
HOUSE BILL 1475

State of Washington

67th Legislature

2021 Regular Session

By Representatives Valdez and Lekanoff

1 AN ACT Relating to permitting certain foreign nationals to
2 participate in campaign finance decision making and campaigns for and
3 against ballot measures and initiatives; and amending RCW 42.17A.417,
4 42.17A.418, 42.17A.240, 42.17A.250, 42.17A.255, 42.17A.260,
5 42.17A.265, and 42.17A.305.

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

7 **Sec. 1.** RCW 42.17A.417 and 2020 c 152 s 9 are each amended to
8 read as follows:

9 (1) A foreign national may not make a contribution to any
10 candidate or any political committee that supports or opposes any
11 candidate, make an expenditure in support of or in opposition to any
12 candidate (~~or ballot measure~~), or sponsor political advertising or
13 an electioneering communication in support of or in opposition to any
14 candidate.

15 (2) A person may not make a contribution to any candidate or any
16 political committee that supports or opposes any candidate, make an
17 expenditure in support of or in opposition to any candidate (~~or~~
18 ~~ballot measure~~), or sponsor political advertising or an
19 electioneering communication in support of or in opposition to any
20 candidate, if:

1 (a) The contribution, expenditure, political advertising, or
2 electioneering communication is (~~financed in any part~~) directly or
3 indirectly made by a foreign national; or

4 (b) Foreign nationals who do not reside, work, or attend an
5 institution of higher education in the state of Washington are
6 involved in making decisions regarding the contribution, expenditure,
7 political advertising, or electioneering communication in any way.

8 **Sec. 2.** RCW 42.17A.418 and 2020 c 152 s 10 are each amended to
9 read as follows:

10 (1) Each candidate or political committee that supports or
11 opposes any candidate that has accepted a contribution, and each out-
12 of-state committee that supports or opposes any candidate that has
13 accepted a contribution reportable under RCW 42.17A.250, from a
14 partnership, association, corporation, organization, or other
15 combination of persons must receive a certification from each
16 contributor that:

17 (a) The contribution is not (~~financed in any part~~) directly or
18 indirectly made by a foreign national; and

19 (b) Foreign nationals who do not reside, work, or attend an
20 institution of higher education in the state of Washington are not
21 involved in making decisions regarding the contribution in any way.

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

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

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

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

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

36 (2) The name and address of each person who has made one or more
37 contributions during the period, together with the money value and
38 date of each contribution and the aggregate value of all

1 contributions received from each person during the campaign, or in
2 the case of a continuing political committee, the current calendar
3 year, with the following exceptions:

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

6 (b) Income that results from a fund-raising activity conducted in
7 accordance with RCW 42.17A.230 may be reported as one lump sum, with
8 the exception of that portion received from persons whose names and
9 addresses are required to be included in the report required by RCW
10 42.17A.230;

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

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

29 (e) Payments from private foundations organized under section
30 501(c)(3) of the internal revenue code to an incidental committee do
31 not have to be reported if:

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

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

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

39 (f) Commentary or analysis on a ballot proposition by an
40 incidental committee is not considered a contribution if it does not

1 advocate specifically to vote for or against the ballot proposition;
2 and

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

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

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

11 (5) A statement that the candidate or political committee, if the
12 political committee supports or opposes any candidate, has received a
13 certification from any partnership, association, corporation,
14 organization, or other combination of persons making a contribution
15 to the candidate or political committee that:

16 (a) The contribution is not (~~financed in any part~~) directly or
17 indirectly made by a foreign national; and

18 (b) Foreign nationals who do not reside, work, or attend an
19 institution of higher education in the state of Washington are not
20 involved in making decisions regarding the contribution in any way;

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

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

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

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

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

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

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

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

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

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

24 (a) Its name and address;

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

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

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

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

36 (f) The name and address of each person residing in the state of
37 Washington or corporation that has a place of business in the state
38 of Washington who has made one or more contributions in the aggregate
39 of more than twenty-five dollars to the out-of-state committee during

1 the current calendar year, together with the money value and date of
2 the contributions;

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

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

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

24 (i) The contribution is not (~~financed in any part~~) directly or
25 indirectly made by a foreign national; and

26 (ii) Foreign nationals who do not reside, work, or attend an
27 institution of higher education in the state of Washington are not
28 involved in making decisions regarding the contribution in any way;
29 and

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

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

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

1 (1) For the purposes of this section the term "independent
2 expenditure" means any expenditure that is made in support of or in
3 opposition to any candidate or ballot proposition and is not
4 otherwise required to be reported pursuant to RCW 42.17A.225,
5 42.17A.235, and 42.17A.240. "Independent expenditure" does not
6 include: An internal political communication primarily limited to the
7 contributors to a political party organization or political action
8 committee, or the officers, management staff, and stockholders of a
9 corporation or similar enterprise, or the members of a labor
10 organization or other membership organization; or the rendering of
11 personal services of the sort commonly performed by volunteer
12 campaign workers, or incidental expenses personally incurred by
13 volunteer campaign workers not in excess of fifty dollars personally
14 paid for by the worker. "Volunteer services," for the purposes of
15 this section, means services or labor for which the individual is not
16 compensated by any person.

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

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

31 (a) On the twenty-first day and the seventh day preceding the
32 date on which the election is held; and

33 (b) On the tenth day of the first month after the election; and

34 (c) On the tenth day of each month in which no other reports are
35 required to be filed pursuant to this section. However, the further
36 reports required by this subsection (3) shall only be filed if the
37 reporting person has made an independent expenditure since the date
38 of the last previous report filed.

39 The report filed pursuant to (a) of this subsection (3) shall be
40 the final report, and upon submitting such final report the duties of

1 the reporting person shall cease, and there shall be no obligation to
2 make any further reports.

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

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

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

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

21 (c) The total sum of all independent expenditures made during the
22 campaign to date;

23 (d) ((A)) If the independent expenditure supports or opposes a
24 candidate, a statement from the person making an independent
25 expenditure that:

26 (i) The expenditure is not ((financed in any part)) directly or
27 indirectly made by a foreign national; and

28 (ii) Foreign nationals who do not reside, work, or attend an
29 institution of higher education in the state of Washington are not
30 involved in making decisions regarding the expenditure in any way;
31 and

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

35 **Sec. 6.** 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 hours of, or on the first
39 working day after, the date the political advertising is first

1 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 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 or more, for political
8 advertising supporting or opposing a candidate; or

9 (ii) Has a fair market value or actual cost of one thousand
10 dollars or more, for political advertising supporting or opposing a
11 ballot proposition.

12 (2) If a sponsor is required to file a special report under this
13 section, the sponsor shall also deliver to the commission within the
14 delivery period established in subsection (1) of this section a
15 special report for each subsequent independent expenditure of any
16 size supporting or opposing the same candidate who was the subject of
17 the previous independent expenditure, supporting or opposing that
18 candidate's opponent, or, in the case of a subsequent expenditure of
19 any size made in support of or in opposition to a ballot proposition
20 not otherwise required to be reported pursuant to RCW 42.17A.225,
21 42.17A.235, or 42.17A.240, supporting or opposing the same ballot
22 proposition that was the subject of the previous expenditure.

23 (3) The special report must include:

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

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

27 (c) A detailed description of the expenditure;

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

30 (e) The amount of the expenditure;

31 (f) The name of the candidate supported or opposed by the
32 expenditure, the office being sought by the candidate, and whether
33 the expenditure supports or opposes the candidate; or the name of the
34 ballot proposition supported or opposed by the expenditure and
35 whether the expenditure supports or opposes the ballot proposition;

36 (g) ((A)) If the political advertising supports or opposes a
37 candidate, a statement from the sponsor that:

38 (i) The political advertising is not ~~((financed in any part))~~
39 directly or indirectly made by a foreign national; and

1 (ii) Foreign nationals who do not reside, work, or attend an
2 institution of higher education in the state of Washington are not
3 involved in making decisions regarding the political advertising in
4 any way; and

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

6 (4) All persons required to report under RCW 42.17A.225,
7 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the
8 requirements of this section. The commission may determine that
9 reports filed pursuant to this section also satisfy the requirements
10 of RCW 42.17A.255.

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

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

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

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

31 (3) An aggregate of contributions includes only those
32 contributions made to or received from a single entity during any one
33 special reporting period. Any subsequent contribution of any size
34 made to or received from the same person or entity during the special
35 reporting period must also be reported.

36 (4) Special reporting periods, for purposes of this section,
37 include:

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

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

5 (c) An aggregate of contributions includes only those
6 contributions received from a single entity during any one special
7 reporting period or made by the contributing political committee to a
8 single entity during any one special reporting period.

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

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

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

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

39 (7) The special report shall include:

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

1 (b) The date or dates of receipt;
2 (c) The name and address of the donor;
3 (d) The name and address of the recipient;
4 (e) A statement that the candidate or political committee, if the
5 committee supports or opposes a candidate, has received a
6 certification from any partnership, association, corporation,
7 organization, or other combination of persons making a contribution
8 reportable under this section that:

9 (i) The contribution is not (~~financed in any part~~) directly or
10 indirectly made by a foreign national; and

11 (ii) Foreign nationals who do not reside, work, or attend an
12 institution of higher education in the state of Washington are not
13 involved in making decisions regarding the contribution in any way;
14 and

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

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

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

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

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

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

30 (a) Name and address of the sponsor;

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

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

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

7 (iii) A statement from the sponsor that:

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

10 (B) Foreign nationals who do not reside, work, or attend an
11 institution of higher education in the state of Washington are not
12 involved in making decisions regarding the electioneering
13 communication in any way; and

14 (iv) Any other source information required or exempted by the
15 commission by rule;

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

18 (d) A detailed description of each expenditure of more than one
19 hundred dollars;

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

23 (f) The amount of the expenditure;

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

28 (h) Any other information the commission may require or exempt by
29 rule.

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

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

1 reports using the electronic means provided or approved by the
2 commission.

3 (4) All persons required to report under RCW 42.17A.225,
4 42.17A.235, 42.17A.240, and 42.17A.255 are subject to the
5 requirements of this section, although the commission may determine
6 by rule that persons filing according to those sections may be exempt
7 from reporting some of the information otherwise required by this
8 section. The commission may determine that reports filed pursuant to
9 this section also satisfy the requirements of RCW 42.17A.255 and
10 42.17A.260.

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

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