



PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

To: Members, Washington State Public Disclosure Commission
From: Lori Anderson, Communications & Training Officer
Date: January 21, 2016
Re: Public Hearing – Rules – January 28, 2016 Meeting

During a January 28, 2016 public hearing, the Commission will consider adopting these proposed amendments:

WAC 390-05-400 Changes in dollar amounts. The proposed amendment makes inflationary adjustments to contribution limits and other dollar amounts enacted by Initiative 134. The Commission must adjust these dollar amounts at the beginning of every even-numbered year. RCW 42.17A.125(1). [Draft language approved October 22, 2015.]

WAC 390-16-050 Forms for contributions and expenditures of out-of-state political committees. The proposed amendment modifies, for inflation, the disclosure threshold for large, out-of-state contributions reported by a political committee meeting the criteria to report as an out-of-state committee. This adjustment is an annual requirement. RCW 42.17A.250(1)(g). [Draft language approved October 22, 2015.]

WAC 390-12-200 Public disclosure commission – executive director. The proposed amendment better clarifies the duties delegated to the executive director and authorizes the director to determine when a complaint alleging a minor or technical violation(s) may be resolved by using one of the alternatives to adjudicative proceedings set out in WAC 390-37-061. [Draft language approved October 5, 2015.]

WAC 390-17-400 Time limit to solicit or accept contributions. This proposal converts to rule PDC Interpretation 01-04, which clarifies the conditions under which an elected official subject to the session freeze may participate in fund raising events benefitting a bona fide political party or candidate who is not subject to the freeze. [Draft language approved August 27, 2015.]

Notice of the January 28 hearing was published in the State Register; no comments have been received.

Action by the Commission. Staff requests the Commission adopt the proposed amendments to WACs 390-05-400, 390-12-200, and 390-17-400. Once adopted, the rules are effective 31 days after filing with the Code Reviser.

Attachments: Hearing notices | Proposed WACs 390-05-400, 390-16-050, 390-12-200 and 390-17-400



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Public Disclosure Commission

Preproposal Statement of Inquiry was filed as WSR 15-19-112 ; or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) WAC 390-05-400 Changes in dollar amounts and WAC 390-16-050 Forms for contributions and expenditures of our-of-state political committee.

Hearing location(s): Office of the Public Disclosure Commission, 711 Capitol Way, Rm. 206, Olympia, WA 98504

Submit written comments to:

Name: Lori Anderson
Address: P O Box 40908, Olympia, WA 98504

e-mail lori.anderson@pdc.wa.gov
fax (360)753-1112 by (date) January 20, 2016

Date: Thursday, January 28, 2016 Time: 9:30 AM

Assistance for persons with disabilities: Contact

Jana Greer by email at Jana.Greer@pdc.wa.gov

TTY () _____ or (360) 753-1985

Date of intended adoption: January 28, 2016
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

In accordance with RCW 42.17A.125(1), proposed amendments to WAC 390-05-400 (1) make inflationary adjustments to contribution limits and other dollar amounts found in RCW 42.17A. These adjustments are made based on changes in economic conditions as reflected in the inflationary index recommended by the office of financial management.

In accordance with RCW 42.17A.250(g), the proposed amendment to WAC 390-16-050 modifies the disclosure threshold for major contributions reported by an out-of-state political committee who participates in Washington State elections. The modification is based on the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce. The proposed amendment also declares that reports are available on the Public Disclosure Commission's website.

Reasons supporting proposal: The Public Disclosure Commission proposes these adjustments in keeping with the people's declaration that campaign contributions be fully disclosed to the public and that secrecy is to be avoided. The adjustments are further proposed to comply with the statutory mandates to adjust, 1) at the beginning of every even-numbered year, contribution limits and the other dollar amounts set out in WAC 390-05-400 and 2) annually, the disclosure threshold defining which major contributions will be reported by an out-of-state committee making expenditures in support of or opposition to Washington State candidates and/or ballot measures.

Statutory authority for adoption: RCW 42.17A.110, 42.17A.125(1), and 42.17A.250(1)(g)

Statute being implemented: RCW 42.17A.005(26), 42.17A.405, 42.17A.410, 42.17A.445(3), 42.17A.475, 47.17A.630(1) and 42.17A.250(1)(g)

Is rule necessary because of a:

Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No
 If yes, CITATION:

DATE
December 1, 2015

NAME (type or print)
Lori Anderson

SIGNATURE

TITLE
Communications & Training Officer

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **December 01, 2015**
TIME: **5:16 PM**

WSR 15-24-122

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

The proposed amendments conform to statutory mandates that certain dollar amounts be adjusted for inflation at regular intervals. No fiscal impact is expected to result from these amendments.

Name of proponent: (person or organization) Public Disclosure Commission

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Lori Anderson	711 Capitol Way, Rm. 206, Olympia, WA 98504	(360) 664-2737
Implementation....Lori Anderson	711 Capitol Way, Rm. 206, Olympia, WA 98504	(360) 664-2737
Enforcement..... Evelyn Lopez	711 Capitol Way, Rm. 206, Olympia, WA 98504	(360) 664-2735

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of these rule amendments has minimal impact on small business. The PDC is not subject to the requirement to prepare a school district fiscal impact statement, per RCW 28A.305.135 and 34.05.320.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain:

A cost-benefit analysis is not required under RCW 34.05.328. The PDC is not an agency listed in subsection (5)(1)(i) of RCW 34.05.328. Further, the PDC does not voluntarily make that section applicable to the adoption of these rules pursuant to subsection (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of these rules.

AMENDATORY SECTION (Amending WSR 14-01-010, filed 12/5/13, effective 1/5/14)

WAC 390-05-400 Changes in dollar amounts. Pursuant to the requirement in RCW 42.17A.125 that the commission biennially revise the dollar amounts found in Initiative 134 and RCW 42.17A.410 to reflect changes in economic conditions, the following revisions are made:

Code Section	Subject Matter	Amount Enacted or Last Revised	((2014)) <u>2016</u> Revision
.005	Definition of "Independent Expenditure"	\$ ((900)) <u>950</u>	\$ ((950)) <u>1,000</u>
.445(3)	Reimbursement of candidate for loan to own campaign	\$ ((5,000)) <u>5,500</u>	\$ ((5,500)) <u>6,000</u>
.630(1)	Report— Applicability of provisions to Persons who made contributions Persons who made independent expenditures	\$ ((18,000)) <u>19,000</u> \$ ((900)) <u>950</u>	\$ ((19,000)) <u>20,000</u> \$ ((950)) <u>1,000</u>
.405(2)	Contribution Limits— Candidates for state leg. office Candidates for county office Candidates for other state office Candidates for special purpose districts Candidates for city council office Candidates for mayoral office Candidates for school board office Candidates for hospital district	\$ ((900)) <u>950</u> \$ ((900)) <u>950</u> \$ ((1,800)) <u>1,900</u> \$ ((1,800)) <u>1,900</u> \$ ((900)) <u>950</u> \$ ((900)) <u>950</u> \$ ((900)) <u>950</u> \$ ((800)) <u>950</u>	\$ ((950)) <u>1,000</u> \$ ((950)) <u>1,000</u> \$ ((1,900)) <u>2,000</u> \$ ((1,900)) <u>2,000</u> \$ ((950)) <u>1,000</u> \$ ((950)) <u>1,000</u> \$ ((950)) <u>1,000</u> \$ ((950)) <u>1,000</u>
.405(3)	Contribution Limits— State official up for recall or pol comm. supporting recall— State Legislative Office Other State Office	\$ ((900)) <u>950</u> \$ ((1,800)) <u>1,900</u>	\$ ((950)) <u>1,000</u> \$ ((1,900)) <u>2,000</u>
.405(4)	Contribution Limits— Contributions made by political parties and caucus committees State parties and caucus committees County and leg. district parties Limit for all county and leg. district parties to a candidate	 ((.90)) <u>.95</u> per voter ((.45)) <u>.50</u> per voter ((.45)) <u>.50</u> per voter	 ((.95)) <u>\$1.00</u> per registered voter .50 per registered voter .50 per registered voter
.405(5)	Contribution Limits— Contributions made by pol. parties and caucus committees to state official up for recall or committee supporting recall State parties and caucuses County and leg. district parties Limit for all county and leg. district parties to state official up for recall or pol. comm.	 ((.90)) <u>.95</u> per voter ((.45)) <u>.50</u> per voter	 ((.95)) <u>\$1.00</u> per registered voter .50 per registered voter

Code Section	Subject Matter	Amount Enacted or Last Revised	((2014)) <u>2016</u> Revision
	supporting recall	((45)) <u>.50</u> per voter	.50 per registered voter
.405(7)	Limits on contributions to political parties and caucus committees		
	To caucus committee	\$((900)) <u>950</u>	\$((950)) <u>1,000</u>
	To political party	\$((4,500)) <u>5,000</u>	\$((5,000)) <u>5,500</u>
.410(1)	Candidates for judicial office	\$((1,800)) <u>1,900</u>	\$((1,900)) <u>2,000</u>
.475	Contribution must be made by written instrument	\$((90)) <u>95</u>	\$((95)) <u>100</u>

AMENDATORY SECTION (Amending WSR 14-01-010, filed 12/5/13, effective 1/5/14)

WAC 390-16-050 Forms for contributions and expenditures of out-of-state political committees. The official form for the report required by RCW 42.17A.250 of contributions and expenditures of an out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17A.205 through 42.17A.240 is designated "C-5," revised ((1/14)) 2/16. Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any paper attachments shall be on 8 1/2" x 11" white paper.

Out-of-State Political Committee Campaign Finance Report

1. Name and full address of committee making the contribution Name Street address City / State / Zip	2. Check appropriate box <input type="checkbox"/> This is the first report submitted during 20__ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
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3. Provide the purpose of the committee and the identity of any business, union, association or person with which the committee is affiliated (e.g., a State Committee of the Oregon Republican Party, Idaho committee of United Workers Union or federal PAC of XYZ Trade Assn.)

4. Officers or responsible leaders of committee: Name and full address	Title
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5. States where this political committee is registered and has been actively reporting campaign finance information for the preceding two years: Name of state(s) & administrative agency(s)	Agency(s) website address
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6. Candidate contributions: List each Washington candidate for state, local or judicial office to whom you have made a contribution of more than \$50.00.

Candidate name	Office sought	Political party	Date	Amount

7. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name & full address	Ballot number	For or Against?	Date	Amount

8. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state, local or judicial candidate, ballot measure or political committee.

Recipient name & full address	Purpose	Date	Amount

Check here if continued on an attached sheet

9. Total contributions and expenditures (Add parts 6, 7, 8)

Form C5 (2/16)	This space for office use P M A S T R E C E I V E D
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Out-of-State Political Committee Campaign Finance Report

1. Name and full address of committee making the contribution Name Street address City / State / Zip	2. Check appropriate box <input type="checkbox"/> This is the first report submitted during 20__ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
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3. Provide the purpose of the committee and the identity of any business, union, association or person with which the committee is affiliated (e.g., a State Committee of the Oregon Republican Party, Idaho committee of United Workers Union or federal PAC of XYZ Trade Assn.)

4. Officers or responsible leaders of committee: Name and full address	Title
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5. States where this political committee is registered and has been actively reporting campaign finance information for the preceding two years:	
Name of state(s) & administrative agency(s)	Agency(s) website address

6. Candidate contributions: List each Washington candidate for state, local or judicial office to whom you have made a contribution of more than \$50.00.

Candidate name	Office sought	Political party	Date	Amount

7. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name & full address	Ballot number	For or Against?	Date	Amount

8. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state, local or judicial candidate, ballot measure or political committee.

Recipient name & full address	Purpose	Date	Amount

Check here if continued on an attached sheet

9. Total contributions and expenditures (Add parts 6, 7, 8)

((

10. Aggregate contributions and expenditures made during this calendar year in Washington State. Include amounts shown on this report and C5 reports previously submitted this calendar year. _____

Does this aggregate total represent 20% or more of the committee's nationwide campaign activity to date for this calendar year? Y N

11. Contributions received from Washington residents. List all contributions of more than \$25.00 in the aggregate to this out-of-state committee during the current calendar year from Washington residents or corporations with their headquarters or a primary place of business in Washington.

Name and full address	Date	Amount	Aggregate Total

Check here if continued on an attached sheet

12. Contributions received from persons residing outside of Washington. List the name, address, and employer of each person or corporation residing outside the state of Washington who has made contributions of more than \$2,645.00 in the aggregate to this out-of-state committee during the current calendar year.

Name and full address	Employer name, city and state	Date	Amount	Aggregate Total

Check here if continued on an attached sheet

13. Eligibility to Give to Political Committees and State Office Candidates: A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered voters.

A check here indicates your awareness of and pledge to comply with these provisions. Absence of a check mark means your committee does not qualify to give to Washington State political committees and/or state office candidates.

14. Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official _____ Name – Typed or Printed _____

Title _____ Daytime Telephone No. () _____

E-Mail Address _____

)

10. Aggregate contributions and expenditures made during this calendar year in Washington State.
 Include amounts shown on this report and C5 reports previously submitted this calendar year. _____

Does this aggregate total represent 20% or more of the committee's nationwide campaign activity to date for this calendar year? Y N

11. Contributions received from Washington residents. List all contributions of more than \$25.00 in the aggregate to this out-of-state committee during the current calendar year from Washington residents or corporations with their headquarters or a primary place of business in Washington.

Name and full address	Date	Amount	Aggregate Total

Check here if continued on an attached sheet

12. Contributions received from persons residing outside of Washington. List the name, address, and employer of each person or corporation residing outside the state of Washington who has made contributions of more than \$2,680.00 in the aggregate to this out-of-state committee during the current calendar year.

Name and full address	Employer name, city and state	Date	Amount	Aggregate Total

Check here if continued on an attached sheet

13. Eligibility to Give to Political Committees and State Office Candidates: A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered voters.

A check here indicates your awareness of and pledge to comply with these provisions. Absence of a check mark means your committee does not qualify to give to Washington State political committees and/or state office candidates.

14. Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official _____	Name – Typed or Printed _____
Title _____	Daytime Telephone No. () _____
	E-Mail Address _____

Instructions – (Statutory reference: RCW 42.17A.250)

Who Must Report on C5 Form: An out-of-state political committee, including political committees filing with the Federal Election Commission, organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17A.205 through 42.17A.240 which has made contributions or expenditures to or on behalf of a state, local or judicial candidate or political committee in Washington state. See WAC 390-16-049 reprinted below. A political committee making contributions or expenditures to or on behalf of a state, local or judicial candidate or political committee in Washington state that fails to satisfy all of the conditions of WAC 390-16-049(3) shall not use the C5 form but instead shall register and report as a political committee pursuant to RCW 42.17A.205 through 42.17A.240 and as otherwise required by RCW 42.17A.

When to Report: A C5 report is due no later than the 10th day of the month following any month in which a contribution or other expenditure of more than \$50 is made to or on behalf of a Washington state candidate or political committee. After filing an initial C5 report, subsequent reports during the same calendar year shall be filed updating or amending the information previously reported. These follow-up reports are also due no later than the 10th day of the month following any month in which an additional contribution or other expenditure of more than \$50 is made. The C5 report is considered filed as of the postmark date.

Send Report to: Public Disclosure Commission, 711 Capitol Way, Room 206, PO Box 40908, Olympia, Washington 98504-0908

Questions? Contact PDC at www.pdc.wa.gov, toll free at 1-877-601-2828 or 1-360-753-1111

WAC 390-16-049 Out-of-state political committees – Implementation of RCW 42.17A.250

(1) RCW 42.17A.250 governs campaign reporting in Washington State by committees located outside of Washington. The statute directs that an out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state (and that is not otherwise required to report as an in-state committee) reports the information listed in RCW 42.17A.250 on a C5 form (WAC 390-16-050). The committee begins reporting on a C5 form when it makes an expenditure supporting or opposing a Washington state candidate or political committee.

(2) To file as an out-of-state political committee, all the criteria in (a) and (b) below must be satisfied:

(a) **Out-of-State.** First, the committee must be located out-of-state. It must be maintaining its office or headquarters in another U.S. state or the District of Columbia, and has no office, street address or corporate registered agent in Washington State. If there is no office or headquarters in another state or the District of Columbia, and no corporate registered agent in Washington State, the political committee is deemed out-of-state if its treasurer resides in another U.S. state or the District of Columbia.

(b) **Organizational Purpose and Campaign Activities.** Second, the committee must also be currently organized primarily for engaging in campaign activities in another state. The political committee may be described in other states as a political committee, political action committee (PAC), group (Alaska) or similar terms to describe a committee. Therefore, to qualify as a current out-of-state committee, the committee must also:

(i) Be currently registered and actively filing campaign disclosure reports in one or more other states and has been so filing for the preceding two years; and,

(ii) Have organizational documents showing it was originally formed and is currently organized for the purpose of making expenditures in another state or soliciting contributions for use in another state's election campaigns; and,

(iii) Have spent less than 20 percent of its aggregate expenditures for all political campaign activity nationwide at any point in any calendar year to support and/or oppose Washington candidates for state, local and judicial office, Washington ballot measures and/or Washington political committees.

(3) A committee that does not satisfy the criteria subsection (2) shall file as an in-state committee under RCW 42.17A, including RCW 42.17A.205 – RCW 42.17A.240.

(4) Out-of-state political committees reporting under RCW 42.17A.250 are also subject to reporting pursuant to RCW 42.17A.260 (political advertising independent expenditures) and 42.17A.305 through 42.17A.315 (electioneering communications).



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Public Disclosure Commission

- Preproposal Statement of Inquiry was filed as WSR 13-03-082 ; or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR 15-17-134

Title of rule and other identifying information: (Describe Subject) WAC 390-12-200 Public disclosure commission – Executive Director

Hearing location(s):

711 Capitol Way, Rm 206
Olympia, Washington

Date: January 28, 2016 Time: 9:30 AM

Date of intended adoption: January 28, 2016
(Note: This is NOT the effective date)

Submit written comments to:

Name: Lori Anderson
Address: P O Box 40908, Olympia, WA 98504-0908 (mail)
711 Capitol Way, Rm. 206, Olympia, WA (physical)
e-mail lori.anderson@pdc.wa.gov
fax (360) 753-1112 by (date) January 20, 2016

Assistance for persons with disabilities: Contact
Jana Greer by telephone
TTY () _____ or (360) 586-0544

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Better clarify the duties delegated to the executive director by the commission. Also authorizes the director to determine when a complaint may be disposed of through an alternative resolution rather than the adjudicative process (see WSR 15-17-133 & 15-21-088).

Reasons supporting proposal: The existing rule does not clearly state the duties of the executive director. The proposed amendment better informs the public what the executive director’s duties are. Furthermore, authorizing the executive director to determine when a complaint may be resolved through an alternative response instead of enforcement procedures contained in the Administrative Procedures Act is a more efficient use of commission resources and is intended to expedite resolution of the complaints filed with the commission.

Statutory authority for adoption: RCW 42.17A.110(1)

Statute being implemented: RCW 42.17A.110(2)

Is rule necessary because of a:

- Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No
 If yes, CITATION:

DATE November 7, 2015

NAME (type or print) Lori Anderson

SIGNATURE *Lori Anderson*

TITLE Communications & Training Officer

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 07, 2015

TIME: 6:20 PM

WSR 15-23-022

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

No increased costs to the agency are expected.

Name of proponent: (person or organization)

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Lori Anderson	711 Capitol Way, Room 206, Olympia, WA 98504	(360) 664-2737
Implementation....Chair, Public Disclosure Comm	711 Capitol Way, Room 206, Olympia, WA 98504	(360) 664-2737
Enforcement.....Chair, Public Disclosure Comm.	711 Capitol Way, Room 206, Olympia, WA 98504	(306) 586-1042

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The implementation of these rule amendments has minimal impact on small businesses. The PDC is not subject to the requirement to prepare a school district fiscal impact statement, per RCWs 28A.305.135 and 34.05.320.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain:

The PDC is not an agency listed in subsection (5)(a)(i) of RCW 34.05.328. Further, the PDC does not voluntarily make that section applicable to the adoption of these rules pursuant to subsection (5)(a)(ii) and to date, the joint administrative rules review committee has not made the section applicable to the adoption of these rules.

WAC 390-12-200 Public disclosure commission—Role of the executive director. (~~The commission shall employ and fix the compensation of an executive director who shall perform the following duties under the general authority and supervision of the commission:~~

~~(1) Act as records officer and administrative arm of the commission.~~

~~(2) Coordinate the policies of the commission and the activities of all commission employees and other persons who perform ministerial functions for the commission.~~

~~(3))~~ The executive director acts as the commission's chief administrative officer and is accountable to the commission for agency administration. In addition, the executive director will:

(1) Act as the appointing authority for agency staff, including the authority to hire, set salaries, promote, assign work, evaluate, take corrective action and, where appropriate, terminate staff.

(2) Exercise such other management oversight, decision-making and administrative action to provide timely and meaningful public access to accurate information about the financing of political campaigns, lobbyist expenditures, and the financial affairs of public officials and candidates, and to ensure compliance with and equitable enforcement of Washington's disclosure and campaign finance laws.

(3) Determine when appropriate and authorize enforcement alternatives set out in chapter 390-37 WAC to resolve complaints filed with the commission.

(4) Act as liaison between the commission and other public agencies.

(5) Research, develop, and draft policy positions, administrative rules, interpretations and advisory options for presentation to the commission.

(6) Enter into contracts and agreements on behalf of the commission.

(7) The executive director may delegate authority to subordinates to act for him or her as needed and appropriate.



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Public Disclosure Commission

- Preproposal Statement of Inquiry was filed as WSR 15-17-128 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

WAC 390-17-400 Time limit to solicit or accept contributions

Hearing location(s):

Evergreen Plaza Bldg.
711 Capitol Way, Rm 206
Olympia, WA 98504-0908

Date: January 28, 2016 Time: 9:30 AM

Submit written comments to:

Name: Lori Anderson
Address: P O Box 40908, Olympia, WA 98504

e-mail lori.anderson@pdc.wa.gov
fax (360)753-1112 by (date) January 20, 2016

Assistance for persons with disabilities: Contact

Jana Greer by email at jana.greer@pdc.wa.gov

TTY () _____ or (360) 753-1985

Date of intended adoption: January 28, 2016

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposal clarifies the conditions under which an elected official subject to the provisions of RCW 42.17A.560 (session freeze) may participate in fund raising events benefitting a bona fide political party or a candidate who is not subject to the session freeze.

Reasons supporting proposal: Proposal converts to rule an interpretation that was first adopted in 1996. The public and regulated community are better served by having the interpretation incorporated in the commission's rules where it will be more easily found.

Statutory authority for adoption: RCW 42.17A.110

Statute being implemented: RCW 42.17A.560

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION: _____

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NAME (type or print)
Lori Anderson

SIGNATURE

TITLE Communications & Training Officer

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

No fiscal impact is expected to result from these amendments.

Name of proponent: (person or organization) Public Disclosure Commission

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Lori Anderson	711 Capitol Way, Rm 206, Olympia, WA 98504	(360) 664-2737
Implementation....Lori Anderson	711 Capitol Way, Rm 206, Olympia, WA 98504	(360) 664-2737
Enforcement..... Evelyn Lopez	711 Capitol Way, Rm 206, Olympia, WA 98504	(360) 664-2735

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of these rule amendments has minimal impact on small business. The PDC is not subject to the requirement to prepare a school district fiscal impact statement, per RCW 28A.305.135 and 34.05.320.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: Please explain: A cost-benefit analysis is not required under RCW 34.05.328. The PDC is not an agency listed in subsection (5)(1)(i) of RCW 34.05.328. Further, the PDC does not voluntarily make that section applicable to the adoption of these rules pursuant to subsection (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of these rules.

WAC 390-17-400 Time limit to solicit or accept contributions.

The purpose of this rule is to clarify and implement RCW 42.17A.560.

(1) **"Campaign debt,"** as used in RCW 42.17A.560 and this rule, means any debt incurred by a candidate seeking election to a nonfederal public office, including campaigns for state, county, city, town, school district, special district or other state political subdivision elective office.

(2) **"Known candidates"** means individuals who are, or who become, candidates for state or local office during a legislative session freeze period.

(3) **"Legislative session freeze period"** means the period of time in RCW 42.17A.560 within which contributions shall not be solicited or accepted by a state official or a person employed by or acting on behalf of a state official.

(a) The freeze period begins at 12:01 a.m. on the thirtieth day before the start of the regular legislative session and ends at 11:59 p.m. on the day of adjournment of the regular legislative session.

(b) If a special session is held immediately following the end of the regular legislative session, the freeze period ends at 11:59 p.m. on the day the special session adjourns.

(c) If a special session is held other than within thirty days before a regular legislative session, the freeze period begins at 12:01 a.m. on the first day of the special session and ends at 11:59 p.m. on the final day of the special session.

(4) A successful candidate for state office who does not already hold a state office is not required to comply with RCW 42.17A.560 until sworn into office.

(5) A state official must comply with RCW 42.17A.560 until he or she no longer holds state office.

(6) (~~"Person employed by or acting on behalf of a state official" includes a caucus political committee or any political committee financed or controlled by a legislative caucus as a whole or by one or more officers of a caucus political committee.~~

~~(7) State officials may do the following.)) Activities allowed during a freeze period. During a legislative session freeze period, the activities in which state officials may engage include, but are not limited to:~~

(a) Soliciting or accepting contributions to assist his or her own campaign for federal office;

(b) Accepting gifts or other items permitted under chapter 42.52 RCW, so long as the gift or other item is not

- A contribution to an incumbent state official or known candidate,
- A contribution to a public office fund,
- Used to pay a nonreimbursed public office related expense, or
- Used to retire a campaign debt;

(c) Attending and speaking at a fund-raising event held by or on behalf of a bona fide political party, so long as the contributions raised are not earmarked or otherwise designated for any incumbent state official or known candidate;

(d) Attending a fund-raiser held by a candidate who is not subject to RCW 42.17A.560, provided the state official does not solicit or accept any contributions in connection with the fund-raiser.

(i) The state official's planned attendance may be included in publicity for the fund-raiser.

(ii) The state official may receive complimentary admission from the candidate so long as the official attends to show support for the candidate and the attendance does not assist the official's own campaign.

(e) Transferring their own personal funds, as defined in WAC 390-17-305, or their own surplus funds, as defined in RCW 42.17A.005, to their own campaign account, so long as the funds are properly reported;

~~((e))~~ (f) Soliciting or accepting contributions on behalf of a nonprofit charity; or

~~((f))~~ (g) Soliciting or accepting contributions on behalf of any political committee, including a caucus political committee, a bona fide political party or a ballot measure committee, so long as the political committee does not spend the contributions for the benefit of incumbent state officials or known candidates.

~~((8) State officials may not do the following.))~~ (7) Activities not allowed during a freeze period. During a legislative session freeze period, a state official, or a person employed by or acting on behalf of a state official, may not solicit or accept contributions that:

(a) Go to an incumbent state official or known candidate;

(b) Go to a public office fund;

(c) Are used to pay a nonreimbursed public office related expense;

(d) Are used to retire a campaign debt;

(e) Go to a caucus political committee if the committee spends the contributions for the benefit of incumbent state officials or known candidates; or

(f) Go to a bona fide political party or a political committee if the political party or committee spends the contributions for the benefit of incumbent state officials or known candidates.

~~((9) Caucus political committees. During a legislative session freeze period, a caucus political committee~~

~~(a) May solicit or accept contributions from caucus members if the members make the contributions with their own personal funds, as defined in WAC 390-17-305, or with their own surplus funds, as defined in RCW 42.17A.005;~~

~~(b) May not solicit or accept contributions for any of the purposes specified in subsection (8) of this rule.~~

~~((10))~~ (8) "Person((s)) employed by or acting on behalf of a state official((s-))" includes a caucus political committee or any political committee financed or controlled by a legislative caucus as a whole or by one or more officers of a caucus political committee.

(a) During a legislative session freeze period, a person employed by or acting on behalf of a state official may not solicit or accept contributions for any of the purposes specified in subsection ((8)) (7) of this section.

~~((11))~~ (b) During a legislative session freeze period, a caucus political committee may solicit or accept contributions from caucus members if the members make the contributions with their own personal funds, as defined in WAC 390-17-305, or with their own surplus funds, as defined in RCW 42.17A.005.

(c) During a legislative session freeze period, a caucus political committee may not solicit or accept contributions for any of the purposes specified in subsection (7) of this rule.

(9) Bona fide political parties. During a legislative session freeze period, a bona fide political party may not solicit or accept contributions that are

- Used for a public office fund,
- Used for a state official's nonreimbursed public office related expenses,
- Used for retiring a state official's campaign debt, or
- Earmarked contributions to specific incumbent state officials or known candidates.

However, a bona fide political party may solicit or accept contributions for its own fund-raising purposes.

~~((12))~~ (10) Segregating session freeze funds. During a legislative session freeze period, if a state official, a caucus political committee, or another person employed by or acting on behalf of a state official solicits or accepts contributions to

- A caucus political committee,
- A bona fide political party, or
- Any political committee that supports or opposes state or local office candidates, the contributions are presumed to violate RCW 42.17A.560, unless the contributions are
- Deposited into a separate bank account and
- Not spent for the benefit of incumbent state officials or known candidates.

However, nothing in this subsection authorizes a state official, a caucus political committee or any person employed by or acting on behalf of a state official to take any of the actions prohibited by subsection ~~((8) or (9)(b))~~ (7) or (8)(c) of this section.

~~((13))~~ (11) Session freeze solicitations. If a person is solicited for a contribution during the legislative session freeze period

- By a state official, a caucus political committee, or another person employed by or acting on behalf of a state official, and
- The contribution is to a caucus political committee, a bona fide political party, or a political committee that supports or opposes candidates for state or local office, and
- The person makes a contribution during or after the freeze period in response to this solicitation, the contribution is subject to RCW 42.17A.560 and subsection (12) of this section.

~~((14))~~ (12) Spending contributions to benefit incumbents or known candidates. For purposes of complying with subsections ~~((7)(f), (8)(e) and (f), and (12))~~ (6)(g), (7)(e) and (f), and (10) of this section, contributions are considered spent for the benefit of incumbent state officials or known candidates if the contributions are used at any time for one or more of the following purposes.

(a) Contributions to incumbent state officials or known candidates.

(b) Independent expenditures supporting incumbent state officials or known candidates, or opposing their opponents, whether or not the

opponents are themselves known candidates during a legislative session freeze period.

(c) Payments to staff, consultants or advisors for performing activities that directly assist or promote the election of incumbent state officials or known candidates.

(d) Polls or surveys that relate to incumbent state officials, known candidates or their districts, or to general voter attitudes or preferences, unless

- A poll or survey is produced, conducted, tabulated and analyzed according to the terms of a written confidentiality agreement and, if the agreement is breached, all reasonable steps are taken to enforce it, and
- The results of a poll or survey are not provided by the spender, or with the spender's permission or prior knowledge, to incumbent state officials, known candidates or their agents.

However, candidate recruitment poll or survey results may be provided to an individual who later becomes a known candidate without the expenditure being considered as benefiting a known candidate so long as the poll or survey does not constitute a contribution to the individual or does not otherwise support or promote his or her election to state or local office. For purposes of this subsection, a "candidate recruitment poll or survey" is a poll or survey that is conducted for the sole purpose of recruiting candidates to run for public office and only determines

- The respondent's party preference,
- The level of support the incumbent currently has and how strong that support is, but not why he or she has that support,
- Whether respondents recognize the names of individuals who may decide to seek that elective office,
- Whether respondents currently hold a favorable opinion about these individuals, their abilities or fitness for elective office, but not why such opinions are held,
- Whether respondents would likely vote for one or more of these individuals were they to seek office, but not why respondents would vote in the manner they indicated or whether they could be persuaded to change their vote, and
- The validity of the poll or survey results.

(e) Any other expenditure that directly benefits or promotes the election to state or local office of incumbent state officials or known candidates.