
SENATE BILL 5570

State of Washington

65th Legislature

2017 Regular Session

By Senators Billig, Miloscia, Hunt, Zeiger, and Kuderer

1 AN ACT Relating to certification of the level of foreign national
2 ownership for corporations that participate in Washington state
3 elections; amending RCW 42.17A.240; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that upholding the
6 First Amendment rights of freedom of speech and free association, as
7 they relate to participating in elections, are core values in the
8 United States. The United States supreme court has repeatedly held
9 that these rights include the right to make campaign contributions in
10 support of candidates and ballot measures at the federal, state, and
11 local levels.

12 The legislature also finds, in accordance with federal law as
13 required under the federal foreign agents registration act, that
14 these rights are reserved solely for citizens of the United States,
15 whether they act as individuals or as an association. The First
16 Amendment protection does not apply to foreign nationals who are
17 forbidden under federal law from directly or indirectly making
18 political contributions or financing so-called independent
19 expenditures and electioneering communications, either individually
20 or collectively through a corporation or other association.
21 Therefore, it falls to individual states to enforce the prohibition

1 on foreign influence in our state and local elections by requiring
2 that corporations that make political contributions certify that they
3 are not owned or controlled by foreign nationals.

4 **Sec. 2.** RCW 42.17A.240 and 2010 c 204 s 409 are each amended to
5 read as follows:

6 Each report required under RCW 42.17A.235 (1) and (2) must be
7 certified as correct by the treasurer and the candidate and shall
8 disclose the following:

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

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

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

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

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

28 (d) The money value of contributions of postage shall be the face
29 value of the postage;

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

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

36 (5) A certification from each corporation making a contribution
37 to the candidate or political committee that, in compliance with the
38 federal foreign agents registration act, the corporation's ownership
39 comprises less than fifty percent foreign nationals;

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

4 ~~((+6))~~ (7) The name and address of each person to whom an
5 expenditure was made in the aggregate amount of more than fifty
6 dollars during the period covered by this report, the amount, date,
7 and purpose of each expenditure, and the total sum of all
8 expenditures;

9 ~~((+7))~~ (8) The name and address of each person directly
10 compensated for soliciting or procuring signatures on an initiative
11 or referendum petition, the amount of the compensation to each
12 person, and the total expenditures made for this purpose. Such
13 expenditures shall be reported under this subsection in addition to
14 what is required to be reported under subsection ~~((+6))~~ (7) of this
15 section;

16 ~~((+8))~~ (9) The name and address of any person and the amount
17 owed for any debt, obligation, note, unpaid loan, or other liability
18 in the amount of more than two hundred fifty dollars or in the amount
19 of more than fifty dollars that has been outstanding for over thirty
20 days;

21 ~~((+9))~~ (10) The surplus or deficit of contributions over
22 expenditures;

23 ~~((+10))~~ (11) The disposition made in accordance with RCW
24 42.17A.430 of any surplus funds; and

25 ~~((+11))~~ (12) Any other information required by the commission by
26 rule in conformance with the policies and purposes of this chapter.

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