
SENATE BILL 5585

State of Washington

54th Legislature

1995 Regular Session

By Senator Quigley

Read first time 01/27/95. 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; and prescribing
5 penalties.

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

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

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

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

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

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

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

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

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

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

14 (3) Restore public trust in governmental institutions and the
15 electoral process.

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

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

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

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

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

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

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

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

27 (b) A candidate may not 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 (5)(a) Notwithstanding subsection (3) of this section, a state
34 official against whom recall charges have been filed, and a political
35 committee having the expectation of making expenditures in support of
36 the state official, may not accept contributions from a bona fide
37 political party or caucus of the state legislature during a recall
38 campaign that in the aggregate exceed: (i) Fifty cents multiplied by
39 the number of eligible registered voters in the jurisdiction entitled

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

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

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

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

36 NEW SECTION. **Sec. 6.** (1) In accordance with RCW 42.17.690, the
37 commission shall revise expenditure limits applicable in an election

1 cycle for a candidate who files a statement of acceptance under section
2 5 of this act.

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

5 (a) Governor: Two million dollars;

6 (b) All other state executive offices: Five hundred thousand
7 dollars;

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

9 (d) State representative: Fifty thousand dollars.

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

14 (2) If a candidate has agreed to expenditure limits under section
15 5 of this act and: (a) Knowingly accepts a contribution in excess of
16 the amounts allowed; or (b) has encouraged, approved, or collaborated
17 in the making of an unlawful expenditure by another in connection with
18 his or her campaign, the expenditure limit must be reduced by the
19 amount of the unlawful contribution or expenditure.

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

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

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

35 (3) Contributions and independent expenditures by the political
36 committee shall be made only from contributions solicited from the
37 following persons or their spouses: (a) Stockholders of the

1 corporation; (b) officers and directors of the corporation; or (c)
2 employees of the corporation who have policy-making, managerial,
3 professional, supervisory, or administrative, nonclerical
4 responsibilities.

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

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

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

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

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

30 ~~(1) ((If the court finds that the violation of any provision of~~
31 ~~this chapter by any candidate or political committee probably affected~~
32 ~~the outcome of any election, the result of said election may be held))~~
33 The court or the legislature, as applicable, shall presume that a
34 material and substantial violation of this chapter has affected the
35 outcome of the election. Unless the presumption is defeated by clear,
36 cogent, and convincing evidence, the court or the legislature, as
37 applicable, shall declare the election void and a special election held

1 within sixty days of such finding. Any action to void an election
2 shall be commenced within one year of the date of the election in
3 question. It is intended that this remedy be imposed freely in all
4 appropriate cases to protect the right of the electorate to an informed
5 and knowledgeable vote.

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

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

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

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

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

31 (7) The court may enjoin any person to prevent the doing of any act
32 herein prohibited, or to compel the performance of any act required
33 herein.

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

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

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

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

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

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

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

30 ~~(1) ((No person, other than a bona fide political party or a caucus
31 of the state legislature, may make contributions to a candidate for a
32 state legislative office that in the aggregate exceed five hundred
33 dollars or to a candidate for a state office other than a state
34 legislative office that in the aggregate exceed one thousand dollars
35 for each election in which the candidate is on the ballot or appears as
36 a write-in candidate. Contributions made with respect to a primary may
37 not be made after the date of the primary. Contributions made with~~

1 respect to a general election may not be made after the final day of
2 the applicable election cycle.

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

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

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

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

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

10 ~~(5) Notwithstanding subsections (1) through (4) of this section, no~~
11 ~~person other than an individual, bona fide political party, or))~~
12 ~~Notwithstanding sections 3 and 4 of this act, a caucus of the state~~
13 ~~legislature may ((make)) not accept contributions reportable under this~~
14 ~~chapter ((to a)) from any person other than a bona fide political party~~
15 ~~or a caucus of the state legislature that in the aggregate exceed five~~
16 ~~hundred dollars in a calendar year ((or to)). A bona fide political~~
17 ~~party may not accept contributions reportable under this chapter from~~
18 ~~any person other than a bona fide political party or a caucus of the~~
19 ~~state legislature that in the aggregate exceed two thousand five~~
20 ~~hundred dollars in a calendar year. This subsection does not apply to~~
21 ~~loans made in the ordinary course of business.~~

22 ~~((+6)) (2) For the purposes of ((RCW 42.17.640 through 42.17.790))~~
23 ~~this chapter, a contribution to the authorized political committee of~~
24 ~~a candidate, or of a state official against whom recall charges have~~
25 ~~been filed, is considered to be a contribution to the candidate or~~
26 ~~state official.~~

27 ~~((+7)) (3) A contribution received within the twelve-month period~~
28 ~~after a recall election concerning a state office is considered to be~~
29 ~~a contribution during that recall campaign if the contribution is used~~
30 ~~to pay a debt or obligation incurred to influence the outcome of that~~
31 ~~recall campaign.~~

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

36 ~~(9) RCW 42.17.640 through 42.17.790 apply)) (4) This chapter~~
37 ~~applies to a special election conducted to fill a vacancy in a state~~
38 ~~office. However, the contributions made to a candidate or received by~~
39 ~~a candidate for a primary or special election conducted to fill such a~~

1 vacancy shall not be counted toward any of the limitations that apply
2 to the candidate or to contributions made to the candidate for any
3 other primary or election.

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

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

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

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

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

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

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

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

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

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

34 (4) Each person or entity who withholds contributions under
35 subsection (3) of this section shall maintain open for public
36 inspection for a period of no less than three years, during normal
37 business hours, documents and books of accounts that shall include a
38 copy of each employee's request, the amounts and dates funds were

1 actually withheld, and the amounts and dates funds were transferred to
2 a political committee. Copies of such information shall be delivered
3 to the commission upon request.

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

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

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

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

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