
HOUSE BILL 2449

State of Washington

59th Legislature

2006 Regular Session

By Representatives Miloscia and Dunshee

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Committee on State Government Operations & Accountability.

1 AN ACT Relating to campaign contribution limitations; amending RCW
2 42.17.370 and 42.17.640; adding a new section to chapter 42.17 RCW; and
3 repealing RCW 42.17.690.

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

5 **Sec. 1.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to read
6 as follows:

7 The commission is empowered to:

8 (1) Adopt, promulgate, amend, and rescind suitable administrative
9 rules to carry out the policies and purposes of this chapter, which
10 rules shall be adopted under chapter 34.05 RCW. Any rule relating to
11 campaign finance, political advertising, or related forms that would
12 otherwise take effect after June 30th of a general election year shall
13 take effect no earlier than the day following the general election in
14 that year;

15 (2) Appoint and set, within the limits established by the committee
16 on agency officials' salaries under RCW 43.03.028, the compensation of
17 an executive director who shall perform such duties and have such
18 powers as the commission may prescribe and delegate to implement and
19 enforce this chapter efficiently and effectively. The commission shall

1 not delegate its authority to adopt, amend, or rescind rules nor shall
2 it delegate authority to determine whether an actual violation of this
3 chapter has occurred or to assess penalties for such violations;

4 (3) Prepare and publish such reports and technical studies as in
5 its judgment will tend to promote the purposes of this chapter,
6 including reports and statistics concerning campaign financing,
7 lobbying, financial interests of elected officials, and enforcement of
8 this chapter;

9 (4) Make from time to time, on its own motion, audits and field
10 investigations;

11 (5) Make public the time and date of any formal hearing set to
12 determine whether a violation has occurred, the question or questions
13 to be considered, and the results thereof;

14 (6) Administer oaths and affirmations, issue subpoenas, and compel
15 attendance, take evidence and require the production of any books,
16 papers, correspondence, memorandums, or other records relevant or
17 material for the purpose of any investigation authorized under this
18 chapter, or any other proceeding under this chapter;

19 (7) Adopt and promulgate a code of fair campaign practices;

20 (8) Relieve, by rule, candidates or political committees of
21 obligations to comply with the provisions of this chapter relating to
22 election campaigns, if they have not received contributions nor made
23 expenditures in connection with any election campaign of more than one
24 thousand dollars;

25 (9) Adopt rules prescribing reasonable requirements for keeping
26 accounts of and reporting on a quarterly basis costs incurred by state
27 agencies, counties, cities, and other municipalities and political
28 subdivisions in preparing, publishing, and distributing legislative
29 information. The term "legislative information," for the purposes of
30 this subsection, means books, pamphlets, reports, and other materials
31 prepared, published, or distributed at substantial cost, a substantial
32 purpose of which is to influence the passage or defeat of any
33 legislation. The state auditor in his or her regular examination of
34 each agency under chapter 43.09 RCW shall review the rules, accounts,
35 and reports and make appropriate findings, comments, and
36 recommendations in his or her examination reports concerning those
37 agencies;

1 (10) After hearing, by order approved and ratified by a majority of
2 the membership of the commission, suspend or modify any of the
3 reporting requirements of this chapter in a particular case if it finds
4 that literal application of this chapter works a manifestly
5 unreasonable hardship and if it also finds that the suspension or
6 modification will not frustrate the purposes of the chapter. The
7 commission shall find that a manifestly unreasonable hardship exists if
8 reporting the name of an entity required to be reported under RCW
9 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive
10 position of any entity in which the person filing the report or any
11 member of his or her immediate family holds any office, directorship,
12 general partnership interest, or an ownership interest of ten percent
13 or more. Any suspension or modification shall be only to the extent
14 necessary to substantially relieve the hardship. The commission shall
15 act to suspend or modify any reporting requirements only if it
16 determines that facts exist that are clear and convincing proof of the
17 findings required under this section. Requests for renewals of
18 reporting modifications may be heard in a brief adjudicative proceeding
19 as set forth in RCW 34.05.482 through 34.05.494 and in accordance with
20 the standards established in this section. No initial request may be
21 heard in a brief adjudicative proceeding and no request for renewal may
22 be heard in a brief adjudicative proceeding if the initial request was
23 granted more than three years previously or if the applicant is holding
24 an office or position of employment different from the office or
25 position held when the initial request was granted. The commission
26 shall adopt administrative rules governing the proceedings. Any
27 citizen has standing to bring an action in Thurston county superior
28 court to contest the propriety of any order entered under this section
29 within one year from the date of the entry of the order; and

30 (11) Revise, at least once every five years but no more often than
31 every two years, the monetary reporting thresholds and reporting code
32 values of this chapter, except for the monetary values established in
33 RCW 42.17.640. The revisions shall be only for the purpose of
34 recognizing economic changes as reflected by an inflationary index
35 recommended by the office of financial management. The revisions shall
36 be guided by the change in the index for the period commencing with the
37 month of December preceding the last revision and concluding with the
38 month of December preceding the month the revision is adopted. As to

1 each of the three general categories of this chapter (reports of
2 campaign finance, reports of lobbyist activity, and reports of the
3 financial affairs of elected and appointed officials), the revisions
4 shall equally affect all thresholds within each category. Revisions
5 shall be adopted as rules under chapter 34.05 RCW. The first revision
6 authorized by this subsection shall reflect economic changes from the
7 time of the last legislative enactment affecting the respective code or
8 threshold through December 1985;

9 (12) Develop and provide to filers a system for certification of
10 reports required under this chapter which are transmitted by facsimile
11 or electronically to the commission. Implementation of the program is
12 contingent on the availability of funds.

13 **Sec. 2.** RCW 42.17.640 and 2005 c 445 s 11 are each amended to read
14 as follows:

15 (1) No person, other than a bona fide political party or a caucus
16 political committee, may make contributions to a candidate for ((a
17 ~~state legislative~~) public office that in the aggregate exceed
18 ((~~seven~~) five hundred dollars ((~~or to a candidate for a state office~~
19 ~~other than a state legislative office that in the aggregate exceed one~~
20 ~~thousand four hundred dollars~~)) for each election cycle in which the
21 candidate is on the ballot or appears as a write-in candidate.
22 Contributions made with respect to a primary may not be made after the
23 date of the primary. However, contributions to a candidate or a
24 candidate's authorized committee may be made with respect to a primary
25 until thirty days after the primary, subject to the following
26 limitations: (a) The candidate lost the primary; (b) the candidate's
27 authorized committee has insufficient funds to pay debts outstanding as
28 of the date of the primary; and (c) the contributions may only be
29 raised and spent to satisfy the outstanding debt. Contributions made
30 with respect to a general election may not be made after the final day
31 of the applicable election cycle.

32 ((~~No person, other than a bona fide political party or a caucus~~
33 ~~political committee, may make contributions to a state official against~~
34 ~~whom recall charges have been filed, or to a political committee having~~
35 ~~the expectation of making expenditures in support of the recall of the~~
36 ~~state official, during a recall campaign that in the aggregate exceed~~
37 ~~seven hundred dollars if for a state legislative office or one thousand~~

1 ~~four hundred dollars if for a state office other than a state~~
2 ~~legislative office))~~ For purposes of this section, an election means a
3 primary, special, general, or recall election. Contributions made to
4 one election shall not be counted toward any of the limitations that
5 apply to the candidate or to contributions made to the candidate for
6 another election.

7 (3)(a) (~~Notwithstanding subsection (1) of this section,~~) No bona
8 fide political party or caucus political committee may make
9 contributions to a candidate ((during)) for an election ((eyele)) that
10 in the aggregate exceed (i) ((seventy)) fifty cents multiplied by the
11 number of eligible registered voters in the jurisdiction from which the
12 candidate is elected if the contributor is a caucus political committee
13 or the governing body of a state organization, or (ii) ((thirty-five))
14 twenty-five cents multiplied by the number of registered voters in the
15 jurisdiction from which the candidate is elected if the contributor is
16 a county 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 ((thirty-five)) twenty-five cents times the number of registered
22 voters in the jurisdiction from which the candidate is elected.

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

33 (4) (~~((a) Notwithstanding subsection (2) of this section, no bona~~
34 ~~fide political party or caucus political committee may make~~
35 ~~contributions to a state official against whom recall charges have been~~
36 ~~filed, or to a political committee having the expectation of making~~
37 ~~expenditures in support of the state official, during a recall campaign~~
38 ~~that in the aggregate exceed (i) seventy cents multiplied by the number~~

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

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

16 (5)) For purposes of determining contribution limits under
17 subsection((s)) (3) ((and(4))) of this section, the number of eligible
18 registered voters in a jurisdiction is the number at the time of the
19 most recent general election in the jurisdiction.

20 ((6) Notwithstanding subsections (1) through (4) of this
21 section,) (5) No person ((other than an individual, bona fide
22 political party, or caucus political committee)) may make contributions
23 reportable under this chapter to a caucus political committee, a bona
24 fide political party, or a political committee, that in the aggregate
25 exceed seven hundred dollars in a calendar year ((or to a bona fide
26 political party that in the aggregate exceed three thousand five
27 hundred dollars in a calendar year)). This subsection does not apply
28 to loans made in the ordinary course of business.

29 ((7)) (6) For the purposes of RCW 42.17.640 through 42.17.790, a
30 contribution to the authorized political committee of a candidate, or
31 of ((a state)) an elected public official against whom recall charges
32 have been filed, is considered to be a contribution to the candidate or
33 ((state)) public official.

34 ((8)) (7) A contribution received within the twelve-month period
35 after a recall election concerning a ((state)) public office is
36 considered to be a contribution during that recall campaign if the
37 contribution is used to pay a debt or obligation incurred to influence
38 the outcome of that recall campaign.

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

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

12 ~~((11))~~ (8) Notwithstanding the other subsections of this section,
13 no corporation or business entity not doing business in Washington
14 state, no labor union with fewer than ten members who reside in
15 Washington state, and no political committee that has not received
16 contributions of ten dollars or more from at least ten persons
17 registered to vote in Washington state during the preceding one hundred
18 eighty days may make contributions reportable under this chapter to a
19 candidate, to ~~((a state))~~ an elected public official against whom
20 recall charges have been filed, or to a political committee having the
21 expectation of making expenditures in support of the recall of the
22 official. This subsection does not apply to loans made in the ordinary
23 course of business.

24 ~~((12) Notwithstanding the other subsections of this section, no~~
25 ~~county central committee or legislative district committee may make~~
26 ~~contributions reportable under this chapter to a candidate, state~~
27 ~~official against whom recall charges have been filed, or political~~
28 ~~committee having the expectation of making expenditures in support of~~
29 ~~the recall of a state official if the county central committee or~~
30 ~~legislative district committee is outside of the jurisdiction entitled~~
31 ~~to elect the candidate or recall the state official.~~

32 ~~((13))~~ (9) No person may accept contributions that exceed the
33 contribution limitations provided in this section.

34 ~~((14))~~ (10) The following contributions are exempt from the
35 contribution limits of this section:

36 (a) An expenditure or contribution earmarked for voter
37 registration, for absentee ballot information, for precinct caucuses,

1 for get-out-the-vote campaigns, for precinct judges or inspectors, for
2 sample ballots, or for ballot counting, all without promotion of or
3 political advertising for individual candidates; or

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

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

9 A corporation or labor organization shall not use general treasury
10 funds for the purpose of making contributions or expenditures to
11 influence an election.

12 NEW SECTION. **Sec. 4.** RCW 42.17.690 (Changing monetary limits) and
13 1993 c 2 s 9 are each repealed.

14 NEW SECTION. **Sec. 5.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

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