

Potential 2016 Public Disclosure Commission Agency Request Legislation

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Enhance Disclosure

TOPIC	REFERENCE	BRIEF SUMMARY OF PROPOSAL
Increase electronic filing requirements	RCW 42.17A.245 RCW 42.17A.265 RCW 42.17A.055 RCW 42.17A.065(6) RCW 42.17a.305 & .260(1)	<ul style="list-style-type: none"> Require e-filing of all campaign contribution & expenditure reports as well as last minute contribution reports. Require e-filing of local public agency lobbying reports; Require e-filing of independent expenditures (must be careful to prevent barrier to access)
Enhance disclosure of large contributions	RCW 42.17A.265(4)	<ul style="list-style-type: none"> Extend time period during which special reports of large contributions (\$1,000+) must be filed before primary, to be consistent with 21-day pre-general special reporting period. Require year-round special reporting of very large contributions (staff suggests at least \$5,000) Technical cleanup: Adjust timeframe covered by 7-day pre-primary special reporting period to include "...period beginning the day after <u>the period</u> of the last report..." [to be consistent with how other reporting periods are calculated.
Placeholder: Increase transparency of campaign contributions & simplify political committee disclosure requirements		Staff is awaiting confirmation from Senator Billig that SB 5153 , in its entirety, will be reintroduced in 2016. The bill proposed that (1) nonprofit organizations disclose certain contributions received and certain contributions or expenditures made to benefit an election campaign, and (2) the out-of-state committee disclosure provisions in RCW 42.17A.250 be repealed so that all committees participating in Washington State's state, local, or judicial elections have the same disclosure requirements.

Respond to Court Rulings

TOPIC	REFERENCE	BRIEF SUMMARY OF PROPOSAL
21-day timing restriction for \$5,000+ contributions	RCW 42.17A.420 [former RCW 42.17.105(8)]	<ul style="list-style-type: none"> • Ninth Circuit decision in Family PAC invalidated as unconstitutional the provision limiting contributions received by ballot measure committees within 21 days before general election to no more than \$5,000.
Recall election limits	RCW 42.17A.405/2210.SL	<ul style="list-style-type: none"> • Ninth Circuit decision in Farris held that recall limits statute cannot be applied to "Recall Dale Washam Committee."
Definition of "contribution" - exclusions	RCW 42.17A.005(13)(b)	<ul style="list-style-type: none"> • State superior court decision in <i>Institute for Justice</i> ruled that pro bono legal services provided to a political committee for federal civil rights litigation is not a "contribution" under state law. [Could be combined with Policy Suggestions #3.]

Stakeholder/Staff Policy Suggestions

TOPIC	REFERENCE	BRIEF SUMMARY OF PROPOSAL
Amend 45-day citizen action process	RCW 42.17A.765(4)	Amend current citizen suit process in order to authorize citizen suits if PDC (or AG or prosecutor) fails to pursue an investigation within 45 days or "fails to commence an action" within some longer period of time, rather than current standard that authorizes suit if AG or prosecutor fails to commence an action within 45 days.
Modernize F-1 reporting & modification requirements	RCW 42.17A.700 RCW 42.17A.120 SB 5308 (2015) <i>did not pass in 2015</i>	<ul style="list-style-type: none"> • Raise the dollar code range cap from \$100,000 to \$1 Million; • Raise the investment disclosure threshold; • Allow the use of year-end values for investment disclosure; • Except judges, prosecutors, and sheriffs from disclosing residential addresses; • Authorize Commission to issue modifications for official's term of office, instead of 1 year, so long as no changes needed (reduce need for annual renewals of modifications). <i>See also alternative technical correction to increase use of brief adjudicative process.</i>
Definition of "contribution" – ad reproduction	RCW 42.17A.005(13)(a)	<ul style="list-style-type: none"> • Amend definition to narrowly except reproduction of online political advertising. [Could be combined with Respond to Court Rulings #3.]

Technical Amendments

TOPIC	REFERENCE	BRIEF SUMMARY OF PROPOSAL
Specify surplus funds reporting due dates	RCW 42.17A.430/ & .240	<ul style="list-style-type: none"> • Add a statutory due date for periodic and final surplus funds reports.
Modernize performance measure reporting	RCW 42.17A.061 and .065	<ul style="list-style-type: none"> • Modify access goals and performance measure reporting based on process improvements to eliminate performance tracking that produces little or no value to agency customers. • Emphasize electronic filing • Synchronize the schedule of reporting agency performance measures to allow for more efficient reporting through the use of consistent fiscal year data
Reporting modification hearings	RCW 42.17A.120	<ul style="list-style-type: none"> • Allow all reporting modifications to be heard in a brief adjudicative proceeding
Fix double amendments re: Commission powers & duties	RCW 42.17A.110 <i>Compare</i> .110(11) & .125(2) and .110(10) & .120 HB 2285 (2012) <i>did not pass in 2012</i>	<ul style="list-style-type: none"> • Eliminate double amendments from 2011, including provisions related to revising monetary thresholds and reporting modifications
Modernize "received" date	RCW 42.17A.140	<ul style="list-style-type: none"> • Accommodate mail that does not contain a post office cancellation mark
Clean-up from recodification	RCW 42.17A.215	<ul style="list-style-type: none"> • Remove obsolete reference to "county elections officer" in .215 (<i>also in HB 2285</i>);
Adjust PDC election-related rulemaking moratorium	RCW 42.17A.110(1) <i>Compare</i> RCW 42.17A.105(10)	<ul style="list-style-type: none"> • Change rulemaking moratorium to accommodate effective dates of new legislation and allow emergency rules to remain in effect through general election.