (~~(36)~~) (37) "Political advertising" includes any advertising  
31 displays, newspaper ads, billboards, signs, brochures, articles,  
32 tabloids, flyers, letters, radio or television presentations, or  
33 other means of mass communication, used for the purpose of appealing,  
34 directly or indirectly, for votes or for financial or other support  
35 or opposition in any election campaign.

36       (~~(37)~~) (38) "Political committee" means any person (except a  
37 candidate or an individual dealing with his or her own funds or  
38 property), organized or located inside or outside the state, having  
39 the expectation of receiving contributions or making expenditures in

1 support of, or opposition to, any candidate or any ballot proposition  
2 in Washington.

3 ~~((38))~~ (39) "Primary" for the purposes of RCW 42.17A.405 means  
4 the procedure for nominating a candidate to state or local office  
5 under chapter 29A.52 RCW or any other primary for an election that  
6 uses, in large measure, the procedures established in chapter 29A.52  
7 RCW.

8 ~~((39))~~ (40) "Public office" means any federal, state, judicial,  
9 county, city, town, school district, port district, special district,  
10 or other state political subdivision elective office.

11 ~~((40))~~ (41) "Public record" has the definition in RCW  
12 42.56.010.

13 ~~((41))~~ (42) "Recall campaign" means the period of time  
14 beginning on the date of the filing of recall charges under RCW  
15 29A.56.120 and ending thirty days after the recall election.

16 ~~((42))~~ (43)(a) "Sponsor" for purposes of an electioneering  
17 communications, independent expenditures, or political advertising  
18 means the person paying for the electioneering communication,  
19 independent expenditure, or political advertising. If a person acts  
20 as an agent for another or is reimbursed by another for the payment,  
21 the original source of the payment is the sponsor.

22 (b) "Sponsor," for purposes of a political committee, means any  
23 person, except an authorized committee, to whom any of the following  
24 applies:

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

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

31 ~~((43))~~ (44) "Sponsored committee" means a committee, other than  
32 an authorized committee, that has one or more sponsors.

33 ~~((44))~~ (45) "State office" means state legislative office or  
34 the office of governor, lieutenant governor, secretary of state,  
35 attorney general, commissioner of public lands, insurance  
36 commissioner, superintendent of public instruction, state auditor, or  
37 state treasurer.

38 ~~((45))~~ (46) "State official" means a person who holds a state  
39 office.

1       (~~(46)~~) (47) "Surplus funds" mean, in the case of a political  
2 committee or candidate, the balance of contributions that remain in  
3 the possession or control of that committee or candidate subsequent  
4 to the election for which the contributions were received, and that  
5 are in excess of the amount necessary to pay remaining debts incurred  
6 by the committee or candidate with respect to that election. In the  
7 case of a continuing political committee, "surplus funds" mean those  
8 contributions remaining in the possession or control of the committee  
9 that are in excess of the amount necessary to pay all remaining debts  
10 when it makes its final report under RCW 42.17A.255.

11       (~~(47)~~) (48) "Treasurer" and "deputy treasurer" mean the  
12 individuals appointed by a candidate or political committee, pursuant  
13 to RCW 42.17A.210, to perform the duties specified in that section.

14       NEW SECTION.   **Sec. 3.** A new section is added to chapter 42.17A  
15 RCW to read as follows:

16       The commission shall provide a link on its web site to a  
17 searchable database on the web site of the federal election  
18 commission containing information on organizations under section 527  
19 of the internal revenue code of 1986.

20       NEW SECTION.   **Sec. 4.** A new section is added to chapter 42.17A  
21 RCW to read as follows:

22       (1)(a) An incidental committee must file a statement of  
23 organization with the commission within two weeks after the date the  
24 committee first:

25       (i) Has the expectation of making contributions or expenditures  
26 of at least twenty-five thousand dollars in a calendar year in any  
27 election campaign, or to a political committee; and

28       (ii) Must disclose a contribution under RCW 42.17A.240(2)(d).

29       (b) If an incidental committee first meets the criteria requiring  
30 filing a statement of organization as specified in (a) of this  
31 subsection in the last three weeks before an election, then it must  
32 file the statement of organization within three business days.

33       (c) An incidental committee that does not make contributions or  
34 expenditures in the amounts specified in (a) of this subsection is  
35 not required to file a statement of organization with the commission.

36       (2) The statement of organization shall include but not be  
37 limited to:

38       (a) The name and address of the committee;

1 (b) The names and addresses of all related or affiliated  
2 political or incidental committees or other persons, and the nature  
3 of the relationship or affiliation;

4 (c) The names, addresses, and titles of its officers; or if it  
5 has no officers, the names, addresses, and titles of its responsible  
6 leaders and the name of the person designated as the treasurer of the  
7 incidental committee;

8 (d) The name, office sought, and party affiliation of each  
9 candidate whom the committee is supporting or opposing if the  
10 committee contributes directly to a candidate and, if donating to a  
11 political committee, the name and address of that political  
12 committee;

13 (e) The ballot proposition concerned, if any, and whether the  
14 committee is in favor of or opposed to such proposition; and

15 (f) Such other information as the commission may by rule  
16 prescribe, in keeping with the policies and purposes of this chapter.

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

20 **Sec. 5.** RCW 42.17A.235 and 2011 c 60 s 23 are each amended to  
21 read as follows:

22 (1) In addition to the information required under RCW 42.17A.205  
23 and 42.17A.210, on the day the treasurer is designated, each  
24 candidate or political committee, except for incidental committees,  
25 must file with the commission a report of all contributions received  
26 and expenditures made prior to that date, if any. In addition to the  
27 information required under RCW 42.17A.205 and 42.17A.210, on the day  
28 an incidental committee files a statement of organization with the  
29 commission, each incidental committee must file with the commission a  
30 report of the ten largest aggregate contributions received in the  
31 current calendar year from a single person of ten thousand dollars or  
32 greater, including any persons tied as the tenth largest source of  
33 funds, if any, and all aggregate contributions received in the  
34 current calendar year from a single person of one hundred thousand  
35 dollars or greater.

36 (2) Each treasurer of a political committee or incidental  
37 committee required to file a statement of organization under section  
38 4 of this act shall file with the commission a report containing the  
39 information required by RCW 42.17A.240 at the following intervals:

1 (a) On the twenty-first day and the seventh day immediately  
2 preceding the date on which the election is held;

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

4 (c) On the tenth day of each month in which no other reports are  
5 required to be filed under this section only if the committee has  
6 received a contribution or made an expenditure in the preceding  
7 calendar month and either the total contributions received or total  
8 expenditures made since the last such report exceed two hundred  
9 dollars. An incidental committee must file the report required by  
10 this subsection (2) only if there has been a change in its ten  
11 largest contributors over ten thousand dollars during the current  
12 calendar year, including any persons tied as the tenth largest  
13 contributor, or if a person not previously listed in a report  
14 required under this subsection (2) has contributed one hundred  
15 thousand dollars or more in aggregate to the incidental committee  
16 during the calendar year.

17 The report filed twenty-one days before the election shall report  
18 all contributions received and expenditures made as of the end of one  
19 business day before the date of the report. The report filed seven  
20 days before the election shall report all contributions received and  
21 expenditures made as of the end of one business day before the date  
22 of the report. Reports filed on the tenth day of the month shall  
23 report all contributions received and expenditures made from the  
24 closing date of the last report filed through the last day of the  
25 month preceding the date of the current report.

26 (3) For the period beginning the first day of the fourth month  
27 preceding the date of the special election, or for the period  
28 beginning the first day of the fifth month before the date of the  
29 general election, and ending on the date of that special or general  
30 election, each Monday the treasurer of a political committee shall  
31 file with the commission a report of each bank deposit made during  
32 the previous seven calendar days. The report shall contain the name  
33 of each person contributing the funds and the amount contributed by  
34 each person. However, persons who contribute no more than twenty-five  
35 dollars in the aggregate are not required to be identified in the  
36 report. A copy of the report shall be retained by the treasurer for  
37 his or her records. In the event of deposits made by a deputy  
38 treasurer, the copy shall be forwarded to the treasurer for his or  
39 her records. Each report shall be certified as correct by the  
40 treasurer or deputy treasurer making the deposit.

1 (4) The treasurer or candidate of a political committee shall  
2 maintain books of account accurately reflecting all contributions and  
3 expenditures on a current basis within five business days of receipt  
4 or expenditure. During the eight days immediately preceding the date  
5 of the election the books of account shall be kept current within one  
6 business day. As specified in the committee's statement of  
7 organization filed under RCW 42.17A.205, the books of account must be  
8 open for public inspection by appointment at the designated place for  
9 inspections between 8:00 a.m. and 8:00 p.m. on any day from the  
10 eighth day immediately before the election through the day  
11 immediately before the election, other than Saturday, Sunday, or a  
12 legal holiday. It is a violation of this chapter for a candidate or  
13 political committee to refuse to allow and keep an appointment for an  
14 inspection to be conducted during these authorized times and days.  
15 The appointment must be allowed at an authorized time and day for  
16 such inspections that is within twenty-four hours of the time and day  
17 that is requested for the inspection.

18 (5) Copies of all reports filed pursuant to this section shall be  
19 readily available for public inspection by appointment, pursuant to  
20 subsection (4) of this section, at the principal headquarters or, if  
21 there is no headquarters, at the address of the treasurer or such  
22 other place as may be authorized by the commission.

23 (6) The treasurer or candidate shall preserve books of account,  
24 bills, receipts, and all other financial records of the campaign or  
25 political committee for not less than five calendar years following  
26 the year during which the transaction occurred.

27 (7) All reports filed pursuant to subsection (1) or (2) of this  
28 section shall be certified as correct by the candidate and the  
29 treasurer.

30 (8) When there is no outstanding debt or obligation, the campaign  
31 fund is closed, and the campaign is concluded in all respects or in  
32 the case of a political committee, the committee has ceased to  
33 function and has dissolved, the treasurer shall file a final report.  
34 Upon submitting a final report, the duties of the treasurer shall  
35 cease and there is no obligation to make any further reports.

36 (9) By December 31, 2015, the commission shall adopt rules for  
37 the dissolution of incidental committees.

38 **Sec. 6.** RCW 42.17A.240 and 2010 c 204 s 409 are each amended to  
39 read as follows:

1 Each report required under RCW 42.17A.235 (1) and (2) must be  
2 certified as correct by the treasurer and the candidate and shall  
3 disclose the following:

4 (1) The funds on hand at the beginning of the period;

5 (2) The name and address of each person who has made one or more  
6 contributions during the period, together with the money value and  
7 date of each contribution and the aggregate value of all  
8 contributions received from each person during the campaign, or in  
9 the case of a continuing political committee, the current calendar  
10 year, with the following exceptions:

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

13 (b) Income that results from a fund-raising activity conducted in  
14 accordance with RCW 42.17A.230 may be reported as one lump sum, with  
15 the exception of that portion received from persons whose names and  
16 addresses are required to be included in the report required by RCW  
17 42.17A.230;

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

23 (d) Funds received by an incidental committee from any one person  
24 need not be reported unless:

25 (i) The person is one of the committee's ten largest sources of  
26 funds, including any persons tied as the tenth largest source of  
27 funds, during the current calendar year, and the aggregate funds  
28 received from that person during the current calendar year are ten  
29 thousand dollars or greater; or

30 (ii) The person contributed one hundred thousand dollars or more  
31 to the incidental committee during the current calendar year;

32 (e) The commission may suspend or modify reporting requirements  
33 for contributions to an incidental committee in cases of manifestly  
34 unreasonable hardship under RCW 42.17A.120; and

35 (f) The money value of contributions of postage (~~shall be~~) is  
36 the face value of the postage;

37 (3) Each loan, promissory note, or security instrument to be used  
38 by or for the benefit of the candidate or political committee made by  
39 any person, including the names and addresses of the lender and each



1 person liable directly, indirectly or contingently and the date and  
2 amount of each such loan, promissory note, or security instrument;

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

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

7 (6) The name and address of each person to whom an expenditure  
8 was made in the aggregate amount of more than fifty dollars during  
9 the period covered by this report, the amount, date, and purpose of  
10 each expenditure, and the total sum of all expenditures;

11 (7) The name and address of each person directly compensated for  
12 soliciting or procuring signatures on an initiative or referendum  
13 petition, the amount of the compensation to each person, and the  
14 total expenditures made for this purpose. Such expenditures shall be  
15 reported under this subsection in addition to what is required to be  
16 reported under subsection (6) of this section;

17 (8) The name and address of any person and the amount owed for  
18 any debt, obligation, note, unpaid loan, or other liability in the  
19 amount of more than two hundred fifty dollars or in the amount of  
20 more than fifty dollars that has been outstanding for over thirty  
21 days;

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

23 (10) The disposition made in accordance with RCW 42.17A.430 of  
24 any surplus funds; and

25 (11) Any other information required by the commission by rule in  
26 conformance with the policies and purposes of this chapter.

27 **Sec. 7.** RCW 42.17A.250 and 2010 c 204 s 411 are each amended to  
28 read as follows:

29 ~~((1) An out-of-state))~~ A political committee ~~((organized for the~~  
30 ~~purpose of supporting or opposing candidates or ballot propositions~~  
31 ~~in another state that is not otherwise required to report under RCW~~  
32 ~~42.17A.205 through 42.17A.240 shall report as required in this~~  
33 ~~section when it makes an expenditure supporting or opposing a~~  
34 ~~Washington state candidate or political committee. The committee~~  
35 ~~shall file with the commission a statement disclosing:~~

36 ~~(a) Its name and address;~~

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

1       ~~(c) The names, addresses, and titles of its officers or, if it~~  
2 ~~has no officers, the names, addresses, and the titles of its~~  
3 ~~responsible leaders;~~

4       ~~(d) The name, office sought, and party affiliation of each~~  
5 ~~candidate in the state of Washington whom the out-of-state committee~~  
6 ~~is supporting or opposing and, if the committee is supporting or~~  
7 ~~opposing the entire ticket of any party, the name of the party;~~

8       ~~(e) The ballot proposition supported or opposed in the state of~~  
9 ~~Washington, if any, and whether the committee is in favor of or~~  
10 ~~opposed to that proposition;~~

11       ~~(f) The name and address of each person residing in the state of~~  
12 ~~Washington or corporation that has a place of business in the state~~  
13 ~~of Washington who has made one or more contributions in the aggregate~~  
14 ~~of more than twenty five dollars to the out-of-state committee during~~  
15 ~~the current calendar year, together with the money value and date of~~  
16 ~~the contributions;~~

17       ~~(g) The name, address, and employer of each person or corporation~~  
18 ~~residing outside the state of Washington who has made one or more~~  
19 ~~contributions in the aggregate of more than two thousand five hundred~~  
20 ~~fifty dollars to the out-of-state committee during the current~~  
21 ~~calendar year, together with the money value and date of the~~  
22 ~~contributions. Annually, the commission must modify the two thousand~~  
23 ~~five hundred fifty dollar limit in this subsection based on~~  
24 ~~percentage change in the implicit price deflator for personal~~  
25 ~~consumption expenditures for the United States as published for the~~  
26 ~~most recent twelve-month period by the bureau of economic analysis of~~  
27 ~~the federal department of commerce;~~

28       ~~(h) The name and address of each person in the state of~~  
29 ~~Washington to whom an expenditure was made by the out-of-state~~  
30 ~~committee with respect to a candidate or political committee in the~~  
31 ~~aggregate amount of more than fifty dollars, the amount, date, and~~  
32 ~~purpose of the expenditure, and the total sum of the expenditures;~~  
33 ~~and~~

34       ~~(i) Any other information as the commission may prescribe by rule~~  
35 ~~in keeping with the policies and purposes of this chapter.~~

36       ~~(2) Each statement shall be filed no later than the tenth day of~~  
37 ~~the month following any month in which a contribution or other~~  
38 ~~expenditure reportable under subsection (1) of this section is made.~~  
39 ~~An out-of-state committee incurring an obligation to file additional~~  
40 ~~statements in a calendar year may satisfy the obligation by timely~~

1 ~~filing reports that supplement previously filed information)) or~~  
2 incidental committee organized outside the state of Washington is  
3 subject to the same requirements under this chapter as a political  
4 committee or incidental committee organized in the state of  
5 Washington.

6 NEW SECTION. Sec. 8. This act may be known and cited as the  
7 dark money elimination act.

8 NEW SECTION. Sec. 9. If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected."

**SB 5153 - S AMD 212**  
By Senator Billig

**WITHDRAWN 3/11/2015**

12 On page 1, line 2 of the title, after "contributions;" strike the  
13 remainder of the title and insert "amending RCW 42.17A.235,  
14 42.17A.240, and 42.17A.250; reenacting and amending RCW 42.17A.005;  
15 adding new sections to chapter 42.17A RCW; and creating new  
16 sections."

EFFECT: (1) Requires that an organization be a nonprofit  
organization, other than a 527 nonprofit that meets the reporting  
requirements of chapter 42.17A RCW in its federal election disclosure  
filings, to be considered an incidental committee.

(2) Requires that the PDC provide a link to a searchable database  
on the Federal Election Commission web site containing the filings of  
527 organizations.

(3) Requires incidental committees to file a statement of  
organization and periodic reports with the PDC only after  
contributing or expending \$25,000 in an election campaign or to a  
political committee and receiving a reportable contribution.

(4) Provides that the statement of organization filed by an  
incidental committee with the PDC only include: Name and address of  
the committee, its officers, its treasurer and depository, and  
affiliated persons or committees; names of candidates supported or  
opposed; ballot measures supported or opposed; and any other  
information prescribed by the PDC in keeping with the policies and  
purposes of chapter 42.17A RCW.

(5) Modifies the reporting threshold for contributions to  
incidental committees to require reporting of all aggregate  
contributions from a single donor of at least \$100,000 in a calendar  
year and the top ten sources of funds, including all persons tied for  
tenth, of at least \$10,000 in the calendar year.

(6) Provides that an incidental committee need only file a monthly contribution and expenditure report if it has received a reportable contribution.

(7) Requires that an incidental committee disclose all reportable contributions and received prior to filing its statement of organization.

(8) Removes authorization for the PDC to biannually modify, based on inflation, the threshold at which contributions to an incidental committee must be reported.

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