

Written Comment For 10.27.22 Regular Meeting of the Public Disclosure Commission

By Conner Edwards

1) Foreign Contribution Certification Requirement

This month marks the fifth straight monthly Commission meeting in a row where I have commented about the hardships imposed by the foreign contribution certification requirement and asked the agency to partner with the regulated community to see if there is some type of reform that everyone could get on board with.

At the August meeting, I was joined by a number of treasurers from both sides of the political divide¹ who are also frustrated and would like to see some type of reform. This requirement was originally passed by the Legislature with virtually no stakeholder involvement. We have been living with this for two years now and it is time for decisionmakers to re-examine the requirement in light of the actual experiences shared by members of the regulated community.

Also at the August meeting, we were joined by Rep. Jim Walsh, who will be sponsoring legislation to reform this requirement next session. Rep. Walsh offered to work with all affected parties and the agency to find a workable solution.

In response to all this, the agency has remained completely silent. At the meeting on Thursday, the agency should break its silence, discuss the requirement, and commit to working with Rep. Walsh and stakeholders to see if there is a solution that everyone can get on board with.

2) Adjusting Thresholds for Inflation

At this meeting, inflationary increases to statutory thresholds will be considered.

It is far, far past time to raise the contribution limit(s). But there are other important thresholds that the Commission should raise, including:

(See Staff Chart here: <https://www.pdc.wa.gov/sites/default/files/2022-10/05.02.Inflationary%20adjustment%20-%20chart%202022.pdf>)

- 1) Definition - contribution – volunteer
- 2) Definition – electioneering communication
- 3) Definition – Independent Expenditure
- 4) Definition - remediable violation
- 5) Unidentified contribution aggregate retention limit
- 6) Fundraising activity standards
- 7) Fundraising activity Reporting
- 8) Minimum contributor reporting threshold**

¹ Treasurers who predominantly working for R's and commented: (Myself, Toby Nixon, Jason Michaud, Tom Perry, Sandra Cook-Bensley)

Treasurers who predominantly working for D's and commented: (Janet Miller, Abbot Taylor, Phillip Lloyd, Deborah Pedersen)

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- 9) Minimum pledge reporting threshold
- 10) Minimum contributor reporting threshold**
- 11) Minimum expenditure reporting threshold**
- 12) Minimum debt reporting threshold**
- 13) IE – exclusion volunteer incidental expense
- 14) IE – reporting threshold
- 15) IE – minimum expenditure reporting threshold
- 16) IE Political advertising – special reporting threshold
- 17) EC – minimum expenditure reporting threshold
- 18) Sponsor ID - Top 5 & Top 3 PAC-toPAC
- 19) Contribution from written instrument**

Additionally, it is also extremely important to us as treasurers that the \$100 threshold for providing employer/occupation information also be adjusted for inflation, see WAC 390-16-034. For some reason, staff did not include this threshold in their memo. \$100 contributions are no longer “large” contributions that warrant the disclosure of this type of information. If the inflation index warrants it, I would love to see this threshold go up to at least \$200. Many small donors are reluctant to provide us with this type of information. Trying to hunt down this type of information is very time consuming and difficult for us.

Additionally, the PDC should decline to raise the mini-reporting threshold and should work towards eliminating mini-reporting altogether, so that all campaigns compete on the same playing field under the same rules and disclose contribution/expenditure information to the public.

The PDC should also work towards eliminating the \$200/month exemption for monthly C4 reporting. It’s impossible for a member of the public (or PDC staff for that matter) to be able to tell if a committee is not filing reports because there has been no activity, or because the treasurer/committee is negligent and in violation of state law.

-Conner