



State of Washington
PUBLIC DISCLOSURE COMMISSION

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Memo

To: PDC Commissioners
From: Sean Flynn, General Counsel
Date: March 17, 2022
Re: Interpretation 02-01 – amendment

Interpretation 01-02 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 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 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 01-02 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

¹ See RCW 42.17A.405(4) & (6).

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.

based off the precinct boundary lines submitted by the county auditors.³ 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.

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.

PDC Interpretation

APPROVAL DATE: February 26, 2002; NUMBER: 02-01
Revised October 27,
2011, and March 24, 2022

STATUS: Effective SUPERSEDE N/A
February 26, 2002; S:
Revised October 27,
2011, and March 24, 2022

REFERENCES: RCW 42.17.640; APPROVED The Commission
RCW 42.17A.405 BY:

SEE ALSO: Chapter 44.05 RCW; Staff Memoranda from PDC Executive Director Vicki Rippie dated February 18, 2002, regarding Impact of Redistricting on Contribution Limits and other Provisions of the Public Disclosure Law and from Assistant Attorney General Nancy Krier dated February 14, 2002, regarding RCW 42.17.640(5) Contribution Limits and New Legislative Districts; Staff Memoranda from former PDC Interim Director Doug Ellis dated October 20, 2011 regarding the Impact of Redistricting and from General Counsel Nancy Krier dated October 20, 2011 regarding Contribution Limits and Redistricting; Staff Memorandum General Counsel Sean Flynn dated March 17, 2022.

2012-2022 Contribution Limits From Bona Fide Political Party Committees and Caucus Political Committees to Legislative Candidates

For purposes of calculating the contribution limits from party and caucus committees to legislative candidates for 2012-2022 campaigns, the Public Disclosure Commission has interpreted RCW 42.17.640(5)/42.17A.405(5)(6) to mean that the number of registered voters in a legislative district is the current number of registered voters, as determined by county election officials as of May 14, 2012/16, 2022, in that jurisdiction as it is now constituted following approval of the state's redistricting plan.



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TO: Members, Public Disclosure Commission
FROM: Nancy Krier, General Counsel
DATE: October 20, 2011
SUBJECT: Contribution Limits and Redistricting – October 27, 2011 Meeting

Background

The State Redistricting Commission will submit a redistricting plan to the Legislature in January 2012. As occurred in the redistricting in 2002, this means there will be new (re-drawn) legislative district boundaries, resulting in potential new totals of registered voters in those districts. This also means those candidates will be seeking positions in districts with boundaries that differ from those currently in place. The number of registered voters will also change in counties and cities, although county and city geographical boundaries themselves will not change.

Certain contribution limits in RCW 42.17/42.17A are calculated based upon the number of registered voters in a candidate's jurisdiction in the last general election. In 2002 the Commission adopted PDC Interpretation 02-01 to address those legislative limits during the year following redistricting and until a general election is held under the new plan. Two rules impacting candidates were also discussed in 2002.

Agenda Item

The Commission is being asked to consider amending Interpretation 02-01 to address the 2012 redistricting, and to consider contribution limit changes in RCW 42.17 since 2002. The Commission is also being advised again of the two rules impacting candidates seeking office in a district with revised boundaries. You are being provided: (1) this background memo and the limits statutes, (2) the former Interim Executive Director's memo, and (3) proposed amendments to Interpretation 02-01.

Redistricting Overview

Every 10 years a national census is conducted. The data is supplied to states for many purposes including to enable states to determine if their legislative and congressional districts need to be adjusted, based on the new census figures. In Washington that task is conducted by a citizen commission. RCW 44.05. By January 1, the Redistricting Commission is to submit a redistricting plan to the Legislature. The Legislature has 30 days to act in any regular or special session, including to amend the plan. The final plan is effective until the next decennial census or until a modified plan takes effect. Therefore, after the 2010 census, the first election with the re-drawn boundaries is in 2012. All 49 state legislative districts are impacted,

presumably some more than others,¹ and a new 10th congressional district will also be created.² Other local redistricting efforts are also underway.³

Contribution Limits

Campaign contribution limits are provided in RCW 42.17.640/42.17A.405.⁴ See attached. Subsection (4) provides limits for bona fide political parties and caucus political committees in an amount “multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected” or multiplied by the number of “registered voters in the jurisdiction from which the candidate is elected...” Subsection (5) concerns their limits for recalls, also based on registered voters. Subsection (6) reads:

For purposes of determining contribution limits under subsections (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.** (Emphasis added).

Past Application of PDC Contribution Limits Statute in the Year after Redistricting - 2002

The Commission implements RCW 42.17/RCW 42.17A. RCW 42.17.640/42.17A.405 provides contribution limits. However, the statute does not direct or otherwise explain how the statute is to be implemented during redistricting years (until a general election under the new plan is held). In 2002, therefore, the Commission interpreted 42.17.640 for the purpose of analyzing contribution limits for legislative candidates subject to limit. In 2002, I advised that the Commission could read the “general election” language in .640 in two ways⁵:

- (1) one could attempt to read the statute to address only the registered voters in the *old* (former) “jurisdiction” or legislative district; or,
- (2) one could read the statute to say that during redistricting years, the way to interpret “jurisdiction” for the purposes of the election in the legislative district from which the candidate is to be elected” is the *new* jurisdiction.

Under option (2), I advised that the PDC could use the “number of eligible registered voters” in the *new* jurisdiction during the transition year because there is no “most recent general election” with the new legislative district’s voter numbers that is yet available. One year would have to pass before there is a “most recent general election” that utilized the new legislative district lines. At that time I advised that the

¹ For example, under four proposals unveiled by the Redistricting Commission in September, the 18th legislative district would lose Cowlitz County. “Redistricting Commission releases proposals to redraw the state’s political map,” *The Columbian*, Sept. 13, 2011.

² In 2012, a new congressional district is being created due to Washington’s population growth and the subsequent reapportionment of congressional seats, according to the Redistricting Commission’s website at <http://www.redistricting.wa.gov/>.

³ For example, the Pierce County Auditor’s website describes:

County Council, City Districts and School Director Districts are redrawn every ten years to ensure districts are equal in population to provide equal representation to all citizens. Washington State’s Legislative and Congressional district boundaries are redrawn every 10 years following the United States Census.

When the district boundaries are final, the County Auditor draws precinct lines and assigns voters to their new precinct. The new precincts are based upon the new districts and voter registration counts for each precinct. The precincts are created by combining census blocks which follow or align with the new district boundaries. The Auditor’s office has a very short timeframe, in the spring of 2012, to finalize the new precincts, notify voters and to prepare for candidate filing week in May 2012. Precinct boundaries must be final by April 30, 2012.

<http://www.co.pierce.wa.us/pc/abtus/ourorg/aud/elections/redistrictfags.htm>

⁴ RCW 42.17.640 is recodified at RCW 42.17A.405 effective January 1, 2012. See discussion in Statutory Changes section.

⁵ The “registered voters” and “general election” language was in RCW 42.17.640 as of 2002, and still remains, although the subsections containing the language were later renumbered and recodified.

better and more logical way *for the PDC's purposes* was to read the statute as in option (2) because it calculated limits for the district from which the legislative candidate was actually running. In my view, that interpretation implemented the statute to the extent possible in the transition year where new legislative district boundaries were going into effect and when .640 did not direct or explain what is to happen during that time.⁶

The Commission adopted the reading provided in option (2) and formalized it in Interpretation 02-01, setting a June 30 calculation date for the number of registered voters. The June 30 date was selected at that time because the Commission was informed that by June 2002, the county auditors would have data available on the number of registered voters in each of the new legislative districts.

Statutory Changes in RCW 42.17.640 Since 2002

Since 2002, RCW 42.17.640 has been amended as follows:

- 2005 → Dollar limits were amended.
- 2006 → Limits were added for county offices in a county that has over 200,000 registered voters, and for port districts with over 200,000 registered voters. (Also, RCW 42.17.645 was added to create contribution limits for judicial officers; however, those limits are “per person” and are not tied to a registered voter count.)
- 2010 → Dollar limits were amended again, all county office candidates were made subject to limits (not just those in counties with over 200,000 registered voters), candidates for city council offices and mayoral offices were made subject to limits, and RCW 42.17 was recodified to RCW 42.17A effective January 1, 2012.

New Issue in 2012 – Local Candidates

A new issue in 2012 is how to apply/calculate the limits for local candidates during this redistricting transition year. This was not an issue in 2002 because there were no such local limits enforced by the Commission. More specifically, the question presented is how to interpret the statute’s reference to the “jurisdiction” for local elections (i.e. whether it means the geographic boundary of the entire city or county in which a local election is held, or whether it means the more narrow boundary of the precinct, ward or district within a city or county from which a particular local position is elected.)

As previously described, the “jurisdiction” in which **legislative candidates** run is the **legislative district**, for the purposes of applying contribution limits. To date, for purposes of implementing local limits, the PDC has viewed the “jurisdiction” in which a **local candidate** runs as the boundaries of the **political subdivision** (city, county). Therefore, a county council candidate is entitled to receive contributions from political parties and caucus committees based upon the number of registered voters in the entire county, not based upon his or her particular internal precinct or district. Assuming the Commission continues this approach, the “jurisdiction” will not change for those candidates even after state or local redistricting, regardless of whether the boundaries of a particular precinct, ward or district within a city or county may change. Under this approach, the number of registered voters from the last general election in the city or county would continue to be used to calculate contribution limits for all local elections within the city or county.

⁶ In 2002, I also referenced 2012 as the next redistricting year when a new plan would be submitted.

Recommendation for 2012

Staff recommends the Commission:

- Take the same approach (option (2)) for 2012 and amend the interpretation accordingly for legislative candidates during this transition year;
- Include a time period of May 14, 2012 to use to calculate the number of registered voters for legislative districts during this transition year (see memo of the former Interim Executive Director); and,
- Determine if it wants to use the numbers of registered voters as of the last general election for local candidates during this transition year and until the next general election.

Enclosures: RCW 42.17.640 and RCW 42.17A.405 (highlighted)
Proposed Amendments to Interpretation 02-01



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TO: Members, Public Disclosure Commission
FROM: Doug Ellis, Interim Executive Director
DATE: October 20, 2011
SUBJECT: Impact of Redistricting on Contribution Limits and other Provisions of the Public Disclosure Law

The purpose of this memo is two-fold:

- 1) Seek Commission guidance on establishing contribution limits from political party and caucus committees to state office candidates for the 2012 elections; and,
- 2) Focus attention on two rules relating to redistricting; namely, a) WAC 390-16-232, Same Office Last Sought, and b) WAC 390-18-040, Use of the Terms "Re-Elect," "Retain," and "Return."

Contribution Limits

The formula for computing the per-cycle contribution limits to candidates from party and caucus political committees is set out in statute and currently is:

From the two State party committees and the four caucus political committees -- \$.80 times the number of registered voters in the jurisdiction from which the candidate is elected; and

From county and legislative district party committees – a combined limit amount for the party's legislative district committee and each county party committee in that district of \$.40 times the number of registered voters in the jurisdiction from which the candidate is elected.

Also, **the number of registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction**. RCW 42.17.640(6).

However, in the wake of redistricting, the new legislative districts – the districts in which 2012 candidates will seek election – will not parallel the old districts in which the 2011 general election will be held. Hence, in election years immediately following redistricting (what I will call "transition years"), the statutory directive in RCW 42.17.640(6) for determining the number of registered voters in a jurisdiction is not altogether meaningful. This is because the statute fails to take into account the re-drawn district

boundaries and fails to address the absence of a “most recent general election” in the new jurisdictions (since the new districts did not exist at the time of the “most recent general election”). As such, General Counsel Nancy Krier has advised that the Commission has the authority to interpret the statute in order to implement its contribution limits in a logical manner during this transition year, and to determine the procedure for computing the number of registered voters in legislative districts for contribution limit purposes in the 2012 campaigns. See attached memo from Ms. Krier.

County election officials will be redrawing precinct lines consistent with the state redistricting plan. The deadline for completing this task is 14 days before the first day of filing for public office (May 14, 2012).

Therefore, by late April or early June, it will be possible to obtain the current number of registered voters in all legislative districts.

Staff Recommendation

For this initial post-redistricting election year, staff is recommending that the Commission adopt an interpretation that relies on the current number of registered voters in all legislative districts as determined by county election officials on or before May 14, 2012, for purposes of establishing the contribution limits from party and caucus committees to state office candidates.

Same Office Last Sought & Use of the Term “Re-Elect”

Unless written permission is obtained from contributors, both RCW 42.17.790 and .095 prohibit a candidate from using contributions received for one office to seek a different office. In 1993, with redistricting in mind, the Commission adopted WAC 390-16-232 clarifying that whenever the boundaries of a district are officially altered through redistricting or other official procedure, if a candidate seeks the same office in the revised district, the candidate is considered to be seeking the same office last sought. This allows incumbent legislators who have been redistricted out of the districts they currently serve to use existing and surplus funds for 2012 legislative races in their revised districts without having to obtain permission from contributors.

Similarly, WAC 390-18-040 allows candidates seeking the same office in a revised district to use “re-elect,” “retain,” or “return,” as appropriate, even though the office now being sought may have a different number and modified boundaries than when the candidate first acquired the office.

Enclosures: RCW 42.17.790 Prohibition on use of contributions for a different office
 WAC 390-16-232 Same office last sought
 WAC 390-18-040 Use of the terms “reelect,” “retain,” and “return”



Christine O. Gregoire

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MEMORANDUM

February 14, 2002

TO: Vicki Rippie
Executive Director
Public Disclosure Commission

FROM: Nancy Krier 
Assistant Attorney General
Ph: 586-2780; nancyk1@atg.wa.gov

SUBJECT: **RCW 42.17.640(5) CONTRIBUTION LIMITS AND NEW LEGISLATIVE DISTRICTS**

You asked me to review RCW 42.17.640(5) prior to the February 2002 Public Disclosure Commission meeting with respect to its application in light of the recent redistricting plan submitted to the Legislature by the State Redistricting Commission. Here is my analysis.

Background on Redistricting

Every 10 years, a national census is conducted. The data is provided to states for many purposes, including to enable the states to examine their legislative and congressional districts to determine if they need to be adjusted, based upon the new census figures. In Washington, after 1983, that task is conducted by a citizen commission appointed by legislative leadership. RCW 44.05.030. The commission looks at districts to draw lines so that "districts shall have a population as nearly as equal as practicable," taking various factors into account. RCW 44.05.090. Following the 2000 national census, per chapter 44.05 RCW and the State Constitution, the Redistricting Commission submitted a redistricting plan by January 1 to the Legislature to adjust state legislative and congressional boundaries to reflect changes in the state's population. RCW 44.05.100 (recently amended).¹ The Legislature has 30 days to act. RCW 44.05.120(5). Once the plan is final, "This plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census or until a modified plan takes effect as provided in RCW 44.05.120(6)." Therefore, the first elections in which the new voting boundaries will be used will be for fall 2002 elections.

PDC Contribution Limits Statute

One of the PDC's campaign contribution limits statutes, which was a result of Initiative 134 (approved November 1992), is codified at RCW 42.17.640. See attachment. Subsection (3) of that law sets a campaign contribution limit by political parties or caucus political committees

¹ Chapter 4, 2002 Laws (amending RCW 44.05.100).



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to candidates at an amount to be "multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected" or multiplied by the "number of registered voters in the jurisdiction from which the candidate is elected." Subsection (4) addresses similar contribution limits for recall campaigns (which I will not discuss in more detail in this memo, since you are looking to 2002 elections). Subsection (5) of this same law reads as follows:

For purposes of determining contribution limits under subsections (3) and (4) 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.**

RCW 42.17.640(5) (emphasis added).

Application of PDC Statute to Redistricting

The Commission has the authority to implement those subsections of RCW 42.17 that it enforces. RCW 42.17.360(7). The Commission therefore implements RCW 42.17.640. Subsection (5) of that statute does not direct or otherwise explain how the statute is to be implemented during redistricting years. The Commission may therefore interpret this statute in order to apply it during the 2002 elections.

In order to implement this statute for the fall 2002 election campaigns, one could attempt to read the statute to address only the number of registered voters in the old (former) "jurisdiction" or district. This would have the illogical result, however, of attempting to use old and no longer viable district lines for new district elections.

A better and more logical way to read the statute is as follows. During redistricting years (where new plans are submitted --- 2002, 2012, etc.), the way to interpret the "jurisdiction" for the purposes of the election in the district "from which the candidate [is to be] elected" is the *new* jurisdiction. That new jurisdiction is the new district drawn pursuant to RCW 44.05. In other words, to calculate contribution limits for the 2002 elections under RCW 42.17.640(5), the PDC could take the "number of eligible registered voters" in the *new* jurisdiction (from which the candidate is to be elected), because there is no "most recent general election" with the new district numbers that is available. One year will have to pass before there is a "most recent general election" that utilized the new district lines.

In my opinion, *for the PDC's purposes*, the latter is the reasonable, although admittedly a bit awkward, interpretation of RCW 42.17.640(5). In my opinion, RCW 42.17.640 is generally forward-looking as because it sets limits for campaigns in elections yet to be held (see. e.g., RCW 42.17.640(1), which addresses ballots and write-in candidates). This interpretation is logical, and also gives effect to the redistricting plan for the PDC's purposes. This is because in my view this interpretation implements the plan so it can be utilized for calculating contribution limits in the legislative district "from which the candidate *is to be* elected" for each district where a legislator is running a campaign in 2002. In sum, this interpretation applies the statute to the extent possible, in this transition year where new districts are going into effect and where the statute failed to otherwise direct or explain what is to happen during redistricting years.

It is my understanding that sometime in about June of this year, county auditors will have data available on what is the number of registered voters in each of the new districts. The Commission may use those numbers to calculate the contribution limits of RCW 42.17.640 for the 2002 elections.

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If you have any questions, please do not hesitate to contact me.

NJK:jb

Attachment

RCW 42.17.640

Limits specified -- Exemptions.

(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 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. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. 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) Notwithstanding subsection (1) of this section, no bona fide political party or caucus political committee may make contributions to a candidate 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 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)(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) For purposes of determining contribution limits under subsections (3) and (4) 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) Notwithstanding subsections (1) through (4) 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) 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 official against whom recall charges have been filed, is considered to be a contribution to the candidate or state official.

(8) A contribution received within the twelve-month period after a recall election concerning a state 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) 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) of this section are in addition to those allowed by subsection (3) of this section.

(10) RCW 42.17.640 through 42.17.790 apply to a special election conducted to fill a vacancy in a state 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) 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. This subsection does not apply to loans made in the ordinary course of business.

(12) 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 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 official if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the state official.

(13) No person may accept contributions that exceed the contribution limitations provided in this section.

(14) 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.

[2001 c 208 § 1; 1995 c 397 § 20; 1993 c 2 § 4 (Initiative Measure No. 134, approved November 3, 1992).]

NOTES:

*Reviser's note: The monetary amounts in this section have been adjusted for inflation by rule of the commission adopted under the authority of RCW 42.17.690. For current dollar amounts, see chapter 390-05 of the Washington Administration Code (WAC).

(Emphasis added).



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TO: Members, Public Disclosure Commission

FROM: Vicki Rippie, Executive Director

DATE: February 18, 2002

SUBJECT: Impact of Redistricting on Contribution Limits and other Provisions of the Public Disclosure Law

The purpose of this memo is two-fold:

- 1) seek Commission guidance on establishing contribution limits from political party and caucus committees to state office candidates for the 2002 elections; and
- 2) focus attention on two rules relating to redistricting; namely, a) WAC 390-16-232, Same Office Last Sought, and b) WAC 390-18-040, Use of the Terms "Re-Elect," "Retain," and "Return."

Contribution Limits

The formula for computing the per-cycle contribution limits to legislative and statewide office candidates from party and caucus committees is set out in statute and currently is:

- from the two State party committees and the four caucus committees -- \$.64 times the number of registered voters in the jurisdiction from which the candidate is elected; and
- from county and legislative district party committees -- a combined limit among the party's legislative district committee and each county party committee in that district of \$.32 times the number of registered voters in the jurisdiction from which the candidate is elected.

Also, **the number of registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.** RCW 42.17.640(5).

However, in the wake of redistricting, the new legislative districts -- the districts in which 2002 candidates are now seeking election -- do not uniformly parallel the old districts in which the 2001 general elections were held. Hence, in election years immediately following redistricting (what I will call "transition years"), the statutory directive in RCW 42.17.640(5) for determining the number of registered voters in a jurisdiction is not altogether meaningful. This is because the statute fails to take into account the re-drawn district boundaries and fails to address the

absence of a "most recent general election" in the new jurisdictions (since the new districts did not exist at the time of the "most recent general election"). As such, Assistant Attorney General Nancy Krier has advised that the Commission has the authority to interpret the statute in order to implement its contribution limits in a logical manner during this transition year, and to determine the procedure for computing the number of registered voters in legislative districts for contribution limit purposes in the 2002 legislative campaigns. See attached memo from Ms. Krier.

County election officials are currently in the process of redrawing precinct lines consistent with the state redistricting plan. The deadline for completing this task is 30 days before the first day of filing for office (June 21, 2002).

Therefore, by late June or early July, it will be possible to obtain the current number of registered voters in all legislative districts, and the Director of the Division of Elections in the Secretary of State's Office has offered to assist PDC staff in compiling these numbers.

Staff Recommendation

For this initial post-redistricting election year, staff is recommending that the Commission adopt an interpretation that relies on the current number of registered voters in all legislative districts as now constituted as determined by county election officials on or before June 30, 2002, for purposes of establishing the contribution limits from party and caucus committees to state office candidates.

Same Office Last Sought & Use of the Term "Re-Elect"

Unless written permission is obtained from contributors, both RCW 42.17.790 and .095 prohibit a candidate from using contributions received for one office to seek a different office. In 1993, with redistricting in mind, the Commission adopted WAC 390-16-232 clarifying that whenever the boundaries of a district are officially altered through redistricting or other official procedure, if a candidate seeks the same office in the revised district, the candidate is considered to be seeking the same office last sought. This allows incumbent legislators who have been redistricted out of the districts they currently serve to use existing and surplus funds for 2002 legislative races in their revised districts without having to obtain permission from contributors.

Similarly, WAC 390-18-040 allows candidates seeking the same office in a revised district to use "re-elect," "retain," or "return," as appropriate, even though the office now being sought may have a different number and modified boundaries than when the candidate first acquired the office.