

SENATE BILL REPORT

SB 6765

As of January 30, 2006

Title: An act relating to establishing the Washington clean elections act.

Brief Description: Creating the clean elections act.

Sponsors: Senator Kastama.

Brief History:

Committee Activity: Government Operations & Elections: 1/30/06.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Mac Nicholson (786-7445)

Background: Current law limits the amount of money individuals and organizations can contribute to the campaigns of candidates for legislative and statewide offices. There is no limit on independent expenditures or on the amount of personal money a candidate can spend on his or her campaign.

Several states, including Arizona and Maine, have enacted alternative campaign financing programs commonly referred to as "clean election" programs. Generally, clean election programs provide public funding to candidates who agree to forego private campaign contributions and limit the amount of personal money spent on the campaign.

Summary of Bill: The Washington Clean Elections Act is established as an alternative to campaign financing available to candidates running for statewide or legislative office. The act is administered by the Public Disclosure Commission (PDC), and participating candidates must comply with all applicable election and campaign laws and rules.

A participating candidate must agree to forego private campaign contributions; agree to limits on the spending of personal money; and agree that all money received from the account will be used exclusively for financing his or her election campaign. To receive public funding, a candidate must receive a certain number of qualifying contributions depending on the office sought. For a legislative candidate, the number of qualifying contributions needed is 200.

A qualifying contribution is a five dollar donation made by a voter who is registered in the electoral district of the office sought and who is not given anything of value in exchange for the qualifying contribution.

Candidates wishing to be certified as participating candidates must apply to the PDC. The application must identify the candidate, the office being sought, and the political party affiliation of the candidate. The candidate must also submit a report that provides the names of all persons who have made qualifying contributions on behalf of the candidate and an amount equal to the total number qualifying contributions collected by the candidate.

The amount of funding given to a participating candidate varies depending on the office sought. For a major party candidate for legislative office, the amount of primary funding is \$10,000. For a general election for legislative office, the amount of funding is 50 percent greater than the amount of primary funding (\$15,000). Matching funds are available for candidates running against non-participating candidates who have made expenditures in excess of the funding given to the participating candidate. Matching funds will not exceed three times the original spending limit.

Funds given to a participating candidate must be used to pay for goods and services for direct campaign purposes only. Funds cannot be used for costs of legal defense; personal use; tuition payments; or mortgage, loan, rent, or lease payments unless the property is used for campaign purposes.

A participating candidate who knowingly violates spending limits is guilty of a gross misdemeanor and is subject to a civil penalty. The civil penalty for violating limits in the act is ten times the amount by which the applicable limit was exceeded. A participating candidate can be disqualified if the candidate violates spending limits in an amount in excess of ten percent of the applicable limit.

The clean elections program is funded by a ten percent assessment on any civil or criminal penalty imposed by a court; and by voluntary contributions made to the account through check-offs on various license application and registration forms.

Appropriation: None.

Fiscal Note: Requested on January 27, 2005.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.