

---

**ENGROSSED SUBSTITUTE SENATE BILL 5284**

---

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate State Government & Elections (originally sponsored by Senators Nguyen, Billig, Frame, Hunt, Keiser, Kuderer, Shewmake, and C. Wilson; by request of Public Disclosure Commission)

READ FIRST TIME 02/01/23.

1       AN ACT Relating to improving transparency in campaign finance  
2 disclosure; amending RCW 42.17A.005, 42.17A.205, 42.17A.207,  
3 42.17A.235, 42.17A.240, 42.17A.250, 42.17A.255, 42.17A.260,  
4 42.17A.265, 42.17A.305, and 42.17A.345; adding new sections to  
5 chapter 42.17A RCW; repealing RCW 42.17A.417 and 42.17A.418; and  
6 providing an effective date.

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

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

10       The definitions in this section apply throughout this chapter  
11 unless the context clearly requires otherwise.

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

14       (2) "Agency" includes all state agencies and all local agencies.  
15 "State agency" includes every state office, department, division,  
16 bureau, board, commission, or other state agency. "Local agency"  
17 includes every county, city, town, municipal corporation, quasi-  
18 municipal corporation, or special purpose district, or any office,  
19 department, division, bureau, board, commission, or agency thereof,  
20 or other local public agency. "Agency" does not include a  
21 comprehensive cancer center participating in a collaborative

1 arrangement as defined in RCW 28B.10.930 that is operated in  
2 conformance with RCW 28B.10.930.

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

7 (4) "Ballot proposition" means any "measure" as defined by RCW  
8 29A.04.091, or any initiative, recall, or referendum proposition  
9 proposed to be submitted to the voters of the state or any municipal  
10 corporation, political subdivision, or other voting constituency from  
11 and after the time when the proposition has been initially filed with  
12 the appropriate election officer of that constituency before its  
13 circulation for signatures.

14 (5) "Benefit" means a commercial, proprietary, financial,  
15 economic, or monetary advantage, or the avoidance of a commercial,  
16 proprietary, financial, economic, or monetary disadvantage.

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

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

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

24 (c) The county central committee or legislative district  
25 committee of a major political party. There may be only one  
26 legislative district committee for each party in each legislative  
27 district.

28 (7) "Books of account" means:

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

33 (b) In the case of a commercial advertiser, details of political  
34 advertising or electioneering communications provided by the  
35 advertiser, including the names and addresses of persons from whom it  
36 accepted political advertising or electioneering communications, the  
37 exact nature and extent of the services rendered and the total cost  
38 and the manner of payment for the services.

1 (8) "Candidate" means any individual who seeks nomination for  
2 election or election to public office. An individual seeks nomination  
3 or election when the individual first:

4 (a) Receives contributions or makes expenditures or reserves  
5 space or facilities with intent to promote the individual's candidacy  
6 for office;

7 (b) Announces publicly or files for office;

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

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

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

15 (10) "Commercial advertiser" means any person that sells the  
16 service of communicating messages or producing material for broadcast  
17 or distribution to the general public or segments of the general  
18 public whether through brochures, fliers, newspapers, magazines,  
19 television, radio, billboards, direct mail advertising, printing,  
20 paid internet or digital communications, or any other means of mass  
21 communications used for the purpose of appealing, directly or  
22 indirectly, for votes or for financial or other support in any  
23 election campaign.

24 (11) "Commission" means the agency established under RCW  
25 42.17A.100.

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

29 (13) "Compensation" unless the context requires a narrower  
30 meaning, includes payment in any form for real or personal property  
31 or services of any kind. For the purpose of compliance with RCW  
32 42.17A.710, "compensation" does not include per diem allowances or  
33 other payments made by a governmental entity to reimburse a public  
34 official for expenses incurred while the official is engaged in the  
35 official business of the governmental entity.

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

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

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

5 (ii) An expenditure made by a person in cooperation,  
6 consultation, or concert with, or at the request or suggestion of, a  
7 candidate, a political or incidental committee, the person or persons  
8 named on the candidate's or committee's registration form who direct  
9 expenditures on behalf of the candidate or committee, or their  
10 agents;

11 (iii) The financing by a person of the dissemination,  
12 distribution, or republication, in whole or in part, of broadcast,  
13 written, graphic, digital, or other form of political advertising or  
14 electioneering communication prepared by a candidate, a political or  
15 incidental committee, or its authorized agent;

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

19 (b) "Contribution" does not include:

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

22 (ii) Ordinary home hospitality;

23 (iii) A contribution received by a candidate or political or  
24 incidental committee that is returned to the contributor within ten  
25 business days of the date on which it is received by the candidate or  
26 political or incidental committee;

27 (iv) A news item, feature, commentary, or editorial in a  
28 regularly scheduled news medium that is of interest to the public,  
29 that is in a news medium controlled by a person whose business is  
30 that news medium, and that is not controlled by a candidate or a  
31 political or incidental committee;

32 (v) An internal political communication primarily limited to the  
33 members of or contributors to a political party organization or  
34 political or incidental committee, or to the officers, management  
35 staff, or stockholders of a corporation or similar enterprise, or to  
36 the members of a labor organization or other membership organization;

37 (vi) The rendering of personal services of the sort commonly  
38 performed by volunteer campaign workers, or incidental expenses  
39 personally incurred by volunteer campaign workers not in excess of  
40 fifty dollars personally paid for by the worker. "Volunteer

1 services," for the purposes of this subsection, means services or  
2 labor for which the individual is not compensated by any person;

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

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

10 (A) A political party or caucus political committee if the person  
11 paying for the services is the regular employer of the person  
12 rendering such services; or

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

17 (ix) The performance of ministerial functions by a person on  
18 behalf of two or more candidates or political or incidental  
19 committees either as volunteer services defined in (b)(vi) of this  
20 subsection or for payment by the candidate or political or incidental  
21 committee for whom the services are performed as long as:

22 (A) The person performs solely ministerial functions;

23 (B) A person who is paid by two or more candidates or political  
24 or incidental committees is identified by the candidates and  
25 political committees on whose behalf services are performed as part  
26 of their respective statements of organization under RCW 42.17A.205;  
27 and

28 (C) The person does not disclose, except as required by law, any  
29 information regarding a candidate's or committee's plans, projects,  
30 activities, or needs, or regarding a candidate's or committee's  
31 contributions or expenditures that is not already publicly available  
32 from campaign reports filed with the commission, or otherwise engage  
33 in activity that constitutes a contribution under (a)(ii) of this  
34 subsection.

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

39 (c) Contributions other than money or its equivalent are deemed  
40 to have a monetary value equivalent to the fair market value of the

1 contribution. Services or property or rights furnished at less than  
2 their fair market value for the purpose of assisting any candidate or  
3 political committee are deemed a contribution. Such a contribution  
4 must be reported as an in-kind contribution at its fair market value  
5 and counts towards any applicable contribution limit of the provider.

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

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

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

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

21 (20) "Election cycle" means the period beginning on the first day  
22 of January after the date of the last previous general election for  
23 the office that the candidate seeks and ending on December 31st after  
24 the next election for the office. In the case of a special election  
25 to fill a vacancy in an office, "election cycle" means the period  
26 beginning on the day the vacancy occurs and ending on December 31st  
27 after the special election.

28 (21)(a) "Electioneering communication" means any broadcast,  
29 cable, or satellite television, radio transmission, digital  
30 communication, United States postal service mailing, billboard,  
31 newspaper, or periodical that:

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

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

39 (iii) Either alone, or in combination with one or more  
40 communications identifying the candidate by the same sponsor during

1 the sixty days before an election, has a fair market value or cost of  
2 one thousand dollars or more.

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

4 (i) Usual and customary advertising of a business owned by a  
5 candidate, even if the candidate is mentioned in the advertising when  
6 the candidate has been regularly mentioned in that advertising  
7 appearing at least twelve months preceding the candidate becoming a  
8 candidate;

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

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

15 (A) Of interest to the public;

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

18 (C) Not a medium controlled by a candidate or a political or  
19 incidental committee;

20 (iv) Slate cards and sample ballots;

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

25 (vi) Public service announcements;

26 (vii) An internal political communication primarily limited to  
27 the members of or contributors to a political party organization or  
28 political or incidental committee, or to the officers, management  
29 staff, or stockholders of a corporation or similar enterprise, or to  
30 the members of a labor organization or other membership organization;

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

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

35 (22) "Expenditure" includes a payment, contribution,  
36 subscription, distribution, loan, advance, deposit, or gift of money  
37 or anything of value, and includes a contract, promise, or agreement,  
38 whether or not legally enforceable, to make an expenditure.  
39 "Expenditure" also includes a promise to pay, a payment, or a  
40 transfer of anything of value in exchange for goods, services,

1 property, facilities, or anything of value for the purpose of  
2 assisting, benefiting, or honoring any public official or candidate,  
3 or assisting in furthering or opposing any election campaign. For the  
4 purposes of this chapter, agreements to make expenditures, contracts,  
5 and promises to pay may be reported as estimated obligations until  
6 actual payment is made. "Expenditure" shall not include the partial  
7 or complete repayment by a candidate or political or incidental  
8 committee of the principal of a loan, the receipt of which loan has  
9 been properly reported.

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

12 (24) (~~"Foreign national" means:~~

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

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

16 ~~(c) A foreign political party; and~~

17 ~~(d) Any entity, such as a partnership, association, corporation,~~  
18 ~~organization, or other combination of persons, that is organized~~  
19 ~~under the laws of or has its principal place of business in a foreign~~  
20 ~~country.~~

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

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

27 (b) Two or more foreign owners, in aggregate, hold, own, control,  
28 or otherwise have direct or indirect beneficial ownership of five  
29 percent or more of the total equity, outstanding voting shares,  
30 membership units, or other applicable ownership interests of the  
31 corporation; or

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

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

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

39 (b) Is:

40 (i) A government of a foreign country;



1 (ii) A foreign political party;

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

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

7 (26) "Foreign owner" means:

8 (a) A foreign investor; or

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

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

16 ~~((26))~~ (28) "Gift" has the definition in RCW 42.52.010.

17 ~~((27))~~ (29) "Immediate family" includes the spouse or domestic  
18 partner, dependent children, and other dependent relatives, if living  
19 in the household. For the purposes of the definition of  
20 "intermediary" in this section, "immediate family" means an  
21 individual's spouse or domestic partner, and child, stepchild,  
22 grandchild, parent, stepparent, grandparent, brother, half brother,  
23 sister, or half sister of the individual and the spouse or the  
24 domestic partner of any such person and a child, stepchild,  
25 grandchild, parent, stepparent, grandparent, brother, half brother,  
26 sister, or half sister of the individual's spouse or domestic partner  
27 and the spouse or the domestic partner of any such person.

28 ~~((28))~~ (30) "Incidental committee" means any nonprofit  
29 organization not otherwise defined as a political committee but that  
30 may incidentally make a contribution or an expenditure in excess of  
31 the reporting thresholds in RCW 42.17A.235, directly or through a  
32 political committee. Any nonprofit organization is not an incidental  
33 committee if it is only remitting payments through the nonprofit  
34 organization in an aggregated form and the nonprofit organization is  
35 not required to report those payments in accordance with this  
36 chapter.

37 ~~((29))~~ (31) "Incumbent" means a person who is in present  
38 possession of an elected office.

39 ~~((30))~~ (32) (a) "Independent expenditure" means an expenditure  
40 that has each of the following elements:

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

3 (A) A candidate for that office;

4 (B) An authorized committee of that candidate for that office;  
5 and

6 (C) A person who has received the candidate's encouragement or  
7 approval to make the expenditure, if the expenditure pays in whole or  
8 in part for political advertising supporting that candidate or  
9 promoting the defeat of any other candidate or candidates for that  
10 office;

11 (ii) It is made in support of or in opposition to a candidate for  
12 office by a person with whom the candidate has not collaborated for  
13 the purpose of making the expenditure, if the expenditure pays in  
14 whole or in part for political advertising supporting that candidate  
15 or promoting the defeat of any other candidate or candidates for that  
16 office;

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

21 (iv) The expenditure, alone or in conjunction with another  
22 expenditure or other expenditures of the same person in support of or  
23 opposition to that candidate, has a value of one thousand dollars or  
24 more. A series of expenditures, each of which is under one thousand  
25 dollars, constitutes one independent expenditure if their cumulative  
26 value is one thousand dollars or more.

27 (b) "Independent expenditure" does not include: Ordinary home  
28 hospitality; communications with journalists or editorial staff  
29 designed to elicit a news item, feature, commentary, or editorial in  
30 a regularly scheduled news medium that is of primary interest to the  
31 general public, controlled by a person whose business is that news  
32 medium, and not controlled by a candidate or a political committee;  
33 participation in the creation of a publicly funded voters' pamphlet  
34 statement in written or video form; an internal political  
35 communication primarily limited to contributors to a political party  
36 organization or political action committee, the officers, management  
37 staff, and stockholders of a corporation or similar enterprise, or  
38 the members of a labor organization or other membership organization;  
39 or the rendering of personal services of the sort commonly performed  
40 by volunteer campaign workers or incidental expenses personally

1 incurred by volunteer campaign workers not in excess of two hundred  
2 fifty dollars personally paid for by the worker.

3 ~~((31))~~ (33) (a) "Intermediary" means an individual who transmits  
4 a contribution to a candidate or committee from another person unless  
5 the contribution is from the individual's employer, immediate family,  
6 or an association to which the individual belongs.

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

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

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

14 ~~((32))~~ (34) "Legislation" means bills, resolutions, motions,  
15 amendments, nominations, and other matters pending or proposed in  
16 either house of the state legislature, and includes any other matter  
17 that may be the subject of action by either house or any committee of  
18 the legislature and all bills and resolutions that, having passed  
19 both houses, are pending approval by the governor.

20 ~~((33))~~ (35) "Legislative office" means the office of a member  
21 of the state house of representatives or the office of a member of  
22 the state senate.

23 ~~((34))~~ (36) "Lobby" and "lobbying" each mean attempting to  
24 influence the passage or defeat of any legislation by the legislature  
25 of the state of Washington, or the adoption or rejection of any rule,  
26 standard, rate, or other legislative enactment of any state agency  
27 under the state administrative procedure act, chapter 34.05 RCW.  
28 Neither "lobby" nor "lobbying" includes an association's or other  
29 organization's act of communicating with the members of that  
30 association or organization.

31 ~~((35))~~ (37) "Lobbyist" includes any person who lobbies either  
32 on the person's own or another's behalf.

33 ~~((36))~~ (38) "Lobbyist's employer" means the person or persons  
34 by whom a lobbyist is employed and all persons by whom the lobbyist  
35 is compensated for acting as a lobbyist.

36 ~~((37))~~ (39) "Ministerial functions" means an act or duty  
37 carried out as part of the duties of an administrative office without  
38 exercise of personal judgment or discretion.

39 ~~((38))~~ (40) "Participate" means that, with respect to a  
40 particular election, an entity:

1 (a) Makes either a monetary or in-kind contribution to a  
2 candidate;

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

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

8 (d) Makes a recommendation regarding whether a candidate should  
9 be supported or opposed before a contribution is made by a subsidiary  
10 corporation or local unit with respect to that candidate or that  
11 candidate's opponent; or

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

19 (~~(39)~~) (41) "Person" includes an individual, partnership, joint  
20 venture, public or private corporation, association, federal, state,  
21 or local governmental entity or agency however constituted,  
22 candidate, committee, political committee, political party, executive  
23 committee thereof, or any other organization or group of persons,  
24 however organized.

25 (~~(40)~~) (42) "Political advertising" includes any advertising  
26 displays, newspaper ads, billboards, signs, brochures, articles,  
27 tabloids, flyers, letters, radio or television presentations, digital  
28 communication, or other means of mass communication, used for the  
29 purpose of appealing, directly or indirectly, for votes or for  
30 financial or other support or opposition in any election campaign.

31 (~~(41)~~) (43) "Political committee" means any person (except a  
32 candidate or an individual dealing with the candidate's or  
33 individual's own funds or property) having the expectation of  
34 receiving contributions or making expenditures in support of, or  
35 opposition to, any candidate or any ballot proposition.

36 (~~(42)~~) (44) "Primary" for the purposes of RCW 42.17A.405 means  
37 the procedure for nominating a candidate to state or local office  
38 under chapter 29A.52 RCW or any other primary for an election that  
39 uses, in large measure, the procedures established in chapter 29A.52  
40 RCW.

1       (~~(43)~~) (45) "Public office" means any federal, state, judicial,  
2 county, city, town, school district, port district, special district,  
3 or other state political subdivision elective office.

4       (~~(44)~~) (46) "Public record" has the definition in RCW  
5 42.56.010.

6       (~~(45)~~) (47) "Recall campaign" means the period of time  
7 beginning on the date of the filing of recall charges under RCW  
8 29A.56.120 and ending thirty days after the recall election.

9       (~~(46)~~) (48) "Remediable violation" means any violation of this  
10 chapter that:

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

14       (b) Occurred:

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

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

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

23       (d) Involved:

24       (i) A person who:

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

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

31       (ii) A candidate who:

32       (A) Lost the election in question; and

33       (B) Did not receive contributions over one hundred times the  
34 contribution limit in aggregate per election during the campaign in  
35 question.

36       (~~(47)~~) (49)(a) "Sponsor" for purposes of an electioneering  
37 communications, independent expenditures, or political advertising  
38 means the person paying for the electioneering communication,  
39 independent expenditure, or political advertising. If a person acts

1 as an agent for another or is reimbursed by another for the payment,  
2 the original source of the payment is the sponsor.

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

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

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

12 (~~(48)~~) (50) "Sponsored committee" means a committee, other than  
13 an authorized committee, that has one or more sponsors.

14 (~~(49)~~) (51) "State office" means state legislative office or  
15 the office of governor, lieutenant governor, secretary of state,  
16 attorney general, commissioner of public lands, insurance  
17 commissioner, superintendent of public instruction, state auditor, or  
18 state treasurer.

19 (~~(50)~~) (52) "State official" means a person who holds a state  
20 office.

21 (~~(51)~~) (53) "Surplus funds" mean, in the case of a political  
22 committee or candidate, the balance of contributions that remain in  
23 the possession or control of that committee or candidate subsequent  
24 to the election for which the contributions were received, and that  
25 are in excess of the amount necessary to pay remaining debts or  
26 expenses incurred by the committee or candidate with respect to that  
27 election. In the case of a continuing political committee, "surplus  
28 funds" mean those contributions remaining in the possession or  
29 control of the committee that are in excess of the amount necessary  
30 to pay all remaining debts or expenses when it makes its final report  
31 under RCW 42.17A.255.

32 (~~(52)~~) (54) "Technical correction" means the correction of a  
33 minor or ministerial error in a required report that does not  
34 materially harm the public interest and needs to be corrected for the  
35 report to be in full compliance with the requirements of this  
36 chapter.

37 (~~(53)~~) (55) "Treasurer" and "deputy treasurer" mean the  
38 individuals appointed by a candidate or political or incidental  
39 committee, pursuant to RCW 42.17A.210, to perform the duties  
40 specified in that section.

1 ((54)) (56) "Violation" means a violation of this chapter that  
2 is not a remediable violation, minor violation, or an error  
3 classified by the commission as appropriate to address by a technical  
4 correction.

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

7 (1) Every political committee shall file a statement of  
8 organization with the commission. The statement must be filed within  
9 two weeks after organization or within two weeks after the date the  
10 committee first has the expectation of receiving contributions or  
11 making expenditures in any election campaign, whichever is earlier. A  
12 political committee organized within (~~the last three weeks~~) the  
13 period beginning the first day of the last full month before an  
14 election and having the expectation of receiving contributions or  
15 making expenditures during and for that election campaign shall file  
16 a statement of organization within three business days after its  
17 organization or when it first has the expectation of receiving  
18 contributions or making expenditures in the election campaign.

19 (2) The statement of organization shall include but not be  
20 limited to:

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

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

26 (c) The names, addresses, and titles of its officers; or if it  
27 has no officers, the names, addresses, and titles of its responsible  
28 leaders;

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

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

32 (f) The name, office sought, and party affiliation of each  
33 candidate whom the committee is supporting or opposing, and, if the  
34 committee is supporting the entire ticket of any party, the name of  
35 the party;

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

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

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

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

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

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

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

14 (5) As used in this section, the "name" of a sponsored committee  
15 must include the name of the person who is the sponsor of the  
16 committee. If more than one person meets the definition of sponsor,  
17 the name of the committee must include the name of at least one  
18 sponsor, but may include the names of other sponsors. A person may  
19 sponsor only one political committee for the same elected office or  
20 same ballot proposition per election cycle.

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

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

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

29 (ii) Is required to disclose a payment received under RCW  
30 42.17A.240(2)(d).

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

36 (2) The statement of organization must include but is not limited  
37 to:

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



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

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

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

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

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

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

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

22 (1)(a) In addition to the information required under RCW  
23 42.17A.205 and 42.17A.210, each candidate or political committee must  
24 file with the commission a report of all contributions received and  
25 expenditures made as a political committee on the next reporting date  
26 pursuant to the timeline established in this section.

27 (b) In addition to the information required under RCW 42.17A.207  
28 and 42.17A.210, on the day an incidental committee files a statement  
29 of organization with the commission, each incidental committee must  
30 file with the commission a report of any election campaign  
31 expenditures under RCW 42.17A.240(6), as well as the source of the  
32 ((~~ten~~)) 10 largest cumulative payments of ((~~ten thousand dollars~~))  
33 \$10,000 or greater it received in the current calendar year from a  
34 single person, including any persons tied as the ((~~tenth~~)) 10th  
35 largest source of payments it received, if any.

36 (2) Each treasurer of a candidate or political committee, or an  
37 incidental committee, required to file a statement of organization  
38 under this chapter, shall file with the commission a report, for each  
39 election in which a candidate, political committee, or incidental

1 committee is participating, containing the information required by  
2 RCW 42.17A.240 at the following intervals:

3 (a) On the ~~((twenty-first day and the seventh))~~ 34th day, the  
4 20th day, and the sixth day immediately preceding the date ~~((on~~  
5 ~~which))~~ of the general election ~~((is held))~~; ~~((and))~~

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

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

10 (3)(a) Each treasurer of a candidate or political committee shall  
11 file with the commission a report on the ~~((tenth))~~ 10th day of each  
12 month during which the candidate or political committee is not  
13 ~~((participating in an election campaign))~~ otherwise required to  
14 report under subsection (2) of this section, only if the committee  
15 has received a contribution or made an expenditure in the preceding  
16 calendar month and either the total contributions received or total  
17 expenditures made since the last such report exceed ~~((two hundred~~  
18 ~~dollars))~~ \$200.

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

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

25 (ii) Made any election campaign expenditure reportable under RCW  
26 42.17A.240(6) since its last report, and the total election campaign  
27 expenditures made since the last report exceed ~~((two hundred~~  
28 ~~dollars))~~ \$200.

29 (4) The ~~((report))~~ reports filed ~~((twenty-one))~~ 34 days, 20 days,  
30 and six days before the general election and 20 days and 6 days  
31 before a primary or special election shall report all contributions  
32 received and expenditures made ~~((as of))~~ from the closing date of the  
33 last report filed through the end of ~~((one business day))~~ two  
34 calendar days before the date of ~~((the report))~~ each filing. ~~((The~~  
35 ~~report filed seven days before the election shall report all~~  
36 ~~contributions received and expenditures made as of the end of one~~  
37 ~~business day before the date of the report.))~~ Reports filed on the  
38 ~~((tenth))~~ 10th day of the month shall report all contributions  
39 received and expenditures made from the closing date of the last

1 report filed through the last day of the month preceding the date of  
2 the current report.

3 (5) For the period beginning the first day of the fourth month  
4 preceding the date of the special election, or for the period  
5 beginning the first day of the fifth month before the date of the  
6 general election, and ending on the date of that special or general  
7 election, each Monday the treasurer for a candidate or a political  
8 committee shall file with the commission a report of each bank  
9 deposit made during the previous seven calendar days. The report  
10 shall contain the name of each person contributing the funds and the  
11 amount contributed by each person. However, persons who contribute no  
12 more than (~~twenty-five dollars~~) \$25 in the aggregate are not  
13 required to be identified in the report. A copy of the report shall  
14 be retained by the treasurer for the treasurer's records. In the  
15 event of deposits made by candidates, political committee members, or  
16 paid staff other than the treasurer, the copy shall be immediately  
17 provided to the treasurer for the treasurer's records. Each report  
18 shall be certified as correct by the treasurer.

19 (6) (a) The treasurer for a candidate or a political committee  
20 shall maintain books of account accurately reflecting all  
21 contributions and expenditures on a current basis within five  
22 business days of receipt or expenditure. During the (~~ten~~) 10  
23 calendar days immediately preceding the date of the election the  
24 books of account shall be kept current within one business day. As  
25 specified in the political committee's statement of organization  
26 filed under RCW 42.17A.205, the books of account must be open for  
27 public inspection by appointment at a place agreed upon by both the  
28 treasurer and the requestor, for inspections between 9:00 a.m. and  
29 5:00 p.m. on any day from the (~~tenth~~) 10th calendar day immediately  
30 before the election through the day immediately before the election,  
31 other than Saturday, Sunday, or a legal holiday. It is a violation of  
32 this chapter for a candidate or political committee to refuse to  
33 allow and keep an appointment for an inspection to be conducted  
34 during these authorized times and days. The appointment must be  
35 allowed at an authorized time and day for such inspections that is  
36 within (~~forty-eight~~) 48 hours of the time and day that is requested  
37 for the inspection. The treasurer may provide digital access or  
38 copies of the books of account in lieu of scheduling an appointment  
39 at a designated place for inspection. If the treasurer and requestor  
40 are unable to agree on a location and the treasurer has not provided

1 digital access to the books of account, the default location for an  
2 appointment shall be a place of public accommodation selected by the  
3 treasurer within a reasonable distance from the treasurer's office.

4 (b) At the time of making the appointment, a person wishing to  
5 inspect the books of account must provide the treasurer the name and  
6 telephone number of the person wishing to inspect the books of  
7 account. The person inspecting the books of account must show photo  
8 identification before the inspection begins.

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

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

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

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

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

29 (a) The report is accurately amended;

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

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

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

38 (11)(a) When there is no outstanding debt or obligation, the  
39 campaign fund is closed, the campaign is concluded in all respects,  
40 and the political committee has ceased to function and intends to

1 dissolve, the treasurer shall file a final report. Upon submitting a  
2 final report, the political committee so intending to dissolve must  
3 file notice of intent to dissolve with the commission and the  
4 commission must post the notice on its website.

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

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

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

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

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

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

24 (12) The commission must adopt rules for the dissolution of  
25 incidental committees.

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

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

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

34 (2) The name and address of each person who has made one or more  
35 contributions during the period, together with the money value and  
36 date of each contribution and the aggregate value of all  
37 contributions received from each person during the campaign, or in  
38 the case of a continuing political committee, the current calendar  
39 year, with the following exceptions:

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

3 (b) Income that results from a fund-raising activity conducted in  
4 accordance with RCW 42.17A.230 may be reported as one lump sum, with  
5 the exception of that portion received from persons whose names and  
6 addresses are required to be included in the report required by RCW  
7 42.17A.230;

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

13 (d) Payments received by an incidental committee from any one  
14 person need not be reported unless the person is one of the  
15 committee's ten largest sources of payments received, including any  
16 persons tied as the tenth largest source of payments received, during  
17 the current calendar year, and the value of the cumulative payments  
18 received from that person during the current calendar year is ten  
19 thousand dollars or greater. For payments to incidental committees  
20 from multiple persons received in aggregated form, any payment of  
21 more than ten thousand dollars from any single person must be  
22 reported, but the aggregated payment itself may not be reported. The  
23 commission may suspend or modify reporting requirements for payments  
24 received by an incidental committee in cases of manifestly  
25 unreasonable hardship under this chapter;

26 (e) Payments from private foundations organized under section  
27 501(c)(3) of the internal revenue code to an incidental committee do  
28 not have to be reported if:

29 (i) The private foundation is contracting with the incidental  
30 committee for a specific purpose other than election campaign  
31 purposes;

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

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

36 (f) Commentary or analysis on a ballot proposition by an  
37 incidental committee is not considered a contribution if it does not  
38 advocate specifically to vote for or against the ballot proposition;  
39 and

1 (g) The money value of contributions of postage is the face value  
2 of the postage;

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

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

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

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

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

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

20 ~~((7))~~ (6) The name and address of each person to whom an  
21 expenditure was made in the aggregate amount of more than fifty  
22 dollars during the period covered by this report, the amount, date,  
23 and purpose of each expenditure, and the total sum of all  
24 expenditures. An incidental committee only must report on  
25 expenditures, made and reportable as contributions as defined in RCW  
26 42.17A.005, to election campaigns. For purposes of this subsection,  
27 commentary or analysis on a ballot proposition by an incidental  
28 committee is not considered an expenditure if it does not advocate  
29 specifically to vote for or against the ballot proposition;

30 ~~((8))~~ (7) The name, address, and electronic contact information  
31 of each person to whom an expenditure was made for soliciting or  
32 procuring signatures on an initiative or referendum petition, the  
33 amount of the compensation to each person, and the total expenditures  
34 made for this purpose. Such expenditures shall be reported under this  
35 subsection in addition to what is required to be reported under  
36 subsection ~~((7))~~ (6) of this section;

37 ~~((9))~~ (8)(a) The name and address of any person and the amount  
38 owed for any debt with a value of more than seven hundred fifty  
39 dollars that has not been paid for any invoices submitted, goods  
40 received, or services performed, within five business days during the

1 period within thirty days before an election, or within ten business  
2 days during any other period.

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

6 ~~((10))~~ (9) The surplus or deficit of contributions over  
7 expenditures;

8 ~~((11))~~ (10) The disposition made in accordance with RCW  
9 42.17A.430 of any surplus funds; and

10 ~~((12))~~ (11) Any other information required by the commission by  
11 rule in conformance with the policies and purposes of this chapter.

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

14 (1) An out-of-state political committee organized for the purpose  
15 of supporting or opposing candidates or ballot propositions in  
16 another state that is not otherwise required to report under RCW  
17 42.17A.205 through 42.17A.240 shall report as required in this  
18 section when it makes an expenditure supporting or opposing a  
19 Washington state candidate or political committee. The committee  
20 shall file with the commission a statement disclosing:

21 (a) Its name and address;

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

23 (c) The names, addresses, and titles of its officers or, if it  
24 has no officers, the names, addresses, and the titles of its  
25 responsible leaders;

26 (d) The name, office sought, and party affiliation of each  
27 candidate in the state of Washington whom the out-of-state committee  
28 is supporting or opposing and, if the committee is supporting or  
29 opposing the entire ticket of any party, the name of the party;

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

33 (f) The name and address of each person residing in the state of  
34 Washington or corporation that has a place of business in the state  
35 of Washington who has made one or more contributions in the aggregate  
36 of more than twenty-five dollars to the out-of-state committee during  
37 the current calendar year, together with the money value and date of  
38 the contributions;



1 (g) The name, address, and employer of each person or corporation  
2 residing outside the state of Washington who has made one or more  
3 contributions in the aggregate of more than two thousand five hundred  
4 fifty dollars to the out-of-state committee during the current  
5 calendar year, together with the money value and date of the  
6 contributions. Annually, the commission must modify the two thousand  
7 five hundred fifty dollar limit in this subsection based on  
8 percentage change in the implicit price deflator for personal  
9 consumption expenditures for the United States as published for the  
10 most recent twelve-month period by the bureau of economic analysis of  
11 the federal department of commerce;

12 (h) The name and address of each person in the state of  
13 Washington to whom an expenditure was made by the out-of-state  
14 committee with respect to a candidate or political committee in the  
15 aggregate amount of more than fifty dollars, the amount, date, and  
16 purpose of the expenditure, and the total sum of the expenditures;  
17 and

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

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

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

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

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

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

36 (1) For the purposes of this section the term "independent  
37 expenditure" means any expenditure that is made in support of or in  
38 opposition to any candidate or ballot proposition and is not  
39 otherwise required to be reported pursuant to RCW 42.17A.225,

1 42.17A.235, and 42.17A.240. "Independent expenditure" does not  
2 include: An internal political communication primarily limited to the  
3 contributors to a political party organization or political action  
4 committee, or the officers, management staff, and stockholders of a  
5 corporation or similar enterprise, or the members of a labor  
6 organization or other membership organization; or the rendering of  
7 personal services of the sort commonly performed by volunteer  
8 campaign workers, or incidental expenses personally incurred by  
9 volunteer campaign workers not in excess of fifty dollars personally  
10 paid for by the worker. "Volunteer services," for the purposes of  
11 this section, means services or labor for which the individual is not  
12 compensated by any person.

13 (2) Within five days after the date of making an independent  
14 expenditure that by itself or when added to all other such  
15 independent expenditures made during the same election campaign by  
16 the same person equals (~~one hundred dollars~~) \$100 or more, or  
17 within five days after the date of making an independent expenditure  
18 for which no reasonable estimate of monetary value is practicable,  
19 whichever occurs first, the person who made the independent  
20 expenditure shall file with the commission an initial report of all  
21 independent expenditures made during the campaign prior to and  
22 including such date.

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

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

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

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

34 (~~(c)~~) (iv) On the (~~tenth~~) 10th day of each month in which no  
35 other reports are required to be filed pursuant to this section.  
36 (~~However, the~~)

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

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

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

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

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

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

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

26       (d) (~~A statement from the person making an independent~~  
27 ~~expenditure that:~~

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

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

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

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

37       (1) The sponsor of political advertising shall file a special  
38 report to the commission within (~~twenty-four~~) 24 hours of, or on  
39 the first working day after, the date the political advertising is

1 first published, mailed, or otherwise presented to the public, if the  
2 political advertising:

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

5 (b) Either:

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

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

14 (2) If a sponsor is required to file a special report under this  
15 section, the sponsor shall also deliver to the commission within the  
16 delivery period established in subsection (1) of this section a  
17 special report for (~~(each)~~):

18 (a) Each subsequent independent expenditure of any size  
19 supporting or opposing the same candidate who was the subject of the  
20 previous independent expenditure, supporting or opposing that  
21 candidate's opponent (~~(, or, in the case of a)~~); or

22 (b) Each subsequent expenditure of any size made in support of or  
23 in opposition to (~~(a)~~) the same ballot proposition that was the  
24 subject of the previous expenditure, and is not otherwise required to  
25 be reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240 (~~(,~~  
26 ~~supporting or opposing the same ballot proposition that was the~~  
27 ~~subject of the previous expenditure)~~).

28 (3) The special report must include:

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

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

32 (c) A detailed description of the expenditure;

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

35 (e) The amount of the expenditure;

36 (f) The name of the candidate supported or opposed by the  
37 expenditure, the office being sought by the candidate, and whether  
38 the expenditure supports or opposes the candidate; or the name of the  
39 ballot proposition supported or opposed by the expenditure and

1 whether the expenditure supports or opposes the ballot proposition;  
2 and

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

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

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

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

9 (4) All persons required to report under RCW 42.17A.225,  
10 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the  
11 requirements of this section, except as otherwise provided in this  
12 section. The commission may determine that reports filed pursuant to  
13 this section also satisfy the requirements of RCW 42.17A.255.

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

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

26 (1) Treasurers shall prepare and deliver to the commission a  
27 special report when a contribution or aggregate of contributions  
28 totals (~~(one thousand dollars or more)~~) more than the contribution  
29 limit to a candidate for state officer other than legislative office,  
30 as provided in RCW 42.17A.405(2), is from a single person or entity,  
31 and is received during (~~(a special reporting period)~~) the period from  
32 the beginning of the last full month preceding an election in which  
33 the treasurer's committee is participating, and concluding the day  
34 before that election.

35 (2) A political committee shall prepare and deliver to the  
36 commission a special report when it makes a contribution or an  
37 aggregate of contributions to a single entity that totals (~~(one~~  
38 ~~thousand dollars or more during a special reporting period)~~) more  
39 than the contribution limit to a candidate for state office other

1 than legislative office, as provided in RCW 42.17A.405(2), during the  
2 same special reporting period as set forth in subsection (1) of this  
3 section.

4 (3) An aggregate of contributions includes only those  
5 contributions made to or received from a single entity during any one  
6 special reporting period. ~~((Any))~~ After a special report is filed as  
7 provided under subsection (1) or (2) of this section, an additional  
8 special report must be filed for any subsequent contribution of any  
9 size made to or received from the same person or entity during the  
10 special reporting period ~~((must also be reported))~~.

11 ~~((Special reporting periods, for purposes of this section,~~  
12 ~~include:~~

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

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

17 ~~(c) An aggregate of contributions includes only those~~  
18 ~~contributions received from a single entity during any one special~~  
19 ~~reporting period or made by the contributing political committee to a~~  
20 ~~single entity during any one special reporting period.~~

21 ~~(5) If a campaign treasurer files a special report under this~~  
22 ~~section for one or more contributions received from a single entity~~  
23 ~~during a special reporting period, the treasurer shall also file a~~  
24 ~~special report under this section for each subsequent contribution of~~  
25 ~~any size which is received from that entity during the special~~  
26 ~~reporting period. If a political committee files a special report~~  
27 ~~under this section for a contribution or contributions made to a~~  
28 ~~single entity during a special reporting period, the political~~  
29 ~~committee shall also file a special report for each subsequent~~  
30 ~~contribution of any size which is made to that entity during the~~  
31 ~~special reporting period.~~

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

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

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

1       (ii) The aggregate received by the candidate or treasurer first  
2 equals ~~((one thousand dollars or more))~~ the qualifying amount; or  
3 ~~((any))~~

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

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

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

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

14       (iii) Any subsequent contribution to the same person or entity is  
15 made.

16       ~~((7))~~ (5) The special report shall include:

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

18       (b) The date or dates of receipt;

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

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

21       (e) ~~((A statement that the candidate or political committee has~~  
22 ~~received a certification from any partnership, association,~~  
23 ~~corporation, organization, or other combination of persons making a~~  
24 ~~contribution reportable under this section that:~~

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

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

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

30       ~~((8))~~ (6) Contributions reported under this section shall also  
31 be reported as required by other provisions of this chapter.

32       ~~((9))~~ (7) The commission shall prepare daily a summary of the  
33 special reports made under this section and RCW 42.17A.625.

34       ~~((10))~~ (8) Contributions governed by this section include, but  
35 are not limited to, contributions made or received indirectly through  
36 a third party or entity whether the contributions are or are not  
37 reported to the commission as earmarked contributions under RCW  
38 42.17A.270.

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

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

7       (a) Name and address of the sponsor;

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

9       (i) General treasury funds. The name and address of businesses,  
10 unions, groups, associations, or other organizations using general  
11 treasury funds for the communication, however, if a business, union,  
12 group, association, or other organization undertakes a special  
13 solicitation of its members or other persons for an electioneering  
14 communication, or it otherwise receives funds for an electioneering  
15 communication, that entity shall report pursuant to (b)(ii) of this  
16 subsection;

17       (ii) Special solicitations and other funds. The name, address,  
18 and, for individuals, occupation and employer, of a person whose  
19 funds were used to pay for the electioneering communication, along  
20 with the amount, if such funds from the person have exceeded two  
21 hundred fifty dollars in the aggregate for the electioneering  
22 communication; and

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

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

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

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

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

32       (d) A detailed description of each expenditure of more than one  
33 hundred dollars;

34       (e) The date the expenditure was made and the date the  
35 electioneering communication was first broadcast, transmitted,  
36 mailed, erected, distributed, or otherwise published;

37       (f) The amount of the expenditure;

38       (g) The name of each candidate clearly identified in the  
39 electioneering communication, the office being sought by each



1 candidate, and the amount of the expenditure attributable to each  
2 candidate; and

3 (h) Any other information the commission may require or exempt by  
4 rule.

5 (2) Electioneering communications shall be reported as follows:  
6 The sponsor of an electioneering communication shall report to the  
7 commission within twenty-four hours of, or on the first working day  
8 after, the date the electioneering communication is broadcast,  
9 transmitted, mailed, erected, distributed, digitally or otherwise, or  
10 otherwise published.

11 (3) Electioneering communications shall be reported  
12 electronically by the sponsor using software provided or approved by  
13 the commission. The commission may make exceptions on a case-by-case  
14 basis for a sponsor who lacks the technological ability to file  
15 reports using the electronic means provided or approved by the  
16 commission.

17 (4) All persons required to report under RCW 42.17A.225,  
18 42.17A.235, 42.17A.240, and 42.17A.255 are subject to the  
19 requirements of this section, although the commission may determine  
20 by rule that persons filing according to those sections may be exempt  
21 from reporting some of the information otherwise required by this  
22 section. The commission may determine that reports filed pursuant to  
23 this section also satisfy the requirements of RCW 42.17A.255 and  
24 42.17A.260.

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

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

29 (1) Each commercial advertiser who has accepted or provided  
30 political advertising or electioneering communications during the  
31 election campaign shall maintain current books of account and related  
32 materials as provided by rule that shall be open for public  
33 inspection during normal business hours during the campaign and for a  
34 period of no less than five years after the date of the applicable  
35 election. The documents and books of account shall specify:

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

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

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

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

6 (3) Any person who purchases political advertising or  
7 electioneering communications from a commercial advertiser must  
8 disclose upon request from the commercial advertiser:

9 (a) That the purchase includes political advertising or  
10 electioneering communications;

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

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

15 (4) Any failure to provide the required information in subsection  
16 (3) of this section upon request is a violation under this chapter,  
17 but such failure shall not relieve a commercial advertiser of any of  
18 the requirements under this section.

19 NEW SECTION. Sec. 12. A new section is added to chapter 42.17A  
20 RCW to read as follows:

21 Any corporation making an independent expenditure or contributing  
22 to a political committee, incidental committee, or candidate shall,  
23 within seven business days after making the expenditure or  
24 contribution, file with the commission a statement of certification  
25 signed by its chief executive officer under penalty of perjury  
26 avowing that after due inquiry, the corporation was not a foreign-  
27 influenced corporation on the date the independent expenditure or  
28 contribution was made. The corporation shall also provide a copy of  
29 the statement of certification to any committee or candidate to which  
30 it makes a contribution.

31 NEW SECTION. Sec. 13. A new section is added to chapter 42.17A  
32 RCW to read as follows:

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

35 (2) No foreign-influenced corporation may make an independent  
36 expenditure for or against a candidate, nor a contribution to a  
37 political or incidental committee that has conveyed, implicitly or

1 explicitly, that contributions to the committee may be used in  
2 elections for or against a candidate.

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

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

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

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

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

--- END ---