



PUBLIC DISCLOSURE COMMISSION

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To: Members, Washington State Public Disclosure Commission
From: Lori Anderson, Communications & Training Officer
Date: July 16, 2016
Re: Rules Development Agenda | July – December 2016

The Commission is required to prepare a rules development agenda that includes planned rule making for the last six months of the year. By the end of July, the Commission submits the agenda to the Code Reviser for publication in the State Register.

Staff proposes the Commission consider rule making that will:

1. **Establish reporting deadlines for surplus funds accounts.** Surplus campaign funds may be held in a separate account for nonreimbursed public office-related expenses or other authorized uses. [RCW 42.17A.430](#). Expenditures from the account are disclosed in accordance with [RCW 42.17A.240](#), which provides for just the contents of a report.

[RCW 42.17A.235](#) sets out a reporting schedule for candidates and political committees, but not surplus funds accounts. There is no reporting schedule for surplus funds accounts. When asked, the staff will suggest that reports be filed when more than \$200 has been spent, which is the reporting threshold RCW 42.17A.235 provides for candidates and political committees outside of the election season.

RCW 42.17A.240(11) grants the Commission authority to require information by rule that conforms with the policies and purposes of RCW 42.17A. Setting a reporting schedule will establish clear guidance for holders of surplus funds accounts and provide timely public access to the information.

2. **Allow an initial personal finance statement (F-1) required to be filed in December to satisfy both the initial filing requirement and the next year's annual filing requirement.** An individual appointed to a position subject to the F-1 filing requirement must submit the initial report within two weeks of the appointment date. The annual April 15 reporting requirement kicks in the following year. For individuals appointed at the end of a year and filing the initial report in December, the reporting periods for these two reports are nearly identical – the initial report discloses information for the 12 months prior to the appointment and the annual report covers the previous calendar year.

Staff believes this is a user-friendly proposal for the regulated community that does not deprive the public of critical information.

3. **Presume certain reports are timely filed if received within a certain number of days of the filing deadline.** For reports that are not electronically filed, the post office cancellation mark on the envelope is the received date. [RCW 42.17A.140\(1\)](#).

A 2016 agency-request bill proposed an amendment that would presume a report was timely filed if received within five business days of the due date. The proposed amendment would have accommodated instances of no postmark and made operations more efficient by allowing the received date to be stamped when reports are scanned and relieving the staff of manually sorting and date stamping incoming mail.

Interpretations to be converted to rule: None at this time.

Other suggestions: The Commission has suggested including examples in its rules to better explain how to disclose independent expenditures and electioneering communications. Staff suggests that the online instructions are a better location for examples, since the political advertising provisions in RCW 42.17A are amended somewhat frequently, rules are not easily or quickly changed, and the Commission is proscribed from adopting political advertising rules that take effect July 1 through the general election. The resources currently available on the Commission's website are attached for the Commission's review.

Attachments: Independent Expenditure Ads & Electioneering Communications Brochure
Electioneering Communications Reporting Guide (with examples)
Comprehensive Guide to Sponsor ID and Disclosure Requirements