
**State Government & Tribal
Affairs Committee**

HB 1360

Brief Description: Regarding public financing of campaigns.

Sponsors: Representatives Miloscia, Chase, McDermott, Hasegawa, Pettigrew, Ormsby, Kagi, Appleton, McIntire and Goodman.

Brief Summary of Bill

- Establishes a voluntary program to publicly finance campaigns for statewide executive office and for legislative office.

Hearing Date: 2/7/07

Staff: Alison Hellberg (786-7152).

Background:

In *Buckley v. Valeo*, 424 U.S. 1 (1976), the U.S. Supreme Court held that mandatory limits on campaign spending impacts core political speech and found the limits unconstitutional on First Amendment grounds. Campaign spending limits that are voluntary, however, may be permitted.

Several states have established programs to publicly finance campaigns. Arizona, Connecticut, and Maine created comprehensive programs allowing all candidates for legislative and statewide executive offices to receive public funds if they fulfill certain qualifying requirements. New Jersey, New Mexico, North Carolina, and Vermont established limited and/or pilot programs to publicly finance candidates for certain offices.

Summary of Bill:

A program to publicly finance political campaigns for statewide and legislative office is established.

Qualification

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

To qualify for public funding, a candidate must collect the minimum number of \$5 qualifying contributions during the "qualifying period." The "qualifying period" is defined as the period beginning 120 days before the first day a candidate may file for office and ending on the close of the regular filing period for the office. A qualified contribution must be made by an individual who is a resident of the electoral district of the office the candidate is seeking.

The minimum qualifying contribution numbers for candidates are:

- Legislative - 200
- Governor - 4,000
- Other statewide executive - 1,500

Candidates may also raise "seed money" during the qualifying period for the purpose of collecting qualifying contributions. A candidate's personal money is considered seed money. A participating candidate may not spend more than \$500 of a candidate's personal money for legislative candidates and \$1,000 for candidates for statewide office. Any unused seed money at the end of the qualifying period must be turned over to the Citizens Public Campaign Fund.

The maximum amount of seed money allowed is:

- Legislative - \$12,000
- Governor - \$40,000
- Other statewide executive offices - \$25,000

Certification

The Public Disclosure Commission (Commission) is responsible for certifying candidates who apply for the program. The candidate submits to the Commission: an application to participate; a report itemizing the qualifying contributions received; a check or money order equal to the total qualifying contributions received; and affidavits from those collecting qualifying contributions certifying that the contributions were made by residents of the electoral district. If all requirements are met, the Commission must certify the candidate for public funding. State voters pamphlets will designate those candidates approved for public funding.

Funding

Approved candidates receive funding from the Citizens Public Campaign Fund.

In the primary, candidates receive:

Legislative - \$25,000

Governor - \$500,000

Other statewide executive offices - \$50,000

In the general election, candidates receive:

Legislative - \$30,000

Governor - \$750,000

Other statewide executive offices - \$60,000

These amounts will be adjusted for inflation. Uncontested candidates get an amount equal to their qualifying contributions.

All financial activity of a publicly financed candidate must be conducted through a single account. The candidate and the candidate's treasurer must sign a joint statement under oath promising to comply with the requirements of Citizens Public Campaign funding. Money in the account may only be used for expenses directly related to the candidate's campaign. It may not be used to pay fines, civil penalties, or legal fees. A candidate is not prohibited from having a legal

defense fund. All unused money at the end of the campaign is returned to the Citizens Public Campaign Fund.

Publicly financed candidates must participate in two debates during the primary and two during the general election. Nonparticipating candidates will also be invited to the debates.

Equal Funding of Candidates

If a candidate who is not participating in the program raises more money than a publicly funded candidate receives from the Fund, the commission may authorize further funding to equalize the funds available to a publicly financed candidate. The Commission may authorize up to five times the original distribution. Independent expenditures made for or against a candidate are considered when the Commission determines the amount of equalizing funds a publicly funded candidate receives.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.