



## PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

### CONTACT INFORMATION *(please type or print)*

Petitioner's Name \_\_\_\_\_

Name of Organization \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

### COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm>.

### INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: \_\_\_\_\_

**1. NEW RULE - I am requesting the agency to adopt a new rule.**

The subject (or purpose) of this rule is: \_\_\_\_\_

The rule is needed because: \_\_\_\_\_

The new rule would affect the following people or groups: \_\_\_\_\_

**2. AMEND RULE - I am requesting the agency to change an existing rule.**

List rule number (WAC), if known: \_\_\_\_\_

I am requesting the following change: \_\_\_\_\_

This change is needed because: \_\_\_\_\_

The effect of this rule change will be: \_\_\_\_\_

The rule is not clearly or simply stated: \_\_\_\_\_

**3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.**

List rule number (WAC), if known: \_\_\_\_\_

*(Check one or more boxes)*

It does not do what it was intended to do.

It is no longer needed because: \_\_\_\_\_

It imposes unreasonable costs: \_\_\_\_\_

The agency has no authority to make this rule: \_\_\_\_\_

It is applied differently to public and private parties: \_\_\_\_\_

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: \_\_\_\_\_

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: \_\_\_\_\_

Other (please explain): \_\_\_\_\_

# 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.