

MEMO

To: PDC Commissioners
From: Sean Flynn, General Counsel
Date: September 23, 2020
Re: Draft proposed permanent rules

Staff is providing proposed rule drafts for your consideration at the September 24th regular commission meeting. With your approval, the drafts will be filed to commence the public comment period on the proposed permanent rules. The public hearing and final adoption of these proposed rules will be scheduled for December.

DRAFT Rules re Implementation of SSB 6152 – Foreign Donor prohibition

The Commission previously approved the emergency rules in May, which are currently in effect, after consideration of public comment. This draft is almost entirely the same as the emergency rules. There is only one recommended change to the emergency rules.

- **WAC 390-16-335** - Allowing a campaign to segregate contributions before receiving a foreign donor certification in the same campaign account without having to use a separate account.

DRAFT Rules re Chapter 390-24 Statement of Financial Affairs Reports (F-1)

This draft follows agency's ongoing approach to address rulemaking within the context of larger systematic improvements, specifically the new F-1 reporting system project.

- **WAC 390-24-020** – Repeal. The new F-1 filing system eliminates the F-1A Form by allowing filers to access previously reported information in completing the annual F-1 report.
- **WAC 390-24-025** – Describing the deadlines for filing F-1 reports.
- **WAC 390-24-100** – Providing clarification for reporting investment holdings managed by a third party.
- **WAC 390-24-110** – Providing clarification that a third party grantor does not have a reportable debt.
- **WAC 390-24-150** - Technical clarification of the statutory term defined to include “office held.”
- **WAC 390-24-200** – Possible clarification that deputy and other non-elected position may use the residential address alternative. This is presented for possible consideration, not a staff recommendation.
- **WAC 390-24-201** – Technical clarifications.
- **WAC 390-24-211** – Providing clarification that exemption for reporting service on boards, etc., as part of official duties incorporates such service in organizations where just membership is part of the official duties.

DRAFT Rules re Chapter 390-28 Modifications of Reporting Requirements

This draft follows agency's ongoing approach to address rulemaking within the context of larger systematic improvements, specifically the new F-1 reporting system project. (Most modification request generate from the F-1 filing requirements.)

- **WAC 390-28-020** – Provides clarification that a modification request is available for any reporting requirement, not just F-1 reports.
- **WAC 390-28-040** – Modifies the (non-statutory) deadline for requesting a modification, and applies only for annual F-1 reporting requirements.
- **WAC 390-28-080** – Technical clarification that materials prepared by staff are not exempt from public disclosure in regards to applications based on personal safety concerns.
- **WAC 390-28-100(1)(b)** – Provides clarification when a confidential relationship can be the premise of a modification request income or ownership interests.
 - Also provides alternative regarding the elements for requesting a modification for reporting income or ownership interests.
- **WAC 390-28-100(1)(d)** – Technical clarification to remove redundant language.
- **WAC 390-28-100(1)(e)(ii)** – Technical clarification.
- **WAC 390-28-100(1)(e)(iv)** – Technical clarification.