
SUBSTITUTE SENATE BILL 5400

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Quigley, A. Smith, Haugen, Niemi, Prentice, Fraser, Sutherland, Bauer, Loveland, Drew, Rinehart, Gaspard, Snyder, Jesernig, McAuliffe, Vognild, Pelz and Sheldon)

Read first time 02/22/93.

1 AN ACT Relating to campaign contribution and spending limits;
2 amending RCW 42.17.640 and 29.80.010; adding new sections to chapter
3 42.17 RCW; prescribing penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17 RCW
6 to read as follows:

7 (1) This section governs contributions to a candidate, state
8 official, or political committee who has failed to file a statement of
9 acceptance of voluntary expenditure limits within the time limits set
10 forth in section 4 of this act.

11 (2) No candidate for a state legislative office may accept from any
12 person contributions that in the aggregate exceed fifty dollars, and no
13 candidate for a state office other than a state legislative office may
14 accept from any person contributions that in the aggregate exceed one
15 hundred dollars, for each election in which the candidate is on the
16 ballot or appears as a write-in candidate. Contributions made with
17 respect to a primary may not be accepted after the date of the primary.
18 Contributions made with respect to a general election may not be
19 accepted after the final day of the applicable election cycle.

1 (3) No state official against whom recall charges have been filed,
2 and no political committee having the expectation of making
3 expenditures in support of the recall of the state official, may accept
4 contributions from any person during a recall campaign that in the
5 aggregate exceed fifty dollars if for a state legislative office or one
6 hundred dollars for a state office other than a legislative office.

7 (4)(a) Notwithstanding subsection (2) of this section, no candidate
8 during an election cycle may accept contributions from a bona fide
9 political party or caucus of the state legislature that in the
10 aggregate exceed (i) five cents multiplied by the number of registered
11 voters in the jurisdiction from which the candidate is seeking election
12 if the contributor is a caucus of the state legislature or the state
13 governing body of a political party, or (ii) two and one-half cents
14 multiplied by the number of registered voters in the jurisdiction from
15 which the candidate is seeking election if the contributor is a county
16 central committee or a legislative district committee.

17 (b) No candidate may accept contributions from a county central
18 committee or a legislative district committee during an election cycle
19 that, when combined with contributions from other county central
20 committees or legislative district committees, would in the aggregate
21 exceed two and one-half cents times the number of registered voters in
22 the jurisdiction from which the candidate is elected.

23 (5)(a) Notwithstanding subsection (3) of this section, no state
24 official against whom recall charges have been filed, and no political
25 committee having the expectation of making expenditures in support of
26 the state official, may accept contributions from a bona fide political
27 party or caucus of the state legislature during a recall campaign that
28 in the aggregate exceed (i) five cents multiplied by the number of
29 registered voters in the jurisdiction entitled to recall the state
30 official if the contributor is a caucus of the state legislature of the
31 governing body of a state organization, or (ii) two and one-half cents
32 multiplied by the number of registered voters in the jurisdiction from
33 which the candidate is elected if the contributor is a county central
34 committee or a legislative district committee.

35 (b) No state official against whom recall charges have been filed,
36 no authorized committee of the official, and no political committee
37 having the expectation of making expenditures in support of the recall
38 of a state official may accept contributions from a county central
39 committee or a legislative district committee or a legislative district

1 committee during an election cycle that when combined with
2 contributions from other county central committees or legislative
3 district committees would in the aggregate exceed two and one-half
4 cents multiplied by the number of registered voters in the jurisdiction
5 from which the candidate is elected.

6 (6) The contributions allowed by subsection (3) of this section are
7 in addition to those allowed by subsection (2) of this section.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW
9 to read as follows:

10 (1) This section governs contributions to a candidate, state
11 official, or political committee who has filed a statement of
12 acceptance of voluntary expenditure limits within the time limits set
13 forth in section 4 of this act.

14 (2) No candidate for a state legislative office may accept, from
15 any person other than a bona fide political party or caucus of the
16 state legislature, contributions that in the aggregate exceed five
17 hundred dollars, and no candidate for a state office other than a state
18 legislative office may accept, from any person other than a bona fide
19 political party or caucus of the state legislature, contributions that
20 in the aggregate exceed one thousand dollars, for each election in
21 which the candidate is on the ballot or appears as a write-in
22 candidate. Contributions made with respect to a primary may not be
23 accepted after the date of the primary. Contributions made with
24 respect to a general election may not be accepted after the final day
25 of the applicable election cycle.

26 (3) No state official against whom recall charges have been filed,
27 and no political committee having the expectation of making
28 expenditures in support of the recall of the state official, may
29 accept, from any person other than a bona fide political party or
30 caucus of the state legislature, contributions during a recall campaign
31 that in the aggregate exceed five hundred dollars if the official is a
32 state legislator or one thousand dollars if the official holds a state
33 office other than state legislator.

34 (4)(a) Notwithstanding subsection (2) of this section, no candidate
35 during an election cycle may accept contributions from a bona fide
36 political party or caucus of the state legislature that in the
37 aggregate exceed (i) fifty cents multiplied by the number of registered
38 voters in the jurisdiction from which the candidate is seeking election

1 if the contributor is a caucus of the state legislature or the state
2 governing body of a political party, or (ii) twenty-five cents
3 multiplied by the number of registered voters in the jurisdiction from
4 which the candidate is seeking election if the contributor is a county
5 central committee or a legislative district committee.

6 (b) No candidate may accept contributions from a county central
7 committee or a legislative district committee during an election cycle
8 that, when combined with contributions from other county central
9 committees or legislative district committees, would in the aggregate
10 exceed twenty-five cents times the number of registered voters in the
11 jurisdiction from which the candidate is elected.

12 (5)(a) Notwithstanding subsection (3) of this section, no state
13 official against whom recall charges have been filed, and no political
14 committee having the expectation of making expenditures in support of
15 the state official, may accept contributions from a bona fide political
16 party or caucus of the state legislature during a recall campaign that
17 in the aggregate exceed (i) fifty cents multiplied by the number of
18 eligible registered voters in the jurisdiction entitled to recall the
19 state official if the contributor is a caucus of the state legislature
20 of the governing body of a state organization, or (ii) twenty-five
21 cents multiplied by the number of registered voters in the jurisdiction
22 from which the candidate is seeking election if the contributor is a
23 county central committee or a legislative district committee.

24 (b) No state official against whom recall charges have been filed,
25 no authorized committee of the official, and no political committee
26 having the expectation of making expenditures in support of the recall
27 of a state official may accept contributions from a county central
28 committee or a legislative district committee or a legislative district
29 committee during an election cycle that when combined with
30 contributions from other county central committees or legislative
31 district committees would in the aggregate exceed twenty-five cents
32 multiplied by the number of registered voters in the jurisdiction from
33 which the candidate is elected.

34 (6) The contributions allowed by subsection (3) of this section are
35 in addition to those allowed by subsection (2). The contributions
36 allowed by subsection (5) of this section are in addition to those
37 allowed by subsection (4).

1 **Sec. 3.** RCW 42.17.640 and 1993 c 2 s 4 (Initiative Measure No.
2 134) are each amended to read as follows:

3 (1) ~~((No person, other than a bona fide political party or a caucus
4 of the state legislature, may make contributions to a candidate for a
5 state legislative office that in the aggregate exceed five hundred
6 dollars or to a candidate for a state office other than a state
7 legislative office that in the aggregate exceed one thousand dollars
8 for each election in which the candidate is on the ballot or appears as
9 a write-in candidate. Contributions made with respect to a primary may
10 not be made after the date of the primary. Contributions made with
11 respect to a general election may not be made after the final day of
12 the applicable election cycle.~~

13 (2) ~~No person, other than a bona fide political party or a caucus
14 of the state legislature, may make contributions to a state official
15 against whom recall charges have been filed, or to a political
16 committee having the expectation of making expenditures in support of
17 the recall of the state official, during a recall campaign that in the
18 aggregate exceed five hundred dollars if for a state legislative office
19 or one thousand dollars if for a state office other than a state
20 legislative office.~~

21 (3)(a) ~~Notwithstanding subsection (1) of this section, no bona fide
22 political party or caucus of the state legislature may make
23 contributions to a candidate during an election cycle that in the
24 aggregate exceed (i) fifty cents multiplied by the number of eligible
25 registered voters in the jurisdiction from which the candidate is
26 elected if the contributor is a caucus of the state legislature or the
27 governing body of a state organization, or (ii) twenty five cents
28 multiplied by the number of registered voters in the jurisdiction from
29 which the candidate is elected if the contributor is a county central
30 committee or a legislative district committee.~~

31 (b) ~~No candidate may accept contributions from a county central
32 committee or a legislative district committee during an election cycle
33 that when combined with contributions from other county central
34 committees or legislative district committees would in the aggregate
35 exceed twenty five cents times the number of registered voters in the
36 jurisdiction from which the candidate is elected.~~

37 (4)(a) ~~Notwithstanding subsection (2) of this section, no bona fide
38 political party or caucus of the state legislature may make
39 contributions to a state official against whom recall charges have been~~

1 filed, or to a political committee having the expectation of making
2 expenditures in support of the state official, during a recall campaign
3 that in the aggregate exceed (i) fifty cents multiplied by the number
4 of eligible registered voters in the jurisdiction entitled to recall
5 the state official if the contributor is a caucus of the state
6 legislature of the governing body of a state organization, or (ii)
7 twenty-five cents multiplied by the number of registered voters in the
8 jurisdiction from which the candidate is elected if the contributor is
9 a county central committee or a legislative district committee.

10 (b) No state official against whom recall charges have been filed,
11 no authorized committee of the official, and no political committee
12 having the expectation of making expenditures in support of the recall
13 of a state official may accept contributions from a county central
14 committee or a legislative district committee or a legislative district
15 committee during an election cycle that when combined with
16 contributions from other county central committees or legislative
17 district committees would in the aggregate exceed twenty-five cents
18 multiplied by the number of registered voters in the jurisdiction from
19 which the candidate is elected.

20 (5) Notwithstanding subsections (1) through (4) of this section, no
21 person other than an individual, bona fide political party, or))
22 Notwithstanding sections 1 and 2 of this act, no caucus of the state
23 legislature may ((make)) accept contributions reportable under this
24 chapter ((to a)) from any person other than a bona fide political party
25 or a caucus of the state legislature that in the aggregate exceed five
26 hundred dollars in a calendar year ((or to a)). No bona fide political
27 party may accept contributions reportable under this chapter from any
28 person other than a bona fide political party or a caucus of the state
29 legislature that in the aggregate exceed two thousand five hundred
30 dollars in a calendar year. This subsection does not apply to loans
31 made in the ordinary course of business.

32 ((+6)) (2) For the purposes of ((RCW 42.17.640 through 42.17.790))
33 this chapter, a contribution to the authorized political committee of
34 a candidate, or of a state official against whom recall charges have
35 been filed, is considered to be a contribution to the candidate or
36 state official.

37 ((+7)) (3) A contribution received within the twelve-month period
38 after a recall election concerning a state office is considered to be
39 a contribution during that recall campaign if the contribution is used

1 to pay a debt or obligation incurred to influence the outcome of that
2 recall campaign.

3 ~~((8) The contributions allowed by subsection (2) of this section
4 are in addition to those allowed by subsection (1) of this section, and
5 the contributions allowed by subsection (4) of this section are in
6 addition to those allowed by subsection (3) of this section.~~

7 ~~(9) RCW 42.17.640 through 42.17.790 apply))~~ (4) This chapter
8 applies to a special election conducted to fill a vacancy in a state
9 office. However, the contributions made to a candidate or received by
10 a candidate for a primary or special election conducted to fill such a
11 vacancy shall not be counted toward any of the limitations that apply
12 to the candidate or to contributions made to the candidate for any
13 other primary or election.

14 ~~((10) Notwithstanding the other subsections of this section,))~~ (5)
15 No candidate, state official against whom recall charges have been
16 filed, or political committee having the expectation of making
17 expenditures in support of the recall of the official may accept
18 contributions reportable under this chapter from any corporation or
19 business entity not doing business in Washington state, ((no)) labor
20 union with fewer than ten members who reside in Washington state, ((and
21 no)) or political committee that has not received contributions of ten
22 dollars or more from at least ten persons registered to vote in
23 Washington state during the preceding one hundred eighty days ((may
24 make contributions reportable under this chapter to a candidate, to a
25 state official against whom recall charges have been filed, or to a
26 political committee having the expectation of making expenditures in
27 support of the recall of the official)). This subsection does not
28 apply to loans made in the ordinary course of business.

29 ~~((11) Notwithstanding the other subsections of this section, no
30 county central committee or legislative district committee may make
31 contributions reportable under this chapter to a))~~ (6) No candidate,
32 state official against whom recall charges have been filed, or
33 political committee having the expectation of making expenditures in
34 support of the recall of a state official may accept contributions
35 reportable under this chapter from a county central committee or
36 legislative district committee if the county central committee or
37 legislative district committee is outside ((of)) the jurisdiction
38 entitled to elect the candidate or recall the state official.

1 (~~(12) No person may accept contributions that exceed the~~
2 ~~contribution limitations provided in this section.~~)

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17 RCW
4 to read as follows:

5 Within thirty days after becoming a candidate or within three
6 business days of filing for office, whichever is earlier, a candidate
7 for state office shall sign and file with the commission a statement of
8 acceptance or rejection of the voluntary expenditure limits in section
9 5 of this act. Within thirty days of receiving a contribution, making
10 an expenditure, or reserving space or facilities in connection with a
11 recall of a state official or within three business days of the
12 certification of petitions for such a recall, whichever is earlier, a
13 state official whose recall is demanded or a political committee having
14 the expectation of making expenditures in support of a recall shall
15 sign and file with the commission a statement of acceptance or
16 rejection of the voluntary expenditure limits in section 5 of this act.
17 The commission shall provide the form of the statement and agreement by
18 rule. The commission shall index and make available for public
19 inspection and copying a list of the statements of acceptance or
20 rejection filed by candidates.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.17 RCW
22 to read as follows:

23 (1) In accordance with section 6 of this act, the commission shall
24 revise expenditure limits applicable in an election cycle for a
25 candidate who files a statement of acceptance under section 4 of this
26 act.

27 (2) The initial expenditure limits shall be as follows for the
28 following offices and classes of offices:

- 29 (a) Governor: \$2,000,000;
- 30 (b) All other state executive offices: \$500,000;
- 31 (c) Supreme court justice: \$200,000;
- 32 (d) Court of appeals judge: \$80,000;
- 33 (e) Superior court judge: \$80,000;
- 34 (f) State senator: \$80,000; and
- 35 (g) State representative: \$50,000.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 42.17 RCW
2 to read as follows:

3 The commission shall, by January 1, 1996, and by January 1st of
4 each even-numbered year thereafter, adopt revisions in the existing
5 limits. Revisions shall be for the purpose of recognizing (1) changes
6 in the number of registered voters state-wide; and (2) economic changes
7 as reflected by an inflationary index recommended by the office of
8 financial management. The revisions shall be guided by the change in
9 the index for the two-year period before the date the revision is to be
10 adopted.

11 NEW SECTION. **Sec. 7.** A new section is added to chapter 42.17 RCW
12 to read as follows:

13 It is a violation of this chapter to exceed an expenditure limit to
14 which a candidate has agreed by filing a statement of acceptance under
15 section 4 of this act. Payments of candidate filing fees, fees or
16 assessments relating to the primary or general election candidates'
17 pamphlet, or costs incurred in the course of defending against a
18 challenge of a person's eligibility to become a candidate or a motion
19 for injunction under section 8 of this act, do not constitute
20 expenditures for the purpose of determining whether a candidate has
21 exceeded an expenditure limit.

22 NEW SECTION. **Sec. 8.** A new section is added to chapter 42.17 RCW
23 to read as follows:

24 One or more of the following civil remedies and sanctions may be
25 imposed by court order for a violation of section 1, 2, 3, or 7 of this
26 act in addition to other remedies provided by law:

27 (1) A candidate who violates section 1, 2, 3, or 7 of this act may
28 be subject to a civil penalty of not more than ten thousand dollars.
29 The penalty may not be paid from campaign funds, and no solicitations
30 to political committees may be made in connection with the penalty.

31 (2) A candidate who violates section 1, 2, 3, or 7 of this act may
32 be enjoined from making further expenditures in connection with that
33 candidate's campaign.

34 (3) The court or the legislature, as applicable, shall presume that
35 a material and substantial violation of section 1, 2, 3, or 7 of this
36 act has affected the outcome of the election. Unless the presumption
37 is defeated by clear, cogent, and convincing evidence, the court or the

1 legislature, as applicable, shall declare the election void and order
2 a special election to be held within sixty days of the finding. An
3 action to void an election must be commenced within one year of the
4 date of the election in question.

5 **Sec. 9.** RCW 29.80.010 and 1987 c 295 s 17 are each amended to read
6 as follows:

7 (1) As soon as possible before each state general election at which
8 federal or state officials are to be elected, the secretary of state
9 shall publish and mail to each individual place of residence of the
10 state a candidates' pamphlet containing photographs and campaign
11 statements of eligible nominees who desire to participate therein,
12 together with a campaign mailing address and telephone number submitted
13 by the nominee at the nominee's option, and in even-numbered years
14 containing a description of the office of precinct committee officer
15 and its duties, in order that voters will understand that the office is
16 a state office and will be found on the ballot of the forthcoming
17 general election. In odd-numbered years no candidates' pamphlet may be
18 published unless an election is to be held to fill a vacancy in one or
19 more of the following state-wide elective offices: United States
20 senator, governor, lieutenant governor, secretary of state, state
21 treasurer, state auditor, attorney general, superintendent of public
22 instruction, commissioner of public lands, insurance commissioner, or
23 justice of the supreme court.

24 (2) For purposes of this chapter, a candidate is eligible to
25 include a picture and a campaign statement in the candidates' pamphlet
26 only if the candidate has filed a statement of acceptance of voluntary
27 expenditure limits within the time limits set forth in section 4 of
28 this act. The following information must be included in the pamphlet
29 if a candidate does not file a statement of acceptance within the time
30 limits set forth in section 4 of this act: "A statement by this
31 candidate has not been included because the candidate has not agreed to
32 comply with the voluntary campaign spending limits established by the
33 state public disclosure commission. A candidate's statement is
34 included in this pamphlet only if the candidate has agreed to comply
35 with those spending limits."

36 NEW SECTION. **Sec. 10.** If any provision of this act or its
37 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 11.** This act takes effect January 1, 1995.

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