

FORMATTING NOTE:

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (({- text here -})) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

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INITIATIVE 189

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 189 to the Legislature is a true and correct copy as it was received by this office.

Initiative Text
INITIATIVE MEASURE NO. 189

AN ACT Relating to campaign contribution limitations; amending RCW 42.17.030, 42.17.020, 42.17.610, 42.17.640, 42.17.660, 42.17.670, and 42.17.700; adding a new section to chapter 42.17 RCW; and creating new sections.

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

Sec. 1. Applicability--Exceptions. RCW 42.17.030 and 1987 c 295 s 18 are each amended to read as follows:

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (1) for precinct committee officer; (2) for a federal elective office; and (3) for an office of a political subdivision of the state that does not encompass a whole county and that contains fewer than five thousand registered voters as of the date of the most recent general election in the subdivision, unless required by RCW 42.17.405(2) through (5). {+ However, the provisions of RCW 42.17.610 through 42.17.790 relating to campaign contribution limitations apply to all state and local election campaigns and ballot measures. +}

{+ NEW SECTION. +} Sec. 2. Definitions.

(1) "Constituent" means an individual residing in an area where individuals are eligible to vote for the position for which a candidate is seeking office or for a ballot measure.

(2) "Individual" means a natural person.

(3) "Local office" means an elected governmental position, other than that of a state official, including elected judicial, special district, county, and municipal offices.

(4) "Local official" means an elected officer who is not a state

official, including elected judicial, special district, county, and municipal officers.

Sec. 3. RCW 42.17.128 Use of public funds for political purposes. Public funds, whether derived through taxes, fees, penalties, or any other sources, shall not be used to finance political campaigns for state {- or local -} office.

Sec. 4. Findings. RCW 42.17.610 and 1993 c 2 s 1 are each amended to read as follows:

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

(1) {+ The past system of campaign financing has led to candidates and campaigns receiving large amounts of money from relatively few sources. These sources predominately represent monetary, corporate, and narrow special interests. The amounts of money received bear no direct correlation to constituent support of the candidate's ideas or positions, or public support for a campaign.

(2) The availability of these large sums of money has drastically increased the costs of campaigning, which has led to still greater reliance on this money and further diminishes the role and importance of constituents and individuals in the campaign process. Despite increasing campaign expenditures, the useful information presented to the voters for making intelligent choices has not increased and in many ways has actually declined.

(3) Corporations, both profit and nonprofit, and other such entities enjoy state-conferred rights, protections, and advantages making possible the amassing of vast amounts of wealth. When this wealth is allowed to pour into the political process without correlation to individual and constituent support of ideas, it distorts the political process and diminishes the influence and faith of constituents and voters.

(4) The past system of campaign financing has led to real and apparent conflicts of interests, where candidates must frequently choose between promoting the wishes of their contributors and the desires of their constituents. These conflicts are particularly egregious when these contributors are from outside their district or represent nonvoting entities such as corporations, businesses, and other nonconstituent special interests, rather than individuals and constituents.

(5) The past system of campaign financing has for the above reasons led to voter frustration and apathy, and public distrust of government. Large portions of the public believe that elected officials, and those they appoint, supervise, or influence, place the concerns of significant contributors above those of the public and their constituency. This has led to a steady decline in voter registration, voter participation, and election turnout, as well as great public distrust, frustration, and cynicism concerning our governmental institutions and leadership. This undermines the integrity and threatens the viability of our democratic system of government.

(6) The state and the people have a compelling state interest:

(a) That their governmental representatives first and foremost represent the interests of their constituency and the public, free of unnecessary or avoidable conflicts of interest;

(b) That financing of campaigns should engender speech and levels of speech that reflect the level of support candidates or campaigns enjoy in their constituency and representative area and provide and assure constituents meaningful roles in the process;

(c) That large monetary contributions not distort the political

process or dilute the effective free speech rights of constituents.

(7) The above concerns, problems, and interests are best resolved by assuring that financing of campaigns comes first and foremost from the constituency.

(8) +} The financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates.

(({- (2) -})) {+ (9) +} Rapidly increasing political campaign costs have led many candidates to raise larger percentages of money from special interests with a specific financial stake in matters before state government. This has caused the public perception that decisions of elected officials are being improperly influenced by monetary contributions.

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

{+ (11) Advancements in computer and record keeping technology have greatly reduced record keeping burdens and simplified meeting reporting requirements so that determination and reporting of contributors constituent status and legislative districts is not a significant burden +}.

{+ NEW SECTION. +} Sec. 5. Declaration of policy. A new section is added to chapter 42.17 RCW to read as follows:

It is the policy of the people and state of Washington that to the extent constitutionally permissible:

(1) The financing of political campaigns should come from constituents;

(2) The financial expression of the political interests of corporations, businesses, and associations in the political process should be expressed by the contributions of their individuals who are constituents of the candidate or constituents in the area of the ballot question.

Sec. 6. Limits specified--Exemptions. RCW 42.17.640 and 1995 c 397 s 20 are each amended to read as follows:

(1) No person, other than a bona fide political party {- or a caucus political committee -}, may make contributions to a candidate for a state (({- legislative office that in the aggregate exceed five hundred dollars or to a candidate for a state office other than a state legislative -})) office that in the aggregate exceed (({- one thousand -})) {+ five hundred +} dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

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

(3)(a) {+ No person may make contributions to a candidate for any local office or ballot measure that in the aggregate exceed five

hundred dollars for each election in which the candidate or ballot measure is on the ballot or in which the candidate appears as a write-in candidate; except that in partisan candidate races, political party organizations of a given party (including all caucuses, national, state, and local party chapters or organizations) may contribute to a candidate, in the aggregate for all party organizations combined, up to the annual salary of the position for which the candidate is running or ten thousand dollars, whichever is greater, during one election cycle.

(b) No person may make contributions to a continuing political committee, party organization, or caucus that in the aggregate exceed five hundred dollars per year.

(c) Contributions made with respect to a primary may not be made after the date of the primary. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle. Contributions to ballot measures before certification for the ballot count towards the aggregate election cycle contribution limit.

(d) A local jurisdiction or special district may establish more stringent contribution limits for offices within its jurisdiction.

(4)(a) +} Notwithstanding subsection (1) of this section, no bona fide political party {- or caucus political committee -} may make contributions to a candidate {+ for state office +} during an election cycle that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is {- a caucus political committee or -} the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate {+ for state office +} may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(({- (4) -})) {+ (c) Notwithstanding (a) and (b) of this subsection, political party organizations of a given party (including all caucuses, national, state, and local party chapters or organizations) may not contribute to a candidate for a partisan position, in the aggregate for all party organizations combined, more than the annual salary of the position for which the candidate is running or ten thousand dollars, whichever is greater, during an election cycle. For contributions to ballot measures, nonpartisan candidate races, or noncandidate political committees, party organizations are considered political committees and are limited to contributions not to exceed five hundred dollars. In no event may party organizations give contributions to candidates for positions not representing their region or district.

(5) +}(a) Notwithstanding subsection (2) of this section, no bona fide political party {- or caucus political committee -} may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, during a recall campaign that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is {- a caucus political committee or -} the governing body of a state organization, or (ii)

twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

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

(({- (5) -})) {+ (c) Notwithstanding (a) and (b) of this subsection, political party organizations of a given party (including all caucuses, national, state, and local party chapters or organizations) may not contribute to any state or local partisan official against whom recall charges have been filed, in the aggregate for all party organizations combined, more than the annual salary of the position for which the candidate is running or ten thousand dollars, whichever is greater, during an election cycle. For contributions to nonpartisan officials against whom recall charges have been filed, party organizations are considered political committees and are limited to contributions not to exceed five hundred dollars. In no event may party organizations give contributions to an official against whom recall charges have been filed that does not represent their region or district.

(6) +} For purposes of determining contribution limits under subsections (({- (3) and -})) (4) {+ and (5) +} of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(({- (6) -})) {+ (7) +} Notwithstanding subsections (1) through (({- (4) -})) {+ (5) +} of this section, no person (({- other than an individual -})), bona fide political party, or caucus political committee may make contributions reportable under this chapter to a caucus political committee (({- that in the aggregate exceed five hundred dollars in a calendar year -})) or to a bona fide political party that in the aggregate exceed (({- two thousand -})) five hundred dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(({- (7) -})) {+ (8) +} For the purposes of RCW 42.17.640 through 42.17.790, a contribution to the authorized political committee of a candidate, or of (({- a state -})) {+ an elected +} official against whom recall charges have been filed, is considered to be a contribution to the candidate or (({- state -})) {+ elected +} official.

(({- (8) -})) {+ (9) +} A contribution received within the twelve-month period after a recall election concerning (({- a state -})) {+ an elected +} office is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(({- (9) -})) {+ (10) +} The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, and the contributions allowed by subsection (({- (4) -})) {+ (5) +} of this section are in addition to those allowed by subsection (({- (3) -})) {+ (4) +} of this section.

(({- (10) -})) {+ (11) +} RCW 42.17.640 through 42.17.790 apply to a special election conducted to fill a vacancy in a state {+ or local +} office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such

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

(({- (11) -})) {+ (12) +} Notwithstanding the other subsections of this section, no corporation (({- or -})) {+ , +} business entity (({- not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official -})) {+ , labor union, or other association, except an incorporated or unincorporated political committee, may make contributions to a candidate, official against whom recall charges have been filed, political committee, political party or caucus, or ballot measure. Those entities may establish political committees and solicit funds in segregated accounts for these committees solely in the form of individual contributions from their directors, management, stockholders, members, or employees +}. This subsection does not apply to loans made in the ordinary course of business.

(({- (12) -})) {+ (13)(a) No political committee, party, caucus, or candidate may accept contributions, contribute, or expend moneys from outside the state of Washington, or from outside a district, jurisdiction, or representational area to affect or influence a ballot or election outcome in a given district, jurisdiction, or representational area. This prohibition does not apply to federal offices or elections.

(b) No individual may contribute money to a political committee, party, caucus, or candidate to affect or influence a ballot or election outcome in a Washington district, jurisdiction, or representational area in which that individual is not a constituent.

(c) Political committees may not accept, contribute, or expend money to affect or influence a ballot or election outcome in a Washington district, jurisdiction, or representational area in excess of what they have received in contributions from constituents in that district, jurisdiction, or representational area. Political committees shall maintain records enabling the commission and the committee to identify the district or representational area of individual contributors.

(14) +} Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate, state {+ or local +} official against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of a state {+ or local +} official if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the state {+ or local +} official.

(({- (13) -})) {+ (15) +} No person may accept contributions that exceed the contribution limitations provided in this section.

(({- (14) -})) {+ (16) +} The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or

political advertising for individual candidates; or

(b) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates.

Sec. 7. Attribution of contributions by controlled entities. RCW 42.17.660 and 1993 c 2 s 6 are each amended to read as follows:

For purposes of this chapter:

(1) A contribution by a political committee with funds that have all been contributed by one person who exercises exclusive control over the distribution of the funds of the political committee is a contribution by the controlling person.

(2) Two or more entities are treated as a single entity if one of the two or more entities is a subsidiary, branch, or department of a corporation{+ , business, association, +} or a local unit, branch, or affiliate of a trade association, labor union, or collective bargaining association. All contributions made by a person or political committee whose contribution or expenditure activity is financed, maintained, or controlled by a trade association, labor union, collective bargaining organization, or the local unit of a trade association, labor union, or collective bargaining organization are considered made by the same person or entity.

Sec. 8. Attribution of contributions generally--"Earmarking." RCW 42.17.670 and 1993 c 2 s 7 are each amended to read as follows:

All contributions made by a person or entity, either directly or indirectly, to a candidate, to a state {+ or local +} official against whom recall charges have been filed, or to a political committee, are considered to be contributions from that person or entity to the candidate, state {+ or local +} official, or political committee, as are contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate, state {+ or local +} official, or political committee. For the purposes of this section, "earmarked" means a designation, instruction, or encumbrance, whether direct or indirect, expressed or implied, or oral or written, that is intended to result in or does result in all or any part of a contribution being made to a certain candidate or state {+ or local +} official. If a conduit or intermediary exercises any direction or control over the choice of the recipient candidate or state {+ or local +} official, the contribution is considered to be by both the original contributor and the conduit or intermediary.

Sec. 9. Contributions before December 5, 1996. RCW 42.17.700 and 1993 c 2 s 10 are each amended to read as follows:

Contributions made and received before December (({- 3, 1992 -})) {+ 5, 1996 +}, are considered to be contributions under RCW 42.17.640 through 42.17.790. Monetary contributions that exceed the contribution limitations and that have not been spent by the recipient of the contribution by December (({- 3, 1992 -})) {+ 5, 1997 +}, must be disposed of in accordance with RCW 42.17.095.

{+ NEW SECTION. +} Sec. 10. Severability. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

{+ NEW SECTION. +} Sec. 11. Construction--Conflict. The provisions of this act are remedial in nature and are to be liberally

construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern.

{+ NEW SECTION. +} Sec. 12. Captions not law. Section captions used in this act are not part of the law.

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