

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6152

66th Legislature
2020 Regular Session

Passed by the Senate March 10, 2020
Yeas 46 Nays 0

President of the Senate

Passed by the House March 4, 2020
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6152** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6152

AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Salomon, Billig, Hunt, Nguyen, McCoy, Lovelett, Kuderer, Rolfes, Liias, Van De Wege, Das, and Wilson, C.)

READ FIRST TIME 01/30/20.

1 AN ACT Relating to certification concerning the level of foreign
2 national ownership and control of entities that participate in
3 Washington state elections; amending RCW 42.17A.005, 42.17A.240,
4 42.17A.250, 42.17A.255, 42.17A.260, 42.17A.265, and 42.17A.305;
5 adding new sections to chapter 42.17A RCW; and creating a new
6 section.

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

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

15 The legislature also finds, in accordance with federal law, that
16 these rights are reserved solely for citizens of the United States
17 and permanent legal residents, whether they act as individuals or in
18 association. The First Amendment protection for political speech does
19 not apply to foreign nationals, who are forbidden under 52 U.S.C.
20 Sec. 30121 from directly or indirectly making political contributions
21 or financing independent expenditures and electioneering

1 communications, either individually or collectively through a
2 corporation or other association. Furthermore, federal law prohibits
3 any person from knowingly soliciting or receiving contributions from
4 a foreign national. Therefore, it falls to individual states to help
5 protect the prohibition on foreign influence in our state and local
6 elections by requiring certification that contributions,
7 expenditures, political advertising, and electioneering
8 communications are not financed in any part by foreign nationals and
9 that foreign nationals are not involved in making decisions regarding
10 such election activity in any way.

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

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

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

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

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

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

35 (5) "Benefit" means a commercial, proprietary, financial,
36 economic, or monetary advantage, or the avoidance of a commercial,
37 proprietary, financial, economic, or monetary disadvantage.

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

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

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

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

11 (7) "Books of account" means:

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

16 (b) In the case of a commercial advertiser, details of political
17 advertising or electioneering communications provided by the
18 advertiser, including the names and addresses of persons from whom it
19 accepted political advertising or electioneering communications, the
20 exact nature and extent of the services rendered and the total cost
21 and the manner of payment for the services.

22 (8) "Candidate" means any individual who seeks nomination for
23 election or election to public office. An individual seeks nomination
24 or election when the individual first:

25 (a) Receives contributions or makes expenditures or reserves
26 space or facilities with intent to promote the individual's candidacy
27 for office;

28 (b) Announces publicly or files for office;

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

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

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

36 (10) "Commercial advertiser" means any person that sells the
37 service of communicating messages or producing material for broadcast
38 or distribution to the general public or segments of the general
39 public whether through brochures, fliers, newspapers, magazines,
40 television, radio, billboards, direct mail advertising, printing,

1 paid internet or digital communications, or any other means of mass
2 communications used for the purpose of appealing, directly or
3 indirectly, for votes or for financial or other support in any
4 election campaign.

5 (11) "Commission" means the agency established under RCW
6 42.17A.100.

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

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

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

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

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

25 (ii) An expenditure made by a person in cooperation,
26 consultation, or concert with, or at the request or suggestion of, a
27 candidate, a political or incidental committee, the person or persons
28 named on the candidate's or committee's registration form who direct
29 expenditures on behalf of the candidate or committee, or their
30 agents;

31 (iii) The financing by a person of the dissemination,
32 distribution, or republication, in whole or in part, of broadcast,
33 written, graphic, digital, or other form of political advertising or
34 electioneering communication prepared by a candidate, a political or
35 incidental committee, or its authorized agent;

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

39 (b) "Contribution" does not include:

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

3 (ii) Ordinary home hospitality;

4 (iii) A contribution received by a candidate or political or
5 incidental committee that is returned to the contributor within ten
6 business days of the date on which it is received by the candidate or
7 political or incidental committee;

8 (iv) A news item, feature, commentary, or editorial in a
9 regularly scheduled news medium that is of interest to the public,
10 that is in a news medium controlled by a person whose business is
11 that news medium, and that is not controlled by a candidate or a
12 political or incidental committee;

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

18 (vi) The rendering of personal services of the sort commonly
19 performed by volunteer campaign workers, or incidental expenses
20 personally incurred by volunteer campaign workers not in excess of
21 fifty dollars personally paid for by the worker. "Volunteer
22 services," for the purposes of this subsection, means services or
23 labor for which the individual is not compensated by any person;

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

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

31 (A) A political party or caucus political committee if the person
32 paying for the services is the regular employer of the person
33 rendering such services; or

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

38 (ix) The performance of ministerial functions by a person on
39 behalf of two or more candidates or political or incidental
40 committees either as volunteer services defined in (b)(vi) of this

1 subsection or for payment by the candidate or political or incidental
2 committee for whom the services are performed as long as:

3 (A) The person performs solely ministerial functions;

4 (B) A person who is paid by two or more candidates or political
5 or incidental committees is identified by the candidates and
6 political committees on whose behalf services are performed as part
7 of their respective statements of organization under RCW 42.17A.205;
8 and

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

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

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

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

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

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

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

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

11 (21)(a) "Electioneering communication" means any broadcast,
12 cable, or satellite television, radio transmission, digital
13 communication, United States postal service mailing, billboard,
14 newspaper, or periodical that:

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

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

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

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

27 (i) Usual and customary advertising of a business owned by a
28 candidate, even if the candidate is mentioned in the advertising when
29 the candidate has been regularly mentioned in that advertising
30 appearing at least twelve months preceding the candidate becoming a
31 candidate;

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

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

38 (A) Of interest to the public;

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

1 (C) Not a medium controlled by a candidate or a political or
2 incidental committee;

3 (iv) Slate cards and sample ballots;

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

8 (vi) Public service announcements;

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

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

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

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

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

35 (24) "Foreign national" means:

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

38 (b) A government, or subdivision, of a foreign country;

39 (c) A foreign political party; and

1 (d) Any entity, such as a partnership, association, corporation,
2 organization, or other combination of persons, that is organized
3 under the laws of or has its principal place of business in a foreign
4 country.

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

8 ~~((25))~~ (26) "Gift" has the definition in RCW 42.52.010.

9 ~~((26))~~ (27) "Immediate family" includes the spouse or domestic
10 partner, dependent children, and other dependent relatives, if living
11 in the household. For the purposes of the definition of
12 "intermediary" in this section, "immediate family" means an
13 individual's spouse or domestic partner, and child, stepchild,
14 grandchild, parent, stepparent, grandparent, brother, half brother,
15 sister, or half sister of the individual and the spouse or the
16 domestic partner of any such person and a child, stepchild,
17 grandchild, parent, stepparent, grandparent, brother, half brother,
18 sister, or half sister of the individual's spouse or domestic partner
19 and the spouse or the domestic partner of any such person.

20 ~~((27))~~ (28) "Incidental committee" means any nonprofit
21 organization not otherwise defined as a political committee but that
22 may incidentally make a contribution or an expenditure in excess of
23 the reporting thresholds in RCW 42.17A.235, directly or through a
24 political committee. Any nonprofit organization is not an incidental
25 committee if it is only remitting payments through the nonprofit
26 organization in an aggregated form and the nonprofit organization is
27 not required to report those payments in accordance with this
28 chapter.

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

31 ~~((29))~~ (30)(a) "Independent expenditure" means an expenditure
32 that has each of the following elements:

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

35 (A) A candidate for that office;

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

37 and

38 (C) A person who has received the candidate's encouragement or
39 approval to make the expenditure, if the expenditure pays in whole or
40 in part for political advertising supporting that candidate or

1 promoting the defeat of any other candidate or candidates for that
2 office;

3 (ii) It is made in support of or in opposition to a candidate for
4 office by a person with whom the candidate has not collaborated for
5 the purpose of making the expenditure, if the expenditure pays in
6 whole or in part for political advertising supporting that candidate
7 or promoting the defeat of any other candidate or candidates for that
8 office;

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

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

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

35 (~~(30)~~) (31) (a) "Intermediary" means an individual who transmits
36 a contribution to a candidate or committee from another person unless
37 the contribution is from the individual's employer, immediate family,
38 or an association to which the individual belongs.

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

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

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

6 (~~(31)~~) (32) "Legislation" means bills, resolutions, motions,
7 amendments, nominations, and other matters pending or proposed in
8 either house of the state legislature, and includes any other matter
9 that may be the subject of action by either house or any committee of
10 the legislature and all bills and resolutions that, having passed
11 both houses, are pending approval by the governor.

12 (~~(32)~~) (33) "Legislative office" means the office of a member
13 of the state house of representatives or the office of a member of
14 the state senate.

15 (~~(33)~~) (34) "Lobby" and "lobbying" each mean attempting to
16 influence the passage or defeat of any legislation by the legislature
17 of the state of Washington, or the adoption or rejection of any rule,
18 standard, rate, or other legislative enactment of any state agency
19 under the state administrative procedure act, chapter 34.05 RCW.
20 Neither "lobby" nor "lobbying" includes an association's or other
21 organization's act of communicating with the members of that
22 association or organization.

23 (~~(34)~~) (35) "Lobbyist" includes any person who lobbies either
24 on the person's own or another's behalf.

25 (~~(35)~~) (36) "Lobbyist's employer" means the person or persons
26 by whom a lobbyist is employed and all persons by whom the lobbyist
27 is compensated for acting as a lobbyist.

28 (~~(36)~~) (37) "Ministerial functions" means an act or duty
29 carried out as part of the duties of an administrative office without
30 exercise of personal judgment or discretion.

31 (~~(37)~~) (38) "Participate" means that, with respect to a
32 particular election, an entity:

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

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

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

1 (d) Makes a recommendation regarding whether a candidate should
2 be supported or opposed before a contribution is made by a subsidiary
3 corporation or local unit with respect to that candidate or that
4 candidate's opponent; or

5 (e) Directly or indirectly collaborates or consults with a
6 subsidiary corporation or local unit on matters relating to the
7 support of or opposition to a candidate, including, but not limited
8 to, the amount of a contribution, when a contribution should be
9 given, and what assistance, services or independent expenditures, or
10 electioneering communications, if any, will be made or should be made
11 in support of or opposition to a candidate.

12 (~~(38)~~) (39) "Person" includes an individual, partnership, joint
13 venture, public or private corporation, association, federal, state,
14 or local governmental entity or agency however constituted,
15 candidate, committee, political committee, political party, executive
16 committee thereof, or any other organization or group of persons,
17 however organized.

18 (~~(39)~~) (40) "Political advertising" includes any advertising
19 displays, newspaper ads, billboards, signs, brochures, articles,
20 tabloids, flyers, letters, radio or television presentations, digital
21 communication, or other means of mass communication, used for the
22 purpose of appealing, directly or indirectly, for votes or for
23 financial or other support or opposition in any election campaign.

24 (~~(40)~~) (41) "Political committee" means any person (except a
25 candidate or an individual dealing with the candidate's or
26 individual's own funds or property) having the expectation of
27 receiving contributions or making expenditures in support of, or
28 opposition to, any candidate or any ballot proposition.

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

34 (~~(42)~~) (43) "Public office" means any federal, state, judicial,
35 county, city, town, school district, port district, special district,
36 or other state political subdivision elective office.

37 (~~(43)~~) (44) "Public record" has the definition in RCW
38 42.56.010.

1 (~~(44)~~) (45) "Recall campaign" means the period of time
2 beginning on the date of the filing of recall charges under RCW
3 29A.56.120 and ending thirty days after the recall election.

4 (~~(45)~~) (46) "Remediable violation" means any violation of this
5 chapter that:

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

9 (b) Occurred:

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

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

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

18 (d) Involved:

19 (i) A person who:

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

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

26 (ii) A candidate who:

27 (A) Lost the election in question; and

28 (B) Did not receive contributions over one hundred times the
29 contribution limit in aggregate per election during the campaign in
30 question.

31 (~~(46)~~) (47)(a) "Sponsor" for purposes of an electioneering
32 communications, independent expenditures, or political advertising
33 means the person paying for the electioneering communication,
34 independent expenditure, or political advertising. If a person acts
35 as an agent for another or is reimbursed by another for the payment,
36 the original source of the payment is the sponsor.

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

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

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

7 ~~((47))~~ (48) "Sponsored committee" means a committee, other than
8 an authorized committee, that has one or more sponsors.

9 ~~((48))~~ (49) "State office" means state legislative office or
10 the office of governor, lieutenant governor, secretary of state,
11 attorney general, commissioner of public lands, insurance
12 commissioner, superintendent of public instruction, state auditor, or
13 state treasurer.

14 ~~((49))~~ (50) "State official" means a person who holds a state
15 office.

16 ~~((50))~~ (51) "Surplus funds" mean, in the case of a political
17 committee or candidate, the balance of contributions that remain in
18 the possession or control of that committee or candidate subsequent
19 to the election for which the contributions were received, and that
20 are in excess of the amount necessary to pay remaining debts or
21 expenses incurred by the committee or candidate with respect to that
22 election. In the case of a continuing political committee, "surplus
23 funds" mean those contributions remaining in the possession or
24 control of the committee that are in excess of the amount necessary
25 to pay all remaining debts or expenses when it makes its final report
26 under RCW 42.17A.255.

27 ~~((51))~~ (52) "Technical correction" means the correction of a
28 minor or ministerial error in a required report that does not
29 materially harm the public interest and needs to be corrected for the
30 report to be in full compliance with the requirements of this
31 chapter.

32 ~~((52))~~ (53) "Treasurer" and "deputy treasurer" mean the
33 individuals appointed by a candidate or political or incidental
34 committee, pursuant to RCW 42.17A.210, to perform the duties
35 specified in that section.

36 ~~((53))~~ (54) "Violation" means a violation of this chapter that
37 is not a remediable violation, minor violation, or an error
38 classified by the commission as appropriate to address by a technical
39 correction.

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

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

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

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

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

17 (b) Income that results from a fund-raising activity conducted in
18 accordance with RCW 42.17A.230 may be reported as one lump sum, with
19 the exception of that portion received from persons whose names and
20 addresses are required to be included in the report required by RCW
21 42.17A.230;

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

27 (d) Payments received by an incidental committee from any one
28 person need not be reported unless the person is one of the
29 committee's ten largest sources of payments received, including any
30 persons tied as the tenth largest source of payments received, during
31 the current calendar year, and the value of the cumulative payments
32 received from that person during the current calendar year is ten
33 thousand dollars or greater. For payments to incidental committees
34 from multiple persons received in aggregated form, any payment of
35 more than ten thousand dollars from any single person must be
36 reported, but the aggregated payment itself may not be reported. The
37 commission may suspend or modify reporting requirements for payments
38 received by an incidental committee in cases of manifestly
39 unreasonable hardship under this chapter;

1 (e) Payments from private foundations organized under section
2 501(c)(3) of the internal revenue code to an incidental committee do
3 not have to be reported if:

4 (i) The private foundation is contracting with the incidental
5 committee for a specific purpose other than election campaign
6 purposes;

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

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

11 (f) Commentary or analysis on a ballot proposition by an
12 incidental committee is not considered a contribution if it does not
13 advocate specifically to vote for or against the ballot proposition;
14 and

15 (g) The money value of contributions of postage is the face value
16 of the postage;

17 (3) Each loan, promissory note, or security instrument to be used
18 by or for the benefit of the candidate or political committee made by
19 any person, including the names and addresses of the lender and each
20 person liable directly, indirectly or contingently and the date and
21 amount of each such loan, promissory note, or security instrument;

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

23 (5) A statement that the candidate or political committee has
24 received a certification from any partnership, association,
25 corporation, organization, or other combination of persons making a
26 contribution to the candidate or political committee that:

27 (a) The contribution is not financed in any part by a foreign
28 national; and

29 (b) Foreign nationals are not involved in making decisions
30 regarding the contribution in any way;

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

34 ~~((+6))~~ (7) The name and address of each person to whom an
35 expenditure was made in the aggregate amount of more than fifty
36 dollars during the period covered by this report, the amount, date,
37 and purpose of each expenditure, and the total sum of all
38 expenditures. An incidental committee only must report on
39 expenditures, made and reportable as contributions as defined in RCW
40 42.17A.005, to election campaigns. For purposes of this subsection,

1 commentary or analysis on a ballot proposition by an incidental
2 committee is not considered an expenditure if it does not advocate
3 specifically to vote for or against the ballot proposition;

4 ~~((7))~~ (8) The name, address, and electronic contact information
5 of each person to whom an expenditure was made for soliciting or
6 procuring signatures on an initiative or referendum petition, the
7 amount of the compensation to each person, and the total expenditures
8 made for this purpose. Such expenditures shall be reported under this
9 subsection in addition to what is required to be reported under
10 subsection ~~((6))~~ (7) of this section;

11 ~~((8))~~ (9)(a) The name and address of any person and the amount
12 owed for any debt with a value of more than seven hundred fifty
13 dollars that has not been paid for any invoices submitted, goods
14 received, or services performed, within five business days during the
15 period within thirty days before an election, or within ten business
16 days during any other period.

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

20 ~~((9))~~ (10) The surplus or deficit of contributions over
21 expenditures;

22 ~~((10))~~ (11) The disposition made in accordance with RCW
23 42.17A.430 of any surplus funds; and

24 ~~((11))~~ (12) Any other information required by the commission by
25 rule in conformance with the policies and purposes of this chapter.

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

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

35 (a) Its name and address;

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

37 (c) The names, addresses, and titles of its officers or, if it
38 has no officers, the names, addresses, and the titles of its
39 responsible leaders;

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

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

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

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

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

31 (i) A statement that the out-of-state committee has received a
32 certification from any partnership, association, corporation,
33 organization, or other combination of persons making a contribution
34 reportable under this section that:

35 (i) The contribution is not financed in any part by a foreign
36 national; and

37 (ii) Foreign nationals are not involved in making decisions
38 regarding the contribution in any way; and

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

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

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

9 (1) For the purposes of this section the term "independent
10 expenditure" means any expenditure that is made in support of or in
11 opposition to any candidate or ballot proposition and is not
12 otherwise required to be reported pursuant to RCW 42.17A.225,
13 42.17A.235, and 42.17A.240. "Independent expenditure" does not
14 include: An internal political communication primarily limited to the
15 contributors to a political party organization or political action
16 committee, or the officers, management staff, and stockholders of a
17 corporation or similar enterprise, or the members of a labor
18 organization or other membership organization; or the rendering of
19 personal services of the sort commonly performed by volunteer
20 campaign workers, or incidental expenses personally incurred by
21 volunteer campaign workers not in excess of fifty dollars personally
22 paid for by the worker. "Volunteer services," for the purposes of
23 this section, means services or labor for which the individual is not
24 compensated by any person.

25 (2) Within five days after the date of making an independent
26 expenditure that by itself or when added to all other such
27 independent expenditures made during the same election campaign by
28 the same person equals one hundred dollars or more, or within five
29 days after the date of making an independent expenditure for which no
30 reasonable estimate of monetary value is practicable, whichever
31 occurs first, the person who made the independent expenditure shall
32 file with the commission an initial report of all independent
33 expenditures made during the campaign prior to and including such
34 date.

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

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

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 pursuant to this section. However, the further
6 reports required by this subsection (3) shall only be filed if the
7 reporting person has made an independent expenditure since the date
8 of the last previous report filed.

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

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

15 (5) Each report required by subsections (2) and (3) of this
16 section shall disclose for the period beginning at the end of the
17 period for the last previous report filed or, in the case of an
18 initial report, beginning at the time of the first independent
19 expenditure, and ending not more than one business day before the
20 date the report is due:

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

23 (b) The name and address of each person to whom an independent
24 expenditure was made in the aggregate amount of more than fifty
25 dollars, and the amount, date, and purpose of each such expenditure.
26 If no reasonable estimate of the monetary value of a particular
27 independent expenditure is practicable, it is sufficient to report
28 instead a precise description of services, property, or rights
29 furnished through the expenditure and where appropriate to attach a
30 copy of the item produced or distributed by the expenditure;

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

33 (d) A statement from the person making an independent expenditure
34 that:

35 (i) The expenditure is not financed in any part by a foreign
36 national; and

37 (ii) Foreign nationals are not involved in making decisions
38 regarding the expenditure in any way; and

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

4 **Sec. 6.** RCW 42.17A.260 and 2019 c 428 s 23 are each amended to
5 read as follows:

6 (1) The sponsor of political advertising shall file a special
7 report to the commission within twenty-four hours of, or on the first
8 working day after, the date the political advertising is first
9 published, mailed, or otherwise presented to the public, if the
10 political advertising:

11 (a) Is published, mailed, or otherwise presented to the public
12 within twenty-one days of an election; and

13 (b) Either:

14 (i) Qualifies as an independent expenditure with a fair market
15 value or actual cost of one thousand dollars or more, for political
16 advertising supporting or opposing a candidate; or

17 (ii) Has a fair market value or actual cost of one thousand
18 dollars or more, for political advertising supporting or opposing a
19 ballot proposition.

20 (2) If a sponsor is required to file a special report under this
21 section, the sponsor shall also deliver to the commission within the
22 delivery period established in subsection (1) of this section a
23 special report for each subsequent independent expenditure of any
24 size supporting or opposing the same candidate who was the subject of
25 the previous independent expenditure, supporting or opposing that
26 candidate's opponent, or, in the case of a subsequent expenditure of
27 any size made in support of or in opposition to a ballot proposition
28 not otherwise required to be reported pursuant to RCW 42.17A.225,
29 42.17A.235, or 42.17A.240, supporting or opposing the same ballot
30 proposition that was the subject of the previous expenditure.

31 (3) The special report must include:

32 (a) The name and address of the person making the expenditure;

33 (b) The name and address of the person to whom the expenditure
34 was made;

35 (c) A detailed description of the expenditure;

36 (d) The date the expenditure was made and the date the political
37 advertising was first published or otherwise presented to the public;

38 (e) The amount of the expenditure;

1 (f) The name of the candidate supported or opposed by the
2 expenditure, the office being sought by the candidate, and whether
3 the expenditure supports or opposes the candidate; or the name of the
4 ballot proposition supported or opposed by the expenditure and
5 whether the expenditure supports or opposes the ballot proposition;
6 ((and))

7 (g) A statement from the sponsor that:

8 (i) The political advertising is not financed in any part by a
9 foreign national; and

10 (ii) Foreign nationals are not involved in making decisions
11 regarding the political advertising in any way; and

12 (h) Any other information the commission may require by rule.

13 (4) All persons required to report under RCW 42.17A.225,
14 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the
15 requirements of this section. The commission may determine that
16 reports filed pursuant to this section also satisfy the requirements
17 of RCW 42.17A.255.

18 (5) The sponsor of independent expenditures supporting a
19 candidate or opposing that candidate's opponent required to report
20 under this section shall file with each required report an affidavit
21 or declaration of the person responsible for making the independent
22 expenditure that the expenditure was not made in cooperation,
23 consultation, or concert with, or at the request or suggestion of,
24 the candidate, the candidate's authorized committee, or the
25 candidate's agent, or with the encouragement or approval of the
26 candidate, the candidate's authorized committee, or the candidate's
27 agent.

28 **Sec. 7.** RCW 42.17A.265 and 2019 c 428 s 24 are each amended to
29 read as follows:

30 (1) Treasurers shall prepare and deliver to the commission a
31 special report when a contribution or aggregate of contributions
32 totals one thousand dollars or more, is from a single person or
33 entity, and is received during a special reporting period.

34 (2) A political committee shall prepare and deliver to the
35 commission a special report when it makes a contribution or an
36 aggregate of contributions to a single entity that totals one
37 thousand dollars or more during a special reporting period.

38 (3) An aggregate of contributions includes only those
39 contributions made to or received from a single entity during any one

1 special reporting period. Any subsequent contribution of any size
2 made to or received from the same person or entity during the special
3 reporting period must also be reported.

4 (4) Special reporting periods, for purposes of this section,
5 include:

6 (a) The period beginning on the day after the last report
7 required by RCW 42.17A.235 and 42.17A.240 to be filed before a
8 primary and concluding on the end of the day before that primary;

9 (b) The period twenty-one days preceding a general election; and

10 (c) An aggregate of contributions includes only those
11 contributions received from a single entity during any one special
12 reporting period or made by the contributing political committee to a
13 single entity during any one special reporting period.

14 (5) If a campaign treasurer files a special report under this
15 section for one or more contributions received from a single entity
16 during a special reporting period, the treasurer shall also file a
17 special report under this section for each subsequent contribution of
18 any size which is received from that entity during the special
19 reporting period. If a political committee files a special report
20 under this section for a contribution or contributions made to a
21 single entity during a special reporting period, the political
22 committee shall also file a special report for each subsequent
23 contribution of any size which is made to that entity during the
24 special reporting period.

25 (6) Special reports required by this section shall be delivered
26 electronically, or in written form if an electronic alternative is
27 not available.

28 (a) The special report required of a contribution recipient under
29 subsection (1) of this section shall be delivered to the commission
30 within forty-eight hours of the time, or on the first working day
31 after: The contribution of one thousand dollars or more is received
32 by the candidate or treasurer; the aggregate received by the
33 candidate or treasurer first equals one thousand dollars or more; or
34 any subsequent contribution from the same source is received by the
35 candidate or treasurer.

36 (b) The special report required of a contributor under subsection
37 (2) of this section or RCW 42.17A.625 shall be delivered to the
38 commission, and the candidate or political committee to whom the
39 contribution or contributions are made, within twenty-four hours of
40 the time, or on the first working day after: The contribution is

1 made; the aggregate of contributions made first equals one thousand
2 dollars or more; or any subsequent contribution to the same person or
3 entity is made.

4 (7) The special report shall include:

5 (a) The amount of the contribution or contributions;

6 (b) The date or dates of receipt;

7 (c) The name and address of the donor;

8 (d) The name and address of the recipient; (~~and~~)

9 (e) A statement that the candidate or political committee has
10 received a certification from any partnership, association,
11 corporation, organization, or other combination of persons making a
12 contribution reportable under this section that:

13 (i) The contribution is not financed in any part by a foreign
14 national; and

15 (ii) Foreign nationals are not involved in making decisions
16 regarding the contribution in any way; and

17 (f) Any other information the commission may by rule require.

18 (8) Contributions reported under this section shall also be
19 reported as required by other provisions of this chapter.

20 (9) The commission shall prepare daily a summary of the special
21 reports made under this section and RCW 42.17A.625.

22 (10) Contributions governed by this section include, but are not
23 limited to, contributions made or received indirectly through a third
24 party or entity whether the contributions are or are not reported to
25 the commission as earmarked contributions under RCW 42.17A.270.

26 **Sec. 8.** RCW 42.17A.305 and 2019 c 428 s 25 are each amended to
27 read as follows:

28 (1) A payment for or promise to pay for any electioneering
29 communication shall be reported to the commission by the sponsor on
30 forms the commission shall develop by rule to include, at a minimum,
31 the following information:

32 (a) Name and address of the sponsor;

33 (b) Source of funds for the communication, including:

34 (i) General treasury funds. The name and address of businesses,
35 unions, groups, associations, or other organizations using general
36 treasury funds for the communication, however, if a business, union,
37 group, association, or other organization undertakes a special
38 solicitation of its members or other persons for an electioneering
39 communication, or it otherwise receives funds for an electioneering

1 communication, that entity shall report pursuant to (b)(ii) of this
2 subsection;

3 (ii) Special solicitations and other funds. The name, address,
4 and, for individuals, occupation and employer, of a person whose
5 funds were used to pay for the electioneering communication, along
6 with the amount, if such funds from the person have exceeded two
7 hundred fifty dollars in the aggregate for the electioneering
8 communication; (~~and~~)

9 (iii) A statement from the sponsor that:

10 (A) The electioneering communication is not financed in any part
11 by a foreign national; and

12 (B) Foreign nationals are not involved in making decisions
13 regarding the electioneering communication in any way; and

14 (iv) Any other source information required or exempted by the
15 commission by rule;

16 (c) Name and address of the person to whom an electioneering
17 communication related expenditure was made;

18 (d) A detailed description of each expenditure of more than one
19 hundred dollars;

20 (e) The date the expenditure was made and the date the
21 electioneering communication was first broadcast, transmitted,
22 mailed, erected, distributed, or otherwise published;

23 (f) The amount of the expenditure;

24 (g) The name of each candidate clearly identified in the
25 electioneering communication, the office being sought by each
26 candidate, and the amount of the expenditure attributable to each
27 candidate; and

28 (h) Any other information the commission may require or exempt by
29 rule.

30 (2) Electioneering communications shall be reported as follows:
31 The sponsor of an electioneering communication shall report to the
32 commission within twenty-four hours of, or on the first working day
33 after, the date the electioneering communication is broadcast,
34 transmitted, mailed, erected, distributed, digitally or otherwise, or
35 otherwise published.

36 (3) Electioneering communications shall be reported
37 electronically by the sponsor using software provided or approved by
38 the commission. The commission may make exceptions on a case-by-case
39 basis for a sponsor who lacks the technological ability to file

1 reports using the electronic means provided or approved by the
2 commission.

3 (4) All persons required to report under RCW 42.17A.225,
4 42.17A.235, 42.17A.240, and 42.17A.255 are subject to the
5 requirements of this section, although the commission may determine
6 by rule that persons filing according to those sections may be exempt
7 from reporting some of the information otherwise required by this
8 section. The commission may determine that reports filed pursuant to
9 this section also satisfy the requirements of RCW 42.17A.255 and
10 42.17A.260.

11 (5) Failure of any sponsor to report electronically under this
12 section shall be a violation of this chapter.

13 NEW SECTION. **Sec. 9.** A new section is added to chapter 42.17A
14 RCW to read as follows:

15 (1) A foreign national may not make a contribution to any
16 candidate or political committee, make an expenditure in support of
17 or in opposition to any candidate or ballot measure, or sponsor
18 political advertising or an electioneering communication.

19 (2) A person may not make a contribution to any candidate or
20 political committee, make an expenditure in support of or in
21 opposition to any candidate or ballot measure, or sponsor political
22 advertising or an electioneering communication, if:

23 (a) The contribution, expenditure, political advertising, or
24 electioneering communication is financed in any part by a foreign
25 national; or

26 (b) Foreign nationals are involved in making decisions regarding
27 the contribution, expenditure, political advertising, or
28 electioneering communication in any way.

29 NEW SECTION. **Sec. 10.** A new section is added to chapter 42.17A
30 RCW to read as follows:

31 (1) Each candidate or political committee that has accepted a
32 contribution, and each out-of-state committee that has accepted a
33 contribution reportable under RCW 42.17A.250, from a partnership,
34 association, corporation, organization, or other combination of
35 persons must receive a certification from each contributor that:

36 (a) The contribution is not financed in any part by a foreign
37 national; and

1 (b) Foreign nationals are not involved in making decisions
2 regarding the contribution in any way.

3 (2) The certifications must be maintained for a period of no less
4 than three years after the date of the applicable election.

5 (3) At the request of the commission, each candidate or committee
6 required to comply with subsection (1) of this section must provide
7 to the commission copies of the certifications maintained under this
8 section.

9 NEW SECTION. **Sec. 11.** A new section is added to chapter 42.17A
10 RCW to read as follows:

11 This act does not affect or modify the power of a local
12 government to adopt an ordinance or regulation on matters governed by
13 this act.

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