

**Administrative Procedures Act Petition per RCW 34.05.330**  
**Petition for Amendment of WAC 390-05-120**  
**Active & Meaningful Enforcement of C4 Reporting Deadlines**

**Proposed Modification - WAC 390-05-120 – “Public disclosure commission—Role of the executive director.”**

(1) 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:

(a) 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.

(b) Propose agency budgets for commission approval and oversee fiscal management of the agency.

(c) 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 the act.

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

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

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

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

(2) The executive director may delegate authority to subordinates, consistent with agency delegation of authority protocols as adopted by the commission, to act for the executive director as needed and appropriate.

(3) The executive director may perform other duties as authorized by chapter [42.17A](#) RCW, Title 390 WAC, or as prescribed or delegated by the commission.

(4) Beginning on or before January 1, 2024, the Executive Director or their subordinates shall do the following on behalf of the agency:

**(a) C4 Filing Schedule Notice**

Whenever any entity required to file C4 reports under either RCW [42.17A.225](#), or RCW [42.17A.235](#) files a new or amended statement of organization, the agency will provide that entity with an automated

electronic notice containing the tentative schedule with the deadlines on which that entity will be required to file C4 reports for that calendar year. The deadlines will be determined based on the information that the entity has provided with respect to the elections that the entity has indicated they will be participating in. The deadlines will be determined based on the assumption that the limited exceptions<sup>1</sup> described in RCW 42.17A.225(2) and RCW 42.17A.235(3)(a) do not apply, however the notice will briefly describe when those exceptions apply. This schedule will also note when the entity will be required to begin filing weekly C3 reports.

**(b) Automated Electronic Filing Reminders**

The agency shall send automated electronic filing reminders to all entities required to file C4 reports. Automated electronic filing reminders will be sent to these entities on the day before their C4 reports are due as determined by the schedule described in (4)(a). The automated electronic filing reminders shall be sent to these entities' electronic mail address.

**(c) Automated Non-Filing Notice**

If an entity required to file C4 reports fails to file a report by the deadline indicated in the schedule described in (4)(a), the agency shall send an automated non-filing notice to the entity's electronic mail address the day after the deadline has passed.

This automated non-filing notice will ask the filer to select a reason why they have failed to file a report by the deadline. These reasons shall include:

- i. That the entity meets the criteria for the limited exceptions described in RCW 42.17A.225(2) or RCW 42.17A.235(3)(a) and therefore that no report is required to be filed.

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<sup>1</sup> This limited exception allows filers to not file monthly reports if they have not had more than \$200 in contributions/expenditures since they last filed a C4.

- ii. That the entity is no longer participating – as described in RCW 42.17A.005(38) - in the election that the deadline<sup>2</sup> is based off of, and that they will be filing an updated statement of registration to reflect that fact.
- iii. That neither of the two other options apply.

If the filer fails to respond to the automated non-filing notice described in (4)(c) within 24 hours or does not select an option that would excuse their failure to file a C4 by the applicable deadline, the agency shall send an automated penalty warning to the filer on the next business day.

**(d) Automated Penalty Warning**

The automated penalty warning will inform the entity that the agency believes that the entity was required to file a C4 and has failed to do so by the applicable deadline. The automated penalty warning will inform the entity that they should file the missing C4 as soon as possible. The automated penalty warning shall also inform the entity that they can resolve their violation by:

- i. **For C4 reports that are filed after the applicable deadline but before ballots are mailed for an election in which the entity is participating:** by filing the report and stipulating to pay a penalty equal to \$100 multiplied by the aggregate number of days between the day the report was due to the day the report was eventually filed.
- ii. **For C4 reports that are filed after the applicable deadline and also after ballots are mailed for an election in which the entity is participating:** by filing the report and stipulating to pay either: 1) a penalty equal to \$300 multiplied by the aggregate number of days between the day the report was due to the day the report was eventually filed; or 2) a penalty equal to 1% of the aggregate of expenditures,

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<sup>2</sup> I.E. 21-day/7-day pre-election reports, 10-day post-election C4 report.

in-kind contributions, in-kind loans, debts, and pledges on the late C4, whichever is greater.

The automated penalty warning shall also inform the recipient that any stipulation is subject to Commission review per 42.17A.755 (2)(b).

**(e) Administration**

- i. If an entity stipulates to paying the penalty described in (4)(d), the Executive Director shall present the stipulation to the Commission for review at the next regular meeting.
- ii. If an entity fails to stipulate to pay the penalty described in (4)(d), the Executive Director will direct staff to initiate a complaint against the entity. The complaint may not be resolved by the Executive Director using the method described in WAC 390-37-060(1)(d) unless the Chair of the Commission also concurs with the decision.
- iii. The C4 filing schedule notice described in (4)(a), the automated electronic filing reminder notice described in (4)(b), the automated non-filing notice described in (4)(c) and the automated penalty warning described in (4)(d), are sent to entities only as a courtesy. An entity's failure to receive any of these notices - for any reason - will not excuse the entity's failure to file accurate or timely reports required and under the FCPA.
- iv. In the event of conflict between the provisions of this section and any other section of WAC 390, the provisions of this section shall govern.