

TEXT OF PROPOSED NEW RULE ON PUBLIC COMMENT & POLITICAL ADVERTISING

Chapter 390-18 WAC POLITICAL ADVERTISING

WAC 390-18-060 Use of Public Comment for Political Advertising

(1) "Public comment" is as defined in **RCW 42.30.240**

(2) Public comment is considered a public resource under "facilities of a public office or agency" under **RCW 42.17A.555**

(3) Public comment under **RCW 42.17A.555**, which is, "For the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition" except public comment as a response to agenda items under **RCW 42.17A.555 (1)** where an agenda is defined and required under **RCW 42.30.077** is illegal.

(4) Therefore, the chair of the meeting has a legal duty to *immediately* end the campaigner's public comment period when the campaigner is using public comment "For the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition" unless those comments are again addressing an item under **RCW 42.17A.555 (1)**. This rule is as these public comment periods use publicly owned transmission equipment (e.g. speakers, video cameras) to transmit and in a public space.

(5) A candidate or campaigner using **RCW 42.30.240** to further a campaign also violates **RCW 42.17A.555** and may be subject to a Public Disclosure Commission (PDC) complaint under the procedures of WAC 390-37-040.

(6) The penalty schedule shall be under WAC 390-37-182 and WAC 390-37-182 as “Use of public facilities for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition.” However, first-time penalties for chairs of public meetings should be set at a 100% suspended amount with a reminder letter provided that the chair agrees within 30 calendar days to attend a refresher course for the Open Public Meetings Act under RCW **42.30.205** and that there are no further violations of campaign finance law for one calendar year. Campaigners who use public comment for campaign advertising should be served a 100% suspension amount for a first-time offense with a reminder letter provided no further violations of campaign finance law for one calendar year from the date of the letter.