

2ESSB 5284 - H AMD 1184

By Representative Ramos

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

3 **"Sec. 1.** RCW 42.17A.240 and 2020 c 152 s 3 are each amended to
4 read as follows:

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

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

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

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

19 (b) Income that results from a fund-raising activity conducted in
20 accordance with RCW 42.17A.230 may be reported as one lump sum, with
21 the exception of that portion received from persons whose names and
22 addresses are required to be included in the report required by RCW
23 42.17A.230;

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

29 (d) Payments received by an incidental committee from any one
30 person need not be reported unless the person is one of the
31 committee's ten largest sources of payments received, including any
32 persons tied as the tenth largest source of payments received, during

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

10 (e) Payments from private foundations organized under section
11 501(c)(3) of the internal revenue code to an incidental committee do
12 not have to be reported if:

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

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

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

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

24 (g) The money value of contributions of postage is the face value
25 of the postage;

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

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

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

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

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

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

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

14 ~~((8))~~ (7) The name, address, and electronic contact information
15 of each person to whom an expenditure was made for soliciting or
16 procuring signatures on an initiative or referendum petition, the
17 amount of the compensation to each person, and the total expenditures
18 made for this purpose. Such expenditures shall be reported under this
19 subsection in addition to what is required to be reported under
20 subsection ~~((7))~~ (6) of this section;

21 ~~((9))~~ (8)(a) The name and address of any person and the amount
22 owed for any debt with a value of more than seven hundred fifty
23 dollars that has not been paid for any invoices submitted, goods
24 received, or services performed, within five business days during the
25 period within thirty days before an election, or within ten business
26 days 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))~~ (9) The surplus or deficit of contributions over
31 expenditures;

32 ~~((11))~~ (10) The disposition made in accordance with RCW
33 42.17A.430 of any surplus funds; and

34 ~~((12))~~ (11) Any other information required by the commission by
35 rule in conformance with the policies and purposes of this chapter.

36 **Sec. 2.** RCW 42.17A.250 and 2020 c 152 s 4 are each amended to
37 read as follows:

38 (1) An out-of-state political committee organized for the purpose
39 of supporting or opposing candidates or ballot propositions in

1 another state that is not otherwise required to report under RCW
2 42.17A.205 through 42.17A.240 shall report as required in this
3 section when it makes an expenditure supporting or opposing a
4 Washington state candidate or political committee. The committee
5 shall file with the commission a statement disclosing:

6 (a) Its name and address;

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

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

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

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

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

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

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

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

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

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

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

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

17 **Sec. 3.** RCW 42.17A.265 and 2020 c 152 s 7 are each amended to
18 read as follows:

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

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

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 subsequent contribution of any size
30 made to or received from the same person or entity during the special
31 reporting period must also be reported.

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

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

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

38 (c) An aggregate of contributions includes only those
39 contributions received from a single entity during any one special

1 reporting period or made by the contributing political committee to a
2 single entity during any one special reporting period.

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

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

17 (a) The special report required of a contribution recipient under
18 subsection (1) of this section shall be delivered to the commission
19 within forty-eight hours of the time, or on the first working day
20 after: The contribution of one thousand dollars or more is received
21 by the candidate or treasurer; the aggregate received by the
22 candidate or treasurer first equals one thousand dollars or more; or
23 any subsequent contribution from the same source is received by the
24 candidate or treasurer.

25 (b) The special report required of a contributor under subsection
26 (2) of this section or RCW 42.17A.625 shall be delivered to the
27 commission, and the candidate or political committee to whom the
28 contribution or contributions are made, within twenty-four hours of
29 the time, or on the first working day after: The contribution is
30 made; the aggregate of contributions made first equals one thousand
31 dollars or more; or any subsequent contribution to the same person or
32 entity is made.

33 (7) The special report shall include:

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

35 (b) The date or dates of receipt;

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

37 (d) The name and address of the recipient; and

38 ~~(e) ((A statement that the candidate or political committee has~~
39 ~~received a certification from any partnership, association,~~

1 ~~corporation, organization, or other combination of persons making a~~
2 ~~contribution 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; and~~

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

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

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

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

16 NEW SECTION. **Sec. 4.** RCW 42.17A.418 (Foreign nationals—
17 Contribution certification) and 2020 c 152 s 10 are each repealed."

18 Correct the title.

EFFECT: (1) Removes provisions in the underlying bill that
require purchasers of political advertising and electioneering
communications to disclose information to commercial advertisers on
request.

(2) Eliminates provisions in existing law that require candidates
and political committees to receive a certification that no foreign
nationals were involved in campaign contributions.

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