

CERTIFICATION OF ENROLLMENT
THIRD SUBSTITUTE HOUSE BILL 1226

59th Legislature
2006 Regular Session

Passed by the House March 4, 2006
Yeas 56 Nays 40

Speaker of the House of Representatives

Passed by the Senate March 1, 2006
Yeas 36 Nays 11

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **THIRD SUBSTITUTE HOUSE BILL 1226** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

THIRD SUBSTITUTE HOUSE BILL 1226

AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Appropriations (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 2/7/06.

1 AN ACT Relating to campaign contribution limits; amending RCW
2 42.17.640, 42.17.700, 42.17.710, and 42.17.093; and adding new sections
3 to chapter 42.17 RCW.

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

5 **Sec. 1.** RCW 42.17.640 and 2005 c 445 s 11 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) Candidates for special purpose district office if that district
14 is 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;

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 or county office that in the aggregate exceed seven
8 hundred dollars or to a candidate for a public office in a special
9 purpose district or a state office other than a state legislative
10 office that in the aggregate exceed one thousand four hundred dollars
11 for each election in which the candidate is on the ballot or appears as
12 a write-in candidate. Contributions to candidates subject to the
13 limits in this section made with respect to a primary may not be made
14 after the date of the primary. However, contributions to a candidate
15 or a candidate's authorized committee may be made with respect to a
16 primary until thirty days after the primary, subject to the following
17 limitations: (a) The candidate lost the primary; (b) the candidate's
18 authorized committee has insufficient funds to pay debts outstanding as
19 of the date of the primary; and (c) the contributions may only be
20 raised and spent to satisfy the outstanding debt. Contributions to
21 candidates subject to the limits in this section made with respect to
22 a general election may not be made after the final day of the
23 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 seven hundred dollars if for a state legislative
32 office or county office or one thousand four hundred dollars if for a
33 special purpose district office or a state office other than a state
34 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) seventy cents multiplied by the number of eligible

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

27 (b) No ~~((state))~~ official holding an office specified in subsection
28 (1) of this section against whom recall charges have been filed, no
29 authorized committee of the official, and no political committee having
30 the expectation of making expenditures in support of the recall of ~~((a~~
31 ~~state))~~ the official 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 thirty-five cents multiplied by the number of registered voters
36 in the jurisdiction from which the candidate is elected.

37 ~~((5))~~ (6) For purposes of determining contribution limits under

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

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

12 ~~((+7))~~ (8) For the purposes of RCW 42.17.640 through 42.17.790, a
13 contribution to the authorized political committee of a candidate~~((+7))~~
14 or of ~~((a state))~~ an official specified in subsection (1) of this
15 section against whom recall charges have been filed~~((+7))~~ is considered
16 to be a contribution to the candidate or ~~((state))~~ official.

17 ~~((+8))~~ (9) A contribution received within the twelve-month period
18 after a recall election concerning ~~((a state))~~ an office specified in
19 subsection (1) of this section is considered to be a contribution
20 during that recall campaign if the contribution is used to pay a debt
21 or obligation incurred to influence the outcome of that recall
22 campaign.

23 ~~((+9))~~ (10) The contributions allowed by subsection ~~((+2))~~ (3) of
24 this section are in addition to those allowed by subsection ~~((+1))~~ (2)
25 of this section, and the contributions allowed by subsection ~~((+4))~~
26 (5) of this section are in addition to those allowed by subsection
27 ~~((+3))~~ (4) of this section.

28 ~~((+10))~~ (11) RCW 42.17.640 through 42.17.790 apply to a special
29 election conducted to fill a vacancy in ~~((a state))~~ an office specified
30 in subsection (1) of this section. However, the contributions made to
31 a candidate or received by a candidate for a primary or special
32 election conducted to fill such a vacancy shall not be counted toward
33 any of the limitations that apply to the candidate or to contributions
34 made to the candidate for any other primary or election.

35 ~~((+11))~~ (12) Notwithstanding the other subsections of this
36 section, no corporation or business entity not doing business in
37 Washington state, no labor union with fewer than ten members who reside
38 in Washington state, and no political committee that has not received

1 contributions of ten dollars or more from at least ten persons
2 registered to vote in Washington state during the preceding one hundred
3 eighty days may make contributions reportable under this chapter to a
4 candidate, to a state official against whom recall charges have been
5 filed, or to a political committee having the expectation of making
6 expenditures in support of the recall of the official. This subsection
7 does not apply to loans made in the ordinary course of business.

8 ~~((+12+))~~ (13) Notwithstanding the other subsections of this
9 section, no county central committee or legislative district committee
10 may make contributions reportable under this chapter to a candidate(~~(a~~
11 ~~state official)~~) specified in subsection (1) of this section, or an
12 official specified in subsection (1) of this section against whom
13 recall charges have been filed, or political committee having the
14 expectation of making expenditures in support of the recall of ~~((a~~
15 ~~state))~~ an official specified in subsection (1) of this section if the
16 county central committee or legislative district committee is outside
17 of the jurisdiction entitled to elect the candidate or recall the
18 ~~((state))~~ official.

19 ~~((+13+))~~ (14) No person may accept contributions that exceed the
20 contribution limitations provided in this section.

21 ~~((+14+))~~ (15) The following contributions are exempt from the
22 contribution limits of this section:

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

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

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

33 (1) No person may make contributions to a candidate for judicial
34 office that in the aggregate exceed one thousand four hundred dollars
35 for each election in which the candidate is on the ballot or appears as
36 a write-in candidate. Contributions made with respect to a primary may
37 not be made after the date of the primary. However, contributions to

1 a candidate or a candidate's authorized committee may be made with
2 respect to a primary until thirty days after the primary, subject to
3 the following limitations: (a) The candidate lost the primary; (b) the
4 candidate's authorized committee has insufficient funds to pay debts
5 outstanding as of the date of the primary; and (c) the contributions
6 may only be raised and spent to satisfy the outstanding debt.
7 Contributions made with respect to a general election may not be made
8 after the final day of the applicable election cycle.

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

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

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

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

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

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

25 (1) Contributions to candidates for state office made and received
26 before December 3, 1992, are considered to be contributions under RCW
27 42.17.640 through 42.17.790. Monetary contributions that exceed the
28 contribution limitations and that have not been spent by the recipient
29 of the contribution by December 3, 1992, must be disposed of in
30 accordance with RCW 42.17.095.

31 (2) Contributions to other candidates subject to the contribution
32 limits of this chapter made and received before the effective date of
33 this act are considered to be contributions under RCW 42.17.640 through
34 42.17.790. Contributions that exceed the contribution limitations and
35 that have not been spent by the recipient of the contribution by the

1 effective date of this act must be disposed of in accordance with RCW
2 42.17.095 except for subsections (6) and (7) of that section.

3 **Sec. 5.** RCW 42.17.710 and 2003 c 164 s 3 are each amended to read
4 as follows:

5 (1) During the period beginning on the thirtieth day before the
6 date a regular legislative session convenes and continuing thirty days
7 past the date of final adjournment, and during the period beginning on
8 the date a special legislative session convenes and continuing through
9 the date that session adjourns, no state official or a person employed
10 by or acting on behalf of a state official or state legislator may
11 solicit or accept contributions to a public office fund, to a candidate
12 or authorized committee, or to retire a campaign debt. Contributions
13 received through the mail after the thirtieth day before a regular
14 legislative session may be accepted if the contribution is postmarked
15 prior to the thirtieth day before the session.

16 (2) This section does not apply to activities authorized in RCW
17 43.07.370.

18 **Sec. 6.** RCW 42.17.093 and 2003 c 123 s 2 are each amended to read
19 as follows:

20 (1) An out-of-state political committee organized for the purpose
21 of supporting or opposing candidates or ballot propositions in another
22 state that is not otherwise required to report under RCW 42.17.040
23 through 42.17.090 shall report as required in this section when it
24 makes an expenditure supporting or opposing a Washington state
25 candidate or political committee. The committee shall file with the
26 commission a statement disclosing:

- 27 (a) Its name and address;
- 28 (b) The purposes of the out-of-state committee;
- 29 (c) The names, addresses, and titles of its officers or, if it has
30 no officers, the names, addresses, and the titles of its responsible
31 leaders;
- 32 (d) The name, office sought, and party affiliation of each
33 candidate in the state of Washington whom the out-of-state committee is
34 supporting or opposing and, if such committee is supporting or opposing
35 the entire ticket of any party, the name of the party;

1 (e) The ballot proposition supported or opposed in the state of
2 Washington, if any, and whether such committee is in favor of or
3 opposed to such proposition;

4 (f) The name and address of each person residing in the state of
5 Washington or corporation which has a place of business in the state of
6 Washington who has made one or more contributions in the aggregate of
7 more than twenty-five dollars to the out-of-state committee during the
8 current calendar year, together with the money value and date of such
9 contributions;

10 (g) The name, address, and employer of each person or corporation
11 residing outside the state of Washington who has made one or more
12 contributions in the aggregate of more than two thousand five hundred
13 dollars to the out-of-state committee during the current calendar year,
14 together with the money value and date of such contributions.
15 Annually, the commission must modify the two thousand five hundred
16 dollar limit in this subsection based on percentage change in the
17 implicit price deflator for personal consumption expenditures for the
18 United States as published for the most recent twelve-month period by
19 the bureau of economic analysis of the federal department of commerce;

20 (h) The name and address of each person in the state of Washington
21 to whom an expenditure was made by the out-of-state committee with
22 respect to a candidate or political committee in the aggregate amount
23 of more than fifty dollars, the amount, date, and purpose of such
24 expenditure, and the total sum of such expenditures; and

25 ((+h+)) (i) Such other information as the commission may prescribe
26 by rule in keeping with the policies and purposes of this chapter.

27 (2) Each statement shall be filed no later than the ((twentieth))
28 tenth day of the month following any month in which a contribution or
29 other expenditure reportable under subsection (1) of this section is
30 made. An out-of-state committee incurring an obligation to file
31 additional statements in a calendar year may satisfy the obligation by
32 timely filing reports that supplement previously filed information.

33 ~~((3) A political committee required to file campaign reports with~~
34 ~~the federal election commission or its successor is exempt from~~
35 ~~reporting under this section.))~~

36 NEW SECTION. Sec. 7. If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

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