
HOUSE BILL 2731

State of Washington 64th Legislature 2016 Regular Session

By Representatives Appleton and Johnson

Read first time 01/19/16. Referred to Committee on State Government.

1 AN ACT Relating to candidates appearing on the ballot when two or
2 fewer candidates file; and amending RCW 29A.52.112 and 42.17A.405.

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

4 **Sec. 1.** RCW 29A.52.112 and 2014 c 7 s 1 are each amended to read
5 as follows:

6 (1) A primary is a first stage in the public process by which
7 voters elect candidates to public office.

8 (2) Whenever candidates for a partisan office are to be elected,
9 the general election must be preceded by a primary conducted under
10 this chapter. Based upon votes cast at the primary, the top two
11 candidates will be certified as qualified to appear on the general
12 election ballot(~~(, unless only one candidate qualifies as provided in~~
13 ~~RCW 29A.36.170)~~).

14 (3) No primary may be held for any single (~~(county)~~) position in
15 any partisan (~~(office to fill an unexpired term if, after the last~~
16 ~~day allowed for candidates to withdraw, only one)~~) primary if, after
17 the last day allowed for candidates to withdraw, there are no more
18 than two candidates (~~(has)~~) who have filed for the position. The
19 county auditor shall, as soon as possible, notify all the candidates
20 so affected that the office for which they filed will not appear on
21 the primary ballot.

1 (4) For partisan office, if a candidate has expressed a party
2 preference on the declaration of candidacy, then that preference will
3 be shown after the name of the candidate on the primary and general
4 election ballots as set forth in rules of the secretary of state. A
5 candidate may choose to express no party preference. Any party
6 preferences are shown for the information of voters only and may in
7 no way limit the options available to voters.

8 **Sec. 2.** RCW 42.17A.405 and 2013 c 311 s 1 are each amended to
9 read as follows:

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

11 (a) Candidates for legislative office;

12 (b) Candidates for state office other than legislative office;

13 (c) Candidates for county office;

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

18 (e) Candidates for city council office;

19 (f) Candidates for mayoral office;

20 (g) Candidates for school board office;

21 (h) Candidates for public hospital district board of
22 commissioners in districts with a population over one hundred fifty
23 thousand;

24 (i) Persons holding an office in (a) through (h) of this
25 subsection against whom recall charges have been filed or to a
26 political committee having the expectation of making expenditures in
27 support of the recall of a person holding the office;

28 (j) Caucus political committees;

29 (k) Bona fide political parties.

30 (2) No person, other than a bona fide political party or a caucus
31 political committee, may make contributions to a candidate for a
32 legislative office, county office, city council office, mayoral
33 office, school board office, or public hospital district board of
34 commissioners that in the aggregate exceed eight hundred dollars or
35 to a candidate for a public office in a special purpose district or a
36 state office other than a legislative office that in the aggregate
37 exceed one thousand six hundred dollars for each election in which
38 the candidate is on the ballot or appears as a write-in candidate;
39 PROVIDED, contributions that in the aggregate do not exceed one

1 thousand six hundred dollars may be made to any candidate who does
2 not appear on the ballot due to operation of RCW 29A.52.112 or
3 29A.52.220. Contributions to candidates subject to the limits in this
4 section made with respect to a primary may not be made after the date
5 of the primary. However, contributions to a candidate or a
6 candidate's authorized committee may be made with respect to a
7 primary until thirty days after the primary, subject to the following
8 limitations: (a) The candidate lost the primary; (b) the candidate's
9 authorized committee has insufficient funds to pay debts outstanding
10 as of the date of the primary; and (c) the contributions may only be
11 raised and spent to satisfy the outstanding debt. Contributions to
12 candidates subject to the limits in this section made with respect to
13 a general election may not be made after the final day of the
14 applicable election cycle.

15 (3) No person, other than a bona fide political party or a caucus
16 political committee, may make contributions to a state official, a
17 county official, a city official, a school board member, a public
18 hospital district commissioner, or a public official in a special
19 purpose district against whom recall charges have been filed, or to a
20 political committee having the expectation of making expenditures in
21 support of the recall of the state official, county official, city
22 official, school board member, public hospital district commissioner,
23 or public official in a special purpose district during a recall
24 campaign that in the aggregate exceed eight hundred dollars if for a
25 legislative office, county office, school board office, public
26 hospital district office, or city office, or one thousand six hundred
27 dollars if for a special purpose district office or a state office
28 other than a legislative office.

29 (4)(a) Notwithstanding subsection (2) of this section, no bona
30 fide political party or caucus political committee may make
31 contributions to a candidate during an election cycle that in the
32 aggregate exceed (i) eighty cents multiplied by the number of
33 eligible registered voters in the jurisdiction from which the
34 candidate is elected if the contributor is a caucus political
35 committee or the governing body of a state organization, or (ii)
36 forty cents multiplied by the number of registered voters in the
37 jurisdiction from which the candidate is elected if the contributor
38 is a county central committee or a legislative district committee.

39 (b) No candidate may accept contributions from a county central
40 committee or a legislative district committee during an election

1 cycle that when combined with contributions from other county central
2 committees or legislative district committees would in the aggregate
3 exceed forty cents times the number of registered voters in the
4 jurisdiction from which the candidate is elected.

5 (5)(a) Notwithstanding subsection (3) of this section, no bona
6 fide political party or caucus political committee may make
7 contributions to a state official, county official, city official,
8 school board member, public hospital district commissioner, or a
9 public official in a special purpose district against whom recall
10 charges have been filed, or to a political committee having the
11 expectation of making expenditures in support of the state official,
12 county official, city official, school board member, public hospital
13 district commissioner, or a public official in a special purpose
14 district during a recall campaign that in the aggregate exceed (i)
15 eighty cents multiplied by the number of eligible registered voters
16 in the jurisdiction entitled to recall the state official if the
17 contributor is a caucus political committee or the governing body of
18 a state organization, or (ii) forty cents multiplied by the number of
19 registered voters in the jurisdiction from which the candidate is
20 elected if the contributor is a county central committee or a
21 legislative district committee.

22 (b) No official holding an office specified in subsection (1) of
23 this section against whom recall charges have been filed, no
24 authorized committee of the official, and no political committee
25 having the expectation of making expenditures in support of the
26 recall of the official may accept contributions from a county central
27 committee or a legislative district committee during an election
28 cycle that when combined with contributions from other county central
29 committees or legislative district committees would in the aggregate
30 exceed forty cents multiplied by the number of registered voters in
31 the jurisdiction from which the candidate is elected.

32 (6) For purposes of determining contribution limits under
33 subsections (4) and (5) of this section, the number of eligible
34 registered voters in a jurisdiction is the number at the time of the
35 most recent general election in the jurisdiction.

36 (7) Notwithstanding subsections (2) through (5) of this section,
37 no person other than an individual, bona fide political party, or
38 caucus political committee may make contributions reportable under
39 this chapter to a caucus political committee that in the aggregate
40 exceed eight hundred dollars in a calendar year or to a bona fide

1 political party that in the aggregate exceed four thousand dollars in
2 a calendar year. This subsection does not apply to loans made in the
3 ordinary course of business.

4 (8) For the purposes of RCW 42.17A.125, 42.17A.405 through
5 42.17A.415, 42.17A.450 through 42.17A.495, 42.17A.500, 42.17A.560,
6 and 42.17A.565, a contribution to the authorized political committee
7 of a candidate or of an official specified in subsection (1) of this
8 section against whom recall charges have been filed is considered to
9 be a contribution to the candidate or official.

10 (9) A contribution received within the twelve-month period after
11 a recall election concerning an office specified in subsection (1) of
12 this section is considered to be a contribution during that recall
13 campaign if the contribution is used to pay a debt or obligation
14 incurred to influence the outcome of that recall campaign.

15 (10) The contributions allowed by subsection (3) of this section
16 are in addition to those allowed by subsection (2) of this section,
17 and the contributions allowed by subsection (5) of this section are
18 in addition to those allowed by subsection (4) of this section.

19 (11) RCW 42.17A.125, 42.17A.405 through 42.17A.415, 42.17A.450
20 through 42.17A.495, 42.17A.500, 42.17A.560, and 42.17A.565 apply to a
21 special election conducted to fill a vacancy in an office specified
22 in subsection (1) of this section. However, the contributions made to
23 a candidate or received by a candidate for a primary or special
24 election conducted to fill such a vacancy shall not be counted toward
25 any of the limitations that apply to the candidate or to
26 contributions made to the candidate for any other primary or
27 election.

28 (12) Notwithstanding the other subsections of this section, no
29 corporation or business entity not doing business in Washington
30 state, no labor union with fewer than ten members who reside in
31 Washington state, and no political committee that has not received
32 contributions of ten dollars or more from at least ten persons
33 registered to vote in Washington state during the preceding one
34 hundred eighty days may make contributions reportable under this
35 chapter to a state office candidate, to a state official against whom
36 recall charges have been filed, or to a political committee having
37 the expectation of making expenditures in support of the recall of
38 the official. This subsection does not apply to loans made in the
39 ordinary course of business.

1 (13) Notwithstanding the other subsections of this section, no
2 county central committee or legislative district committee may make
3 contributions reportable under this chapter to a candidate specified
4 in subsection (1) of this section, or an official specified in
5 subsection (1) of this section against whom recall charges have been
6 filed, or political committee having the expectation of making
7 expenditures in support of the recall of an official specified in
8 subsection (1) of this section if the county central committee or
9 legislative district committee is outside of the jurisdiction
10 entitled to elect the candidate or recall the official.

11 (14) No person may accept contributions that exceed the
12 contribution limitations provided in this section.

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

15 (a) An expenditure or contribution earmarked for voter
16 registration, for absentee ballot information, for precinct caucuses,
17 for get-out-the-vote campaigns, for precinct judges or inspectors,
18 for sample ballots, or for ballot counting, all without promotion of
19 or political advertising for individual candidates;

20 (b) An expenditure by a political committee for its own internal
21 organization or fund-raising without direct association with
22 individual candidates; or

23 (c) An expenditure or contribution for independent expenditures
24 as defined in RCW 42.17A.005 or electioneering communications as
25 defined in RCW 42.17A.005.

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