**5284-S.E AMH POLL H1901.1 - NOT FOR FLOOR USE**

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

By Representative Pollet

**ADOPTED 04/07/2023**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Its name and address;

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

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

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

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

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

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

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

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

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

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

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

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

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

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