
HOUSE BILL 1330

State of Washington

68th Legislature

2023 Regular Session

By Representatives Christian, Pollet, Schmidt, Couture, Low, and Doglio

Read first time 01/16/23. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to adjusting the threshold for requiring
2 candidate contribution certifications relating to foreign nationals;
3 and amending RCW 42.17A.418, 42.17A.240, 42.17A.250, and 42.17A.265.

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

5 **Sec. 1.** RCW 42.17A.418 and 2020 c 152 s 10 are each amended to
6 read as follows:

7 (1) Each candidate or political committee that has accepted ((a
8 ~~contribution~~)) one or more contributions that total at least \$2,500
9 in the aggregate, and each out-of-state committee that has accepted
10 ((a ~~contribution~~)) one or more contributions reportable under RCW
11 42.17A.250 that total at least \$2,500 in the aggregate, from a
12 partnership, association, corporation, organization, or other
13 combination of persons must receive a certification from ((each)) the
14 contributor that:

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

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

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

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

5 **Sec. 2.** RCW 42.17A.240 and 2020 c 152 s 3 are each amended to
6 read as follows:

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

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

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

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

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

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

31 (d) Payments received by an incidental committee from any one
32 person need not be reported unless the person is one of the
33 committee's ten largest sources of payments received, including any
34 persons tied as the tenth largest source of payments received, during
35 the current calendar year, and the value of the cumulative payments
36 received from that person during the current calendar year is ten
37 thousand dollars or greater. For payments to incidental committees
38 from multiple persons received in aggregated form, any payment of
39 more than ten thousand dollars from any single person must be

1 reported, but the aggregated payment itself may not be reported. The
2 commission may suspend or modify reporting requirements for payments
3 received by an incidental committee in cases of manifestly
4 unreasonable hardship under this chapter;

5 (e) Payments from private foundations organized under section
6 501(c)(3) of the internal revenue code to an incidental committee do
7 not have to be reported if:

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

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

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

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

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

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

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

27 (5) A statement that the candidate or political committee has
28 received a certification from any partnership, association,
29 corporation, organization, or other combination of persons making ((
30 ~~contribution~~)) one or more contributions to the candidate or
31 political committee that total at least \$2,500 in the aggregate that:

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

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

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

39 (7) The name and address of each person to whom an expenditure
40 was made in the aggregate amount of more than fifty dollars during

1 the period covered by this report, the amount, date, and purpose of
2 each expenditure, and the total sum of all expenditures. An
3 incidental committee only must report on expenditures, made and
4 reportable as contributions as defined in RCW 42.17A.005, to election
5 campaigns. For purposes of this subsection, commentary or analysis on
6 a ballot proposition by an incidental committee is not considered an
7 expenditure if it does not advocate specifically to vote for or
8 against the ballot proposition;

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

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

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

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

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

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

30 **Sec. 3.** RCW 42.17A.250 and 2020 c 152 s 4 are each amended to
31 read as follows:

32 (1) An out-of-state political committee organized for the purpose
33 of supporting or opposing candidates or ballot propositions in
34 another state that is not otherwise required to report under RCW
35 42.17A.205 through 42.17A.240 shall report as required in this
36 section when it makes an expenditure supporting or opposing a
37 Washington state candidate or political committee. The committee
38 shall file with the commission a statement disclosing:

39 (a) Its name and address;

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

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

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

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

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

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

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

34 (i) A statement that the out-of-state committee has received a
35 certification from any partnership, association, corporation,
36 organization, or other combination of persons making ((a
37 ~~contribution~~)) one or more contributions reportable under this
38 section that total at least \$2,500 in the aggregate that:

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

1 (ii) Foreign nationals are not involved in making decisions
2 regarding the contributions in any way; and

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

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

11 **Sec. 4.** RCW 42.17A.265 and 2020 c 152 s 7 are each amended to
12 read as follows:

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

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

21 (3) An aggregate of contributions includes only those
22 contributions made to or received from a single entity during any one
23 special reporting period. Any subsequent contribution of any size
24 made to or received from the same person or entity during the special
25 reporting period must also be reported.

26 (4) Special reporting periods, for purposes of this section,
27 include:

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

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

32 (c) An aggregate of contributions includes only those
33 contributions received from a single entity during any one special
34 reporting period or made by the contributing political committee to a
35 single entity during any one special reporting period.

36 (5) If a campaign treasurer files a special report under this
37 section for one or more contributions received from a single entity
38 during a special reporting period, the treasurer shall also file a
39 special report under this section for each subsequent contribution of

1 any size which is received from that entity during the special
2 reporting period. If a political committee files a special report
3 under this section for a contribution or contributions made to a
4 single entity during a special reporting period, the political
5 committee shall also file a special report for each subsequent
6 contribution of any size which is made to that entity during the
7 special reporting period.

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

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

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

27 (7) The special report shall include:

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

29 (b) The date or dates of receipt;

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

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

32 (e) A statement that the candidate or political committee has
33 received a certification from any partnership, association,
34 corporation, organization, or other combination of persons making (~~a~~
35 ~~contribution~~) one or more contributions reportable under this
36 section that total at least \$2,500 in the aggregate that:

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

39 (ii) Foreign nationals are not involved in making decisions
40 regarding the contributions in any way; and

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

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

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

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

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