



PUBLIC DISCLOSURE COMMISSION

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To: Members, Washington State Public Disclosure Commission
From: Lori Anderson, Communications & Training Officer
Date: April 18, 2013
Re: Public Hearing – Rules – April 25, 2013 Meeting

An April 25, 2013 public hearing is scheduled, during which the following proposed rule amendments will be presented to the Commission for consideration and possible adoption:

WAC 390-12-170 Public disclosure commission – Organization and structure – Officers – Terms. The proposed amendment would eliminate the office of secretary from the Public Disclosure Commission's organizational structure.

WAC 390-19-030 Electronic filing – Reporting threshold. A candidate who spends \$5,000 is required to electronically file contribution and expenditure reports. Currently, a returning candidate who was required to electronically file during the last campaign for the same office is allowed to file on paper until the election year or until the candidate spends \$5,000, whichever comes first. The proposed amendment will eliminate the paper filing option for returning candidates who reached the electronic filing threshold in the previous campaign.

WAC 390-24-160 Definition – Professional staff member. The proposed amendments 1) change the date by which the Public Disclosure Commission annually receives professional staff member lists from the governor, senate, and house of representatives for the purpose of enforcing RCW 42.17A.700 and 2) describe the procedures by which the information will be made available to the public.

The proposals were filed with the Code Reviser March 8, 2013 along with the public hearing notice. The hearing date was also noted on the agency's rule making docket, which is linked to the agency website and Facebook page. No comments have been received.

Action by the Commission. Staff requests the Commission adopt the proposed amendments to WACs 390-12-170, 390-19-030, and 390-24-160. Once adopted, the rules are effective 31 days after filing with the Code Reviser.

Enclosures: Proposed Amendments to WACs 390-12-170, 390-19-030, and 390-24-160

AMENDATORY SECTION (Amending WSR 93-19-034, filed 9/7/93, effective 10/8/93)

WAC 390-12-170 Public disclosure commission--Organization and structure--Officers--Terms. The officers of the public disclosure commission for administrative purposes shall be chair(~~(7)~~) and vice-chair (~~(and secretary)~~). Their terms shall be one year or until a successor is elected.

AMENDATORY SECTION (Amending WSR 12-01-047, filed 12/14/11, effective 1/14/12)

WAC 390-19-030 Electronic filing--Reporting threshold. (1)

The "electronic reporting threshold" that requires electronic filing of all contribution and expenditure reports is met when a candidate or political committee has expended \$5,000 or more in the preceding calendar year or expects to expend \$5,000 or more in the current calendar year.

(2) It is presumed that a filer "expects to expend" \$5,000 or more when any one of the following first occurs:

(a) A filer spends at least \$5,000;

(b) A filer is a candidate for the same office last sought (~~(the filer's election is in the current calendar year,)~~) and his or her campaign expenditures in the previous election for the same office were \$5,000 or more;

(c) A filer's expenditures meet or exceed \$1,250 on or before March 31 of the current calendar year;

(d) A filer's expenditures meet or exceed \$2,500 on or before June 30 of the current calendar year;

(e) A filer's expenditures meet or exceed \$3,750 on or before September 30 of the current calendar year; or

(f) A filer otherwise projects that \$5,000 or more will be spent during the current calendar year.

(3) The following expenditures or transactions are excluded from the electronic reporting threshold calculation:

(a) Expenditures made to pay outstanding debts carried forward from a previous election;

(b) Surplus funds disposed of in accordance with RCW 42.17A.430; and

(c) The value of in-kind contributions pledged or received within eight days of a special or general election.

(4) Candidate committees or political committees supporting or opposing ballot propositions that meet, exceed or expect to meet or exceed the electronic reporting threshold shall report electronically for the duration of the campaign.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

WAC 390-24-160 Definition--Professional staff member. (1) A professional staff member of the office of the governor and of the legislature includes all individuals retained on a full or part-time basis whose primary responsibilities require the exercise of judgment and discretion in policy related matters, including, but not limited to, such individuals who are involved in the development of legislation. A professional staff member does not include individuals retained primarily for clerical, ministerial, or internal accounting and bookkeeping purposes.

(2) ~~((To insure that the provisions of Referendum 36 and this rule are properly and fairly administered and to provide guidance to affected individuals, the commission, through its chair and executive director, shall confer annually in December with the governor, the secretary of the senate and the clerk of the house regarding the specific professional staff members believed to fall within the criteria set forth in subsection (1) of this section. The executive director shall submit a report of those conferences to the commission at its December meeting for approval, disapproval or modification, or other determination. Each determination shall be based on an annual review of the positions and personnel to be retained by the affected governmental bodies during the ensuing year and shall constitute the commission's administrative interpretation of the term "professional staff member" in RCW 42.17A.705 (2) and (3) and its application to such positions and personnel.))~~ The commission needs a complete and accurate list of professional staff members of the governor, the senate, and the house of representatives, in order to properly and fairly administer the personal financial affairs disclosure requirements applicable to executive state officers as defined in RCW 42.17A.705. Each December, the executive director shall ask the governor, the secretary of the senate, and the clerk of the house to provide the commission by January 15th, the names and positions of the professional staff members meeting the criteria set forth in subsection (1) of this section, who are expected to be retained during the ensuing year, and to provide periodic updates throughout the year as necessary to reflect changes in professional staff. The executive director will present to the commission the lists of professional staff members received from the governor, senate, and house of representatives and post the lists on the commission's web site.