

**Administrative Procedures Act Petition per RCW 34.05.330  
Petition for Amendment of WAC 390-16-034**

**Proposed Modification - WAC 390-16-034 – “Public disclosure commission— Additional contribution reporting requirements.”**

**WAC 390-16-034**

**Additional contribution reporting requirements.**

Pursuant to RCW [42.17A.240](#), each report required under RCW [42.17A.235](#) shall disclose, in addition to the name and address of each person who has made one or more contributions in the aggregate amount of more than two hundred and fifty dollars ~~one hundred dollars~~, their occupation, and the name and address of their employer.

**Explanation**

Commissioners:

I am requesting that the PDC eliminate the requirement that campaigns must disclose address information about a person’s employer on form C3. I am also requesting that the PDC update the \$100 threshold to account for inflation, which the agency already appears to support. As was discussed at the meeting, currently the agency is only requesting that we provide the city and state where the person’s employer is located, and not the full address of the employer as indicated in the WAC (which we are literally unable to provide using the agency’s ORCA software).

While we are grateful that the agency is willing to amend the WAC to reflect the actual information that the agency is requesting of us, I am asking the agency to go one step further and eliminate the requirement that we provide any address information relating to people’s employers. From the discussion at the meeting, it sounded like there might be some interest in this idea. In support of this idea, I offer the following points:

- 1) The term “address of their employer” is ambiguous, and open to multiple divergent interpretations.** As Commissioners Downing and Hayward brought up in response to my bringing up the Boeing example, there is no real clarity on what the true address of an employer is as contemplated by the WAC. Conceivably, it could be any number of locations. The address could be where the employer is incorporated, it could be the state headquarters, it could be the national headquarters, it could be the international headquarters, it could be the physical location where the employee actually shows up to work, conceivably it could even be a person’s home address if they are self-employed or work primarily from home. As someone who processes a lot of these contributions, I can tell you that different people interpret this requirement differently.

**2) The disclosure of the city and state where a donor's employer is located is not useful information for voters.**

As mentioned above, people interpret the term "address of their employer" in many different ways. One person might interpret the requirement to mean that they have to provide the address where they physically show up at, another person might interpret the requirement to mean they have to provide the address of the employer's national headquarters, etc. etc.

Because the requirement is understood differently by different people, the data that contributors provide (and the data that is in turn provided to the public through the PDC's website) is not uniform or accurate. Because the data is not uniform or accurate, I would argue that it is not particularly useful.

However, even if the PDC removed this ambiguity by clarifying what the term "address of their employer" really meant, how is information on where a person's employer is located useful to voters? I believe that it is not.

I would also point out that if a member of the public wanted to figure out where a person's employer is located, that they could simply Google it. This wasn't possible in 1970s, but it is possible today.

**3) When viewing contribution information on the PDC's website using the Campaign Explorer (which is the typical way that most members of the public view contribution information), the city and state where a donor's employer is located is not even visible.** The fact that this information is not visible to members of the public in the most common way that people access contribution information suggests that it would be no great loss if the requirement was repealed. (Yes, it is true that a person could find out the city and state where a donor's employer is located by viewing the C3 report image, or by going to the Open Data Portal, but relatively few people view information in this way.)

**4) Obtaining this information often presents a significant difficulty for treasurers and campaigns.**

As Commissioner Isserlis alluded to, employer and occupation information can be notoriously difficult for campaigns and treasurers to track down. This is because donors don't always communicate this information to the campaign they are contributing to, and this information does not appear on checks. Often times, donors see a request for employment information as being overly intrusive.

I want to describe a scenario that happens to me frequently every election cycle. One of the campaigns I work for receives a \$500 check from a couple that they deposit. The couple does not disclose any of their employment information to the campaign. I notice the deposit while reviewing the bank ledger, and say to the campaign "I need the employer and occupation info for this couple". Someone from the campaign who knows the contributors' contact information

## APA Rulemaking Petition to the Public Disclosure Commission

typically reaches out to them and tries to get their info. Often, the contributor or contributors will become argumentative and push back against this request as being an invasion of their privacy. Eventually, the contributors admit defeat and provide their occupation and the name of their employer. The campaign then communicates this information to me. But wait! We still don't know the city and state where the employer is located. So, I have to request this from the campaign yet again, the campaign has to call the contributors, and we go through the whole process again; this time for information that is of no particular value for anyone. (In case you are wondering, yes I make it clear to campaigns that we need the city and state where a person's employer is located. Very few people remember this without repeated prompting from me, probably because the requirement does not make that much sense to them.)

For the above reasons, I am requesting that the agency eliminate the requirement that campaigns must disclose any address information about a person's employer on form C3.

I believe that the agency has a responsibility, not just to continually create new requirements to enhance the public's knowledge of what goes on with respect to campaign financing but also to evaluate existing requirements to see if they still make sense. I think that this requirement is one that no longer benefits the public, and presents a significant burden on campaigns and treasurers. For that reason, it should be repealed.

If the Commission wanted to find a simple way to reduce the significant regulatory burdens on treasurers and campaigns without negatively impacting the public, this would be it. This is the low hanging fruit.

As you know, there is a June 30 statutory cut off for changing rules if they are to take effect before the 2023 campaign cycle starts in earnest. I would encourage the Commission to take action on this issue as soon as possible.

Best,

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