



## PUBLIC DISCLOSURE COMMISSION

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To: Members, Washington State Public Disclosure Commission  
From: Lori Anderson, Communications & Training Officer  
Date: January 21, 2016  
Re: Converting Commission Guidance to Rule – January 28, 2016 Discussion

Over the last two years, the Commission has converted several of its long-standing interpretations to rule. The policy related to contribution limits is the last item that the staff has identified to be converted at this time.

Some of the Commission's oldest interpretations, that have not been converted, offer guidance on the meaning of RCW 42.17A.555 and relevant rules and case law involving local government and election campaign activity. They are:

Interpretation #	Subject
<a href="#">04-02</a>	Guidelines for Local Government Agencies in Election Campaigns
<a href="#">01-03</a>	Guidelines for School Districts in Election Campaigns
<a href="#">00-03</a>	Use of Robes and Courtrooms in Campaign Literature by District and Municipal Court Judges
<a href="#">92-03</a>	Definition of "Open Press Conference" for Purposes of [RCW.42.17A.555]
<a href="#">92-01</a>	Wearing Political Pins, Buttons, Etc. and [RCW 42.17A.555]
<a href="#">91-03</a>	Library Displays of Campaign Materials and [RCW 42.17A.555]

Some of these interpretations were drafted in collaboration with persons the guidance was intended to benefit. Staff believe that hearing from these collaborators now would be useful to the Commission as it considers whether to convert any of these interpretations to rule.

In early December 2015, staff solicited comment from 25 entities that represent local government employees and officials, as well as ethics agencies and "good government" groups. The few responses received are attached.

- The Puget Sound School Coalition (10 school districts represented) and the Washington Association of School Administrators urge the Commission not to convert the interpretations, but rather to leave them as guidance so that they may be easily updated to reflect current practices. In fact, the response highlights an update that is needed now. The Coalition also suggests how to better publicize the guidance.
- Officials from the cities of Fife and Mukilteo expressed appreciation for the guidelines, which the staff loosely interprets as support for leaving them in their current state.
- The City of Seattle Ethics & Elections Commission staff disagreed, in part, with the interpretations.

A few others responded that they would like to be advised if the Commission begins rule making.

At this time, the staff is recommending that the Commission leave the interpretations as guidance. As noted in the responses, the Commission may wish to make updates. Staff also believes consolidating some, if not all, of these interpretations into one interpretation would be helpful for those trying to find information. Staff agrees that the interpretations should be more prominent on the Commission's website and is addressing that in the new website design.

Attachments: Responses from December solicitation

# Puget Sound School Coalition

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Bethel, Everett, Franklin Pierce, Issaquah, Lake Washington, Northshore, Orting, Riverview, Snoqualmie Valley, and Tahoma School Districts

January 15, 2016

Lori Anderson  
Communications & Training Officer  
Public Disclosure Commission  
P.O. Box 40908  
Olympia, WA 98504-0908

Dear Ms. Anderson:

On behalf of the Puget Sound School Coalition (the "Coalition"), thank you for the opportunity to comment on the December 4, 2015, email entitled "PDC considers converting guidelines to rules." The Coalition would like to encourage the Public Disclosure Commission ("PDC") to maintain the Guidelines for School Districts in Election Campaigns (the "School Guidelines") (Interpretation 01-03) in their current form.

The Coalition was actively involved in developing the School Guidelines. In 2001, the Coalition approached the Executive Director of the PDC and suggested that we work together to draft a guidance document that recognized some of the challenges school districts face in this arena. We wanted to identify common fact patterns and to raise questions that would help districts address areas of concern. The Executive Director, PDC staff, and a number of Coalition members met regularly over the course of several months. Through this process, the chart format and the contents of the School Guidelines were developed.

Over the past 14 years, the Coalition has also assisted the PDC on updates. The School Guidelines have worked well in providing the needed guidance, and districts continue to rely on them during bond and levy campaigns. We agree that because of changes in technology, the School Guidelines could be reviewed to determine whether there are parts of the chart where changes should be considered (for example, the use of social media). But this work would be in the nature of a targeted update instead of a major overhaul and conversion into Washington Administrative Code.

The School Guidelines were not intended to function as a formal rule. This chart provides useful and meaningful guidance to parents, administrators, teachers, citizens, and others who do not deal with the WAC on a regular basis. The School Guidelines is "is an educational tool that is an expression of the Commission's view of the meaning of RCW 42.17.130 and relevant administrative rules and case law involving school districts and election campaign activity. It is intended to provide guidance . . . ." The Interpretation further states that its guidance is primarily in "chart form."

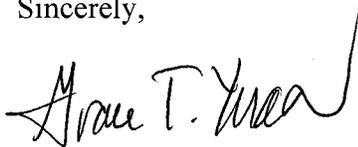
Furthermore, in contrast to administrative rules that set forth specific directives, the chart in the School Guidelines provides a limited number of examples and general considerations for school administrators and others involved in campaigns to consider. For instance, the general considerations are in the form of questions without answers (for example, "Can community groups typically use school facilities? Is the district using the student project to influence the outcome of an election?"). This type of guidance best serves school districts and the community by retaining its flexible, illustrative format. If this interpretation were converted into an administrative rule, the School Guidelines would lose their primary function for the K-12 community.

We suggest that in lieu of conversion, the PDC make the Interpretation more easily accessible on its website. Currently, accessing the Interpretation requires navigating through two drop down menus, the first of which does not indicate that it contains the PDC's interpretations. As an option, the PDC could consider creating a link directly on its homepage to all interpretations. Making the Interpretation more visible provides needed information to a broader community and promotes the public interest.

The Coalition requests that the PDC retain the School Guidelines in their current form. We would welcome the opportunity to discuss this matter further with the PDC.

If you have any questions, please call. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Grace T. Yuan". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Grace T. Yuan  
Legal Counsel

**From:** [Dan Steele](#)  
**To:** [Lori Anderson](#)  
**Cc:** [Yuan, Grace](#); "[CHARLES BROWN \(cascade\\_gov\\_affairs@icloud.com\)](#)"  
**Subject:** FW: Guidelines for School Districts in Election Campaigns  
**Date:** Wednesday, January 20, 2016 2:10:30 PM  
**Attachments:** [image012.png](#)  
[2016.1.15 Coalition Ltr to PDC.PDF](#)

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Ms. Anderson –

The Washington Association of School Administrators (WASA), representing the state’s school superintendents and other district-level administrators, would like to be on the record as supporting the comments presented by the Puget Sound School Coalition (January 15, 2016 letter attached).

For many years, the School Guidelines have assisted school leaders and others in understanding activities that are and are not permitted in supporting school district ballot issues. They provide useful and meaningful guidance which we feel would be lost if the Guidelines were simply transformed into the Washington Administrative Code. The current Guidelines operate as a flexible, illustrative—and therefore, functional—document that provide a series of real world examples for those involved in levy/bond campaigns to consider.

During “campaign season,” WASA regularly receives requests for advice about working ballot issues. Our standard response is to direct administrators (or others who may call) to the School Guidelines as the best way to understand what is permissible and what activities should be avoided. I will note, the only difficulty we have had in redirecting questions is the cumbersome navigation of the PDC website. We would concur with the Coalition’s suggestion that the Guidelines be more easily accessible on the PDC website. We feel this would be a much better approach than further complicating the public’s understanding of the law by converting the Guidelines into WAC.

Thank you for the opportunity to provide our input. Please let us know if we can provide any additional assistance.

-Dan

**Daniel P. Steele**

***Assistant Executive Director, Government Relations***

Washington Association of School Administrators

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**From:** [Carol Etgen](#)  
**To:** [Lori Anderson](#)  
**Subject:** RE: WMCA -- PDC Considers Converting Guidelines to Rules  
**Date:** Tuesday, December 22, 2015 11:28:09 AM  
**Attachments:** [image001.png](#)

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Hi Lori,

We are in receipt of the interpretive statements to the PDC's administrative rules. I wanted to let you know that I just completed my review of them and I am very impressed – and pleased. I feel they are very easy to understand and will make it so much easier to set policy and make decisions at our local level with electeds and staff.

The City administration is still reviewing the policies, so I do not speak on behalf of the City, but did want to let you know that you and your team's efforts are sincerely appreciated by me as a long-time City Clerk who has dealt with issues that come about with various interpretations of the rules!

Thanks again – Happy Holidays!

Carol

**Carol Etgen, MMC**  
City Clerk

**City of Fife**  
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5411 23rd Street E., Fife, WA 98424  
[www.cityoffife.org](http://www.cityoffife.org)



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**From:** Washington Municipal Clerks Association [mailto:admin@wmcaclerks.org]  
**Sent:** Monday, December 07, 2015 2:35 PM  
**To:** Carol Etgen  
**Subject:** WMCA -- PDC Considers Converting Guidelines to Rules



Please note the email below from Washington State PDC

TO:

Washington Association of Counties

Washington Association of County Assessors

Washington State Sheriffs Association

**From:** [Jennifer Gregerson](#)  
**To:** [Lori Anderson](#)  
**Subject:** feedback: admin. rules re: RCW 42.17A.555  
**Date:** Monday, December 21, 2015 9:47:28 AM

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I think it is important for local governments to inform their public about needs and status of services. It makes sense to have the flexibility to do that, even when an issue is on the ballot for the voters. Simply sharing facts about current conditions is a valuable public education and service.

Thank you for your work on this!  
Jennifer

**Mayor Jennifer Gregerson**  
[425.263.8018](tel:425.263.8018)

**From:** [Evelyn Lopez](#)  
**To:** [Lori Anderson](#)  
**Subject:** FW: PDC considers converting guidelines to rules  
**Date:** Wednesday, December 16, 2015 4:18:52 PM

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Could you consider this commentary for the conversion? Thanks!

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**From:** Anne Levinson  
**Sent:** Tuesday, December 08, 2015 9:31 PM  
**To:** Barnett, Wayne <[Wayne.Barnett@seattle.gov](mailto:Wayne.Barnett@seattle.gov)>  
**Cc:** Evelyn Lopez <[evelyn.lopez@pdc.wa.gov](mailto:evelyn.lopez@pdc.wa.gov)>  
**Subject:** Re: PDC considers converting guidelines to rules

Good points, thank you.

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**From:** Barnett, Wayne <[Wayne.Barnett@seattle.gov](mailto:Wayne.Barnett@seattle.gov)>  
**Sent:** Monday, December 7, 2015 4:37:34 PM  
**To:** Anne Levinson  
**Cc:** Evelyn Lopez  
**Subject:** RE: PDC considers converting guidelines to rules

Well, now that you've asked... 😊

I've never been overly fond of the sweeping nature of the opinion that employees can wear campaign buttons at work because they are a form of personal expression. I draw a distinction between the person occupying a cubicle deep in the Seattle Municipal Tower and the person who is out performing inspections, or helping patrons at the library, or assisting visitors at a community center.

And I don't think I'd ever seen the library materials interpretation before, but that's an issue we've fielded numerous complaints about in recent years (especially when the library levy was on the ballot). My concern with the interpretation is similar to my concerns with the polling interpretation. While it might be "best practices" for the library to "make a good faith effort to obtain material from opposing or competing groups and make those materials available in library facilities," the "must" that precedes that is very problematic. It implies that a librarian who permits a candidate or ballot measure committee to leave materials in a reading room without making a good faith effort to get the opponents' materials has violated the law, subjecting them to penalties. I don't think that's a case I would want to prosecute before my Commission.

Best,  
Wayne

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**From:** Anne Levinson [<mailto:anne.levinson@pdc.wa.gov>]  
**Sent:** Monday, December 07, 2015 11:13 AM  
**To:** Barnett, Wayne  
**Cc:** Evelyn Lopez