
SENATE BILL 5116

State of Washington

54th Legislature

1995 Regular Session

By Senator Quigley

Read first time 01/11/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to campaign contribution and spending limits;
2 amending RCW 42.17.610, 42.17.620, 42.17.390, 42.17.395, 42.17.640,
3 42.17.660, 42.17.680, and 42.17.690; adding new sections to chapter
4 42.17 RCW; adding a new section to chapter 29.80 RCW; prescribing
5 penalties; and providing for submission of this act to a vote of the
6 people.

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

8 **Sec. 1.** RCW 42.17.610 and 1993 c 2 s 1 are each amended to read as
9 follows:

10 The people of the state of Washington find and declare that:

11 (1) The financial strength of certain individuals or organizations
12 should not permit them to exercise a disproportionate or controlling
13 influence on the election of candidates.

14 (2) Rapidly increasing political campaign costs have led many
15 candidates to raise larger percentages of money from special interests
16 with a specific financial stake in matters before state government.
17 This has caused the public perception that decisions of elected
18 officials are (~~being improperly influenced~~) subject to corruption by

1 large monetary contributions from wealthy individuals or organizations
2 with common interests.

3 (3) Candidates are raising less money in small contributions from
4 individuals and more money from special interests. This has created
5 the public perception that individuals have an insignificant role to
6 play in the political process.

7 **Sec. 2.** RCW 42.17.620 and 1993 c 2 s 2 are each amended to read as
8 follows:

9 By limiting campaign contributions and by providing incentives for
10 candidates to voluntarily limit their own campaign spending, the people
11 intend to:

12 (1) Ensure that all individuals and interest groups have fair and
13 equal opportunity to influence elective and governmental processes;

14 (2) Reduce the influence of large individual, corporate, or
15 organizational contributors; and

16 (3) Restore public trust in governmental institutions and the
17 electoral process.

18 NEW SECTION. **Sec. 3.** (1) This section applies to contributions to
19 a candidate, state official, or political committee who has failed to
20 file a statement of acceptance of voluntary expenditure limits within
21 the time limits set forth in section 5 of this act.

22 (2) A candidate for a state office may not accept from any person
23 contributions that in the aggregate exceed ten percent of the
24 contribution limits as provided for in section 4 of this act.

25 (3) A state official against whom recall charges have been filed,
26 and a political committee having the expectation of making expenditures
27 in support of the recall of the state official, may not accept from any
28 person contributions that in the aggregate exceed ten percent of the
29 contribution limits otherwise provided for in this chapter.

30 NEW SECTION. **Sec. 4.** (1) This section applies to contributions to
31 a candidate, state official, or political committee who has filed a
32 statement of acceptance of voluntary expenditure limits within the time
33 limits set forth in section 5 of this act.

34 (2) A candidate for a state legislative office may not accept, from
35 any person other than a bona fide political party or caucus of the
36 state legislature, contributions that in the aggregate exceed five

1 hundred dollars, and a candidate for a state office other than a state
2 legislative office may not accept, from any person other than a bona
3 fide political party or caucus of the state legislature, contributions
4 that in the aggregate exceed one thousand dollars, for each election in
5 which the candidate is on the ballot or appears as a write-in
6 candidate. Contributions made with respect to a primary may not be
7 accepted after the date of the primary. Contributions made with
8 respect to a general election may not be accepted after the final day
9 of the applicable election cycle.

10 (3) A state official against whom recall charges have been filed,
11 and a political committee having the expectation of making expenditures
12 in support of the recall of the state official, may not accept, from
13 any person other than a bona fide political party or caucus of the
14 state legislature, contributions during a recall campaign that in the
15 aggregate exceed five hundred dollars if the official is a state
16 legislator or one thousand dollars if the official holds a state office
17 other than state legislator.

18 (4)(a) Notwithstanding subsection (2) of this section, a candidate
19 during an election cycle may not accept contributions from a bona fide
20 political party or caucus of the state legislature that in the
21 aggregate exceed: (i) Fifty cents multiplied by the number of
22 registered voters in the jurisdiction from which the candidate is
23 seeking election if the contributor is a caucus of the state
24 legislature or the state governing body of a political party; or (ii)
25 twenty-five cents multiplied by the number of registered voters in the
26 jurisdiction from which the candidate is seeking election if the
27 contributor is a county central committee or a legislative district
28 committee.

29 (b) A candidate may not accept contributions from a county central
30 committee or a legislative district committee during an election cycle
31 that, when combined with contributions from other county central
32 committees or legislative district committees, would in the aggregate
33 exceed twenty-five cents times the number of registered voters in the
34 jurisdiction from which the candidate is elected.

35 (5)(a) Notwithstanding subsection (3) of this section, a state
36 official against whom recall charges have been filed, and a political
37 committee having the expectation of making expenditures in support of
38 the state official, may not accept contributions from a bona fide
39 political party or caucus of the state legislature during a recall

1 campaign that in the aggregate exceed: (i) Fifty cents multiplied by
2 the number of eligible registered voters in the jurisdiction entitled
3 to recall the state official if the contributor is a caucus of the
4 state legislature or the governing body of a state organization; or
5 (ii) twenty-five cents multiplied by the number of registered voters in
6 the jurisdiction from which the candidate is seeking election if the
7 contributor is a county central committee or a legislative district
8 committee.

9 (b) A state official against whom recall charges have been filed,
10 an authorized committee of the official, and a political committee
11 having the expectation of making expenditures in support of the recall
12 of a state official, may not accept contributions from a county central
13 committee or a legislative district committee during an election cycle
14 that when combined with contributions from other county central
15 committees or legislative district committees would in the aggregate
16 exceed twenty-five cents multiplied by the number of registered voters
17 in the jurisdiction from which the candidate is elected.

18 (6) The contributions allowed under subsection (3) of this section
19 are in addition to those allowed under subsection (2) of this section.
20 The contributions allowed under subsection (5) of this section are in
21 addition to those allowed under subsection (4) of this section.

22 NEW SECTION. **Sec. 5.** Within thirty days after becoming a
23 candidate or within three business days of filing for office, whichever
24 is earlier, a candidate for state office shall sign and file with the
25 commission a statement of acceptance or rejection of the voluntary
26 expenditure limits in section 6 of this act. Within thirty days of
27 receiving a contribution, making an expenditure, or reserving space or
28 facilities in connection with a recall of a state official or within
29 three business days of the certification of petitions for the recall,
30 whichever is earlier, a state official whose recall is demanded or a
31 political committee having the expectation of making expenditures in
32 support of a recall shall sign and file with the commission a statement
33 of acceptance or rejection of the voluntary expenditure limits in
34 section 6 of this act. The commission shall provide the form of the
35 statement and agreement by rule. The commission shall index and make
36 available for public inspection and copying a list of the statements of
37 acceptance or rejection filed by candidates.

1 NEW SECTION. **Sec. 6.** (1) In accordance with RCW 42.17.690, the
2 commission shall revise expenditure limits applicable in an election
3 cycle for a candidate who files a statement of acceptance under section
4 5 of this act.

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

7 (a) Governor: Two million dollars;

8 (b) All other state executive offices: Five hundred thousand
9 dollars;

10 (c) State senator: Eighty thousand dollars; and

11 (d) State representative: Fifty thousand dollars.

12 NEW SECTION. **Sec. 7.** (1) It is a violation of this chapter for a
13 person to make a contribution or expenditure in support of or
14 opposition to a candidate other than one within the limits in this
15 chapter or an independent expenditure as defined in RCW 42.17.630.

16 (2) If a candidate has agreed to expenditure limits under section
17 5 of this act and: (a) Knowingly accepts a contribution in excess of
18 the amounts allowed; or (b) has encouraged, approved, or collaborated
19 in the making of an unlawful expenditure by another in connection with
20 his or her campaign, the expenditure limit must be reduced by the
21 amount of the unlawful contribution or expenditure.

22 (3) Payments of candidate filing fees, fees or assessments
23 relating to the primary or general election candidates' pamphlet, or
24 costs incurred in the course of defending against a challenge of a
25 person's eligibility to become a candidate or a motion for injunction
26 under RCW 42.17.390, do not constitute expenditures for the purpose of
27 determining whether a candidate has exceeded an expenditure limit.

28 NEW SECTION. **Sec. 8.** (1) A for-profit corporation formed under
29 the laws of this or another state may make a contribution or
30 independent expenditure in support of or opposition to a candidate for
31 state office or state ballot proposition only through a political
32 committee established under this section.

33 (2) A corporation may expend corporate funds to establish and
34 administer a political committee affiliated with the corporation for
35 the purposes set forth in subsection (1) of this section, and for the
36 solicitation of contributions to the committee.

1 (3) Contributions and independent expenditures by the political
2 committee shall be made only from contributions solicited from the
3 following persons or their spouses: (a) Stockholders of the
4 corporation; (b) officers and directors of the corporation; or (c)
5 employees of the corporation who have policy-making, managerial,
6 professional, supervisory, or administrative, nonclerical
7 responsibilities.

8 NEW SECTION. **Sec. 9.** A new section is added to chapter 29.80 RCW
9 to read as follows:

10 The secretary of state shall add to each candidates' pamphlet a
11 list of the campaign spending limits recommended by the public
12 disclosure commission for each of the state offices for which the
13 statements of candidates appear in the pamphlet and a brief explanation
14 of the effect of a promise filed with the commission under section 5 of
15 this act.

16 In preparing the candidates' pamphlet for publication, the
17 secretary of state shall secure from the public disclosure commission
18 its most current list of candidates who have promised to limit
19 spending, in accordance with section 5 of this act. Using this list,
20 the secretary shall add a prominent notice in the candidates' pamphlet
21 which must accompany the statement or photograph of each person on the
22 list. The notice must state: "Has promised to abide by the voluntary
23 spending limit for this campaign." With the statement in the pamphlet
24 of each other candidate for state office, the secretary shall add a
25 prominent notice that states: "Has **NOT** promised to abide by the
26 voluntary spending limit for this campaign." The notice must accompany
27 the statement or photograph of each such other candidate.

28 **Sec. 10.** RCW 42.17.390 and 1993 c 2 s 28 are each amended to read
29 as follows:

30 One or more of the following civil remedies and sanctions may be
31 imposed by court order in addition to any other remedies provided by
32 law:

33 ~~(1) ((If the court finds that the violation of any provision of~~
34 ~~this chapter by any candidate or political committee probably affected~~
35 ~~the outcome of any election, the result of said election may be held))~~
36 The court or the legislature, as applicable, shall presume that a
37 material and substantial violation of this chapter has affected the

1 outcome of the election. Unless the presumption is defeated by clear,
2 cogent, and convincing evidence, the court or the legislature, as
3 applicable, shall declare the election void and a special election held
4 within sixty days of such finding. Any action to void an election
5 shall be commenced within one year of the date of the election in
6 question. It is intended that this remedy be imposed freely in all
7 appropriate cases to protect the right of the electorate to an informed
8 and knowledgeable vote.

9 (2) If any lobbyist or sponsor of any grass roots lobbying campaign
10 violates any of the provisions of this chapter, his registration may be
11 revoked or suspended and he may be enjoined from receiving compensation
12 or making expenditures for lobbying: PROVIDED, HOWEVER, That
13 imposition of such sanction shall not excuse said lobbyist from filing
14 statements and reports required by this chapter.

15 (3) Any person who violates any of the provisions of this chapter
16 may be subject to a civil penalty of not more than ten thousand dollars
17 for each such violation. However, a person or entity who violates RCW
18 42.17.640 may be subject to a civil penalty of ten thousand dollars or
19 three times the amount of the contribution illegally made or accepted,
20 whichever is greater. The penalty may not be paid from campaign funds,
21 and solicitations to political committees may not be made in connection
22 with the penalty.

23 (4) Any person who fails to file a properly completed statement or
24 report within the time required by this chapter may be subject to a
25 civil penalty of ten dollars per day for each day each such delinquency
26 continues.

27 (5) Any person who fails to report a contribution or expenditure
28 may be subject to a civil penalty equivalent to the amount he failed to
29 report.

30 (6) Any person who makes an independent expenditure that is
31 unlawful because of the encouragement, approval, or collaboration of a
32 candidate shall be subject to a penalty of up to three times the amount
33 of the unlawful independent expenditure.

34 (7) The court may enjoin any person to prevent the doing of any act
35 herein prohibited, or to compel the performance of any act required
36 herein.

37 **Sec. 11.** RCW 42.17.395 and 1989 c 175 s 91 are each amended to
38 read as follows:

1 (1) The commission may (a) determine whether an actual violation of
2 this chapter has occurred; and (b) issue and enforce an appropriate
3 order following such determination.

4 (2) The commission, in cases where it chooses to determine whether
5 an actual violation of this chapter has occurred, shall hold a hearing
6 pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to
7 make such determination. Any order that the commission issues under
8 this section shall be pursuant to such hearing.

9 (3) In lieu of holding a hearing or issuing an order under this
10 section, the commission may refer the matter to the attorney general or
11 other enforcement agency as provided in RCW 42.17.360.

12 (4) The person against whom an order is directed under this section
13 shall be designated as the respondent. The order may require the
14 respondent to cease and desist from the activity that constitutes a
15 violation and in addition, or alternatively, may impose one or more of
16 the remedies provided in RCW 42.17.390(~~((1) (b), (c), (d), or (e))~~)
17 (2), (3), (4), or (5): PROVIDED, That no individual penalty assessed
18 by the commission may exceed one thousand dollars, and in any case
19 where multiple violations are involved in a single complaint or
20 hearing, the maximum aggregate penalty may not exceed two thousand five
21 hundred dollars.

22 (5) An order issued by the commission under this section shall be
23 subject to judicial review under the Administrative Procedure Act,
24 chapter 34.05 RCW. If the commission's order is not satisfied and no
25 petition for review is filed within thirty days as provided in RCW
26 34.05.542, the commission may petition a court of competent
27 jurisdiction of any county in which a petition for review could be
28 filed under that section, for an order of enforcement. Proceedings in
29 connection with the commission's petition shall be in accordance with
30 RCW 42.17.397.

31 **Sec. 12.** RCW 42.17.640 and 1993 c 2 s 4 are each amended to read
32 as follows:

33 (1) (~~No person, other than a bona fide political party or a caucus~~
34 ~~of the state legislature, may make contributions to a candidate for a~~
35 ~~state legislative office that in the aggregate exceed five hundred~~
36 ~~dollars or to a candidate for a state office other than a state~~
37 ~~legislative office that in the aggregate exceed one thousand dollars~~
38 ~~for each election in which the candidate is on the ballot or appears as~~

1 a write-in candidate. Contributions made with respect to a primary may
2 not be made after the date of the primary. Contributions made with
3 respect to a general election may not be made after the final day of
4 the applicable election cycle.

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

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

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

29 (4)(a) Notwithstanding subsection (2) of this section, no bona fide
30 political party or caucus of the state legislature may make
31 contributions to a state official against whom recall charges have been
32 filed, or to a political committee having the expectation of making
33 expenditures in support of the state official, during a recall campaign
34 that in the aggregate exceed (i) fifty cents multiplied by the number
35 of eligible registered voters in the jurisdiction entitled to recall
36 the state official if the contributor is a caucus of the state
37 legislature of [or] the governing body of a state organization, or (ii)
38 twenty five cents multiplied by the number of registered voters in the

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

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

12 (5) Notwithstanding subsections (1) through (4) of this section, no
13 person other than an individual, bona fide political party, or))
14 Notwithstanding sections 3 and 4 of this act, a caucus of the state
15 legislature may ((make)) not accept contributions reportable under this
16 chapter ((to a)) from any person other than a bona fide political party
17 or a caucus of the state legislature that in the aggregate exceed five
18 hundred dollars in a calendar year ((or to)). A bona fide political
19 party may not accept contributions reportable under this chapter from
20 any person other than a bona fide political party or a caucus of the
21 state legislature that in the aggregate exceed two thousand five
22 hundred dollars in a calendar year. This subsection does not apply to
23 loans 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, no))~~
7 (5) A candidate, state official against whom recall charges have been
8 filed, or political committee having the expectation of making
9 expenditures in support of the recall of the official may not accept
10 contributions reportable under this chapter from any corporation or
11 business entity not doing business in Washington state, ((no)) labor
12 union with fewer than ten members who reside in Washington state, ((and
13 no)) or political committee that has not received contributions of ten
14 dollars or more from at least ten persons registered to vote in
15 Washington state during the preceding one hundred eighty days ((may
16 make contributions reportable under this chapter to a candidate, to a
17 state official against whom recall charges have been filed, or to a
18 political committee having the expectation of making expenditures in
19 support of the recall of the official)). This subsection does not
20 apply to loans made in the ordinary course of business.

21 ~~((11) Notwithstanding the other subsections of this section, no~~
22 ~~county central committee or legislative district committee may make~~
23 ~~contributions reportable under this chapter to))~~ (6) A candidate, state
24 official against whom recall charges have been filed, or political
25 committee having the expectation of making expenditures in support of
26 the recall of a state official may not accept contributions reportable
27 under this chapter from a county central committee or legislative
28 district committee if the county central committee or legislative
29 district committee is outside ((of)) the jurisdiction entitled to elect
30 the candidate or recall the state official.

31 ~~((12) No person may accept contributions that exceed the~~
32 ~~contribution limitations provided in this section.))~~

33 **Sec. 13.** RCW 42.17.660 and 1993 c 2 s 6 are each amended to read
34 as follows:

35 For purposes of this chapter(~~(+~~
36 ~~(1))~~), a contribution by a political committee with funds that have
37 all been contributed by one person who exercises exclusive control over

1 the distribution of the funds of the political committee is a
2 contribution by the controlling person.

3 ~~((2) Two or more entities are treated as a single entity if one of
4 the two or more entities is a subsidiary, branch, or department of a
5 corporation or a local unit, branch, or affiliate of a trade
6 association, labor union, or collective bargaining association. All
7 contributions made by a person or political committee whose
8 contribution or expenditure activity is financed, maintained, or
9 controlled by a trade association, labor union, collective bargaining
10 organization, or the local unit of a trade association, labor union, or
11 collective bargaining organization are considered made by the same
12 person or entity.))~~

13 **Sec. 14.** RCW 42.17.680 and 1993 c 2 s 8 are each amended to read
14 as follows:

15 (1) No employer or labor organization may increase the salary of an
16 officer or employee, or give an emolument to an officer, employee, or
17 other person or entity, with the intention that the increase in salary,
18 or the emolument, or a part of it, be contributed or spent to support
19 or oppose a candidate, state official against whom recall charges have
20 been filed, political party, or political committee.

21 (2) No employer or labor organization may discriminate against an
22 officer or employee in the terms or conditions of employment for (a)
23 the failure to contribute to, (b) the failure in any way to support or
24 oppose, or (c) in any way supporting or opposing a candidate, ballot
25 proposition, political party, or political committee.

26 (3) No employer or other person or entity responsible for the
27 disbursement of funds in payment of wages or salaries may withhold or
28 divert a portion of an employee's wages or salaries for contributions
29 to political committees or for use as political contributions except
30 upon the written request of the employee. The request must be made on
31 a form prescribed by the commission informing the employee of the
32 prohibition against employer and labor organization discrimination
33 described in subsection (2) of this section. ~~((The request is valid
34 for no more than twelve months from the date it is made by the
35 employee.))~~

36 (4) Each person or entity who withholds contributions under
37 subsection (3) of this section shall maintain open for public
38 inspection for a period of no less than three years, during normal

1 business hours, documents and books of accounts that shall include a
2 copy of each employee's request, the amounts and dates funds were
3 actually withheld, and the amounts and dates funds were transferred to
4 a political committee. Copies of such information shall be delivered
5 to the commission upon request.

6 **Sec. 15.** RCW 42.17.690 and 1993 c 2 s 9 are each amended to read
7 as follows:

8 ~~((At the beginning of each even numbered calendar year, the
9 commission shall increase or decrease all dollar amounts in this
10 chapter based on changes in economic conditions as reflected in the
11 inflationary index used by the commission under RCW 42.17.370.))~~ The
12 commission shall, by January 1, 1996, and by January 1st of each even-
13 numbered year thereafter, adopt revisions in the existing contribution
14 and expenditure limits. Revisions must be for the purpose of
15 recognizing: (1) Changes in the number of registered voters state-
16 wide; and (2) economic changes as reflected by an inflationary index
17 recommended by the office of financial management. The revisions must
18 be guided by the change in the index for the two-year period before the
19 date the revision is to be adopted. The new dollar amounts established
20 by the commission under this section shall be rounded off by the
21 commission to amounts as judged most convenient for public
22 understanding and so as to be within ten percent of the target amount
23 equal to the base amount provided in this chapter multiplied by the
24 increase in the inflationary index since December 3, 1992.

25 NEW SECTION. **Sec. 16.** Sections 3 through 8 of this act are each
26 added to chapter 42.17 RCW.

27 NEW SECTION. **Sec. 17.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 18.** This act shall be submitted to the people
32 for their adoption and ratification, or rejection, at the next
33 succeeding general election to be held in this state, in accordance

1 with Article II, section 1 of the state Constitution, as amended, and
2 the laws adopted to facilitate the operation thereof.

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