

SSB 5284 - S AMD 12
By Senator Nguyen

ADOPTED 02/15/2023

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

3 **"Sec. 1.** RCW 42.17A.005 and 2022 c 71 s 14 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

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

9 (2) "Agency" includes all state agencies and all local agencies.
10 "State agency" includes every state office, department, division,
11 bureau, board, commission, or other state agency. "Local agency"
12 includes every county, city, town, municipal corporation, quasi-
13 municipal corporation, or special purpose district, or any office,
14 department, division, bureau, board, commission, or agency thereof,
15 or other local public agency. "Agency" does not include a
16 comprehensive cancer center participating in a collaborative
17 arrangement as defined in RCW 28B.10.930 that is operated in
18 conformance with RCW 28B.10.930.

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

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

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

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

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

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

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

12 (7) "Books of account" means:

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

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

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

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

29 (b) Announces publicly or files for office;

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

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

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

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

1 television, radio, billboards, direct mail advertising, printing,
2 paid internet or digital communications, or any other means of mass
3 communications used for the purpose of appealing, directly or
4 indirectly, for votes or for financial or other support in any
5 election campaign.

6 (11) "Commission" means the agency established under RCW
7 42.17A.100.

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

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

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

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

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

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

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

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

40 (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))~~ "Foreign-influenced corporation" means a corporation for
6 which at least one of the following conditions is met:

7 (a) A single foreign owner holds, owns, controls, or otherwise
8 has direct or indirect beneficial ownership of one percent or more of
9 the total equity, outstanding voting shares, membership units, or
10 other applicable ownership interests of the corporation;

11 (b) Two or more foreign owners, in aggregate, hold, own, control,
12 or otherwise have direct or indirect beneficial ownership of five
13 percent or more of the total equity, outstanding voting shares,
14 membership units, or other applicable ownership interests of the
15 corporation; or

16 (c) A foreign owner participates directly or indirectly in the
17 corporation's decision-making process with respect to the
18 corporation's political activities in the United States.

19 (25) "Foreign investor" means a person or entity that:

20 (a) Holds, owns, controls, or otherwise has direct or indirect
21 beneficial ownership of equity, outstanding voting shares, membership
22 units, or other applicable ownership interests of a corporation; and

23 (b) Is:

24 (i) A government of a foreign country;

25 (ii) A foreign political party;

26 (iii) A partnership, association, corporation, organization, or
27 other combination of persons organized under the laws of or having
28 its principal place of business in a foreign country; or

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

31 (26) "Foreign owner" means:

32 (a) A foreign investor; or

33 (b) A corporation where a foreign investor holds, owns, controls,
34 or otherwise has directly or indirectly acquired beneficial ownership
35 of equity or voting shares in an amount that is equal to or greater
36 than 50 percent of the total equity or outstanding voting shares.

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

40 ~~((26))~~ (28) "Gift" has the definition in RCW 42.52.010.

1 (~~(27)~~) (29) "Immediate family" includes the spouse or domestic
2 partner, dependent children, and other dependent relatives, if living
3 in the household. For the purposes of the definition of
4 "intermediary" in this section, "immediate family" means an
5 individual's spouse or domestic partner, and child, stepchild,
6 grandchild, parent, stepparent, grandparent, brother, half brother,
7 sister, or half sister of the individual and the spouse or the
8 domestic partner of any such person and a child, stepchild,
9 grandchild, parent, stepparent, grandparent, brother, half brother,
10 sister, or half sister of the individual's spouse or domestic partner
11 and the spouse or the domestic partner of any such person.

12 (~~(28)~~) (30) "Incidental committee" means any nonprofit
13 organization not otherwise defined as a political committee but that
14 may incidentally make a contribution or an expenditure in excess of
15 the reporting thresholds in RCW 42.17A.235, directly or through a
16 political committee. Any nonprofit organization is not an incidental
17 committee if it is only remitting payments through the nonprofit
18 organization in an aggregated form and the nonprofit organization is
19 not required to report those payments in accordance with this
20 chapter.

21 (~~(29)~~) (31) "Incumbent" means a person who is in present
22 possession of an elected office.

23 (~~(30)~~) (32)(a) "Independent expenditure" means an expenditure
24 that has each of the following elements:

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

27 (A) A candidate for that office;

28 (B) An authorized committee of that candidate for that office;
29 and

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

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

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

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

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

27 (~~(31)~~) (33) (a) "Intermediary" means an individual who transmits
28 a contribution to a candidate or committee from another person unless
29 the contribution is from the individual's employer, immediate family,
30 or an association to which the individual belongs.

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

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

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

38 (~~(32)~~) (34) "Legislation" means bills, resolutions, motions,
39 amendments, nominations, and other matters pending or proposed in
40 either house of the state legislature, and includes any other matter

1 that may be the subject of action by either house or any committee of
2 the legislature and all bills and resolutions that, having passed
3 both houses, are pending approval by the governor.

4 ~~((33))~~ (35) "Legislative office" means the office of a member
5 of the state house of representatives or the office of a member of
6 the state senate.

7 ~~((34))~~ (36) "Lobby" and "lobbying" each mean attempting to
8 influence the passage or defeat of any legislation by the legislature
9 of the state of Washington, or the adoption or rejection of any rule,
10 standard, rate, or other legislative enactment of any state agency
11 under the state administrative procedure act, chapter 34.05 RCW.
12 Neither "lobby" nor "lobbying" includes an association's or other
13 organization's act of communicating with the members of that
14 association or organization.

15 ~~((35))~~ (37) "Lobbyist" includes any person who lobbies either
16 on the person's own or another's behalf.

17 ~~((36))~~ (38) "Lobbyist's employer" means the person or persons
18 by whom a lobbyist is employed and all persons by whom the lobbyist
19 is compensated for acting as a lobbyist.

20 ~~((37))~~ (39) "Ministerial functions" means an act or duty
21 carried out as part of the duties of an administrative office without
22 exercise of personal judgment or discretion.

23 ~~((38))~~ (40) "Participate" means that, with respect to a
24 particular election, an entity:

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

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

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

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

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

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

3 ~~((39))~~ (41) "Person" includes an individual, partnership, joint
4 venture, public or private corporation, association, federal, state,
5 or local governmental entity or agency however constituted,
6 candidate, committee, political committee, political party, executive
7 committee thereof, or any other organization or group of persons,
8 however organized.

9 ~~((40))~~ (42) "Political advertising" includes any advertising
10 displays, newspaper ads, billboards, signs, brochures, articles,
11 tabloids, flyers, letters, radio or television presentations, digital
12 communication, or other means of mass communication, used for the
13 purpose of appealing, directly or indirectly, for votes or for
14 financial or other support or opposition in any election campaign.

15 ~~((41))~~ (43) "Political committee" means any person (except a
16 candidate or an individual dealing with the candidate's or
17 individual's own funds or property) having the expectation of
18 receiving contributions or making expenditures in support of, or
19 opposition to, any candidate or any ballot proposition.

20 ~~((42))~~ (44) "Primary" for the purposes of RCW 42.17A.405 means
21 the procedure for nominating a candidate to state or local office
22 under chapter 29A.52 RCW or any other primary for an election that
23 uses, in large measure, the procedures established in chapter 29A.52
24 RCW.

25 ~~((43))~~ (45) "Public office" means any federal, state, judicial,
26 county, city, town, school district, port district, special district,
27 or other state political subdivision elective office.

28 ~~((44))~~ (46) "Public record" has the definition in RCW
29 42.56.010.

30 ~~((45))~~ (47) "Recall campaign" means the period of time
31 beginning on the date of the filing of recall charges under RCW
32 29A.56.120 and ending thirty days after the recall election.

33 ~~((46))~~ (48) "Remediable violation" means any violation of this
34 chapter that:

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

38 (b) Occurred:

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

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

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

7 (d) Involved:

8 (i) A person who:

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

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

15 (ii) A candidate who:

16 (A) Lost the election in question; and

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

20 (~~(47)~~) (49)(a) "Sponsor" for purposes of an electioneering
21 communications, independent expenditures, or political advertising
22 means the person paying for the electioneering communication,
23 independent expenditure, or political advertising. If a person acts
24 as an agent for another or is reimbursed by another for the payment,
25 the original source of the payment is the sponsor.

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

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

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

35 (~~(48)~~) (50) "Sponsored committee" means a committee, other than
36 an authorized committee, that has one or more sponsors.

37 (~~(49)~~) (51) "State office" means state legislative office or
38 the office of governor, lieutenant governor, secretary of state,
39 attorney general, commissioner of public lands, insurance

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

3 ((+50)) (52) "State official" means a person who holds a state
4 office.

5 ((+51)) (53) "Surplus funds" mean, in the case of a political
6 committee or candidate, the balance of contributions that remain in
7 the possession or control of that committee or candidate subsequent
8 to the election for which the contributions were received, and that
9 are in excess of the amount necessary to pay remaining debts or
10 expenses incurred by the committee or candidate with respect to that
11 election. In the case of a continuing political committee, "surplus
12 funds" mean those contributions remaining in the possession or
13 control of the committee that are in excess of the amount necessary
14 to pay all remaining debts or expenses when it makes its final report
15 under RCW 42.17A.255.

16 ((+52)) (54) "Technical correction" means the correction of a
17 minor or ministerial error in a required report that does not
18 materially harm the public interest and needs to be corrected for the
19 report to be in full compliance with the requirements of this
20 chapter.

21 ((+53)) (55) "Treasurer" and "deputy treasurer" mean the
22 individuals appointed by a candidate or political or incidental
23 committee, pursuant to RCW 42.17A.210, to perform the duties
24 specified in that section.

25 ((+54)) (56) "Violation" means a violation of this chapter that
26 is not a remediable violation, minor violation, or an error
27 classified by the commission as appropriate to address by a technical
28 correction.

29 **Sec. 2.** RCW 42.17A.205 and 2019 c 428 s 14 are each amended to
30 read as follows:

31 (1) Every political committee shall file a statement of
32 organization with the commission. The statement must be filed within
33 two weeks after organization or within two weeks after the date the
34 committee first has the expectation of receiving contributions or
35 making expenditures in any election campaign, whichever is earlier. A
36 political committee organized within ~~((the last three weeks))~~ the
37 period beginning the first day of the last full month before an
38 election and having the expectation of receiving contributions or
39 making expenditures during and for that election campaign shall file

1 a statement of organization within three business days after its
2 organization or when it first has the expectation of receiving
3 contributions or making expenditures in the election campaign.

4 (2) The statement of organization shall include but not be
5 limited to:

6 (a) The name, address, and electronic contact information of the
7 committee;

8 (b) The names, addresses, and electronic contact information of
9 all related or affiliated committees or other persons, and the nature
10 of the relationship or affiliation;

11 (c) The names, addresses, and titles of its officers; or if it
12 has no officers, the names, addresses, and titles of its responsible
13 leaders;

14 (d) The name, address, and electronic contact information of its
15 treasurer and depository;

16 (e) A statement whether the committee is a continuing one;

17 (f) The name, office sought, and party affiliation of each
18 candidate whom the committee is supporting or opposing, and, if the
19 committee is supporting the entire ticket of any party, the name of
20 the party;

21 (g) The ballot proposition concerned, if any, and whether the
22 committee is in favor of or opposed to such proposition;

23 (h) What distribution of surplus funds will be made, in
24 accordance with RCW 42.17A.430, in the event of dissolution;

25 (i) Such other information as the commission may by rule
26 prescribe, in keeping with the policies and purposes of this chapter;

27 (j) The name, address, and title of any person who authorizes
28 expenditures or makes decisions on behalf of the candidate or
29 committee; and

30 (k) The name, address, and title of any person who is paid by or
31 is a volunteer for a candidate or political committee to perform
32 ministerial functions and who performs ministerial functions on
33 behalf of two or more candidates or committees.

34 (3) No two political committees may have the same name.

35 (4) Any material change in information previously submitted in a
36 statement of organization shall be reported to the commission within
37 the ten days following the change.

38 (5) As used in this section, the "name" of a sponsored committee
39 must include the name of the person who is the sponsor of the
40 committee. If more than one person meets the definition of sponsor,

1 the name of the committee must include the name of at least one
2 sponsor, but may include the names of other sponsors. A person may
3 sponsor only one political committee for the same elected office or
4 same ballot proposition per election cycle.

5 **Sec. 3.** RCW 42.17A.207 and 2019 c 428 s 15 are each amended to
6 read as follows:

7 (1)(a) An incidental committee must file a statement of
8 organization with the commission within two weeks after the date the
9 committee first:

10 (i) Has the expectation of making any expenditures aggregating at
11 least (~~(twenty-five thousand dollars)~~) \$25,000 in a calendar year in
12 any election campaign, or to a political committee; and

13 (ii) Is required to disclose a payment received under RCW
14 42.17A.240(2)(d).

15 (b) If an incidental committee first meets the criteria requiring
16 filing a statement of organization as specified in (a) of this
17 subsection (~~(in the last three weeks)~~) within the period beginning
18 the first day of the last full month before an election, then it must
19 file the statement of organization within three business days.

20 (2) The statement of organization must include but is not limited
21 to:

22 (a) The name, address, and electronic contact information of the
23 committee;

24 (b) The names and addresses of all related or affiliated
25 political or incidental committees or other persons, and the nature
26 of the relationship or affiliation;

27 (c) The names, addresses, and titles of its officers; or if it
28 has no officers, the names, addresses, and titles of its responsible
29 leaders and the name of the person designated as the treasurer of the
30 incidental committee;

31 (d) The name, office sought, and party affiliation of each
32 candidate whom the committee is supporting or opposing if the
33 committee contributes directly to a candidate and, if donating to a
34 political committee, the name and address of that political
35 committee;

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

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

1 (3) Any material change in information previously submitted in a
2 statement of organization must be reported to the commission within
3 the ten days following the change.

4 **Sec. 4.** RCW 42.17A.235 and 2019 c 428 s 20 are each amended to
5 read as follows:

6 (1)(a) In addition to the information required under RCW
7 42.17A.205 and 42.17A.210, each candidate or political committee must
8 file with the commission a report of all contributions received and
9 expenditures made as a political committee on the next reporting date
10 pursuant to the timeline established in this section.

11 (b) In addition to the information required under RCW 42.17A.207
12 and 42.17A.210, on the day an incidental committee files a statement
13 of organization with the commission, each incidental committee must
14 file with the commission a report of any election campaign
15 expenditures under RCW 42.17A.240(6), as well as the source of the
16 ~~((ten))~~ 10 largest cumulative payments of ~~((ten thousand dollars))~~
17 \$10,000 or greater it received in the current calendar year from a
18 single person, including any persons tied as the ~~((tenth))~~ 10th
19 largest source of payments it received, if any.

20 (2) Each treasurer of a candidate or political committee, or an
21 incidental committee, required to file a statement of organization
22 under this chapter, shall file with the commission a report, for each
23 election in which a candidate, political committee, or incidental
24 committee is participating, containing the information required by
25 RCW 42.17A.240 at the following intervals:

26 (a) On the ~~((twenty-first day and the seventh))~~ 34th day, the
27 20th day, and the sixth day immediately preceding the date ~~((on~~
28 ~~which))~~ of the general election ((is held)); ((and))

29 (b) On the 20th day and the sixth day immediately preceding the
30 date of the primary or special election; and

31 (c) On the ~~((tenth))~~ 10th day of the first full month after the
32 election.

33 (3)(a) Each treasurer of a candidate or political committee shall
34 file with the commission a report on the ~~((tenth))~~ 10th day of each
35 month during which the candidate or political committee is not
36 ~~((participating in an election campaign))~~ otherwise required to
37 report under subsection (2) of this section, only if the committee
38 has received a contribution or made an expenditure in the preceding
39 calendar month and either the total contributions received or total

1 expenditures made since the last such report exceed (~~two hundred~~
2 ~~dollars~~) \$200.

3 (b) Each incidental committee shall file with the commission a
4 report on the (~~tenth~~) 10th day of each month during which the
5 incidental committee is not otherwise required to report under this
6 section only if the committee has:

7 (i) Received a payment that would change the information required
8 under RCW 42.17A.240(2)(d) as included in its last report; or

9 (ii) Made any election campaign expenditure reportable under RCW
10 42.17A.240(6) since its last report, and the total election campaign
11 expenditures made since the last report exceed (~~two hundred~~
12 ~~dollars~~) \$200.

13 (4) The (~~report~~) reports filed (~~twenty-one~~) 34 days, 20 days,
14 and six days before the general election and 20 days and 6 days
15 before a primary or special election shall report all contributions
16 received and expenditures made (~~as of~~) from the closing date of the
17 last report filed through the end of (~~one business day~~) two
18 calendar days before the date of (~~the report~~) each filing. (~~The~~
19 ~~report filed seven days before the election shall report all~~
20 ~~contributions received and expenditures made as of the end of one~~
21 ~~business day before the date of the report.~~) Reports filed on the
22 (~~tenth~~) 10th day of the month shall report all contributions
23 received and expenditures made from the closing date of the last
24 report filed through the last day of the month preceding the date of
25 the current report.

26 (5) 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 for a candidate or a political
31 committee shall file with the commission a report of each bank
32 deposit made during the previous seven calendar days. The report
33 shall contain the name of each person contributing the funds and the
34 amount contributed by each person. However, persons who contribute no
35 more than (~~twenty-five dollars~~) \$25 in the aggregate are not
36 required to be identified in the report. A copy of the report shall
37 be retained by the treasurer for the treasurer's records. In the
38 event of deposits made by candidates, political committee members, or
39 paid staff other than the treasurer, the copy shall be immediately

1 provided to the treasurer for the treasurer's records. Each report
2 shall be certified as correct by the treasurer.

3 (6) (a) The treasurer for a candidate or a political committee
4 shall maintain books of account accurately reflecting all
5 contributions and expenditures on a current basis within five
6 business days of receipt or expenditure. During the (~~tenth~~) 10
7 calendar days immediately preceding the date of the election the
8 books of account shall be kept current within one business day. As
9 specified in the political committee's statement of organization
10 filed under RCW 42.17A.205, the books of account must be open for
11 public inspection by appointment at a place agreed upon by both the
12 treasurer and the requestor, for inspections between 9:00 a.m. and
13 5:00 p.m. on any day from the (~~tenth~~) 10th calendar day immediately
14 before the election through the day immediately before the election,
15 other than Saturday, Sunday, or a legal holiday. It is a violation of
16 this chapter for a candidate or political committee to refuse to
17 allow and keep an appointment for an inspection to be conducted
18 during these authorized times and days. The appointment must be
19 allowed at an authorized time and day for such inspections that is
20 within (~~forty-eight~~) 48 hours of the time and day that is requested
21 for the inspection. The treasurer may provide digital access or
22 copies of the books of account in lieu of scheduling an appointment
23 at a designated place for inspection. If the treasurer and requestor
24 are unable to agree on a location and the treasurer has not provided
25 digital access to the books of account, the default location for an
26 appointment shall be a place of public accommodation selected by the
27 treasurer within a reasonable distance from the treasurer's office.

28 (b) At the time of making the appointment, a person wishing to
29 inspect the books of account must provide the treasurer the name and
30 telephone number of the person wishing to inspect the books of
31 account. The person inspecting the books of account must show photo
32 identification before the inspection begins.

33 (c) A treasurer may refuse to show the books of account to any
34 person who does not make an appointment or provide the required
35 identification. The commission may issue limited rules to modify the
36 requirements set forth in this section in consideration of other
37 technology and best practices.

38 (7) Copies of all reports filed pursuant to this section shall be
39 readily available for public inspection by appointment, pursuant to
40 subsection (6) of this section.

1 (8) The treasurer or candidate shall preserve books of account,
2 bills, receipts, and all other financial records of the campaign or
3 political committee for not less than five calendar years following
4 the year during which the transaction occurred or for any longer
5 period as otherwise required by law.

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

9 (10) Where there is not a pending complaint concerning a report,
10 it is not evidence of a violation of this section to submit an
11 amended report within (~~(twenty-one)~~) 21 days of filing an initial
12 report if:

13 (a) The report is accurately amended;

14 (b) The amended report is filed more than (~~(thirty)~~) 30 days
15 before an election;

16 (c) The total aggregate dollar amount of the adjustment for the
17 amended report is within three times the contribution limit per
18 election or (~~(two hundred dollars)~~) \$200, whichever is greater; and

19 (d) The committee reported all information that was available to
20 it at the time of filing, or made a good faith effort to do so, or if
21 a refund of a contribution or expenditure is being reported.

22 (11)(a) When there is no outstanding debt or obligation, the
23 campaign fund is closed, the campaign is concluded in all respects,
24 and the political committee has ceased to function and intends to
25 dissolve, the treasurer shall file a final report. Upon submitting a
26 final report, the political committee so intending to dissolve must
27 file notice of intent to dissolve with the commission and the
28 commission must post the notice on its website.

29 (b) Any political committee may dissolve (~~(sixty)~~) 60 days after
30 it files its notice to dissolve, only if:

31 (i) The political committee does not make any expenditures other
32 than those related to the dissolution process or engage in any
33 political activity or any other activities that generate additional
34 reporting requirements under this chapter after filing such notice;

35 (ii) No complaint or court action under this chapter is pending
36 against the political committee; and

37 (iii) All penalties assessed by the commission or court order
38 have been paid by the political committee.

1 (c) The political committee must continue to report regularly as
2 required under this chapter until all the conditions under (b) of
3 this subsection are resolved.

4 (d) Upon dissolution, the commission must issue an acknowledgment
5 of dissolution, the duties of the treasurer shall cease, and there
6 shall be no further obligations under this chapter. Dissolution does
7 not absolve the candidate or board of the committee from
8 responsibility for any future obligations resulting from the finding
9 after dissolution of a violation committed prior to dissolution.

10 (12) The commission must adopt rules for the dissolution of
11 incidental committees.

12 **Sec. 5.** RCW 42.17A.240 and 2020 c 152 s 3 are each amended to
13 read as follows:

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

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

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

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

28 (b) Income that results from a fund-raising activity conducted in
29 accordance with RCW 42.17A.230 may be reported as one lump sum, with
30 the exception of that portion received from persons whose names and
31 addresses are required to be included in the report required by RCW
32 42.17A.230;

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

38 (d) Payments received by an incidental committee from any one
39 person need not be reported unless the person is one of the

1 committee's ten largest sources of payments received, including any
2 persons tied as the tenth largest source of payments received, during
3 the current calendar year, and the value of the cumulative payments
4 received from that person during the current calendar year is ten
5 thousand dollars or greater. For payments to incidental committees
6 from multiple persons received in aggregated form, any payment of
7 more than ten thousand dollars from any single person must be
8 reported, but the aggregated payment itself may not be reported. The
9 commission may suspend or modify reporting requirements for payments
10 received by an incidental committee in cases of manifestly
11 unreasonable hardship under this chapter;

12 (e) Payments from private foundations organized under section
13 501(c)(3) of the internal revenue code to an incidental committee do
14 not have to be reported if:

15 (i) The private foundation is contracting with the incidental
16 committee for a specific purpose other than election campaign
17 purposes;

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

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

22 (f) Commentary or analysis on a ballot proposition by an
23 incidental committee is not considered a contribution if it does not
24 advocate specifically to vote for or against the ballot proposition;
25 and

26 (g) The money value of contributions of postage is the face value
27 of the postage;

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

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

34 (5) ~~((A statement that the candidate or political committee has
35 received a certification from any partnership, association,
36 corporation, organization, or other combination of persons making a
37 contribution to the candidate or political committee that:~~

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

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

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

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

16 ~~((8))~~ (7) The name, address, and electronic contact information
17 of each person to whom an expenditure was made for soliciting or
18 procuring signatures on an initiative or referendum petition, the
19 amount of the compensation to each person, and the total expenditures
20 made for this purpose. Such expenditures shall be reported under this
21 subsection in addition to what is required to be reported under
22 subsection ~~((7))~~ (6) of this section;

23 ~~((9))~~ (8)(a) The name and address of any person and the amount
24 owed for any debt with a value of more than seven hundred fifty
25 dollars that has not been paid for any invoices submitted, goods
26 received, or services performed, within five business days during the
27 period within thirty days before an election, or within ten business
28 days during any other period.

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

32 ~~((10))~~ (9) The surplus or deficit of contributions over
33 expenditures;

34 ~~((11))~~ (10) The disposition made in accordance with RCW
35 42.17A.430 of any surplus funds; and

36 ~~((12))~~ (11) Any other information required by the commission by
37 rule in conformance with the policies and purposes of this chapter.

38 **Sec. 6.** RCW 42.17A.250 and 2020 c 152 s 4 are each amended to
39 read as follows:

1 (1) An out-of-state political committee organized for the purpose
2 of supporting or opposing candidates or ballot propositions in
3 another state that is not otherwise required to report under RCW
4 42.17A.205 through 42.17A.240 shall report as required in this
5 section when it makes an expenditure supporting or opposing a
6 Washington state candidate or political committee. The committee
7 shall file with the commission a statement disclosing:

8 (a) Its name and address;

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

10 (c) The names, addresses, and titles of its officers or, if it
11 has no officers, the names, addresses, and the titles of its
12 responsible leaders;

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

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

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

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

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

1 purpose of the expenditure, and the total sum of the expenditures;
2 and

3 ~~(i) ((A statement that the out-of-state committee has received a~~
4 ~~certification from any partnership, association, corporation,~~
5 ~~organization, or other combination of persons making a contribution~~
6 ~~reportable under this section that:~~

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

9 ~~(ii) Foreign nationals are not involved in making decisions~~
10 ~~regarding the contribution in any way; and~~

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

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

19 **Sec. 7.** RCW 42.17A.255 and 2020 c 152 s 5 are each amended to
20 read as follows:

21 (1) For the purposes of this section the term "independent
22 expenditure" means any expenditure that is made in support of or in
23 opposition to any candidate or ballot proposition and is not
24 otherwise required to be reported pursuant to RCW 42.17A.225,
25 42.17A.235, and 42.17A.240. "Independent expenditure" does not
26 include: An internal political communication primarily limited to the
27 contributors to a political party organization or political action
28 committee, or the officers, management staff, and stockholders of a
29 corporation or similar enterprise, or the members of a labor
30 organization or other membership organization; or the rendering of
31 personal services of the sort commonly performed by volunteer
32 campaign workers, or incidental expenses personally incurred by
33 volunteer campaign workers not in excess of fifty dollars personally
34 paid for by the worker. "Volunteer services," for the purposes of
35 this section, means services or labor for which the individual is not
36 compensated by any person.

37 (2) Within five days after the date of making an independent
38 expenditure that by itself or when added to all other such
39 independent expenditures made during the same election campaign by

1 the same person equals (~~one hundred dollars~~) \$100 or more, or
2 within five days after the date of making an independent expenditure
3 for which no reasonable estimate of monetary value is practicable,
4 whichever occurs first, the person who made the independent
5 expenditure shall file with the commission an initial report of all
6 independent expenditures made during the campaign prior to and
7 including such date.

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

12 (~~(a)~~) (i) On the (~~twenty-first day and the seventh~~) 34th day,
13 the 20th day, and the sixth day preceding the date (~~on which~~) of
14 the general election (~~is held~~); (~~and~~

15 ~~(b)~~) (ii) On the 20th day and the sixth day preceding a primary
16 or special election;

17 (iii) On the (~~tenth~~) 10th day of the first month after the
18 election; and

19 (~~(e)~~) (iv) On the (~~tenth~~) 10th day of each month in which no
20 other reports are required to be filed pursuant to this section.
21 (~~However, the~~)

22 (b) (i) The further reports required by this subsection (3) shall
23 only be filed if the reporting person has made an independent
24 expenditure since the date of the last previous report filed.

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

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

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

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

1 (b) The name and address of each person to whom an independent
2 expenditure was made in the aggregate amount of more than (~~fifty~~
3 ~~dollars~~) \$50, and the amount, date, and purpose of each such
4 expenditure. If no reasonable estimate of the monetary value of a
5 particular independent expenditure is practicable, it is sufficient
6 to report instead a precise description of services, property, or
7 rights furnished through the expenditure and where appropriate to
8 attach a copy of the item produced or distributed by the expenditure;

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

11 (d) (~~A statement from the person making an independent~~
12 ~~expenditure that:~~

13 ~~(i) The expenditure 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 expenditure in any way; and~~

17 ~~(e))~~ Such other information as shall be required by the
18 commission by rule in conformance with the policies and purposes of
19 this chapter.

20 **Sec. 8.** RCW 42.17A.260 and 2020 c 152 s 6 are each amended to
21 read as follows:

22 (1) The sponsor of political advertising shall file a special
23 report to the commission within (~~twenty-four~~) 24 hours of, or on
24 the first working day after, the date the political advertising is
25 first published, mailed, or otherwise presented to the public, if the
26 political advertising:

27 (a) Is published, mailed, or otherwise presented to the public
28 within (~~twenty-one~~) 21 days of an election; and

29 (b) Either:

30 (i) Qualifies as an independent expenditure with a fair market
31 value or actual cost of (~~one thousand dollars~~) \$1,000 or more, for
32 political advertising supporting or opposing a candidate; or

33 (ii) Has a fair market value or actual cost of (~~one thousand~~
34 ~~dollars~~) \$1,000 or more, for political advertising supporting or
35 opposing a ballot proposition, and is not otherwise required to be
36 reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240,
37 supporting or opposing the same ballot proposition.

38 (2) If a sponsor is required to file a special report under this
39 section, the sponsor shall also deliver to the commission within the

1 delivery period established in subsection (1) of this section a
2 special report for ~~((each))~~:

3 (a) Each subsequent independent expenditure of any size
4 supporting or opposing the same candidate who was the subject of the
5 previous independent expenditure, supporting or opposing that
6 candidate's opponent ~~((, or, in the case of a))~~; or

7 (b) Each subsequent expenditure of any size made in support of or
8 in opposition to ~~((a))~~ the same ballot proposition that was the
9 subject of the previous expenditure, and is not otherwise required to
10 be reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240 ~~((, or, in the case of a))~~
11 ~~supporting or opposing the same ballot proposition that was the~~
12 ~~subject of the previous expenditure~~)).

13 (3) The special report must include:

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

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

17 (c) A detailed description of the expenditure;

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

20 (e) The amount of the expenditure;

21 (f) The name of the candidate supported or opposed by the
22 expenditure, the office being sought by the candidate, and whether
23 the expenditure supports or opposes the candidate; or the name of the
24 ballot proposition supported or opposed by the expenditure and
25 whether the expenditure supports or opposes the ballot proposition;
26 and

27 ~~(g) ((A statement from the sponsor that:~~

28 ~~(i) The political advertising is not financed in any part by a
29 foreign national; and~~

30 ~~(ii) Foreign nationals are not involved in making decisions
31 regarding the political advertising in any way; and~~

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

33 (4) All persons required to report under RCW 42.17A.225,
34 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the
35 requirements of this section, except as otherwise provided in this
36 section. The commission may determine that reports filed pursuant to
37 this section also satisfy the requirements of RCW 42.17A.255.

38 (5) The sponsor of independent expenditures supporting a
39 candidate or opposing that candidate's opponent required to report
40 under this section shall file with each required report an affidavit

1 or declaration of the person responsible for making the independent
2 expenditure that the expenditure was not made in cooperation,
3 consultation, or concert with, or at the request or suggestion of,
4 the candidate, the candidate's authorized committee, or the
5 candidate's agent, or with the encouragement or approval of the
6 candidate, the candidate's authorized committee, or the candidate's
7 agent.

8 **Sec. 9.** RCW 42.17A.265 and 2020 c 152 s 7 are each amended to
9 read as follows:

10 (1) Treasurers shall prepare and deliver to the commission a
11 special report when a contribution or aggregate of contributions
12 totals (~~one thousand dollars or more~~) more than the contribution
13 limit to a candidate for state officer other than legislative office,
14 as provided in RCW 42.17A.405(2), is from a single person or entity,
15 and is received during (~~a special reporting period~~) the period from
16 the beginning of the last full month preceding an election in which
17 the treasurer's committee is participating, and concluding the day
18 before that election.

19 (2) A political committee shall prepare and deliver to the
20 commission a special report when it makes a contribution or an
21 aggregate of contributions to a single entity that totals (~~one~~
22 ~~thousand dollars or more during a special reporting period~~) more
23 than the contribution limit to a candidate for state office other
24 than legislative office, as provided in RCW 42.17A.405(2), during the
25 same special reporting period as set forth in subsection (1) of this
26 section.

27 (3) An aggregate of contributions includes only those
28 contributions made to or received from a single entity during any one
29 special reporting period. (~~Any~~) After a special report is filed as
30 provided under subsection (1) or (2) of this section, an additional
31 special report must be filed for any subsequent contribution of any
32 size made to or received from the same person or entity during the
33 special reporting period (~~must also be reported~~).

34 (4) (~~Special reporting periods, for purposes of this section,~~
35 ~~include:~~

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

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

1 ~~(c) An aggregate of contributions includes only those~~
2 ~~contributions received from a single entity during any one special~~
3 ~~reporting period or made by the contributing political committee to a~~
4 ~~single entity during any one special reporting period.~~

5 ~~(5) If a campaign treasurer files a special report under this~~
6 ~~section for one or more contributions received from a single entity~~
7 ~~during a special reporting period, the treasurer shall also file a~~
8 ~~special report under this section for each subsequent contribution of~~
9 ~~any size which is received from that entity during the special~~
10 ~~reporting period. If a political committee files a special report~~
11 ~~under this section for a contribution or contributions made to a~~
12 ~~single entity during a special reporting period, the political~~
13 ~~committee shall also file a special report for each subsequent~~
14 ~~contribution of any size which is made to that entity during the~~
15 ~~special reporting period.~~

16 ~~(6)) Special reports required by this section shall be delivered~~
17 ~~electronically, or in written form if an electronic alternative is~~
18 ~~not available.~~

19 (a) The special report required of a contribution recipient under
20 subsection (1) of this section shall be delivered to the commission
21 within ~~((forty-eight))~~ 48 hours of the time, or on the first
22 ~~((working))~~ business day after:

23 (i) The qualifying contribution ~~((of one thousand dollars or~~
24 ~~more))~~ is received by the candidate or treasurer; ~~((the))~~

25 (ii) The aggregate received by the candidate or treasurer first
26 equals ~~((one thousand dollars or more))~~ the qualifying amount; or
27 ~~((any))~~

28 (iii) Any subsequent contribution from the same source is
29 received by the candidate or treasurer.

30 (b) The special report required of a contributor under subsection
31 (2) of this section or RCW 42.17A.625 shall be delivered to the
32 commission, and the candidate or political committee to whom the
33 contribution or contributions are made, within ~~((twenty-four))~~ 24
34 hours of the time, or on the first ~~((working))~~ business day after:

35 (i) The qualifying contribution is made; ~~((the))~~

36 (ii) The aggregate of contributions made first equals ~~((one~~
37 ~~thousand dollars or more))~~ the qualifying amount; or ~~((any))~~

38 (iii) Any subsequent contribution to the same person or entity is
39 made.

40 ~~((7))~~ (5) The special report shall include:

- 1 (a) The amount of the contribution or contributions;
2 (b) The date or dates of receipt;
3 (c) The name and address of the donor;
4 (d) The name and address of the recipient; and
5 (e) (~~(A statement that the candidate or political committee has~~
6 ~~received a certification from any partnership, association,~~
7 ~~corporation, organization, or other combination of persons making a~~
8 ~~contribution reportable under this section that:~~
9 ~~(i) The contribution is not financed in any part by a foreign~~
10 ~~national; and~~
11 ~~(ii) Foreign nationals are not involved in making decisions~~
12 ~~regarding the contribution in any way; and~~
13 ~~(f)) Any other information the commission may by rule require.~~
14 ~~((8))~~ (6) Contributions reported under this section shall also
15 be reported as required by other provisions of this chapter.
16 ~~((9))~~ (7) The commission shall prepare daily a summary of the
17 special reports made under this section and RCW 42.17A.625.
18 ~~((10))~~ (8) Contributions governed by this section include, but
19 are not limited to, contributions made or received indirectly through
20 a third party or entity whether the contributions are or are not
21 reported to the commission as earmarked contributions under RCW
22 42.17A.270.

23 **Sec. 10.** RCW 42.17A.305 and 2020 c 152 s 8 are each amended to
24 read as follows:

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

29 (a) Name and address of the sponsor;

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

31 (i) General treasury funds. The name and address of businesses,
32 unions, groups, associations, or other organizations using general
33 treasury funds for the communication, however, if a business, union,
34 group, association, or other organization undertakes a special
35 solicitation of its members or other persons for an electioneering
36 communication, or it otherwise receives funds for an electioneering
37 communication, that entity shall report pursuant to (b)(ii) of this
38 subsection;

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

7 (iii) (~~(A statement from the sponsor that:~~

8 ~~(A) The electioneering communication is not financed in any part
9 by a foreign national; and~~

10 ~~(B) Foreign nationals are not involved in making decisions
11 regarding the electioneering communication in any way; and~~

12 ~~(iv)) Any other source information required or exempted by the
13 commission by rule;~~

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

16 (d) A detailed description of each expenditure of more than one
17 hundred dollars;

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

21 (f) The amount of the expenditure;

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

26 (h) Any other information the commission may require or exempt by
27 rule.

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

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

1 (4) All persons required to report under RCW 42.17A.225,
2 42.17A.235, 42.17A.240, and 42.17A.255 are subject to the
3 requirements of this section, although the commission may determine
4 by rule that persons filing according to those sections may be exempt
5 from reporting some of the information otherwise required by this
6 section. The commission may determine that reports filed pursuant to
7 this section also satisfy the requirements of RCW 42.17A.255 and
8 42.17A.260.

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

11 **Sec. 11.** RCW 42.17A.345 and 2019 c 428 s 26 are each amended to
12 read as follows:

13 (1) Each commercial advertiser who has accepted or provided
14 political advertising or electioneering communications during the
15 election campaign shall maintain current books of account and related
16 materials as provided by rule that shall be open for public
17 inspection during normal business hours during the campaign and for a
18 period of no less than five years after the date of the applicable
19 election. The documents and books of account shall specify:

20 (a) The names and addresses of persons from whom it accepted
21 political advertising or electioneering communications;

22 (b) The exact nature and extent of the services rendered; and

23 (c) The total cost and the manner of payment for the services.

24 (2) At the request of the commission, each commercial advertiser
25 required to comply with subsection (1) of this section shall provide
26 to the commission copies of the information that must be maintained
27 and be open for public inspection pursuant to subsection (1) of this
28 section.

29 (3) Any person who purchases political advertising or
30 electioneering communications from a commercial advertiser must
31 disclose upon request from the commercial advertiser:

32 (a) That the purchase includes political advertising or
33 electioneering communications;

34 (b) The name of the sponsor, if different than the person making
35 the purchase; and

36 (c) Any other information the commercial advertiser is required
37 to maintain, as provided by this section or rule.

38 (4) Any failure to provide the required information in subsection
39 (3) of this section upon request is a violation under this chapter,

1 but such failure shall not relieve a commercial advertiser of any of
2 the requirements under this section.

3 NEW SECTION. **Sec. 12.** A new section is added to chapter 42.17A
4 RCW to read as follows:

5 Any corporation making an independent expenditure or contributing
6 to a political committee, incidental committee, or candidate shall,
7 within seven business days after making the expenditure or
8 contribution, file with the commission a statement of certification
9 signed by its chief executive officer under penalty of perjury
10 avowing that after due inquiry, the corporation was not a foreign-
11 influenced corporation on the date the independent expenditure or
12 contribution was made. The corporation shall also provide a copy of
13 the statement of certification to any committee or candidate to which
14 it makes a contribution.

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

17 (1) No candidate may solicit or receive contributions from a
18 foreign-influenced corporation.

19 (2) No foreign-influenced corporation may make an independent
20 expenditure for or against a candidate, nor a contribution to a
21 political or incidental committee that has conveyed, implicitly or
22 explicitly, that contributions to the committee may be used in
23 elections for or against a candidate.

24 (3) A political or incidental committee may dedicate any
25 contributions that do not comply with the restrictions in this
26 section for use in elections outside the state or for other lawful
27 purposes.

28 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
29 each repealed:

30 (1) RCW 42.17A.417 (Foreign nationals—Contributions,
31 expenditures, and electioneering prohibited) and 2020 c 152 s 9; and

32 (2) RCW 42.17A.418 (Foreign nationals—Contribution certification)
33 and 2020 c 152 s 10.

34 NEW SECTION. **Sec. 15.** This act takes effect January 1, 2024."

ADOPTED 02/15/2023

1 On page 1, line 2 of the title, after "disclosure;" strike the
2 remainder of the title and insert "amending RCW 42.17A.005,
3 42.17A.205, 42.17A.207, 42.17A.235, 42.17A.240, 42.17A.250,
4 42.17A.255, 42.17A.260, 42.17A.265, 42.17A.305, and 42.17A.345;
5 adding new sections to chapter 42.17A RCW; repealing RCW 42.17A.417
6 and 42.17A.418; and providing an effective date."

EFFECT: (1) Replaces prohibition on contributions from or expenditures by foreign nationals with a prohibition on contributions from or expenditures by foreign-influenced corporations.

(2) Changes the effective date to January 1, 2024.

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