



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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FILED

DATE: October 17, 2023  
TIME: 4:39 PM

WSR 23-21-091

Agency: Public Disclosure Commission

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 23-12-001 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- Proposal is exempt under RCW \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) Title 390 WAC – Public Disclosure Commission. Chapter 390-20 WAC: Making inflationary adjustments for lobbying reporting; amending rules for grass roots (indirect) lobbying; clarifying miscellaneous lobbying rules; Chapters 390-05, -16 & -17: Adjusting and clarifying miscellaneous provisions of the campaign finance rules regarding inflationary adjustments.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
December 7, 2023	9:30 a.m.	PDC office – 711 Capitol Way S; Olympia, WA 98504	Remote access available - Contact pdc@pdc.wa.gov

**Date of intended adoption:** December 7, 2023 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Sean Flynn  
Address: 711 Capitol Way S; Olympia, WA 98504  
Email: pdc@pdc.wa.gov  
Fax: 360-753-1112  
Other:  
By (date) November 30, 2023

**Assistance for persons with disabilities:**

Contact Jana Greer  
Phone: 360-753-1111  
Fax: 360-753-1112  
TTY:  
Email: pdc@pdc.wa.gov  
Other:  
By (date) December 5, 2023

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rules would make inflationary adjustments to the lobbying reporting thresholds and amend the rules for grass roots (indirect) lobbying requirements, including implementation of HB 1317 (2023) and clarifying the reporting of grass roots lobbying activities. The proposed rules would make miscellaneous changes to the lobbying reporting rules, including technical changes and other clarifications. Finally, the proposed rules would make additional inflationary adjustments for campaign finance values as a follow up to prior rulemaking, and make miscellaneous changes to the campaign finance rules, including correcting references to reporting values that were previously adjusted for inflation.

**Reasons supporting proposal:** The Commission must consider revising monetary limits and reporting values every two-to-five years. Adjustments are made by rule in recognition of the economic changes as reflected in the inflationary index recommended by the Office of Financial Management and rounded off to be most accessible for the public. The economic conditions reflected in the current inflationary index warrant adjustments in monetary thresholds in regard to lobbying activities.

The grass roots lobbying law was amended through enactment of House Bill 1317 (2023). The rules for grassroots lobbying require considerations for implementation of the new law as well as addressing issues for clarification of the activities reportable for grassroots campaigns.

Amendments to the campaign finance rules, including inflationary adjustments, adopted earlier this year, require additional amendments to include and correct references to reporting values.

<b>Statutory authority for adoption:</b> RCW 42.17A.110,125, 630, 635, & 640			
<b>Statute being implemented:</b> RCW 42.17A.640			
<b>Is rule necessary because of a:</b>			
Federal Law?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, CITATION:			
<b>Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:</b>			
<b>Type of proponent:</b> <input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Governmental			
<b>Name of proponent:</b> (person or organization) PDC			
<b>Name of agency personnel responsible for:</b>			
	Name	Office Location	Phone
Drafting:	Sean Flynn	711 Capitol Way S; Olympia, WA 98504	pdcc@pdcc.wa.gov
Implementation:	Sean Flynn	711 Capitol Way S; Olympia, WA 98504	pdcc@pdcc.wa.gov
Enforcement:		711 Capitol Way S; Olympia, WA 98504	pdcc@pdcc.wa.gov
<b>Is a school district fiscal impact statement required under <a href="#">RCW 28A.305.135</a>?</b>			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, insert statement here:			
<p>The public may obtain a copy of the school district fiscal impact statement by contacting:</p> <p>Name:</p> <p>Address:</p> <p>Phone:</p> <p>Fax:</p> <p>TTY:</p> <p>Email:</p> <p>Other:</p>			
<b>Is a cost-benefit analysis required under <a href="#">RCW 34.05.328</a>?</b>			
<input type="checkbox"/> Yes: A preliminary cost-benefit analysis may be obtained by contacting: Name: Address: Phone: Fax: TTY: Email: Other:			
<input checked="" type="checkbox"/> No: Please explain: The Public Disclosure Commission is not required to prepare a cost-benefit analysis under RCW 34.05.328(5)(b)			
<b>Regulatory Fairness Act and Small Business Economic Impact Statement</b>			
Note: The <a href="#">Governor's Office for Regulatory Innovation and Assistance (ORIA)</a> provides support in completing this part.			
<b>(1) Identification of exemptions:</b>			
This rule proposal, or portions of the proposal, <b>may be exempt</b> from requirements of the Regulatory Fairness Act (see <a href="#">chapter 19.85 RCW</a> ). For additional information on exemptions, consult the <a href="#">exemption guide published by ORIA</a> . Please check the box for any applicable exemption(s):			
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under <a href="#">RCW 19.85.061</a> because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted. Citation and description:			
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by <a href="#">RCW 34.05.313</a> before filing the notice of this proposed rule.			

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Date:** October 17, 2023

**Name:** Sean Flynn

**Title:** General Counsel

**Signature:**

