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**SUBSTITUTE HOUSE BILL 1226**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** House Committee on State Government Operations & Accountability (originally sponsored by Representatives Schual-Berke, Tom, Haigh, Cody, Fromhold, Jarrett, Hudgins, Conway, Appleton, Flannigan, Murray, McCoy, Lantz, Hasegawa, Williams, Kagi, Ormsby, Morrell, Chase, Dickerson, Kenney and Sells)

READ FIRST TIME 03/04/05.

1       AN ACT Relating to campaign contribution limits; amending RCW  
2 42.17.640 and 42.17.700; adding new sections to chapter 42.17 RCW; and  
3 declaring an emergency.

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

5       **Sec. 1.** RCW 42.17.640 and 2001 c 208 s 1 are each amended to read  
6 as follows:

7       (1) The contribution limits in this section apply to:

8       (a) Candidates for state legislative office;

9       (b) Candidates for state office other than state legislative  
10 office;

11       (c) Candidates for county office in a county that has over two  
12 hundred thousand registered voters;

13       (d) A special purpose district office if that district is  
14 authorized to provide freight and passenger transfer and terminal  
15 facilities and that district has over two hundred thousand registered  
16 voters;

17       (e) Persons holding an office in (a) through (d) of this subsection  
18 against whom recall charges have been filed or to a political committee

1 having the expectation of making expenditures in support of the recall  
2 of a person holding the office;

3 (f) Caucus political committees; and

4 (g) Bona fide political parties.

5 (2) No person, other than a bona fide political party or a caucus  
6 political committee, may make contributions to a candidate for a state  
7 legislative office, county office, or public office in a special  
8 purpose district that in the aggregate exceed ~~((five))~~ six hundred  
9 seventy-five dollars or to a candidate for a state office other than a  
10 state legislative office that in the aggregate exceed one thousand  
11 three hundred fifty dollars for each election in which the candidate is  
12 on the ballot or appears as a write-in candidate. Contributions to  
13 candidates subject to the limits in this section made with respect to  
14 a primary may not be made after the date of the primary. However,  
15 contributions to a candidate or a candidate's authorized committee may  
16 be made with respect to a primary until thirty days after the primary,  
17 subject to the following limitations: (a) The candidate lost the  
18 primary; (b) the candidate's authorized committee has insufficient  
19 funds to pay debts outstanding as of the date of the primary; and (c)  
20 the contributions may only be raised and spent to satisfy the  
21 outstanding debt. Contributions to candidates subject to the limits in  
22 this section made with respect to a general election may not be made  
23 after the final day of the applicable election cycle.

24 ~~((+2))~~ (3) No person, other than a bona fide political party or a  
25 caucus political committee, may make contributions to a state official,  
26 a county official, or a public official in a special purpose district,  
27 against whom recall charges have been filed, or to a political  
28 committee having the expectation of making expenditures in support of  
29 the recall of the state official, county official, or public official  
30 in a special purpose district, during a recall campaign that in the  
31 aggregate exceed ~~((five))~~ six hundred seventy-five dollars if for a  
32 state legislative office, county office, or special purpose district  
33 office, or one thousand three hundred fifty dollars if for a state  
34 office other than a state legislative office.

35 ~~((+3))~~ (4)(a) Notwithstanding subsection ~~((+1))~~ (2) of this  
36 section, no bona fide political party or caucus political committee may  
37 make contributions to a candidate during an election cycle that in the  
38 aggregate exceed (i) ~~((fifty))~~ sixty-eight cents multiplied by the

1 number of eligible registered voters in the jurisdiction from which the  
2 candidate is elected if the contributor is a caucus political committee  
3 or the governing body of a state organization, or (ii) (~~twenty-five~~)  
4 thirty-four cents multiplied by the number of registered voters in the  
5 jurisdiction from which the candidate is elected if the contributor is  
6 a county central committee or a legislative district committee.

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

13 (~~(4)~~) (5)(a) Notwithstanding subsection (~~(2)~~) (3) of this  
14 section, no bona fide political party or caucus political committee may  
15 make contributions to a state official, county official, or a public  
16 official in a special purpose district, against whom recall charges  
17 have been filed, or to a political committee having the expectation of  
18 making expenditures in support of the state official, county official,  
19 or a public official in a special purpose district, during a recall  
20 campaign that in the aggregate exceed (i) (~~fifty~~) sixty-eight cents  
21 multiplied by the number of eligible registered voters in the  
22 jurisdiction entitled to recall the (~~state~~) official if the  
23 contributor is a caucus political committee or the governing body of a  
24 state organization, or (ii) (~~twenty-five~~) thirty-four cents  
25 multiplied by the number of registered voters in the jurisdiction from  
26 which the candidate is elected if the contributor is a county central  
27 committee or a legislative district committee.

28 (b) No (~~state~~) official holding an office specified in subsection  
29 (1) of this section against whom recall charges have been filed, no  
30 authorized committee of the official, and no political committee having  
31 the expectation of making expenditures in support of the recall of (~~a~~  
32 ~~state~~) the official may accept contributions from a county central  
33 committee or a legislative district committee during an election cycle  
34 that when combined with contributions from other county central  
35 committees or legislative district committees would in the aggregate  
36 exceed (~~twenty-five~~) thirty-four cents multiplied by the number of  
37 registered voters in the jurisdiction from which the candidate is  
38 elected.

1        ~~((+5))~~ (6) For purposes of determining contribution limits under  
2 subsections ~~((+3))~~ (4) and ~~((+4))~~ (5) of this section, the number of  
3 eligible registered voters in a jurisdiction is the number at the time  
4 of the most recent general election in the jurisdiction.

5        ~~((+6))~~ (7) Notwithstanding subsections ~~((+1))~~ (2) through ~~((+4))~~  
6 (5) of this section, no person other than an individual, bona fide  
7 political party, or caucus political committee may make contributions  
8 reportable under this chapter to a caucus political committee that in  
9 the aggregate exceed ~~((five))~~ six hundred seventy-five dollars in a  
10 calendar year or to a bona fide political party that in the aggregate  
11 exceed ~~((two))~~ three thousand ~~((five))~~ four hundred dollars in a  
12 calendar year. This subsection does not apply to loans made in the  
13 ordinary course of business.

14        ~~((+7))~~ (8) For the purposes of RCW 42.17.640 through 42.17.790, a  
15 contribution to the authorized political committee of a candidate~~((+7))~~  
16 or of ~~((a-state))~~ an official specified in subsection (1) of this  
17 section against whom recall charges have been filed, is considered to  
18 be a contribution to the candidate or ~~((state))~~ official.

19        ~~((+8))~~ (9) A contribution received within the twelve-month period  
20 after a recall election concerning ~~((a-state))~~ an office specified in  
21 subsection (1) of this section is considered to be a contribution  
22 during that recall campaign if the contribution is used to pay a debt  
23 or obligation incurred to influence the outcome of that recall  
24 campaign.

25        ~~((+9))~~ (10) The contributions allowed by subsection ~~((+2))~~ (3) of  
26 this section are in addition to those allowed by subsection ~~((+1))~~ (2)  
27 of this section, and the contributions allowed by subsection ~~((+4))~~  
28 (5) of this section are in addition to those allowed by subsection  
29 ~~((+3))~~ (4) of this section.

30        ~~((+10))~~ (11) RCW 42.17.640 through 42.17.790 apply to a special  
31 election conducted to fill a vacancy in ~~((a-state))~~ an office specified  
32 in subsection (1) of this section. However, the contributions made to  
33 a candidate or received by a candidate for a primary or special  
34 election conducted to fill such a vacancy shall not be counted toward  
35 any of the limitations that apply to the candidate or to contributions  
36 made to the candidate for any other primary or election.

37        ~~((+11))~~ (12) Notwithstanding the other subsections of this  
38 section, no corporation or business entity not doing business in

1 Washington state, no labor union with fewer than ten members who reside  
2 in Washington state, and no political committee that has not received  
3 contributions of ten dollars or more from at least ten persons  
4 registered to vote in Washington state during the preceding one hundred  
5 eighty days may make contributions reportable under this chapter to a  
6 candidate, to a state official against whom recall charges have been  
7 filed, or to a political committee having the expectation of making  
8 expenditures in support of the recall of the official. This subsection  
9 does not apply to loans made in the ordinary course of business.

10 ~~((12))~~ (13) Notwithstanding the other subsections of this  
11 section, no county central committee or legislative district committee  
12 may make contributions reportable under this chapter to a candidate  
13 specified in subsection (1) of this section, ~~((state))~~ an official  
14 specified in subsection (1) of this section against whom recall charges  
15 have been filed, or political committee having the expectation of  
16 making expenditures in support of the recall of ~~((a-state))~~ an official  
17 specified in subsection (1) of this section if the county central  
18 committee or legislative district committee is outside of the  
19 jurisdiction entitled to elect the candidate or recall the ~~((state))~~  
20 official.

21 ~~((13))~~ (14) No person may accept contributions that exceed the  
22 contribution limitations provided in this section.

23 ~~((14))~~ (15) The following contributions are exempt from the  
24 contribution limits of this section:

25 (a) An expenditure or contribution earmarked for voter  
26 registration, for absentee ballot information, for precinct caucuses,  
27 for get-out-the-vote campaigns, for precinct judges or inspectors, for  
28 sample ballots, or for ballot counting, all without promotion of or  
29 political advertising for individual candidates; or

30 (b) An expenditure by a political committee for its own internal  
31 organization or fund raising without direct association with individual  
32 candidates.

33 NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW  
34 to read as follows:

35 (1) No person may make contributions to a candidate for superior  
36 court judge that in the aggregate exceed six hundred seventy-five  
37 dollars or to a candidate for the state supreme court or court of

1 appeals that in the aggregate exceed one thousand three hundred fifty  
2 dollars for each election in which the candidate is on the ballot or  
3 appears as a write-in candidate. Contributions made with respect to a  
4 primary may not be made after the date of the primary. However,  
5 contributions to a candidate or a candidate's authorized committee may  
6 be made with respect to a primary until thirty days after the primary,  
7 subject to the following limitations: (a) The candidate lost the  
8 primary; (b) the candidate's authorized committee has insufficient  
9 funds to pay debts outstanding as of the date of the primary; and (c)  
10 the contributions may only be raised and spent to satisfy the  
11 outstanding debt. Contributions made with respect to a general  
12 election may not be made after the final day of the applicable election  
13 cycle.

14 (2) This section through RCW 42.17.790 apply to a special election  
15 conducted to fill a vacancy in an office. However, the contributions  
16 made to a candidate or received by a candidate for a primary or special  
17 election conducted to fill such a vacancy will not be counted toward  
18 any of the limitations that apply to the candidate or to contributions  
19 made to the candidate for any other primary or election.

20 (3) No person may accept contributions that exceed the contribution  
21 limitations provided in this section.

22 (4) The dollar limits in this section must be adjusted according to  
23 RCW 42.17.690.

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

26 The commission shall adopt rules to carry out the policies of this  
27 act and is not subject to the time restrictions of RCW 42.17.370(1).

28 **Sec. 4.** RCW 42.17.700 and 1993 c 2 s 10 are each amended to read  
29 as follows:

30 (1) Contributions to candidates for state office made and received  
31 before December 3, 1992, are considered to be contributions under RCW  
32 42.17.640 through 42.17.790. Monetary contributions that exceed the  
33 contribution limitations and that have not been spent by the recipient  
34 of the contribution by December 3, 1992, must be disposed of in  
35 accordance with RCW 42.17.095.

1       (2) Contributions to other candidates subject to the contribution  
2 limits of this chapter made and received before the effective date of  
3 this act are considered to be contributions under RCW 42.17.640 through  
4 42.17.790. Contributions that exceed the contribution limitations and  
5 that have not been spent by the recipient of the contribution by the  
6 effective date of this act must be disposed of in accordance with RCW  
7 42.17.095 except for subsections (6) and (7) of that section.

8       NEW SECTION.   **Sec. 5.** This act is necessary for the immediate  
9 preservation of the public peace, health, or safety, or support of the  
10 state government and its existing public institutions, and takes effect  
11 immediately.

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