

Draft as adopted by the Commission 5-9-18, with effective date of June 7, 2018

WAC 390-18-050 “Commercial advertisers—Public inspection of records”

(1) RCW 42.17A.005(11) defines “Commercial Advertiser” as any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise. This includes communications such as paid internet or digital advertisements, brochures, flyers and any other means of mass communications used for the purpose of appealing, directly or indirectly for votes or for financial or other support in any election campaign.

(2) RCW 42.17A.005(8)(b) defines “Books of Account”, in the case of a commercial advertiser, as details of political advertising or electioneering communications provided by the advertiser, including the names and addresses of persons from whom it accepted political advertising or electioneering communications, the exact nature and extent of the services rendered and the total cost and the manner of payment for the services.

(43) Pursuant to RCW 42.17A.345, each commercial advertiser who has accepted or provided political advertising, as defined by RCW 42.17A.005(39), or electioneering communications, as defined by RCW 42.17A.005(22), must maintain documents and current books of account. Such information must be available for public inspection:

(a) in person during normal business hours;

(b) provided electronically promptly upon request; or

(c) available online on the advertiser’s website.

(4) Any person, without reference to or permission from the public disclosure commission, is entitled to inspect a commercial advertiser's political advertising or electioneering communications documents and books of account.

(25) Information No commercial advertiser shall be required to make available for public inspection information regarding political advertising or electioneering communications must be made available as of prior to the time when the advertisement or communication has initially received public distribution or broadcast. Such records must be maintained for a period of no less than three years after the date of the applicable election.

(36) The information documents and books of account that must be maintained open for public inspection pursuant to RCW 42.17A.345(1) are:

(a) The name of the candidate or ballot measure supported or opposed or the name of the candidate otherwise identified;

- (b) The name and address of the person(s) who sponsored the advertising or electioneering communication;
- (c) The total cost of the advertising or electioneering communication, how much of that amount has been paid, who made the payment, when it was paid, and what method of payment was used; and
- (d) Date(s) the commercial advertiser rendered service.

(47) In addition to subsection (~~63~~) of this section and pursuant to RCW 42.17A.345 (1)(b), the documents and books of account open for public inspection must include the advertisement or communication itself, and a description of the major work components or tasks, as specified in (a) through (g~~f~~) of this subsection, that were required to provide the advertising or communications services.

(a) For printers, reproducers and other persons who provide commercial duplicating services: Quantity of items, item description, design, layout, typesetting, photography, printing, silk screening, binding.

(b) For mailing services: Quantity of items mailed, binding, stuffing, labeling, list or directory services, postage or delivery.

(c) For broadcast media: Air time and number of spot advertisements. If the broadcaster provides additional services such as copy writing, talent, production, and tape reproduction, some type of record or notation evidencing the additional service must be available.

(d) For billboard or sign companies: Number and location of signs, design, printing and art work, erection/removal costs.

(e) For specialty or novelty commercial advertisers: Quantity of items provided, silk screening, design, printing and art work.

(f) For newspapers and other print media: Amount of advertising space and dates of publication. If the advertiser provides additional services such as design or layout, some type of record evidencing such additional services must be available.

(g) For digital communication platforms: An approximate description of the geographic locations and audiences targeted, and total number of impressions generated by the advertisement or communication.

(8) At the request of the PDC, each commercial advertiser required to comply with this section shall deliver to the PDC copies of the information described above.