

SENATE BILL REPORT

SB 6226

As of January 23, 2006

Title: An act relating to campaign contribution limits for candidates for judicial office.

Brief Description: Providing campaign contribution limits for candidates for judicial office.

Sponsors: Senator Fairley, Rockefeller, Brown, and Spanel..

Brief History:

Committee Activity: Government Operations & Elections: 1/23/06.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Cindy Fazio (786-7405)

Background: The Fair Campaign Practices Act was enacted following passage of Initiative 134 in 1992. The initiative imposed campaign contribution limits, further regulated independent expenditures, restricted the use of public funds for political purposes, and required public officials to report gifts received in excess of \$50. The contribution limits imposed by Initiative 134 apply only to elections for statewide office and state legislative office. They do not apply to candidates for judicial office.

Contribution limits imposed on an individual, a union or business, or a political action committee are an aggregate of \$700 per election to a candidate for state legislative office, and an aggregate of \$1,400 per election to a candidate for statewide office.

Limits also apply to political parties. State party central committees, minor party committees, and legislative caucus committees may contribute an aggregate of up to \$0.70 per registered voter in the candidate's district for an election cycle. County central committees and legislative district committees may contribute an aggregate of up to \$0.35 per registered voter in the candidate's district. Contributions received from county central committees and legislative district committees combined may not exceed an amount more than \$0.35 times the number of registered voters statewide to any one candidate.

These limits are adjusted for inflation by the Public Disclosure Commission every two years, most recently by ESSB 5034 (Chapter 445, Laws of 2005).

Summary of Substitute Bill: Campaign contribution limits are extended to apply to judicial candidates. Contribution limits imposed for Superior Court judges may not exceed an aggregate of \$700 per election, and for offices for the Washington Supreme Court and Court of Appeals, an aggregate of \$1,400 per election from an individual, a union or business, or a political action committee. Political party contribution limits also apply.

Contributions to candidates for whom the new limits apply that are received before the effective date of the act are considered to be contributions for the purposes of campaign contribution limits statutes. Contributions that exceed the limitations and have not been spent

by the recipient by the effective date of this Act must be disposed of in accordance with RCW 42.17.095, disposal of surplus funds, except that it may not be held by the candidate for a future election or be used for non-reimbursed public office-related expenses.

Substitute Bill Compared to Original Bill: The bill as referred to committee was not considered.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: I think it is appropriate to include all levels of the judiciary in this bill. Influence can happen at any level. Anytime money is flowing into a candidate's campaign race, problems can result. This legislation is very important to assuring that the judiciary remains independent. Growing contributions by special interest groups are a real problem. There must also be the appearance of independence by the public. I would suggest an amendment that would take courts of limited jurisdiction and superior courts out of this legislation. Washington is one of only four states that elect judges and does not have campaign contribution limits. Some large donations have been made in Washington State. We clearly need some limits. There will be a study done during the interim to see if the limits should apply to courts of limited jurisdiction and superior courts.

Testimony Against: Contributions in judicial campaigns are currently not limited but are subject to full reporting. Most judicial campaigns are underfunded. I am concerned about the unintended effects of this legislation. First, we are limiting the citizens' ability to participate in the system. Second, fund raising will become more difficult and more time will have to be spent on that and not on the job of being a judge. Judicial candidates have many restraints placed upon their activities: they cannot personally solicit contributions; they cannot be in a room where contributions are being solicited; and we are restricted in how we can respond to our opponent. Judicial campaigns are different: we are non-partisan and do not have access to party funds. Third, if a candidate is independently wealthy, and these restrictions apply, the non-wealthy candidate will be severely impacted.

Who Testified: PRO: Senator Darlene Fairley, Prime Sponsor; Douglas Lawrence, Washington State Bar Association; Charles Wiggins, Washington Chapter, American Judicature Society; John Ruhl, King County Bar Association.

CON: Justice Richard Sanders, Washington State Supreme Court.