

## PDC Interpretation

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REFERENCES:	<a href="#">RCW 42.17A.005</a> <a href="#">RCW 42.17A.220</a> <a href="#">RCW 42.17A.225</a> <a href="#">RCW 42.17A.235</a> <a href="#">RCW 42.17A.240</a> <a href="#">RCW 42.17A.475</a> <a href="#">RCW 42.17A.560</a> <a href="#">WAC 390-05-215</a> <a href="#">WAC 390-16-034</a>	APPROVED BY:	The Commission

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### REPORTING CONTRIBUTIONS MADE AND RECEIVED THROUGH ELECTRONIC TECHNOLOGIES

#### Introduction

This interpretation is intended to provide guidance on contributions made and received through electronic technologies, such as the online platforms, mobile devices, and digital payment services, to assist filers in complying with their legal obligations. The law and rules are always controlling in the event of any conflict with, or omission in, the guidelines.

The Commission recognizes technologies are developing quickly and campaigns may become interested in using new methods for processing contributions which are not specifically addressed in chapter [42.17A RCW](#).<sup>1</sup> Campaigns seeking to use emerging technologies must still satisfy current laws at chapter [42.17A RCW](#) and current rules in [Title 390 WAC](#) when they receive and report contributions, no matter which method is used to process the contribution. Among other things, current law provides for timely deposit and disclosure of contribution amounts and contributor information, timing

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<sup>1</sup> The PDC has published guidance specifically related to reporting contributions made through cryptocurrency, found [here](#). The guidance in this interpretation applies to cryptocurrency contributions to the extent not otherwise provided in the PDC guidance.

restrictions for contributions to state officials during the legislative session freeze. The Commission may examine this interpretation and revise it as the laws or rules change, or as technological developments result in new methods for making campaign contributions.

### **Contributions Made and Received through Electronic Technologies**

Candidates and political committees should adhere to the following guidelines when accepting and reporting contributions made and received electronically, including transactions through an online platform, mobile device, or digital payment service.

1. A contribution is considered **made** on the date the contributor authorizes the expenditure.
2. A contribution is considered **received** on the date the transfer is completed from the merchant account, such as the credit card company or digital payment service, to the candidate or political committee account. [RCW 42.17A.220](#). If there is no merchant account involved in the transaction, a contribution is received on the date when the candidate, treasurer, deputy treasurer, campaign manager, campaign chairperson or similarly situated campaign official is informed of the contribution, obtains possession of the contribution, or the contribution becomes available for use by the campaign, *whichever occurs first*. [WAC 390-05-215](#)
3. A candidate or political committee must treat the **full amount** of a donor's contribution as the contributed amount, even though the candidate or political committee may receive a lesser amount because of transaction fees. A notation explaining why the contributions reported do not equal with the bank deposit is to be kept as part of the candidate's or political committee's books of account.
4. The candidate or political committee may not intentionally delay the transfer from the merchant account beyond the merchant's normal operating practice to process transfers. All contributions must be deposited into the candidate's or political committee's bank account within five days of receipt by the candidate or political committee.
5. Transaction fees paid to merchant accounts are to be reported on a Schedule A to the C-4 Report in compliance with chapter [42.17A RCW](#).
6. When a contribution is made electronically, the term "written instrument" as used in [RCW 42.17A.475](#) includes any electronic record of the transaction created and transmitted by the merchant account or transmitted to the recipient candidate or political committee. Such records must be preserved by the

recipient candidate or political committee for five calendar years in compliance with [RCW 42.17A.225](#) and [RCW 42.17A.235](#).

7. For the purposes of [RCW 42.17A.225](#) and [RCW 42.17A.235](#), the following information concerning persons who contribute through an electronic technology must be kept by candidates and political committees as part of the books of account and be available for audit and/or inspection of records.
  - Name of Contributor
  - Address of Contributor
  - Date Contribution Received
  - Amount Contributed
  - Employer/Occupation (If required by [WAC 390-16-034](#))
8. A separate Cash Receipts/Monetary Contributions report (PDC form C-3) must be filed with the PDC for each bank deposit of contributions received, including contributions received electronically through a merchant account. The merchant account is not an intermediary or conduit for the contribution and is not bundling the contribution.
9. Individuals or political committees must use their own credit or debit cards to make contributions electronically. Employees or officers of businesses, unions or other entities may not use corporate cards issued in their name to make personal contributions. A corporation may make a contribution electronically using its corporate credit or debit card.