
SENATE BILL 5291

State of Washington

58th Legislature

2003 Regular Session

By Senator Kastama

Read first time 01/22/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the Washington clean elections act; amending RCW
2 42.17.095; and adding a new chapter to Title 42 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that our current
5 election-financing system:

- 6 (1) Gives incumbents an unhealthy advantage over challengers;
7 (2) Hinders communication to voters by many qualified candidates;
8 (3) Undermines public confidence in the integrity of public
9 officials;
10 (4) Drives up the cost of running for state office, discouraging
11 otherwise qualified candidates who lack personal wealth or access to
12 special interest funding; and
13 (5) Requires that elected officials spend too much of their time
14 raising funds rather than representing the public.

15 NEW SECTION. **Sec. 2.** This chapter, to be known as the Washington
16 clean elections act, establishes an alternative campaign financing
17 option available to candidates running for state senator and state
18 representative. The alternative campaign financing program is funded

1 entirely through voluntary donations made by individuals. The
2 commission shall administer this chapter and the Washington clean
3 elections account. Participating candidates must also comply with all
4 other applicable election and campaign laws and regulations.

5 NEW SECTION. **Sec. 3.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Account" means the Washington clean elections account
8 established under section 6 of this act.

9 (2) "Commission" means the public disclosure commission.

10 (3) "General election period" means the period beginning upon
11 certification of the primary results and ending on the day of the
12 general election.

13 (4) "General election spending limit" means the amount of
14 distributions made to the candidate from the account during the general
15 election period.

16 (5) "Nonparticipating candidate" means a candidate who does not
17 become certified as a participating candidate under this chapter.

18 (6) "Participating candidate" means a candidate for state senator
19 or state representative who becomes certified as a participating
20 candidate under this chapter.

21 (7) "Primary election period" means the period from June 15th to
22 the date of the primary election during an election year.

23 (8) "Primary election spending limit" means the amount of
24 distributions made to the candidate from the account during the primary
25 election period.

26 (9) "Qualifying contribution" means a contribution that is:

27 (a) Made during the qualifying period by an elector who at the time
28 of the contribution is registered in the electoral district of the
29 office the candidate is seeking and who has not given another
30 qualifying contribution to that candidate during the election cycle;

31 (b) Made by a person who is not given anything of value in exchange
32 for the qualifying contribution;

33 (c) In the sum of twenty-five dollars, exactly;

34 (d) If made by check or money order, made payable to the
35 candidate's campaign committee or, if in cash, deposited in the
36 candidate's campaign account; and

1 (e) Reported to the commission in compliance with section 4 of this
2 act.

3 (10) "Qualifying period" means the period beginning April 1st and
4 ending May 31st of an election year.

5 NEW SECTION. **Sec. 4.** (1) A candidate who wishes to be certified
6 as a participating candidate shall submit to the commission by May 31st
7 of the election year:

8 (a) An application that identifies the candidate, the office that
9 the candidate plans to seek, and the candidate's political party, if
10 any;

11 (b) A report that provides the name and other information required
12 by the commission of at least two hundred persons who have made
13 qualifying contributions pursuant to this chapter on behalf of the
14 candidate and an amount equal to the qualifying contributions collected
15 by the candidate to be deposited in the account; and

16 (c) A statement signed by the candidate under oath, certifying
17 that:

18 (i) The candidate has complied with the restrictions of this
19 chapter during the election cycle to date;

20 (ii) The candidate agrees to comply with the requirements of this
21 chapter during the remainder of the election cycle and will not accept
22 private campaign contributions other than qualifying contributions as
23 provided in this chapter; and

24 (iii) The candidate agrees that all money received from the account
25 will be used exclusively for financing his or her primary or general
26 election campaign.

27 (2) The commission shall, within two weeks of receipt of the
28 application, certify the candidate as a participating candidate or
29 notify the candidate that his or her application has been denied
30 including the reason for denial.

31 NEW SECTION. **Sec. 5.** Participating candidates may not:

32 (1) Accept any campaign contributions other than qualifying
33 contributions as specified in this chapter;

34 (2) Make campaign expenditures from the candidate's personal funds;

35 (3) Make campaign expenditures in the primary election period in
36 excess of the primary election spending limit; or

1 (4) Make campaign expenditures in the general election period in
2 excess of the general election spending limit.

3 NEW SECTION. **Sec. 6.** (1) The Washington clean elections account
4 is created in the custody of the state treasurer. All receipts from
5 voluntary contributions from sources listed in subsection (2) of this
6 section must be deposited into the account. Expenditures from the
7 account may be used only for distributions under section 7 of this act.
8 Only the commission or the commission's designee may authorize
9 expenditures from the account. The account is subject to allotment
10 procedures under chapter 43.88 RCW, but an appropriation is not
11 required for expenditures.

12 (2) Voluntary contributions to the account may be made in the
13 following manner and must be deposited in the account:

14 (a) Qualifying contributions collected by candidates and submitted
15 to the commission under section 4 of this act;

16 (b) Contributions made to the account or the commission for the
17 account;

18 (c) Contributions made through a voluntary check off on driver's
19 license application and renewal forms;

20 (d) Contributions made through a voluntary check off on vehicle
21 registration and renewal forms;

22 (e) Contributions made through a voluntary check off on state
23 college and university registration forms;

24 (f) Contributions made through a voluntary check off on department
25 of fish and wildlife license and renewal forms;

26 (g) Contributions made through a voluntary check off on department
27 of natural resources license and renewal forms;

28 (h) Contributions made through a voluntary check off on
29 professional license and renewal forms; and

30 (i) Transfer of surplus funds under RCW 42.17.095.

31 NEW SECTION. **Sec. 7.** (1) By January 1st of each election year,
32 the commission shall publish an estimate of revenue in the account
33 available for distribution to participating candidates during the
34 upcoming elections.

35 (2) The commission may use up to ten percent of the amount in the

1 account for reasonable and necessary expenses of administration and
2 enforcement. Any portion of the ten percent not used for this purpose
3 must remain in the account.

4 (3) The commission may use up to ten percent of the amount in the
5 account for reasonable and necessary expenses associated with voter
6 education. Any portion of the ten percent not used for this purpose
7 must remain in the account.

8 (4) The account, after administrative and educational expenses are
9 deducted, shall be divided into two equal sections, with one-half going
10 toward primary election distribution and one-half going toward general
11 election distribution.

12 (a) The primary election distribution shall be distributed as
13 follows:

14 (i) The primary election distribution shall be divided by the
15 number of participating candidates to determine the pro rata share of
16 each candidate.

17 (ii) On June 15th, the commission shall pay from the primary
18 election distribution to the campaign account of each participating
19 candidate one-half of that candidate's pro rata share of the primary
20 election distribution.

21 (iii) At the middle of the primary election period and no later
22 than August 1st, the commission shall pay from the primary election
23 distribution to each participating candidate the remainder of his or
24 her pro rata share of the primary election account.

25 (b) The general election distribution shall be distributed as
26 follows:

27 (i) The general election distribution shall be divided by the
28 number of participating candidates who have been certified as winners
29 in the primary election and are not unopposed in the general election
30 to determine the pro rata share of each candidate.

31 (ii) No later than three business days after the primary results
32 have been certified by the appropriate government agency, the
33 commission shall distribute one-half of each eligible participating
34 candidate's pro rata share to the candidate.

35 (iii) At the middle of the general election period and no more than
36 thirty days before the date of the general election, the commission
37 shall distribute the remainder of each eligible participating
38 candidate's pro rata share to the candidate.

1 (c) Within thirty days of the end of the appropriate election
2 period, participating candidates shall return to the commission any
3 primary election distribution that has not been expended at the end of
4 the primary election period, and any general election distribution that
5 has not been expended at the end of the general election period.

6 **Sec. 8.** RCW 42.17.095 and 1995 c 397 s 31 are each amended to read
7 as follows:

8 The surplus funds of a candidate, or of a political committee
9 supporting or opposing a candidate, may only be disposed of in any one
10 or more of the following ways:

11 (1) Return the surplus to a contributor in an amount not to exceed
12 that contributor's original contribution;

13 (2) Transfer the surplus to the candidate's personal account as
14 reimbursement for lost earnings incurred as a result of that
15 candidate's election campaign. Such lost earnings shall be verifiable
16 as unpaid salary or, when the candidate is not salaried, as an amount
17 not to exceed income received by the candidate for services rendered
18 during an appropriate, corresponding time period. All lost earnings
19 incurred shall be documented and a record thereof shall be maintained
20 by the candidate or the candidate's political committee. The committee
21 shall include a copy of such record when its expenditure for such
22 reimbursement is reported pursuant to RCW 42.17.090;

23 (3) Transfer the surplus without limit to a political party or to
24 a caucus political committee;

25 (4) Donate the surplus to a charitable organization registered in
26 accordance with chapter 19.09 RCW;

27 (5) Transmit the surplus to the state treasurer for deposit in the
28 general fund; (~~or~~)

29 (6) Hold the surplus in the campaign depository or depositories
30 designated in accordance with RCW 42.17.050 for possible use in a
31 future election campaign for the same office last sought by the
32 candidate and report any such disposition in accordance with RCW
33 42.17.090: PROVIDED, That if the candidate subsequently announces or
34 publicly files for office, information as appropriate is reported to
35 the commission in accordance with RCW 42.17.040 through 42.17.090. If
36 a subsequent office is not sought the surplus held shall be disposed of
37 in accordance with the requirements of this section(~~or~~);

1 (7) Hold the surplus campaign funds in a separate account for
2 nonreimbursed public office-related expenses or as provided in this
3 section, and report any such disposition in accordance with RCW
4 42.17.090. The separate account required under this subsection shall
5 not be used for deposits of campaign funds that are not surplus((~~-~~));

6 (8) No candidate or authorized committee may transfer funds to any
7 other candidate or other political committee;

8 (9) Transfer the surplus to the Washington clean elections account.

9 The disposal of surplus funds under this section shall not be
10 considered a contribution for purposes of this chapter.

11 NEW SECTION. Sec. 9. The commission shall adopt rules as
12 necessary to implement this chapter and monitor activities under this
13 chapter.

14 NEW SECTION. Sec. 10. Sections 1 through 7 and 9 of this act
15 constitute a new chapter in Title 42 RCW.

--- END ---