



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name _____

Name of Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: _____

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____

31 May 2023

Dear Washington State Public Disclosure Commission;

Joe Kunzler here. I understand and accept why the PDC denied my recent request for a new rule around public comment. However, I want to stress that we continue to have a strategic issue around campaigning during public comment – a problem requiring urgent *clarity* and impetus to action that guidance cannot provide.

Why? Serial candidate Avrum “Alex” Tsimerman goes to Bellevue City Council, King County Council, and Puget Sound Regional Council for starters to spew, if not campaign, almost every meeting. Tsimerman is now on the November ballot for Bellevue City Council. Hence this being time sensitive.

The rule modification I submit to you on the next page will provide clarity to a presiding officer by *requiring* the cessation of campaigning during public comment – not just admonishment. The rule clarifies that your public comment time shall be terminated immediately if you’re campaigning for yourself or another candidate – like Donald Trump – during public comment. The italics make clear that one can rebut and oppose the candidate giving public comment. Campaigning must *not* use public resources, full stop.

If necessary, I am open to a conversation about modifying this proposed rule to something the Commission can stand behind. But again, time is short to stop Tsimerman’s malicious regional outbursts – and local elected presiding officers need *clarity* to prevent further abuse of public comment.

Very respectfully.

A handwritten signature in black ink that reads "Joe A. Kunzler". The signature is written in a cursive style with a small "JA" monogram in the bottom left corner.

Joe A. Kunzler
growlernoise@gmail.com

TEXT OF PROPOSED MODIFIED RULE ON PUBLIC COMMENT & PUBLIC RESOURCES

Worth noting new text is in dark green.

Chapter 390-05 WAC

GENERAL POLICIES AND DEFINITIONS

WAC 390-05-271

General applications of RCW 42.17A.555

(1) RCW 42.17A.555 does not restrict the right of any individual to express their own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.

(a) For clarity, "Public comment" is as defined in RCW 42.30.240. Public comment is considered a public resource under "facilities of a public office or agency" under RCW 42.17A.555

(b) Public comment under RCW 42.17A.555, which when "For the purpose of assisting a campaign for the election of any person to any office or for the promotion of or opposition to any ballot proposition" –*except* public comment as a response to agenda items under RCW 42.17A.555 (1) where an agenda is defined and required under RCW 42.30.077 – is in contravention of RCW 42.17A.555. This is as when public comment is used to assist a campaign, there is little to no right of equal rebuttal nor the intention of RCW 42.30.40 to become a campaign tool.

(c) Therefore, the presiding officer shall *immediately* end the campaigner's public comment period when the campaigner declares the intent to use the public comment period as a public resource, "For the purpose of *assisting* a campaign for the election of any person to any office or for the promotion of or opposition to any ballot proposition" unless those comments are again addressing an item under RCW 42.17A.555 (1). However, one may *rebut* and *oppose* a candidate for office who is giving public comments. This rule is as these public comment periods use publicly owned transmission equipment (e.g. speakers, video cameras) to transmit in a public space.

(2) Notwithstanding (1).RCW 42.17A.555 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.