
SENATE BILL 5400

State of Washington

53rd Legislature

1993 Regular Session

By Senators Quigley, A. Smith, Haugen, Niemi, Prentice, Fraser, Sutherland, Bauer, Loveland, Drew, Rinehart, Gaspard, Snyder, Jesernig, McAuliffe, Vognild, Pelz and Sheldon

Read first time 01/27/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to campaign contribution and spending limits;
2 amending RCW 42.17.640; adding new sections to chapter 42.17 RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17 RCW
6 to read as follows:

7 This section governs contributions to a candidate who has filed a
8 statement of rejection of voluntary expenditure limits within the time
9 limits set forth in section 4 of this act.

10 (1) No person may make contributions to a candidate for a state
11 legislative office that in the aggregate exceed fifty dollars or to a
12 candidate for a state office other than a state legislative office that
13 in the aggregate exceed one hundred dollars for each election in which
14 the candidate is on the ballot or appears as a write-in candidate.
15 Contributions made with respect to a primary may not be made after the
16 date of the primary. Contributions made with respect to a general
17 cycle may not be made after the final day of the applicable election
18 cycle.

1 (2) No person may make contributions to a state official against
2 whom recall charges have been filed, or to a political committee having
3 the expectation of making expenditures in support of the recall of the
4 state official, during a recall campaign that in the aggregate exceed
5 fifty dollars if for a state legislative office or one hundred dollars
6 for a state office other than a legislative office.

7 (3) The contributions allowed by subsection (2) of this section are
8 in addition to those allowed by subsection (1).

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW
10 to read as follows:

11 (1) This section governs contributions to a candidate who has filed
12 a statement of acceptance of voluntary expenditure limits within the
13 time limits set forth in section 4 of this act.

14 (2) No person, other than a bona fide political party or a caucus
15 of the state legislature, may make contributions to a candidate for a
16 state legislative office that in the aggregate exceed five hundred
17 dollars or for a state office other than a state legislative office
18 that in the aggregate exceed one thousand dollars for each election in
19 which the candidate is on the ballot or appears as a write-in
20 candidate. Contributions made with respect to a general election may
21 not be made after the final day of the applicable election cycle.

22 (3) No person, other than a bona fide political party or a caucus
23 of the state legislature, may make contributions to a state official
24 against whom recall charges have been filed, or to a political
25 committee having the expectation of making expenditures in support of
26 the recall of the state official, during a recall campaign that in the
27 aggregate exceed five hundred dollars if the official is a state
28 legislator or one thousand dollars if the official holds a state office
29 other than state legislator.

30 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
31 political party or caucus of the state legislature may make
32 contributions to a candidate during an election cycle that in the
33 aggregate exceed (i) fifty cents multiplied by the number of eligible
34 registered voters in the jurisdiction from which the candidate is
35 elected if the contributor is a caucus of the state legislature or the
36 state governing body of a political party, or (ii) twenty-five cents
37 multiplied by the number of registered voters in the jurisdiction from

1 which the candidate is elected if the contributor is a county central
2 committee or a legislative district committee.

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

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

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

31 (6) The contributions allowed by subsection (3) of this section are
32 in addition to those allowed by subsection (2). The contributions
33 allowed by subsection (5) of this section are in addition to those
34 allowed by subsection (4).

35 **Sec. 3.** RCW 42.17.640 and 1993 c 2 s 4 (Initiative Measure No.
36 134) are each amended to read as follows:

37 (1) ~~((No person, other than a bona fide political party or a caucus~~
38 ~~of the state legislature, may make contributions to a candidate for a~~

1 state legislative office that in the aggregate exceed five hundred
2 dollars or to a candidate for a state office other than a state
3 legislative office that in the aggregate exceed one thousand dollars
4 for each election in which the candidate is on the ballot or appears as
5 a write-in candidate. Contributions made with respect to a primary may
6 not be made after the date of the primary. Contributions made with
7 respect to a general election may not be made after the final day of
8 the applicable election cycle.

9 (2) No person, other than a bona fide political party or a caucus
10 of the state legislature, may make contributions to a state official
11 against whom recall charges have been filed, or to a political
12 committee having the expectation of making expenditures in support of
13 the recall of the state official, during a recall campaign that in the
14 aggregate exceed five hundred dollars if for a state legislative office
15 or one thousand dollars if for a state office other than a state
16 legislative office.

17 (3)(a) Notwithstanding subsection (1) of this section, no bona fide
18 political party or caucus of the state legislature may make
19 contributions to a candidate during an election cycle that in the
20 aggregate exceed (i) fifty cents multiplied by the number of eligible
21 registered voters in the jurisdiction from which the candidate is
22 elected if the contributor is a caucus of the state legislature or the
23 governing body of a state organization, or (ii) twenty five cents
24 multiplied by the number of registered voters in the jurisdiction from
25 which the candidate is elected if the contributor is a county central
26 committee or a legislative district committee.

27 (b) No candidate may accept contributions from a county central
28 committee or a legislative district committee during an election cycle
29 that when combined with contributions from other county central
30 committees or legislative district committees would in the aggregate
31 exceed twenty five cents times the number of registered voters in the
32 jurisdiction from which the candidate is elected.

33 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
34 political party or caucus of the state legislature 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) fifty cents multiplied by the number
39 of eligible registered voters in the jurisdiction entitled to recall

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

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

16 (5) Notwithstanding subsections (1) through (4) of this section,
17 No person other than an individual, bona fide political party, or
18 caucus of the state legislature may make contributions reportable under
19 this chapter to a caucus of the state legislature that in the aggregate
20 exceed five hundred dollars in a calendar year or to a bona fide
21 political party that in the aggregate exceed two thousand five hundred
22 dollars in a calendar year. This subsection does not apply to loans
23 made in the ordinary course of business.

24 ((6)) (2) For the purposes of ((RCW 42.17.640 through 42.17.790))
25 this chapter, a contribution to the authorized political committee of
26 a candidate, or of a state official against whom recall charges have
27 been filed, is considered to be a contribution to the candidate or
28 state official.

29 ((7)) (3) A contribution received within the twelve-month period
30 after a recall election concerning a state office is considered to be
31 a contribution during that recall campaign if the contribution is used
32 to pay a debt or obligation incurred to influence the outcome of that
33 recall campaign.

34 ((8) The contributions allowed by subsection (2) of this section
35 are in addition to those allowed by subsection (1) of this section, and
36 the contributions allowed by subsection (4) of this section are in
37 addition to those allowed by subsection (3) of this section.

38 (9) RCW 42.17.640 through 42.17.790 apply)) (4) This chapter
39 applies to a special election conducted to fill a vacancy in a state

1 office. However, the contributions made to a candidate or received by
2 a candidate for a primary or special election conducted to fill such a
3 vacancy shall not be counted toward any of the limitations that apply
4 to the candidate or to contributions made to the candidate for any
5 other primary or election.

6 ~~((10) Notwithstanding the other subsections of this section,)~~ (5)
7 No corporation or business entity not doing business in Washington
8 state, no labor union with fewer than ten members who reside in
9 Washington state, and no political committee that has not received
10 contributions of ten dollars or more from at least ten persons
11 registered to vote in Washington state during the preceding one hundred
12 eighty days may make contributions reportable under this chapter to a
13 candidate, to a state official against whom recall charges have been
14 filed, or to a political committee having the expectation of making
15 expenditures in support of the recall of the official. This subsection
16 does not apply to loans made in the ordinary course of business.

17 ~~((11) Notwithstanding the other subsections of this section,)~~ (6)
18 No county central committee or legislative district committee may make
19 contributions reportable under this chapter to a candidate, state
20 official against whom recall charges have been filed, or political
21 committee having the expectation of making expenditures in support of
22 the recall of a state official if the county central committee or
23 legislative district committee is outside of the jurisdiction entitled
24 to elect the candidate or recall the state official.

25 ~~((12))~~ (7) No person may accept contributions that exceed the
26 contribution limitations provided in this ~~(section)~~ chapter.

27 NEW SECTION. Sec. 4. A new section is added to chapter 42.17 RCW
28 to read as follows:

29 Within thirty days after becoming a candidate or within three
30 business days of filing for office, whichever is earlier, a candidate
31 for state office shall sign and file with the commission a statement of
32 acceptance or rejection of the voluntary expenditure limits in section
33 5 of this act. The commission shall provide the form of the statement
34 and agreement by rule. The commission shall index and make available
35 for public inspection and copying a list of the statements of
36 acceptance or rejection filed by candidates.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.17 RCW
2 to read as follows:

3 (1) In accordance with section 6 of this act, the commission shall
4 revise expenditure limits applicable in an election cycle for a
5 candidate who files a statement of acceptance under section 4 of this
6 act.

7 (2) The initial expenditure limits shall be as follows for the
8 following offices and classes of offices:

- 9 (a) Governor: \$1,500,000;
- 10 (b) Attorney general: \$500,000;
- 11 (c) All other state executive offices: \$200,000;
- 12 (d) Supreme court justice: \$200,000;
- 13 (e) Court of appeals judge: \$80,000;
- 14 (f) Superior court judge: \$80,000;
- 15 (g) State senator: \$80,000; and
- 16 (h) State representative: \$60,000.

17 NEW SECTION. **Sec. 6.** A new section is added to chapter 42.17 RCW
18 to read as follows:

19 The commission shall, by January 1, 1996, and by January 1st of
20 each even-numbered year thereafter, adopt revisions in the existing
21 limits. Revisions shall be for the purpose of recognizing (1) changes
22 in the number of registered voters state-wide; and (2) economic changes
23 as reflected by an inflationary index recommended by the office of
24 financial management. The revisions shall be guided by the change in
25 the index for the two-year period before the date the revision is to be
26 adopted.

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

29 It is a violation of this chapter to exceed an expenditure limit to
30 which a candidate has agreed by filing a statement of acceptance under
31 section 4 of this act.

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

34 One or more of the following civil remedies and sanctions may be
35 imposed by court order for a violation of section 7 of this act in
36 addition to other remedies provided by law:

1 (1) A candidate who violates section 7 of this act may be subject
2 to a civil penalty of not more than ten thousand dollars.

3 (2) The court shall presume that a material and substantial
4 violation of section 7 of this act has affected the outcome of the
5 election. Unless the presumption is defeated by clear, cogent, and
6 convincing evidence, the court shall declare the election void and
7 order a special election to be held within sixty days of the finding.
8 An action to void an election must be commenced within one year of the
9 date of the election in question.

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