



## PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112  
Toll Free 1-877-601-2828 • E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)

To: Members, Washington State Public Disclosure Commission  
From: Lori Anderson, Communications & Training Officer  
Date: February 20, 2014  
Re: Rule Making – Mini Campaign Reporting Eligibility

### Agenda Item

At the February 27 meeting, the Commission will be asked to consider proposed draft language for amending **WAC 390-16-105, Mini campaign reporting – Eligibility** and **WAC 390-16-125, Mini campaign reporting – Exceeding Limitations**.

### Background

**Mini Reporting Option:** At the time of registration, a candidate or political committee selects one of two reporting options: mini campaign reporting or full reporting.

- The **mini reporting option** allows the campaign to raise or spend up to \$5,000 total without disclosing contributions or expenditures so long as no more than \$500 in the aggregate is received from a single contributor. A candidate's personal contributions to his or her own campaign are not restricted to the \$500 aggregate, but they do count against the overall \$5,000 cap. There are also exceptions related to a candidate's filing fee.
- Selecting the **full reporting option** subjects the candidate or committee to all provisions of RCW 42.17A, including disclosure requirements and applicable contribution limits.

**Changing Reporting Options:** A small percentage of candidates and political committees who select the mini reporting option later realize that full reporting is the better option for them. WAC 390-16-125 guarantees approval to change options provided the filer takes these steps before exceeding either of the \$500 / \$5,000 thresholds and at least 30 business days before the election:

- Notifying opponents in writing of the change,
- Filing an amended registration,
- Filing contribution and expenditure reports disclosing all transactions from the beginning of the campaign through the date of the application, and
- Notifying the Commission that these steps have been done and requesting approval to change reporting options.

WAC 390-16-125. The rule also sets out limited circumstances under which a candidate or political committee may complete the process to change reporting options and be approved during the last 30 business days before the election. When a candidate or political committee registers under mini reporting and exceeds either threshold before receiving the Commission's

approval to change reporting options, an automatic violation of RCW 42.17A or WAC 390-17 (contribution limits) occurs. WAC 390-16-125(5).

An incomplete or defective application is not approved and the applicant is instructed to not accept contributions or make expenditures that would exceed the mini reporting thresholds. The most common scenario for defective applications is that the applicant exceeded the thresholds by a small amount prior to submitting the application. In these cases, the staff instructs the applicant to take steps necessary to return to compliance with the mini reporting thresholds. If the applicant complies within the proscribed time period, typically by refunding contributions, the application is approved.

**Recent Enforcement:** Last September, the Commission presided over an enforcement matter involving the Citizens for Two-Thirds committee, proponents of a local ballot measure. The committee registered under the mini reporting option, exceeded both thresholds, and was not able to return to compliance. This was because the committee had exceeded the spending limits and could not “unspend” the money. Additionally, the Citizens for Two-Thirds committee had debts and obligations which they wanted to retire through additional fund raising. During that proceeding, the Commission considered and denied a motion to intervene filed by Jim Lazar through his attorney, Robert Shirley. The Commission told Mr. Lazar that the mini reporting rules would be reviewed and he would be invited to participate in the rule making. On February 5, Commission staff notified via email Mr. Lazar and Mr. Shirley that the rule making would likely be on the February agenda. They were also invited to participate in drafting the proposed language.

### **Proposed Amendments**

**Draft Language:** The draft language proposes to amend:

- **WAC 390-16-105, Mini campaign reporting – Eligibility**, to clarify that a candidate or political committee who selects the mini reporting option when registering must comply with all provisions of RCW 42.17A, including disclosing contributions and expenditures as well as applicable contribution limits, upon failing to comply with the mini reporting thresholds, and
- **WAC 390-16-125 Mini campaign reporting – Exceeding limitations** to allow the staff the option of approving an application to change reporting options submitted after the applicant has exceeded the contribution or expenditure threshold, provided the applicant acknowledges a violation(s) of RCW 42.17A or WAC 390-17 and completes the steps necessary to comply with RCW 42.17A. This would include filing accurate contribution and expenditure reports to disclose all transactions from the beginning of the campaign to the date of the application.

**Commission Action:** Staff is requesting the Commission approve the proposed draft language to amend WACs 390-16-105 and 390-16-125. Once approved, staff will file a notice of hearing (CR-102) with the code reviser. Considering the Commission’s regular meeting schedule and the state’s required notice periods for rule making, the public hearing to approve the amendment will likely be scheduled for the May meeting. Having the hearing in May will also allow any

amendment to take effect in June before the moratorium on campaign finance related rules takes effect July 1.

Attachments: Executive summary and final order with stipulation, PDC Case No. 13-101,  
Citizens for Two-Thirds Committee  
February 5 email to Jim Lazar and Robert Shirley  
Draft proposed amendments to WACs 390-16-105 and WAC 390-16-125



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112  
Toll Free 1-877-601-2828 • E-mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

TO: Commissioners  
FROM: *Philip E. Stutzman*  
Philip E. Stutzman, Director of Compliance  
DATE: September 4, 2013  
SUBJECT: Citizens for Two-Thirds Committee - Stipulation in Case No. 13-101  
and Request for Reporting Modification

**Allegations for which Respondent and Staff Are Stipulating to Violations**

Citizens for Two-Thirds is a political committee formed to support Proposition 1, a ballot proposition in the November 5, 2013 general election in the City of Yakima. This case involves violations of RCW 42.17A.205, .235, and .240, and WAC 390-16-125 during the 2013 election for exceeding the limits of the Mini Reporting option prior to submitting a complete application to change reporting options.

Staff is providing you a Stipulation as to Facts, Violations and Penalty for your consideration that staff and the Respondent believe accurately describes the nature of the violations, the relevant facts, and an appropriate penalty. We are also providing a document showing comparable cases. We will be asking the Commission to accept the Stipulation.

**Respondent's Request for Suspension or Modification of Reporting Requirements**

WAC 390-16-125(1) requires that an application to change reporting options be submitted *before* the applicant exceeds the limits of the Mini Reporting option. The Committee did not do so in this instance, but would nevertheless like to change reporting options. In previous situations, staff has processed and approved similar requests when the applicant has been able to "return" to compliance with the Mini Reporting limits before submitting the completed application (for example, by returning over-limit contributions). In this situation, however, it is not possible for the committee to "return" to compliance, so in addition to stipulating to a violation and penalty for exceeding the Mini Reporting limits prior to receiving staff's approval for a change in reporting options, Citizens for Two-Thirds is requesting that the Commission suspend or modify WAC 390-16-125(1) to allow PDC staff to accept the Committee's complete application to change reporting options *after* the Mini Reporting limits were exceeded. Given the unique circumstances of the application, which Citizens for Two-Thirds describes more fully in its request, PDC staff supports the Committee's request to the Commission.

**BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON**

IN THE MATTER OF ENFORCEMENT  
ACTION AGAINST:

Citizens for Two-Thirds

Respondent

PDC CASE NO. 13-101

FINAL ORDER

This matter came before the Washington State Public Disclosure Commission (PDC) on September 10, 2013 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington.

Those present included Amit Ranade, Commission Chair; and participating by telephone, Grant Degginger, Vice-Chair; and Kathy Turner, Member. Also present were: Dan Brady, attorney on behalf of Respondent; Phil Stutzman, PDC Director of Compliance on behalf of the PDC Staff; PDC Executive Director Andrea McNamara Doyle; Nancy Krier, General Counsel for the Commission.<sup>1</sup> PDC staff member Nancy Coverdell was present as recorder/reporter of the proceedings. The proceedings were open to the public and recorded.

Respondent Citizens for Two-Thirds (CTT) is a political committee formed to support Proposition 1, a ballot proposition in the November 5, 2013 general election in the City of Yakima. Ben Shoal is the committee's treasurer and Bruce Smith is its secretary. This matter resulted from allegations that the Respondent violated RCW 42.17A.205, RCW 42.17A.235, RCW 42.17A.240, and WAC 390-16-125 by exceeding the limits of the Mini Reporting option, and by failing to properly change to the Full Reporting option before exceeding the limits of the Mini Reporting option.

---

<sup>1</sup> Also present for the purpose of addressing a Motion to Intervene were Robert Shirley, attorney for Jim Lazar (proposed intervenor); and Linda Dalton, Sr. Assistant Attorney General, attorney on behalf of PDC Staff. The Chair denied the motion. See Order Denying Motion to Intervene, PDC Case 13-101.

PDC Staff submitted to the Commission a Report of Investigation (with exhibits) dated August 29, 2013 from Tony Perkins, PDC Lead Political Finance Specialist.

**Proposed Stipulation**

The parties jointly submitted a proposed Stipulation as to Facts, Violations, and Penalty (Stipulation) signed by Mr. Brady, on August 21, 2013, and by Ms. Doyle on August 29, 2013. The Stipulation was provided to the Commission with a memo from Phil Stutzman dated September 4, 2013 and a summary of comparable cases.

The parties made oral presentations. The parties requested the Commission to accept the Stipulation. The Commission voted 3-0 to accept the Stipulation, which included assessing a \$500 penalty.

**I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based upon the Stipulation, which is hereby attached and incorporated by reference, the Commission finds and concludes:

1. The Jurisdiction, Facts, Legal Authority, and Violations are established as provided in the Stipulation.
2. A \$500 penalty is an appropriate resolution of the matter.

**II. ORDER**

Based upon the findings and conclusions, the Commission orders that:

1. The Stipulation is accepted.
2. The Respondent is assessed a civil penalty of \$500.


///

///

The Executive Director is authorized to enter this order on behalf of the Commission.

So ORDERED this 26<sup>th</sup> day of September, 2013.

WASHINGTON STATE PUBLIC  
DISCLOSURE COMMISSION  
FOR THE COMMISSION:

  
ANDREA MCNAMARA DOYLE  
Executive Director

**ATTACHMENTS**

- (1) Stipulation as to Facts, Violations, and Penalty (signed by Respondent's counsel on August 21, 2013, and by PDC staff on August 29, 2013)
- (2) Appeals and Enforcement of Final Orders

*Copy of this Final Order to:*

Dan Brady, Attorney for Respondent  
[brady-dj@comcast.net](mailto:brady-dj@comcast.net)

Ben Shoval  
[ben@shoval.com](mailto:ben@shoval.com)

Bruce Smith  
[bsmith@yvpub.com](mailto:bsmith@yvpub.com)

**BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON**

In the Matter of Enforcement Action  
Against:

Citizens for Two-Thirds

Respondents.

Case No. 13-101

STIPULATION AS TO FACTS,  
VIOLATION AND PENALTY

The parties to this Stipulation, namely, the Public Disclosure Commission Staff, through its Executive Director, Andrea McNamara Doyle, and Respondent Citizens for Two-Thirds, through its attorney, Dan Brady, submit this Stipulation as to Facts, Violations and Penalty in this matter. The parties agree that the Commission has the authority to accept, reject or modify the terms of this Stipulation. The parties further agree that in the event that the Commission suggests modification to any term of this agreement, each party reserves the right to reject that modification. In the event either party rejects a modification, this matter will proceed to hearing before the Commission.

**JURISDICTION**

The Public Disclosure Commission has jurisdiction over this proceeding pursuant to RCW 42.17A, the Public Disclosure Act; RCW 34.05, the Administrative Procedure Act; and WAC 390.

**FACTS**

1. Respondent Citizens for Two-Thirds is a political committee formed to support Proposition 1, a ballot proposition in the November 5, 2013 general election in the City of Yakima. Proposition 1 would amend the Yakima City Charter to require the affirmative vote of at least five city council members to assess, levy or increase any tax in the city.
2. Citizens for Two-Thirds registered with the Public Disclosure Commission by filing a Political Committee Registration (C-1pc Report) on April 30, 2013. The report indicated the committee's choice of the Mini Reporting option, which limited the committee to \$5,000 in



aggregate contributions and expenditures, and \$500 in aggregate contributions from any one source for the duration of the Proposition 1 campaign.

3. On May 29, 2013, Citizens for Two-Thirds contacted the Public Disclosure Commission for assistance with changing from Mini-Reporting to full, Regular Reporting. The Committee began this process of its own volition and not as a result of a PDC query, investigation, or third party complaint.
4. On June 12, 2013, Citizens for Two-Thirds submitted an amended C-1pc report and Cash Receipts Monetary Contributions reports (C-3 Reports) and Campaign Summary Receipts and Expenditures reports (C-4 Reports) as part of an application to change to the Full Reporting option. In submitting this application, Citizens for Two-Thirds stated that it was aware of no political committee established to oppose Proposition 1.
5. The reports submitted on June 12, 2013 indicated that Citizens for Two-Thirds had accepted contributions from Yakima Valley Publishing and Ben Shoal that exceeded the \$500 limit of the Mini Reporting option on contributions from one source.
6. The reports submitted on June 12, 2013 indicated that Citizens for Two-Thirds had raised \$5,930 and spent \$5,227, exceeding the \$5,000 limit of the Mini Reporting option on aggregate contributions and expenditures. The expenditure totals did not include outstanding obligations for signature gathering services.
7. On July 9, 2013, in an attempt to return to compliance with the Mini Reporting limits, Citizens for Two-Thirds submitted reports indicating that from June 12 to June 30, 2013, the committee refunded certain contributions and obtained refunds from Evergreen Petition Management, LLC for payments made for signature gathering services. However, because Evergreen Petition Management, LLC had already performed the signature gathering services, the payments refunded to Citizens for Two-Thirds are now obligations owed to Evergreen Petition Management, LLC, subject to the \$5,000 expenditure limit under the Mini Reporting option.

8. As of August 12, 2013, Citizens for Two-Thirds had received \$4,960 in cash and in-kind contributions and had made \$877 in expenditures (cash and in-kind). In addition, Citizens for Two-Thirds had outstanding obligations of \$14,974, making total campaign expenditures \$15,851<sup>1</sup>.
9. On July 18, 2013, PDC staff notified Citizens for Two-Thirds in writing that because the committee exceeded the limits of the Mini Reporting option prior to applying for a change in reporting options, PDC staff was unable to process or approve the application to change to the Full Reporting option.
10. Citizens for Two-Thirds has returned all monetary contributions exceeding \$500 in the aggregate from one source. In addition, Citizens for Two Thirds has made no additional expenditures, beyond incurring obligations for legal counsel and professional compliance services necessary to resolve this complaint.

#### **STATUTORY AND RULE AUTHORITY**

14. **RCW 42.17A.205** states, in part: “(1) Every political committee, within two weeks after its organization or, within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission.” ... and “(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission within the ten days following the change.”
15. **RCW 42.17A.235 and .240** require political committees under the full reporting option to file timely, accurate reports of contributions and expenditures.
16. **WAC 390-16-105(2)** states, in part: “A political committee, as that term is defined in RCW 42.17A.005, shall not be required to comply with the provisions of RCW 42.17A.225 through 42.17A.240 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures exceed five

---

<sup>1</sup> This total of campaign expenditures does not include obligations for legal counsel and professional compliance services necessary to resolve this complaint. However, these reportable obligations have been disclosed.

thousand dollars and no contribution or contributions from any person exceed five hundred dollars.”

17. **WAC 390-16-125** states, in part, “(1) A candidate or political committee shall apply in writing to the commission for authorization to change reporting options before the limitations specified in WAC 390-16-105 are exceeded. A complete application shall include all of the following documents:

- (a) An amended registration statement (Form C-1 for candidates, Form C-1pc for political committees) selecting the full reporting option as provided in RCW 42.17A.225 - 42.17A.240;
- (b) PDC forms C-3 and C-4 with relevant schedules and attachments disclosing all contributions and expenditures to date reportable under RCW 42.17A.240 for the election campaign, or in the case of continuing political committees, for the calendar year; and
- (c) ... (ii) If the applicant is the treasurer of a political committee supporting or opposing a ballot proposition, a statement affirming that all treasurers of all political committees registered with the commission as supporting or opposing the proposition have been notified personally in writing of the application, and the manner and date of such notification.”

...

(5) Exceeding the aggregate contributions or aggregate expenditures specified in WAC 390-16-105 without complying with the provisions of this section shall constitute one or more violations of chapter 42.17A RCW or 390-17 WAC.”

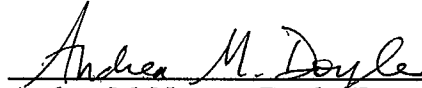
### **VIOLATION**

Based on the Stipulation of Facts set forth above, Respondent Citizens for Two Thirds stipulates that the committee violated RCW 42.17A.205, RCW 42.17A.235, RCW 42.17A.240, and WAC 390-16-125 by exceeding the Mini Reporting limits in WAC 390-16-105 without complying with the provisions of WAC 390-16-125.

### **PENALTY**

Based upon the stipulated facts and violations set forth above, Respondent Citizens for Two-Thirds agrees to pay a total civil penalty of \$500.

Respondent affirms its intention to comply in good faith with the provisions of RCW 42.17A in the future.

  
\_\_\_\_\_  
Andrea McNamara Doyle, Executive Director  
Public Disclosure Commission

8/29/13  
Date Signed

  
\_\_\_\_\_  
Dan Brady, Counsel for Respondent  
Citizens for Two-Thirds

8/21/13  
Date Signed

## Lori Anderson

---

**From:** Lori Anderson  
**Sent:** Wednesday, February 05, 2014 12:47 PM  
**To:** jim@jimlazar.com; robertshirleyattorney@hotmail.com  
**Subject:** FW: Washington State Register official filing  
**Attachments:** WSR 14-04-090.pdf

Hello,

The Public Disclosure Commission is beginning the process to amend its rules related to mini reporting. I expect to have draft proposed amendments for the Commission to consider when it meets February 27. As explained on the attached preproposal filed with the Code Reviser, I plan to incorporate procedures to be followed when a campaign registers under the mini reporting option, exceeds the mini reporting thresholds before receiving the Commission's approval to change to full reporting, and is no longer eligible for mini reporting but continues to receive contributions and/or make expenditures.

**If you have thoughts for me to consider when drafting the proposed amendments, please send them to me no later than Thursday, February 13.** I will send you the draft proposed amendments a few days before the meeting along with the agenda time for that item.



Lori Anderson  
(360) 664-2737 - phone  
1-877-601-2828 toll free in WA State  
(360) 753-1112 - fax  
Follow the PDC on [Facebook!](#)



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Public Disclosure Commission

**Subject of possible rule making:** WACs 390-16-105, 390-16-115, and 390-16-125

**Statutes authorizing the agency to adopt rules on this subject:** RCW 42.17A.110(8)

**Reasons why rules on this subject may be needed and what they might accomplish:** Amendments to the mini reporting rules are necessary to clarify procedures that must be followed when a campaign registers under the mini reporting options, receives contributions or makes expenditures that exceed the mini reporting eligibility criteria, and continues to accept contributions and/or make expenditures.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

XOther (describe) The Commission will likely consider proposed draft language on February 27, 2014. A public hearing on rule amendments is expected to be held May 22, 2014.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested persons should contact:

Lori Anderson

711 Capitol Way, Rm. 206, P O Box 40908, Olympia, WA 98504-0908

email: lori.anderson@pdc.wa.gov | phone: (360) 664-2737 or toll-free 1-877-601-2828 | fax: (360) 753-1112

no later than March 10, 2014.

**DATE**  
February 3, 2014

**NAME (TYPE OR PRINT)**  
Lori Anderson

**SIGNATURE**  
*Lori Anderson*

**TITLE**  
Communications & Training Officer

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED**

**DATE: February 03, 2014**

**TIME: 6:21 PM**

**WSR 14-04-090**

**WAC 390-16-105 Mini campaign reporting-Eligibility.** (1) A candidate or candidate's authorized committee, as those terms are defined in RCW 42.17A.005, ~~((shall not be))~~ is not required to comply with the provisions of RCW 42.17A.225 through 42.17A.240 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when both of the following conditions are present: (a) neither aggregate contributions nor aggregate expenditures exceed the amount of the candidate's filing fee provided by law plus a sum not to exceed five thousand dollars; and (b) no contribution or contributions from any person other than the candidate ~~((within such aggregate))~~ exceed five hundred dollars in the aggregate. However, a bona fide political party may pay the candidate's filing fee provided by law without that payment disqualifying that candidate from eligibility under this section.

(2) A political committee, as that term is defined in RCW 42.17A.005, ~~((shall not be))~~ is not required to comply with the provisions of RCW 42.17A.225 through 42.17A.240 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when both of the following conditions are present: (a) neither aggregate contributions nor aggregate expenditures exceed five thousand dollars; and (b) no

contribution or contributions from any person exceed five hundred dollars in the aggregate.

(3) A continuing political committee, as that term is defined in RCW 42.17A.005, (~~shall not be~~) is not required to comply with the provisions of RCW 42.17A.225 through 42.17A.240 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when both of the following conditions are present: (a) neither aggregate contributions nor aggregate expenditures during a calendar year exceed five thousand dollars; and (b) no contribution or contributions from any person exceed five hundred dollars in the aggregate.

(4) A candidate or political committee that exceeds one or both of the thresholds set out in this section after registering as a mini reporting campaign shall comply with the provisions of chapter 42.17A RCW, including but not limited to, disclosure of contributions and expenditures, disclosure of last minute contributions, applicable contribution limits, false political advertising, sponsor identification and public inspection of campaign books of account.

(5) Candidates and political committees eligible for mini campaign reporting are required to comply with all applicable provisions of chapter 42.17A RCW including, but not limited to, false political advertising, sponsor identification and public inspection of campaign



books of account unless specifically exempted under subsections (1) through (3) of this section.

[Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-16-105, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370 (1) and (8). WSR 08-01-058, § 390-16-105, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370. WSR 05-11-001, § 390-16-105, filed 5/4/05, effective 6/4/05. Statutory Authority: RCW 42.17.370(1). WSR 02-03-018, § 390-16-105, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370. WSR 01-10-050, § 390-16-105, filed 4/26/01, effective 6/1/01. Statutory Authority: RCW 42.17.370(1). WSR 86-04-071 (Order 86-01), § 390-16-105, filed 2/5/86; Order 91, § 390-16-105, filed 7/22/77; Order 62, § 390-16-105, filed 8/26/75.]

**WAC 390-16-125 Mini campaign reporting—Exceeding limitations. (1)**

A candidate or political committee (~~shall~~) wishing to change from mini to full reporting must apply in writing to the commission for authorization to change reporting options before the limitations specified in WAC 390-16-105 are exceeded. A complete application shall include all of the following documents:

(a) An amended registration statement (Form C-1 for candidates, Form C-1pc for political committees) selecting the full reporting option as provided in RCW 42.17A.225 through 42.17A.240;

(b) PDC forms C-3 and C-4 with relevant schedules and attachments disclosing all contributions and expenditures to date reportable under RCW 42.17A.240 for the election campaign, or in the case of continuing political committees, for the calendar year; and

(c)(i) If the applicant is a candidate, a statement affirming that all candidates registered with the commission for the office being sought have been notified personally in writing of the application, and the manner and date of such notification;

(ii) If the applicant is the treasurer of a political committee supporting or opposing a ballot proposition, a statement affirming that all treasurers of all political committees registered with the commission as supporting or opposing the proposition have been notified personally in writing of the application, and the manner and date of such notification; or

(iii) If the applicant is the treasurer of a county or legislative district party committee, a statement affirming that the treasurer of that party committee's counterpart in any other major political

party has been notified personally in writing of the application, and the manner and date of such notification.

(2) An application that is submitted without the required documents described in subsection (1) of this section is incomplete and will not be processed or approved. If the applicant provides the missing documents, the application will be determined to be complete on the date the documents are postmarked or delivered to the commission.

(3) If a complete application is postmarked or delivered to the commission on or before thirty business days prior to the date of the election, the executive director will approve the application (~~shall be approved by the executive director~~)).

(4) If a complete application is postmarked or delivered to the commission on or after twenty-nine business days prior to the election, the executive director will approve the application (~~shall be approved by the executive director~~)) only if one or more of the following factors are present:

(a) The applicant's campaign had its respective C1 or Clpc on file with the commission forty-one or more days before the election and the commission staff did not send to the applicant's campaign in a timely and proper manner, either electronically or by other mail delivery service, a notice that the thirtieth business day deadline for

unrestricted changes in reporting options is approaching. To be timely and proper, this notice must be sent at least forty business days before the election to the campaign's electronic mail address or postal service mailing address specified on the registration statement;

(b) The applicant is a candidate and, within thirty business days of the election, a write-in opponent has filed for office in accordance with chapter 29A.24 RCW;

(c) Within thirty business days of the election, an independent expenditure as defined in RCW 42.17A.005 is made in support of the applicant's opponent or in opposition to the applicant; or

(d) When a candidate or political committee on one side of an election campaign or proposition has been approved to change reporting options under this section, each opponent of that candidate or political committee is approved to change options as of the date that opponent postmarks or delivers a complete application to the commission.

(5) Exceeding the aggregate contributions or aggregate expenditures specified in WAC 390-16-105 without complying with the provisions of this section (~~shall~~) constitutes one or more violations of chapter 42.17A RCW or 390-17 WAC.

(6) The executive director may approve an application to change reporting options after the aggregate contributions or aggregate ex-

penditures specified in WAC 390-16-105 have been exceeded only if the applicant acknowledges the violation and demonstrates compliance with WAC 390-16-105(4). Approval of an application under this subsection does not absolve a candidate or political committee from liability for any violation or violations of subsection (5) of this section.

[Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-16-125, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370 (1) and (8). WSR 08-01-058, § 390-16-125, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370. WSR 05-11-001, § 390-16-125, filed 5/4/05, effective 6/4/05. Statutory Authority: RCW 42.17.370 and 42.17.690. WSR 01-22-051, § 390-16-125, filed 10/31/01, effective 1/1/02. Statutory Authority: RCW 42.17.370. WSR 92-18-002, § 390-16-125, filed 8/20/92, effective 9/20/92; WSR 92-05-079, § 390-16-125, filed 2/18/92, effective 3/20/92; WSR 90-16-083, § 390-16-125, filed 7/31/90, effective 8/31/90; WSR 89-20-068, § 390-16-125, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370(1). WSR 86-04-071 (Order 86-01), § 390-16-125, filed 2/5/86; Order 91, § 390-16-125, filed 7/22/77; Order 67, § 390-16-125, filed 1/16/76; Order 62, § 390-16-125, filed 8/26/75.]