



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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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”