PROPOSED RULE MAKING
(RCW 34.05.320)

CR-102 (7/22/01)
Do NOT use for expedited rule making

Agency: Public Disclosure Commission

☒ Preproposal Statement of Inquiry was filed as WSR 04-05-070 & 04-01-147 ; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject) Title 390 WAC – Rules relating to sample ballots and slate cards (WAC 390-17-030); status of citizen complaints (WAC 390-37-030); exemptions from political advertising (WAC 390-18-030); explanation and reporting of in-kind contributions (WAC 390-16-207); promise or promise to pay (WAC 390-05-295); personal use of contributions (WAC 390-16-238); citizen action letters (WAC 390-37-041); and PDC regular meetings (WAC 390-12-010).
Purpose: To clarify reporting requirements for candidates and political committees, conform to recent case law and update Commission's regular meeting schedule.
Other identifying information: None.

(b) Statutory authority for adoption: RCW 42.17.370

Statute being implemented: 42.17 RCW

(c) Summary: The proposed amendment to WAC 390-17-030 conforms to updated statute by removing the requirement that federal political committees file C-5 reports if they are currently filing reports with the Federal Election Commission. The proposed amendment to WAC 390-37-030 reinstates section (3) as a result of recent case law. The proposed amendment to WAC 390-37-041 removes reference to the tolling language and conforms to recent case law. The proposed amendment to WAC 390-18-030 exempts political tickers from the "top five contributor" requirement. The proposed amendment to WAC 390-16-207 indicates that in-kind contributions are to be treated the same as cash contributions. A new rule, WAC 390-05-295, defines promise or promise to pay. The proposed amendment to WAC 390-16-238 further defines personal use. The proposed amendment to WAC 390-12-010 updates the location and schedule of regular meetings.

Reasons supporting proposal: The proposed amendments and new rule will clarify the statutory requirements under chapter 42.17 RCW and provide guidance to those entities required to disclose campaign contributions and expenditures.

(d) Name of Agency Personnel Responsible for:		Office Location	Telephone
1. Drafting	Susan Harris	711 Capitol Way, Room 206, Olympia	(360) 753-1981
2. Implementation	Susan Harris	711 Capitol Way, Room 206, Olympia	(360) 753-1981
3. Enforcement	Phil Stutzman	711 Capitol Way, Room 206, Olympia	(360) 664-8853

(e) Name of proponent (person or organization): Public Disclosure Commission

☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
None

(g) Is rule necessary because of:

Federal Law?	☐ Yes	☒ No	If yes, ATTACH COPY OF TEXT
Federal Court Decision?	☐ Yes	☒ No	Citation:
State Court Decision?	☐ Yes	☒ No	

(h) HEARING LOCATION:
Commission Meeting Room
Evergreen Plaza Building
711 Capitol Way, Room 206
Olympia, Washington

Date: May ~~25~~ 27 kmc, 2004 Time: 9:00 a.m.

Assistance for persons with disabilities: Contact Ruthann Bryant by May 13, 2004

TDD ( ) _____ or (360) 753-1111

Submit written comments to:
Susan Harris (sharris@pdc.wa.gov)
Public Disclosure Commission
PO Box 40908
Olympia WA 98504-0908
FAX (360) 753-1112 By (date) May 20, 2004

DATE OF INTENDED ADOPTION: May ~~25~~ 27 kmc, 2004

NAME (TYPE OR PRINT)
Susan Harris

SIGNATURE
Susan Harris
Assistant Director 4-6-04

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

APR 6 2004

TIME 8:18 AM PM
WSR 04-08-086

(j) Short explanation of rule, its purpose, and anticipated effects:
See Summary and Reasons supporting proposal above.

Does proposal change existing rules? ☒ YES ☐ NO If yes, describe changes:

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.
A copy of the statement may be obtained by writing to:

telephoning: ( )
faxing: ( )

☒ No. Explain why no statement was prepared
The implementation of these rules has minimal impact on small businesses.

(l) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes ☒ No
Please explain: The PDC is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(i) of section 201, and, to date, JARRC has not made section 201 application to this rule adoption.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

WAC 390-37-041 Enforcement procedures--Allegations submitted to the attorney general's office and/or prosecuting attorneys. ((~~(1)~~)) When a person has notified the attorney general or prosecuting attorney under RCW 42.17.400(4) that there is reason to believe a violation of the sections of chapter 42.17 RCW enforced by the commission has occurred, ((~~the statutory time periods are tolled when~~)) and the attorney general or prosecutor forwards the complaint to the commission((~~.~~

~~(2) After the allegations have been forwarded to the commission~~)), commission staff may:

((~~(a)~~)) (1) Initiate an investigation;

((~~(b)~~)) (2) Submit a report to the commission that may include a recommendation;

((~~(c)~~)) (3) Schedule the matter for an adjudicative proceeding before the commission following investigation; and/or

((~~(d)~~)) (4) Take any other steps consistent with the agency's authority and resources.