

Dear PDC Members,

I am unable to attend the September 26, 2019 Rules hearing where you are continuing to address Rulemaking for ESHB 1379. After carefully reviewing the amendments you will be considering, I would ask that you also consider the additions explained below. It is my intent to add clarity so that the individuals preparing elections communications can meet the intent of the new RCW.

First requested amendment:

Amending WAC 390-18-010 (2)(a)

ESHB 1379 Section 2(4) states “The sponsor shall not be liable for a violation of this section that occurs because a contribution to any political committee identified under subsection (1) of this section has not been reported to the commission.”

The language of the RCW is clear and compelling that the sponsor is responsible for reporting only what has been filed with the commission (PDC). We therefore request that the following sentence be added to WAC 390-18-010 (2)(a) in order to clarify the intent of Section 2(4):

Sponsors of communication are under obligation to determine additional layers of donations only insofar as those entities have filed that information with the PDC.

Second request amendment:

Amending WAC 390-18-025 (1)

This WAC repeats language found in Section 2(1) of ESHB 1379. It is clear that reporting of contributors must occur within the 12 month period prior to the “advertisement being published or otherwise presented to the public.” This language does not allow for the production time of the advertisement nor does it address the fact that contributions may be made at any time. The sponsor must ensure that the advertisement is accurate when it is sent to the printer, to the radio and/or tv add production unit, or sent to the consultant or to the vendor handling the account.

We request this sentence be added to the WAC as placed below:

Published means the point in time the advertisement is sent to the printer, media specialist or to the consultant or to the vendor for final preparation prior to being presented to the public.

We request the following amendment **WAC 390-18-025 Advertising—Identification of "top five contributors" and "top three donors to PAC contributors."**

This section provides how sponsors should identify the "top five contributors" when required to be included in political advertising, as provided in WAC 390-18-010. When the "top five contributor" list includes one or more political committees, the sponsor must further identify and separately include in the advertisement the collective "top three donors to PAC contributors" to all such political committees. This section provides how the sponsor should identify such "top three donors to PAC contributors."

(1) For purposes of RCW 42.17A.320 (((2), (4), (5) and (6))), "top five contributors" means the five persons, as defined in RCW 42.17A.005, giving the largest aggregate contributions ((exceeding seven

hundred)) of one thousand dollars or more during the twelve month period preceding the date on which the advertisement is published or otherwise presented to the public. **Published means the point in time the advertisement is sent to the printer, media specialist or to the consultant or to the vendor for final preparation prior to being presented to the public.** If more than five contributors give an amount equal to the largest aggregate contribution exceeding (seven hundred dollars) the threshold value and the funds are received during the relevant twelve-month period, the political committee sponsoring the advertisement shall select five of these contributors to identify as the top five contributors.

Thank you for your consideration of these amendments. Please contact me at this email address, or by cell phone if you have any questions.

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