

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

WAC 390-19-010 Intent of electronic filing. (1) The public disclosure commission (PDC) was created and empowered by initiative of the people to provide timely and meaningful public access to information about the financing of political campaigns, lobbyist expenditures, and the financial affairs of public officials and candidates, and to insure compliance with contribution limits and other campaign finance restrictions.

(2) Full and prompt access to the political finance data filed by persons subject to the law is best realized through wide-spread use of electronic filing ~~((alternatives))~~. The Washington state legislature has mandated that ~~((certain))~~ filers submit their PDC reports electronically where the commission has made an electronic filing method available. The PDC makes available to all candidates, public officials, lobbyists, lobbyist employers, and political committees that are required to file reports under this chapter electronic filing ~~((alternatives))~~ for submitting reports ~~((, and encourages all persons required to report under the disclosure law to utilize the electronic filing alternatives provided by the PDC))~~.

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

WAC 390-19-020 Electronic filing—Mandatory filing. (1) ~~((RCW 42.17A.245 mandates that persons meeting the qualifying criteria in that section file all contribution and expenditure reports by electronic means.~~

~~((2) Persons filing by electronic means shall register with the PDC and receive a filer identification number and password. Filers must have a current C-1 Candidate Registration Statement or a C-1pe Committee Registration Statement on file with the PDC prior to receiving a filer identification number.~~

~~((3) A filer subject to RCW 42.17A.245 shall file all PDC C-3 and C-4 reports and all appropriate schedules electronically in compliance with subsection (5) of this section.~~

~~((4)) All persons required to provide the commission with electronic contact information, may provide an email address or other electronic format, if such alternate format has been approved by the PDC.~~

(2) Any filer required to file electronically, but who files on paper, is in violation of RCW ~~((42.17A.245))~~ 42.17A.055 and may be subject to enforcement action unless the filer is a candidate who has sought and been granted an exception from electronic filing under WAC 390-19-050.

~~((5)) (3) A filer subject to electronic filing shall file reports using ~~((one of the following:~~~~

~~((a) The ORCA software (Online Reporting of Campaign Activity) provided free-of-charge by the PDC; or~~

~~((b) Any other)) the electronic filing application provided or approved by the PDC.~~

~~((6) Pursuant to RCW 42.17A.055, state agencies reporting their legislative activities under RCW 42.17A.635 are required to file electronically.))~~

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WAC 390-19-040 ((Electronic)) Filing—Date of receipt, verification and amendments. (1) An electronic report is filed when it is received and validated by the PDC computer system. The PDC shall notify the filer that the electronic report has been received.

(2) An electronic report is timely filed if received on or before 11:59 p.m. Pacific Time on the prescribed filing date.

(3) An electronic report that is infected with a virus, damaged, or is improperly formatted is not properly filed with the PDC and shall be rejected.

(4) To amend an electronically filed report, the filer shall electronically refile the entire report.

(5) A mailed item may not be substituted for an item required to be electronically filed. However, where no electronic method has been provided, or where the executive director has approved a hardship exemption to the electronic filing requirement, the date of receipt of any properly addressed mailed application, report, statement, notice, payment, or other item required under the provisions of chapter 42.17A RCW is the date shown by the post office cancellation mark on the envelope. Any item mailed to the commission under the provisions of chapter 42.17A RCW that does not include a post office cancellation mark is presumed to be filed timely if received within five business days of the due date.

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WAC 390-19-050 Electronic filing—Exceptions. ~~((1))~~ The PDC executive director may make exceptions on a case-by-case basis for ~~((candidates whose authorized committees))~~ persons who lack the technological ability to file reports electronically.

~~((2) A candidate))~~ A person seeking an exception ~~((under RCW 42.17A.245))~~ shall electronically file with the executive director of the PDC a written statement of reasons why the ~~((authorized committee))~~ person lacks the ability to file reports electronically. The request should be submitted by the tenth day of the month preceding the month in which the report is due so that action on the request can be completed before the filing deadline. The request does not suspend the reporting requirement of any portion of chapter 42.17A RCW. Upon receipt of a filed request, the executive director may request further information from the applicant in consideration of the request. The executive director shall issue a decision to approve or deny a request for an exception to an electronic filing requirement within thirty

days of receiving a filed request, which may be extended if further information is provided upon request by the executive director.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-19-030 Electronic filing—Reporting threshold.