

Administrative Procedures Act Petition per RCW 34.05.330
Petition for Amendment of WAC 390-16-037
Updating Descriptive Requirements

Proposed Modification - WAC 390-16-037 – “Purpose of campaign expenditures—How to report.”

(1) Any person required to report the "purpose" of an expenditure under RCW ~~42.17A.240~~(6) (7), or **42.17A.255** (5)(b), must identify any candidate(s) or ballot proposition(s) that are supported or opposed by the expenditure unless such candidate(s) or ballot proposition(s) have been previously identified in a statement of organization of the person required to be filed under RCW **42.17A.205** (2)(f) and (g);

(2) Whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, the report must describe in detail that agreement or understanding and the goods and/or services to be provided.

(3) Whenever an expenditure is made that includes payments to subvendors, the report must include the full address of the subvendors.

(4) Whenever an expenditure is made for broadcast/TV advertising, the report must include the dates that the ads are running.

(5) Whenever an expenditure is made for digital advertising, the report must include: a) the name of the platform on which ads are appearing if specified by the campaign, and b) the run dates or "number of impressions".

(6) Whenever an expenditure is made for mileage reimbursement, the report must include: a) the number of miles, b) reimbursement rate used, and c) period covered.

(7) Whenever an expenditure is made for newspaper/periodical advertising, the report must include the dates that the ads are running.

(8) Whenever an expenditure is made to reimburse a candidate for their lost earnings, the report must include: a) the candidate's monthly salary/wages/income, and b) the period covered.

(9) Whenever an expenditure is made for radio advertising, the report must include the dates that the ads are running.

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(10) Whenever an expenditure is made for robocalls, the report must include: a) the number of calls made, and b) the period covered.

(11) Whenever an expenditure is made for travel, the report must include the name of the traveler.

(12) Whenever an expenditure is made, the report must include a specific expenditure category.

Example A: If an expenditure is made directly to a vendor for get-out-the-vote (GOTV) phone calls or robocalls, the purpose must include the following details:

Vendor Name	Purpose	Amount
ABC	GOTV—phone bank 28th and 29th	\$1,000
Robocall	Legislative districts <u>(10,000 calls, Period Covered: 9/9/22 to 11/8/22)</u>	

Example B: If an expenditure is made directly to a vendor for printing, the purpose must include the following details:

Vendor Name	Purpose	Amount
ABC Printing	5,000 brochures	\$3,000

end

NOTE FROM PETITIONER

I do not support the substance of the changes proposed in this APA rulemaking petition. The substance of this petition is only intended to be a starting point for agency rulemaking, as it codifies existing staff-created interpretive guidance on the subject of descriptive requirements.

If the agency ultimately grants the petition and agrees to initiate rulemaking on this subject, my understanding is that the agency is not bound to adopt the language contained in the petition but rather that it is just a “first draft”.

I am submitting this APA rulemaking petition concurrently with other types of APA petitions in the hope that the agency will act to initiative rulemaking on this subject and engage in a collaborative process with the public, agency stakeholders, and agency staff, to formulate a proposal that definitively identifies the level of detail that filers must provide when describing expenditures on form C4, as previous iterations of the Commission have done.

Conner Edwards
Campaign Treasurer