

NEW SECTION

**WAC 390-16-013 ~~Incidental committees~~—Registration and reporting requirements and method for incidental reporting.**

(1) RCW 42.17A requires the disclosure of monetary and in-kind contributions and expenditures by nonprofit organizations that participate significantly in candidate and ballot proposition campaigns in Washington state. Nonprofit organizations that make contributions or expenditures in Washington elections above specified thresholds, and are not otherwise defined under the law as political committees. ~~(1, must file organizational statements with the PDC and disclose certain contributors, regardless of the organization's primary purpose. These are referred to in the law as "incidental committees". To be an incidental committee, triggering the requirements to file a statement of organization with the PDC and then file the required disclosure reports, an organization must expect to make contributions or expenditures of at least \$25,000 in a calendar year for an election campaign and receive a payment of at least \$10,000 from a single source.~~

(2) The official form for providing the statement of organization by incidental committees as required by RCW 42.17A.207 is designated

the ~~incidental committee registration~~Incidental Committee Registration Report, or "C-1-IC."

(~~23~~) The official form for reporting top ten payments and expenditures by incidental committees as required under RCW 42.17A.240 is designated ~~"C-8." Reports must be filed electronically where the commission has provided an electronic option.~~the Incidental Committee Payments and Political Expenditures Report, or "C-8."

(4) These reporting forms must be filed electronically when the PDC has provided an electronic method to do so. Until an electronic method is provided, the reporting forms should be downloaded from the PDC's web site, www.pdc.wa.gov, or obtained at the PDC office, in Olympia, Washington, and submitted by postal mail or hand-delivery. The executive director may make exceptions on a case-by-case basis for an incidental committee that lacks the technological ability to file reports electronically. 3

(5) For purposes of ~~reporting the~~determining whether a nonprofit organization has the expectation of making contributions or expenditures aggregating at least twenty-five thousand dollars in a calendar year that then triggers the reporting requirements:

(a) Contributions include any monetary or in-kind contributions made to a political committee, including a political committee that the nonprofit organization sponsors; and

(b) Contributions do not include contributions made to an out-of-state political committee, unless the contribution is earmarked or otherwise designated specifically for any in-state election campaign or political committee.

(6) The sources of the top ten largest cumulative payments of ten thousand dollars or greater, ~~and payments received by an incidental committee,~~ as required ~~under RCW 42.17A.240,~~ to be reported on the C-8 report, must include:

(a) The top ten sources of payments within the current calendar year through the applicable reporting period, including any changes to the top ten sources from the previous reporting period; and

(b) The total cumulative payment value, within the current calendar year through the applicable reporting period, made from a person who is reported on the current report as a source of a top ten payment.

~~+4(7) For purposes of reporting the sources of the top ten largest cumulative payments of ten thousand dollars or greater, for payments received from multiple persons in an aggregated form, only a~~

payment of more than ten thousand dollars from any single person must be reported, but not the aggregated payment to the nonprofit organization itself or through any intermediary aggregated payment.

(8) Appreciation of assets are not considered as a payment received.

(8) An incidental committee may request a modification or suspension of reporting requirements in cases of manifestly unreasonable hardship pursuant to RCW 42.17A.120, as set forth in ~~these rules under~~ chapter 390-28 WAC.

(59) Each incidental committee is automatically dissolved at the end of the calendar year in which it was registered, or upon completion of all reporting requirements for that year, whichever is later. Dissolution does not absolve the nonprofit organization that registered as an incidental committee from responsibility for any obligations resulting from ~~thea~~ finding before or after dissolution of a violation committed prior to dissolution. Dissolution in this context refers only to the termination of an incidental committee created to fulfill the non-profit's reporting responsibilities under Chapter 42.17A RCW, and is not intended to affect the legal status of the nonprofit organization itself.

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NEW SECTION

~~WAC 390-16-013A Incidental committees Filing reports for incidental committees. All incidental committees required to file reports under chapter 42.17A RCW must file them electronically where the commission has provided an electronic option.~~

~~The executive director may make exceptions on a case by case basis for an incidental committee that lacks the technological ability to file reports electronically. To the extent an electronic option is not provided, copies of this form are available on the PDC's web site, [www.pdc.wa.gov](http://www.pdc.wa.gov), and at the PDC office, Olympia, Washington.~~

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