**Memo**

To: PDC Commissioners

From: Sean Flynn, General Counsel

Date: March 17, 2022

Re: Interpretation 02-01 – amendment

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Interpretation 02-01 determines how certain contribution limits are calculated for legislative candidates in the year immediately following redistricting. The law sets limits on the amount political parties and caucus committees can contribute to legislative candidates based on the number of registered voters within each legislative district, as counted from the most recent general election.[[1]](#footnote-2) However, voter registration cannot be calculated in the year following redistricting since no election has yet occurred in the newly drawn districts. Therefore, in the year new districts are set, the registered voter count would either need to be based on the previous election within the old district boundaries, or within the new districts, but at some other date than the last election. The attached memoranda provide more background explaining the redistricting process and creation of new legislative districts.

This issue reemerges every 10 years, after each redistricting. The Commission originally adopted Interpretation 02-01 to set the party and caucus committee contribution limits for the 2002 election campaigns within the newly created legislative districts that were created by redistricting that year. The Interpretation counted at the number of registered voters in the new districts as of June 30, 2002. The Commission amended the Interpretation in 2011, before the 2012 redistricting, and moved up the date for calculating registered voters to May 14, 2012, the beginning of the candidate filing period.[[2]](#footnote-3) As in 2011-12, the Interpretation would need to be amended to account for the latest redistricting plan, which was adopted earlier this year.

PDC staff recommends updating Interpretation 02-01 for the 2022 election and setting the calculation of registered voters within the newly drawn legislative districts as of May 16, 2022, the beginning of the candidate filing period. As determined in 2011, the start of the candidate filing period offers an opportunity to obtain the voter registration count from the Office of the Secretary of State, which is based off the precinct boundary lines submitted by the county auditors.[[3]](#footnote-4) Using the May date, as opposed to June or some later date, promotes transparency and certainty at the earliest time before campaigns, parties, and caucus committees begin major fundraising activities.

1. See RCW 42.17A.405(6). [↑](#footnote-ref-2)
2. The Commission also determined at that time that contribution limits on parties donating to local candidates, which had been added to the law since 2002, did not require the same adjustments as for legislative districts because the count of registered voters for local races encompasses the boundaries of the jurisdiction (county, city, etc.) which do not change with redistricting. [↑](#footnote-ref-3)
3. County auditors are required to complete the new precinct boundary lines two weeks before the beginning of candidate filing week. Filing week begins two weeks before Memorial Day. [↑](#footnote-ref-4)