

ESSB 5284 - H AMD TO SGOV COMM AMD (H-1789.1/23) **583**
By Representative Pollet

ADOPTED 04/07/2023

1 On page 13, beginning on line 19, after "received" strike all
2 material through "way" on line 25 and insert "~~((a certification from~~
3 ~~any partnership, association, corporation, organization, or other~~
4 ~~combination of persons making a contribution reportable under this~~
5 ~~section that:~~

6 ~~(i) The contribution is not financed in any part by a foreign~~
7 ~~national; and~~

8 ~~(ii) Foreign nationals are not involved in making decisions~~
9 ~~regarding the contribution in any way))~~ all of the certifications
10 regarding foreign nationals that are required under RCW 42.17A.418,
11 or a statement that no contributions were large enough to require a
12 certification"

13 On page 14, after line 27, insert the following:

14 **"Sec. 8.** RCW 42.17A.418 and 2020 c 152 s 10 are each amended to
15 read as follows:

16 (1) Each candidate or political committee that has accepted ~~((a~~
17 ~~contribution))~~ one or more contributions in an election cycle that in
18 the aggregate exceed the threshold amount in subsection (4) of this
19 section, and each out-of-state committee that has accepted ~~((a~~
20 ~~contribution))~~ one or more contributions in an election cycle
21 reportable under RCW 42.17A.250 that in the aggregate exceed that
22 same threshold, from a partnership, association, corporation,
23 organization, or other combination of persons, must receive a
24 certification from ~~((each))~~ the contributor that:

25 (a) The ~~((contribution is))~~ contributions are not financed in any
26 part by a foreign national; and

27 (b) Foreign nationals are not involved in making decisions
28 regarding the contributions in any way.

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

31 (3) At the request of the commission, each candidate or committee
32 required to comply with subsection (1) of this section must provide

1 to the commission copies of the certifications maintained under this
2 section.

3 (4) The threshold amount to trigger the requirement for foreign
4 national certifications in this section is the sum of the
5 contribution limits to a candidate for legislative office for the
6 primary plus for the general election, as provided in RCW
7 42.17A.405(2).

8 **Sec. 9.** RCW 42.17A.240 and 2020 c 152 s 3 are each amended to
9 read as follows:

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

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

16 (2) The name and address of each person who has made one or more
17 contributions during the period, together with the money value and
18 date of each contribution and the aggregate value of all
19 contributions received from each person during the campaign, or in
20 the case of a continuing political committee, the current calendar
21 year, with the following exceptions:

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

24 (b) Income that results from a fund-raising activity conducted in
25 accordance with RCW 42.17A.230 may be reported as one lump sum, with
26 the exception of that portion received from persons whose names and
27 addresses are required to be included in the report required by RCW
28 42.17A.230;

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

34 (d) Payments received by an incidental committee from any one
35 person need not be reported unless the person is one of the
36 committee's ten largest sources of payments received, including any
37 persons tied as the tenth largest source of payments received, during
38 the current calendar year, and the value of the cumulative payments
39 received from that person during the current calendar year is ten

1 thousand dollars or greater. For payments to incidental committees
2 from multiple persons received in aggregated form, any payment of
3 more than ten thousand dollars from any single person must be
4 reported, but the aggregated payment itself may not be reported. The
5 commission may suspend or modify reporting requirements for payments
6 received by an incidental committee in cases of manifestly
7 unreasonable hardship under this chapter;

8 (e) Payments from private foundations organized under section
9 501(c)(3) of the internal revenue code to an incidental committee do
10 not have to be reported if:

11 (i) The private foundation is contracting with the incidental
12 committee for a specific purpose other than election campaign
13 purposes;

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

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

18 (f) Commentary or analysis on a ballot proposition by an
19 incidental committee is not considered a contribution if it does not
20 advocate specifically to vote for or against the ballot proposition;
21 and

22 (g) The money value of contributions of postage is the face value
23 of the postage;

24 (3) Each loan, promissory note, or security instrument to be used
25 by or for the benefit of the candidate or political committee made by
26 any person, including the names and addresses of the lender and each
27 person liable directly, indirectly or contingently and the date and
28 amount of each such loan, promissory note, or security instrument;

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

30 (5) A statement that the candidate or political committee has
31 received ~~((a certification from any partnership, association,~~
32 ~~corporation, organization, or other combination of persons making a~~
33 ~~contribution to the candidate or political committee that:~~

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

36 ~~(b) Foreign nationals are not involved in making decisions~~
37 ~~regarding the contribution in any way)) all of the certifications~~

38 regarding foreign nationals that are required under RCW 42.17A.418,
39 or a statement that no contributions were large enough to require a
40 certification;

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

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

14 (8) The name, address, and electronic contact information of each
15 person to whom an expenditure was made for soliciting or procuring
16 signatures on an initiative or referendum petition, the amount of the
17 compensation to each person, and the total expenditures made for this
18 purpose. Such expenditures shall be reported under this subsection in
19 addition to what is required to be reported under subsection (7) of
20 this section;

21 (9) (a) The name and address of any person and the amount owed for
22 any debt with a value of more than seven hundred fifty dollars that
23 has not been paid for any invoices submitted, goods received, or
24 services performed, within five business days during the period
25 within thirty days before an election, or within ten business days
26 during any other period.

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

30 (10) The surplus or deficit of contributions over expenditures;

31 (11) The disposition made in accordance with RCW 42.17A.430 of
32 any surplus funds; and

33 (12) Any other information required by the commission by rule in
34 conformance with the policies and purposes of this chapter.

35 **Sec. 10.** RCW 42.17A.250 and 2020 c 152 s 4 are each amended to
36 read as follows:

37 (1) An out-of-state political committee organized for the purpose
38 of supporting or opposing candidates or ballot propositions in
39 another state that is not otherwise required to report under RCW

1 42.17A.205 through 42.17A.240 shall report as required in this
2 section when it makes an expenditure supporting or opposing a
3 Washington state candidate or political committee. The committee
4 shall file with the commission a statement disclosing:

5 (a) Its name and address;

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

7 (c) The names, addresses, and titles of its officers or, if it
8 has no officers, the names, addresses, and the titles of its
9 responsible leaders;

10 (d) The name, office sought, and party affiliation of each
11 candidate in the state of Washington whom the out-of-state committee
12 is supporting or opposing and, if the committee is supporting or
13 opposing the entire ticket of any party, the name of the party;

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

17 (f) The name and address of each person residing in the state of
18 Washington or corporation that has a place of business in the state
19 of Washington who has made one or more contributions in the aggregate
20 of more than twenty-five dollars to the out-of-state committee during
21 the current calendar year, together with the money value and date of
22 the contributions;

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

34 (h) The name and address of each person in the state of
35 Washington to whom an expenditure was made by the out-of-state
36 committee with respect to a candidate or political committee in the
37 aggregate amount of more than fifty dollars, the amount, date, and
38 purpose of the expenditure, and the total sum of the expenditures;

39 (i) A statement that the out-of-state committee has received ((a
40 ~~certification from any partnership, association, corporation,~~

1 ~~organization, or other combination of persons making a contribution~~
2 ~~reportable under this section that:~~

3 ~~(i) The contribution is not financed in any part by a foreign~~
4 ~~national; and~~

5 ~~(ii) Foreign nationals are not involved in making decisions~~
6 ~~regarding the contribution in any way))~~ all of the certifications
7 regarding foreign nationals that are required under RCW 42.17A.418,
8 or a statement that no contributions were large enough to require a
9 certification; and

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

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

EFFECT: Provides that candidates and political committees must receive a certification that no foreign national was involved in campaign contributions only when the donor gives an amount in an election cycle that exceeds the sum of the contribution limits to a candidate for legislative office for the primary plus for the general election, which is currently \$2,400 (after an April 1, 2023, increase from \$2,000).

Requires candidates and political committees to certify in their reports to the Public Disclosure Commission that they have received a certification that no foreign national was involved only for contributions exceeding that threshold.

--- END ---