



**State of Washington**  
**PUBLIC DISCLOSURE COMMISSION**

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## **Memo**

To: Commissioners  
From: Sean Flynn, General Counsel  
Date: February 15, 2024  
Re: APA Rulemaking Petition re Notice of Filing Requirements

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The petitioner, Conner Edwards, submitted a rulemaking petition on January 25, 2024. The petition is similar in scope to a previous petition filed by Mr. Edwards on December 24, 2022. The Commission considered and denied that petition by letter dated February 16, 2023.

Under the Administrative Procedure Act (APA), a person may petition an agency requesting the adoption, repeal, or amendment of a rule. Within 60 days of the submission of a petition, the agency must either deny the petition, or initiate the rulemaking process. If the Commission denies the petition, it must state its reasons for the denial, addressing the concerns raised and alternative means of addressing the concerns, where appropriate.

The current petition seeks the adoption of an amended rule that would require the agency to provide notice to candidates and political committees that potentially have obligations to file scheduled campaign reports, namely the C-3 (contribution) and C-4 (expenditure) reports. The first notice would trigger whenever a candidate or entity files a new or amended campaign registration. A second notice would issue the day before each C-4 reporting deadline<sup>1</sup> for a particular election. A third notice would issue on the day after each C-4 due date, for each candidate or entity that had not timely filed the report<sup>1</sup>.

The petitioner acknowledges that a similar petition on the same subject was filed one year ago, which would have required the agency to find violations and apply automatic penalties for presumed late C-4 report filings. In denying that petition, the Commission fully set forth its reasoning why the subject matter was not appropriate for the APA petition process. Specifically, the denial letter explained “[t]he appropriate place to discuss policy and enforcement matters, the tradeoffs between alternative approaches, as well as the use of the agency’s limited resources, is within the agency’s strategic planning process.” The Commission’s reasoning is consistent with staff’s recommendation on that petition.

Staff reiterates its recommendation and references the Commission’s prior determination that the subject matter asserted here is more properly considered within the agency’s strategic planning.

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<sup>1</sup> Under current law, not every campaign owes a C-4 at a given reporting interval. (Factors include, e.g., campaign activity during the period and whether a candidate has a primary opponent.)

Any proposal to introduce a new process, whether assessing automatic penalties or creating an automated notification system, requires the consideration of allocating resources, prioritization, and the mission of the agency, to address the most pressing matters with the highest impact to the public. Such a recommendation does not diminish the underlying merit of the proposal, but simply recognizes that the APA rulemaking process should not a tool used to circumvent prudent management of the agency.