

Written Public Comment for August PDC Regular Meeting
Conner Edwards

1) Proposed Reporting Schedule

The agency's proposal for overhauling the state's reporting schedule is a great idea in many ways.

Standardizing the reporting schedule across all filers would greatly simplify the existing confusing schedule in which deadlines are heavily dependent on a filer's specific pre-election activity.

Additionally, eliminating the activity threshold exemption would also greatly increase public transparency and allow the PDC to conduct enforcement in a more systematic and orderly way. As it stands today under existing law, if a filer hasn't filed a report in weeks, month, or even years, the public has no way of knowing if that filer is in compliance. The filer could not be filing because they haven't had sufficient financial activity to require filing. Or it could be that the filer is having financial activity, and it just isn't being disclosed because of negligence/technical issues/death of the treasurer/etc. The PDC's proposal would fix that problem by requiring filers to file regardless of the amount of activity they have.

Unfortunately, there are a number of issues with the rest of the agency's proposal, as identified below. My own proposal for a reporting schedule overhaul is appended to this public comment.

Problems with PDC's Reporting Schedule Proposal

Con: Reduced Transparency for Special Elections. Every year there are special elections that occur in February and April. Under the current schedule, committees participating in these elections are required to file C4 reports 21 and 7 days before the election. Under the PDC's current proposal, reports that contain this critical pre-election information will often not be filed until after the election is already over. This defeats the purpose of why committees are required to file C4 reports.

Con: Additional Reports Without Corresponding Benefit to Public. The PDC's current proposal would significantly increase the number of C4 reports that candidates/committees must file from July to October. Requiring additional reporting in August and September (well after the primary election is over and well before the general election ballots are even mailed out) would impose excessive work on filers that doesn't have a corresponding benefit to the public.

Moreover, would the agency even have the willpower or ability to enforce its new proposed C4 deadlines? For the last two years, I have heard the PDC complain about the burden associated with enforcing all the mandatory C4 deadlines as they occur due to a lack of resources. The PDC's current proposal would significantly increase its own enforcement obligations.

If you talk with committees and treasurers, the general consensus is that the existing disclosure regime is burdensome enough as it is. Requiring filers to file additional reports, especially without a clear benefit to the public, is not going to be a popular idea.

Con: Fails to Merge C3/C4 Reports To Simplify Reporting. Both Commissioners Hayward and North had raised the idea of merging C3 (contributions) and C4 (expenditure) reports into a single report to simplify reporting. This would greatly reduce filer confusion and also aid the PDC in approaching enforcement in a more systemic and orderly way.

A few months ago, the PDC staff presented a research report which found that similar jurisdictions all had contributions and expenditures reported on the same form. ¹

It is true that adopting this approach would mean C3 reports would no longer be filed every Monday, however last-minute contribution reports (LMCs) would still ensure that large contributions were reported within 48 hours leading up to the election.

Con: Confusing Deadlines. While requiring reports to be due on the 10th and 25th sounds easy to remember, the 10th and the 25th often fall on a weekend or legal holiday and so the due dates would actually fall on the next business day. Compare that to the existing schedule which always has reports due on a Tuesday that falls a certain number of days before the election.

2) Lack of Proactive Enforcement/Audits

About 8 months ago, the agency discussed and adopted an approach to enforcement that would provide for an even greater percentage of substantiated complaints to be dismissed administratively with no penalties. The agency has been receiving a higher-than-normal volume of complaints in recent years.

The main reason given for this approach was to free up agency resources to focus on agency-driven, as opposed to complaint-driven enforcement.

¹ <https://www.pdc.wa.gov/sites/default/files/2025-04/06.02.Comparing%20Reporting%20Requirements.pdf> , see pg. 10

Even though this approach was primarily designed to dismiss the substantiated complaints that I had been filing, I thought this had the potential to be a positive development if the agency actually followed through on its promise to conduct proactive enforcement.

Campaign finance agencies should not rely on members of the public to initiate enforcement. Most of our neighboring campaign finance agencies (and the FEC) use automated or semi-automated processes to ensure that campaigns are filing timely and accurate campaign finance reports.

Since the agency adopted its new approach, the number of substantiated complaints being dismissed administratively has increased. However, there has been no corresponding increase in the agency's proactive enforcement.

The biggest example of this is the agency's failure to penalize candidates who failed to file the two required pre-primary C4 reports. It has now been 3 weeks since the primary election ended, and it appears that no hearings have even been scheduled. In fact, the agency did not even bother to publish the names of candidates who had failed to file the 7-day pre-election C4 report.

Another example of the agency's failure to conduct proactive enforcement would be the de facto termination of its audit program. The last audits conducted by the agency occurred in 2021 and related to the 2020 election cycle.²

The PDC is required to conduct audits pursuant to RCW 42.17A.105(6), which requires the agency to : “[c]onduct a sufficient number of audits and field investigations to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers.”

The PDC is required by law to conduct audits. It is not optional. Audits are an important component of ensuring that filers comply with the campaign finance disclosure requirements. Statutory responsibilities may not be set aside simply because the agency is dealing with a higher-than-normal complaint volume.

3) Reconsideration Hearings

On Thursday's agenda, there are five requests for reconsideration. All of the cases involve the simple question of whether or not the filer submitted the required report by the given deadline. All of the cases involve penalties of \$500 or less.

² <https://www.pdc.wa.gov/rules-enforcement/pdc-audits>

The PDC regularly grants these requests for reconsideration when respondents bring forth new arguments that could have and should have been raised when the case was first heard. This approach undercuts the agency's approach to enforcement efficiency.

The agency should consider adopting a standard for reconsideration similar to that adopted in local rule by the US District Court for the Western District of Washington:

Standard. Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence. - LCR 7(h)

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Proposal for New Campaign Reporting Calendar

Open of Activity	Close of Activity	Due Date	Report Name
12/11/2024	1/20/2025	1/23/2025	19-Day Pre Feb.
1/21/2025	2/3/2025	2/6/2025	5-Day Pre Feb.
2/4/2025	3/31/2025	4/3/2025	19-Day Pre Apr.
4/1/2025	4/14/2025	4/17/2025	5-Day Pre Apr.
4/15/2025	6/30/2025	7/3/2025	33-Day Pre Prim.
7/1/2025	7/14/2025	7/17/2025	19-Day Pre Prim.
7/15/2025	7/28/2025	7/31/2025	5-Day Pre Prim.
7/29/2025	9/15/2025	9/18/2025	47-Day Pre Gen.
9/16/2025	9/29/2025	10/2/2025	33-Day Pre Gen.
9/30/2025	10/13/2025	10/16/2025	19-Day Pre Gen.
10/14/2025	10/27/2025	10/30/2025	5-Day Pre Gen.
10/28/2025	12/10/2025	12/13/2025	Post Gen.

Additional Proposed Significant Changes

- 1. C3s and C4s merged into a single form.**
- 2. All reports due on deadlines regardless of activity.**
- 3. Surplus committee reports due annually by January 15.**

Election Date	Timing	Statutory Authority
2/11/2025	February Special Election - 2nd Tuesday in February	RCW 29A.04.321 (2)(a)
4/22/2025	April Special Election - 4th Tuesday in April	RCW 29A.04.321 (2)(b)
8/5/2025	August Primary - 1st Tuesday of August	RCW 29A.04.311
11/4/2025	General Election - 1st Tuesday after 1st Monday in November.	RCW 29A.04.321 (2)(d)

Advantages

Simplified Reporting. This proposal eliminate the distinction between C3 and C4 reports and creates one single report. For many first-time filers, they do not understand that these reports are filed separately. Failure to understand this distinction can cause a failure to timely file reports. Merging these two reports together greatly simplifies reporting and the “learning curve” for newcomers.

Mandatory Deadlines. This proposal eliminates the activity threshold and requires all reports to be filed regardless of activity and regardless of a filer’s participation in a particular election. As it stands today, if a committee has not been filing reports, the public cannot tell the reason for this; it may be because either: a) the committee has not had any reportable activity, or b) the treasurer is negligent, doesn’t understand how to file reports, has resigned, etc. By requiring campaigns to file reports regardless of activity, members of the public will be able to see year-round what financial activity (if any) a campaign is engaged in. This increases transparency.

Improved Proactive Outreach. By both eliminating: a) the distinction between C3 and C4 reports, and b) the activity threshold, agency staff would be able to implement the same successful automated notification/reminder program that reduced the rates of mandatory C4 report noncompliance by an incredible 75% over the last year. If this successful program were expanded, it could significantly reduce the rates of noncompliance for the other reporting periods. This, in turn, could greatly reduce the number of complaints that the agency is required to process.

Streamlined Enforcement. This proposal should greatly simplify the work of the agency's enforcement team. No longer will staff have to determine which elections a committee participated in to see what the committee's reporting deadlines were. Every campaign must report on the same schedule. Conducting large batch group enforcement for late reports in a particular period would be more efficient.

Additional Time to File Reports. As it stands today, depending on the time of year, campaigns get either 10 days from the close of a reporting period to file a C3/C4 report (typically December to May) or they get only 1 day (typically June to November). 10 days is much longer than is needed, and 1 day is far too little.

The current 24-hour turnaround that exists during the heat of the campaign season significantly reduces the number of campaigns that a professional treasurer can take on. Filing these reports takes time, and treasurers must allow for campaigns that do not timely/completely respond to the treasurer's requests.

This proposal would give treasurers 3 days to prepare and file the required reports. This change is consistent with the reporting calendar of other mail-in ballot states, which range anywhere from 3-15 days from close of the reporting period to when the report is due. Implementing this change would allow professional treasurers to take on additional clients.

While professional treasurers are not perfect, they make far less errors and omissions compared to inexperienced filers. If professional treasurers are allowed to serve a greater percentage of campaigns, there would be a smaller overall percentage of noncompliance. This should reduce the number of complaints that the agency is required to process.

Additional Reports Before Key Elections. This proposal recognizes the relative importance of special, primary, and general elections. Greater transparency is provided for the primary election compared to the special elections by the addition of a 33-day pre-election report. Greater transparency is provided for the general election compared to the primary election by the addition of a 47-day pre-election report.¹

Disadvantages

Expedited Reports. Campaigns that participate only in the August and November elections may complain about having to file expedited reports before the February and April elections when they have little activity. Similarly, bond and levy campaigns will likely complain about having to file expedited reports right before the August and November elections when they have little activity.

¹ The FCPA already recognizes the relative importance of special, primary, and general elections to a limited degree. Large contributions require expedited LMC reporting during the 21-day period before the general, but only during the 7-day period before the primary. No expedited reporting is required for special elections. See RCW 42.17A.265 (4).

There is simply no way around this if there is going to be a single unified reporting schedule for all campaigns. However, both types of campaigns should benefit overall from the other changes that are part of this proposal.

Reporting Gap. Under this proposal there would be no reports required to be filed between April 17 and July 3. However, there is no-one voting during this period as ballots aren't mailed for the primary until July 18 (just before when the proposed 19-day pre-primary report would become due). Additionally, this proposal would add an additional C4 report due approximately 33 days before the primary election which would have a corresponding benefit to transparency over the existing schedule.

Additionally, my thought is that this gap could create a desirable "dead zone" where the PDC's filer assistance/enforcement team would be able to focus primarily on other work such as group enforcement for C1/F1 filers² without having to deal with assisting/badgering campaigns into filing other required reports. This time could also potentially be used to put on additional training for candidates to help them proactively comply with filing requirements.

No weekly C3s. This proposal would do away with the existing requirement that weekly C3 reports be filed starting 5 months before the election. However, contributions would still be required to be disclosed at a predictable schedule prior to and during voting. Importantly, campaigns would still be obligated to file last-minute contribution (LMC) reports to disclose large contributions on an expedited basis (within 48 hours).

Clunkiness. This proposal does not have elegance of the alternative idea originally proposed by Commissioner Hayward where reports would be filed on the "1st and 15th" of the month.³ But it does have an advantage in that deadlines are calibrated to upcoming elections and not arbitrarily occurring throughout the year. If the PDC expanded its successful reporting notification/reminder system to cover these proposed reporting periods, the clunkiness of the deadlines would be a nonissue.

Surplus Funds. This proposal would require surplus fund committees to file an annual report disclosing activity for the past year by January 15 of the new year. Currently, they report on the same schedule as regular committees (and can claim the same threshold exemption).

These committees generally have very little activity that would need to be reported on an expedited basis. Oftentimes these committees go for years without filing reports because they do not have activity above the statutory threshold. The only significant activity that surplus fund committees do have is when the surplus fund committees donate to party organizations. But in these instances, party organizations are already required to disclose the receipt of such donations pursuant to their own reporting schedule.

Creating an annual filing requirement for this subset of filers is perhaps not ideal. But forcing surplus fund committees to comply with the new mandatory reporting schedule (when there is very little to report) would greatly antagonize legislators and their treasurers. This exception makes the proposal far less painful/controversial to the very group of people who are responsible for considering the proposal.

² It is during this time frame when C1/F1 group enforcement work needs to occur because both of these reports typically become due between April 15 and May 31.

³ Under existing law, if a deadline falls on a weekend or holiday, the report is not considered due until the next business day. So in reality the "1st and 15th" idea would likely often mean the report was due on the 3rd or the 16th, etc.