

Comments on Rulemaking

[Josie Cummings](#) reported 5 minutes ago (Thu, 27 Sep at 1:04 PM) via Email

To: pdc@pdc.wa.gov

Hello,

Please enter into the record these comments on behalf of the Building Industry Association of Washington in regards to the PDC's permanent rule making.

9/27/2018

Comments on PDC Permanent Rulemaking

WAC 390-16-059

Section 5

The Building Industry Association of Washington (BIAW) represents nearly 8,000 members engaged in all aspects of homebuilding across the state. BIAW and its affiliated political committee engages in the election process in Washington. Thank you for the opportunity to comment on the proposed rule making. BIAW suggests one technical change. In the PDC's proposed rule on Campaign Finance Reporting, WAC 390-16-059, Section 5 of the language states "When more than one sponsor pays for the electioneering communication, the entire fair market value of the communication is attributable to all sponsors. All sponsors of the same communication are responsible for reporting once the one thousand dollar threshold is met." The definition of "Sponsor" is referenced in RCW (42.17a.005). This RCW has two different definitions of sponsor. BIAW is asking the PDC to clarify which definition of "Sponsor" is intended to be used.

BIAW believes that definition A of RCW 42.17a.005 for the purposes of an electioneering communication is vague. " 'Sponsor' for purposes of an electioneering communications, independent expenditure, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertisement. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor." For example, there are situations where BIAW may make a donation to a political committee. If the political committee that BIAW donates to decides to run a political ad or independent expenditure over one thousand dollars that is considered an electioneering communication BIAW feels that we could be considered a sponsor because the committee funding the electioneering communication is acting as an agent for another and the original payment came from our organization. While political committees are not a "person" there is no reference to political committees sponsoring electioneering communications in the current statutory definition. If the PDC decides to use definition A in the final rulemaking we ask for a clarification in statute so that political committees who sponsor electioneering communication abide by the Top 5 contributors rule, but will not be subject to having all donors to the committee be considered sponsors. BIAW recognize that this interpretation is not the intent of what the proposed rule does, but we ask for clarification so that this eliminates future risk.

Thank you for taking the time to consider our suggested change.

Sincerely,

Josie Cummings
Government Affairs and Regulatory Manager
Building Industry Association of Washington
Office: 360-352-7800 ext. 163 Cell: 360-972-9825

Sent from [Mail](#) for Windows 10