



PUBLIC DISCLOSURE COMMISSION

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To: Members, Washington State Public Disclosure Commission
From: Lori Anderson, Communications & Training Officer
Date: February 18, 2016
Re: Discussion and Possible Approval of Rule Language to Convert 1994 Policy on Limits to Contributions Made to Affiliated Committees

AGENDA ITEM

At the February 25, 2016 meeting, the Commission will discuss, and may approve, draft language for new WAC 390-17-019 Applying Contribution Limits.

BACKGROUND

In March 1994, the Commission adopted the attached policy statement to clarify you the Commission would interpret contributions to committees created or controlled by recipients who were subject to I-134's contribution limits. During the January 2016 meeting, the Commission expressed interest in converting the policy to rule.

The draft rule differs from the 1994 policy to accommodate post-1994 developments in legislation, rule making, and case law. The revisions are:

- “State office candidate” is changed to “candidates subject to contribution limits under RCW 42.17A.405 and 42.17A.410” to accommodate the expansion of contribution limits.
- There is no reference to candidates and independent expenditure committees in the proposed draft. The Commission’s 1996 rule making on the subject of coordination, WAC 390-05-210, subsumes the policy’s guidance regarding a candidate’s ability to participate in independent expenditures.
- The section in the policy regarding bona fide party committees does not appear in the proposed draft. A 1995 amendment to RCW 42.17A prevents a bona fide political party from creating more than one legislative district or county party committee. Furthermore, bona fide political party committees are allowed to accept unlimited exempt funds contributions that may be used for independent expenditures.
- The draft language clarifies that the policy limitations do not apply to ballot measure committees.

COMMISSION ACTION

Staff requests the Commission approve the attached draft language for new WAC 390-17-019. Once approved, the hearing on adoption of the rule will be scheduled for the April or May regular Commission meeting.

Attachments: 1994 Policy Statement
Proposed draft WAC 390-17-019



POLICY

DATE: March, 1994	NUMBER:
CANCELS: New	APPROVED: Feb. 22, 1994
SEE ALSO:	

Political Committees Established by State Office Candidates, a Legislative Caucus or a Bona Fide Political Party

For purposes of the contribution limits in RCW 42.17.640, the following political committees are affiliated:

- 1) A state office candidate's authorized committee and any other political committee established, maintained or controlled primarily by that candidate;
- 2) The authorized committees of state office candidates and, except for a legislative caucus or bona fide political party committee, any other political committee established, maintained or controlled primarily by a group of candidates if any of the resources of the political committee are used to make contributions to any of the candidates or make independent expenditures supporting any of the candidates or opposing any of the candidates' opponents;
- 3) a legislative caucus as defined in RCW 42.17.630(4), its campaign committee and any other political committee established, maintained or controlled primarily by the legislative caucus as a whole or the officers of that caucus, unless the purpose of the other political committee is to support or oppose ballot issues; and
- 4) A bona fide political party and any other political committee established, maintained or controlled primarily by the political party as a whole or the officers of the party.

NEW

WAC 390-17-019 Contribution Limits to Affiliated Committees

(1) **Intent.** The Public Disclosure Commission enforces campaign contribution limits and other provisions of chapter 42.17A. The Commission finds that persons subject to contribution limits may establish, maintain, or control multiple political committees. This rule sets out which committees, excluding ballot measure committees, are affiliated for the purpose of receiving contributions.

(2) Persons subject to contribution limits may not circumvent those limits through contributions made to the various committees controlled by that person.

(3) The following committees are affiliated for purposes of this rule:

(a) The authorized committee of a candidate subject to contribution limits set out in RCW 42.17A.405 or 42.17A.410 and any other political committee established, maintained, or controlled primarily by that candidate are affiliated for the purpose of receiving contributions.

(b) A caucus campaign committee and any other political committee established, maintained, or controlled primarily by the same legislative caucus as a whole or the officers of that caucus are affiliated for the purpose of receiving contributions.

(4) As used in this rule, the terms “established, maintained, or controlled” means the ability to direct or participate, other than through a vote as a member, in the governance of another entity through provisions of constitution, bylaws, contract or other formal or informal procedure.