

# PDC Interpretation

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APPROVAL DATE:	June 29, 2000	NUMBER:	00-02
STATUS:	New June 29, 2000; Revised May 26, 2011; Revised June 27, 2013 <u>Revised _____, 2019</u>	SUPERSEDES:	95-05
REFERENCES:	<a href="#">RCW 42.17A.005</a> <a href="#">RCW 42.17A.220</a> <a href="#">RCW 42.17A.225</a> <a href="#">RCW 42.17A.235</a> <a href="#">RCW 42.17A.240</a> <a href="#">RCW 42.17A.475</a> <a href="#">RCW 42.17A.560</a>	APPROVED BY:	The Commission

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## **GUIDELINES FOR CONTRIBUTIONS MADE ~~OVER THE INTERNET, VIA 1-900 TELEPHONE NUMBERS, AND USING OTHER~~ USING ELECTRONIC TECHNOLOGIES SUCH AS TEXT MESSAGES**

### **Introduction**

The Commission recognizes technologies are developing quickly and campaigns may become interested in using new methods for processing contributions which are not specifically addressed in chapter 42.17A RCW. For example, the Commission is aware there may be interest by Washington campaigns in receiving contributions made via online platforms, mobile devices, and digital payment services.

This interpretation is intended to provide guidance on contributions made via the Internet, 1-900 telephone numbers, and by other technologies. In 2018, certain requirements were added in law for timely reporting or contributions made online or by credit card. This interpretation is intended to provide guidance on contributions made through electronic technologies, such as the Internet, mobile devices, and digital payment services.

Campaigns seeking to use emerging technologies must still satisfy current laws at chapter 42.17A RCW and current rules in Title 390 WAC when they receive and report contributions, no matter which method is used to process the contribution. Among other things, current law provides for timely deposit and disclosure of contribution amounts and contributor information, timing restrictions for contributions to state officials during the legislative session freeze, and other provisions.

Nothing in this interpretation is to be construed as permitting other than full compliance with the provisions of [RCW 42.17A](#) and [Title 390 WAC](#), including proper identification of contributors when required and the other provisions in the laws and rules. These guidelines are not a substitute for the provisions of [RCW 42.17A](#) and [Title 390 WAC](#). Rather, the guidelines are designed to assist filers in complying with their legal obligations. The law and rules are always controlling in the event of any conflict with or omission in the guidelines.

The Commission may examine this interpretation and revise it as the laws or rules change, or as technological developments result in new methods for making campaign contributions.

### **Contributions Made ~~Over the Internet or Via 1-900 Telephone Number~~through Electronic Technologies**

Candidates and political committees are subject to the following guidelines when accepting and reporting contributions made ~~over the Internet or via 1-900 telephone numbers (1-900 numbers)~~electronically, including transactions made through the Internet, mobile devices, or digital payment services.

1. A contribution is considered **made** on the date the contributor ~~sends the electronic confirmation over the Internet authorizing the expenditure, or the date the telephone call is placed by the contributor to the 1-900 number~~authorizes the expenditure.
2. A contribution is considered received on the date the transfer is made from the merchant account, such as the credit card company or digital payment service, to the candidate or political committee account. RCW 42.17A.220. If there is no merchant account involved in the transaction, a contribution is received on the date when the candidate, treasurer, deputy treasurer, campaign manager, campaign chairperson or similarly situated campaign official is informed of the contribution, obtains possession of the contribution, or the contribution becomes available for use by the campaign, *whichever occurs first*. [WAC 390-05-215](#).~~Example: The date a campaign receives notice from its online vendor that a credit card transaction occurred is the date of receipt.~~
3. A candidate or political committee must treat the **full amount** of a donor's contribution as the contributed amount, even though the candidate or political committee may receive a lesser amount because of transaction fees. A notation explaining why the contributions reported do not equal with the bank deposit is to be kept as part of the candidate's or political committee's books of account.

4. The candidate or political committee may not intentionally delay the transfer from the merchant account beyond the merchant's normal operating practice to process transfers. All contributions must be deposited into the candidate's or political committee's bank account within five days of receipt by the candidate or political committee.
5. A separate Cash Receipts/Monetary Contributions report (PDC form C-3) for each bank deposit of contributions made ~~over the Internet or by a 1-900 number~~electronically must be filed with the Commission.
6. Transaction fees paid to ~~vendors for web-based or 1-900 number contribution services~~merchant accounts are to be reported on a Schedule A to the C-4 Report in compliance with chapter [42.17A RCW](#).
7. When a contribution is made ~~by credit card or debit card over the Internet or via a 1-900 number~~electronically, the term "written instrument" as used in [RCW 42.17A.475](#) includes any electronic record of the transaction created and transmitted by the ~~cardholder~~merchant account or ~~any record created and transmitted to the recipient candidate or political committee by the telephone carrier.~~ ~~These~~ Such records must be preserved by the recipient candidate or political committee for five calendar years in compliance with [RCW 42.17A.225](#) and [RCW 42.17A.235](#).
8. For the purposes of [RCW 42.17A.225](#) and [RCW 42.17A.235](#), the following information concerning persons who contribute ~~over the Internet or via a 1-900 number~~through an electronic technology must be kept by candidates and political committees as part of the books of account and be available for audit and/or inspection of records.
  - Name of Contributor
  - Address of Contributor
  - Date Contribution Received
  - Amount Contributed
  - Employer/Occupation (If required by [WAC 390-16-034](#))
9. ~~Although the credit card company or telephone carrier will receive payment from contributors making contributions (prior to forwarding the funds to the recipient political committee or candidate), the company or carrier~~The merchant account is not an intermediary or conduit for the contribution, and is not bundling the contribution, ~~any more than a post office would be for a mailed contribution.~~
10. Individuals or political committees must use their own credit or debit cards to make contributions ~~over the Internet or via 1-900 numbers~~electronically. Employees or officers of businesses, unions or other entities may not use

corporate cards issued in their name to make personal contributions. A corporation may make a contribution ~~over the Internet or via a 1-900 number~~ electronically using its corporate credit or debit card.

~~11. The legislative session freeze provisions in RCW 42.17A.560 apply to contributions made over the Internet and via 1-900 numbers.~~

- ~~• The legislative session freeze period begins 30 days before a regular session and again on the first day of a special session. It ends upon adjournment of each session. During that period, if the state official/candidate or anyone employed by or acting on the candidate's behalf receives contributions generated by the Internet or 1-900 numbers, the contributions must be returned.~~
- ~~• RCW 42.17A.560 does not exempt from its timing restriction contributions made over the Internet or 1-900 numbers prior to the beginning of the legislative session freeze period, but later received by the campaign. However, a contribution received through the *U.S. mail* after the 30<sup>th</sup> day before a regular legislative session may be accepted if the contribution is *postmarked* prior to the 30<sup>th</sup> day before the session.~~
- ~~• Distribution of ads seeking such contributions for state officials during the legislative session freeze would constitute impermissible solicitation of a contribution; therefore, such ads including website solicitations must be discontinued during the freeze.~~

### ~~Contributions Made Via Other Technologies (Example: Text Messages)~~

~~The Commission recognizes technologies are developing quickly and campaigns may become interested in using new methods for processing contributions which are not specifically addressed above nor specifically addressed in chapter 42.17A RCW. For example, the Commission is aware there may be interest by Washington campaigns in receiving contributions made via text messages on mobile phones.~~

~~Campaigns seeking to use such technologies must still satisfy current laws at chapter 42.17A RCW and current rules in Title 390 WAC when they receive and report contributions, no matter which method is used to process the contribution. Among other things, those current laws provide for timely deposit and disclosure of contribution amounts and contributor information, timing restrictions for contributions to state officials during the legislative session freeze, and other provisions.~~

~~At this time, the Commission has determined that the provisions in this Interpretation that explain how contributions are processed over the Internet or via 1-900 numbers in~~

~~a manner consistent with RCW 42.17A and Title 390 WAC also apply to contributions processed via text messages and other technologies.—~~

~~As noted in the introduction, the Commission may revisit this guidance in the future as technologies develop, or if the laws change.—~~

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