

Title 390 WAC

PUBLIC DISCLOSURE COMMISSION

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- 390-36-020 Compliance hearings policy. [Order 62, § 390-36-020, filed 8/26/75; Order 58, § 390-36-020, filed 7/16/75.] Repealed by Order 81, filed 7/22/76 and by Order 84, filed 8/18/76.
- 390-36-024 Definition—Compliance hearing officer. [Order 67, § 390-36-024, filed 1/16/76.] Repealed by Order 81, filed 7/22/76 and by Order 84, filed 8/18/76.
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- 390-36-055 Compliance hearings—Hearing officer. [Order 67, § 390-36-055, filed 1/16/76.] Repealed by Order 81, filed 7/22/76 and by Order 84, filed 8/18/76.
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Chapter 390-04 WAC

POLICY AND ENFORCEMENT REGULATIONS

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- 390-04-120 Hearing to suspend reporting requirements. [Order 13, § 390-04-120, filed 7/31/73.] Repealed by Order 24, filed 2/21/74.
- 390-04-130 Hearing to suspend reporting requirements—Application for exemption—Hearing. [Order 20, § 390-04-130, filed 10/29/73; Order 13, § 390-04-130, filed 7/31/73.] Repealed by Order 24, filed 2/21/74.

WAC 390-04-010 Purpose. The purpose of these regulations is to implement the provisions of Initiative 276, hereinafter referred to as the Public Disclosure Act

or Act, by declaring the policies of the Commission, particularly with regard to the interpretation and enforcement of the Act by the Commission. [Order 9, § 390-04-010, filed 4/24/73.]

WAC 390-04-020 General administrative policy. Whereas the Public Disclosure Act was adopted by the people for the general betterment of local and state government, it shall be the policy of the Public Disclosure Commission to carry out and effectuate that policy to the full extent of its delegated powers, through efficient administration, appropriate regulations and rulings, and through strict, vigorous, uniform and fair enforcement of the provisions of the Act. [Order 9, § 390-04-020, filed 4/24/73.]

WAC 390-04-030 Definitions. (1) The term "person", for the purposes of these regulations, shall include but shall not be limited to individuals, partnerships, public and private corporations, associations, and other governmental and business or legal entities.

(2) "Elected Official" means any person elected at a general or special election for public office, and any person appointed to fill a vacancy in any such office.

(3) The term "consideration" as used in the Act and in these regulations shall be deemed to include anything of value promised or paid or transferred in return for a person's services rendered or to be rendered, including but not limited to reimbursement for traveling or other expenses. [Order 9, § 390-04-030, filed 4/24/73.]

WAC 390-04-031 Definition of term "other expenses". The term "other expenses" in section 17(2)(a) of Initiative 276 (RCW 42.17.170) shall be deemed to include only expenses or services paid or incurred or performed in connection with lobbying. [Order 19, § 390-04-031, filed 10/29/73.]

WAC 390-04-035 Definition of direct financial interest. For the purpose of RCW 42.17.240(1)(b), the phrase "direct financial interest" means and includes any direct ownership interest in a bank or savings account, in the cash surrender value of an insurance policy, in stocks, bonds, securities, evidences of indebtedness, judgments, accounts receivable, and other monetary claims in liquidated amounts.

The term "direct financial interest" as used in that subsection, shall not be deemed to include:

(1) Any direct financial interest which is required to be reported by such elected official or candidate under any other provision of chapter 42.17 RCW;

(2) An account receivable by a business entity in the ordinary course of such entity's business. [Order 19, § 390-04-035, filed 10/29/73.]

WAC 390-04-036 Definition of debt. (1) For the purpose of RCW 42.17.240(1)(c) the term "debt" means and includes a personal obligation or liability to pay or return something of value. (2) The term "debt" as used in RCW 42.17.240(4)(c) shall not be deemed to include: an account payable of a business entity in the

ordinary course of such entity's business. [Order 26, § 390-04-036, filed 2/21/74.]

WAC 390-04-037 Contribution—Defined. The term "contribution" as defined in RCW 42.17.020(8) shall be deemed to include, among other things, furnishing services or property or rights on a discriminatory basis or at less than their fair market value, for the purpose of assisting any candidate or political committee. In the case of services or property or rights having no other fixed or determinable market value, the value of such contribution shall be determined by estimating if possible the difference in cost of achieving the same result with or without the use of such services or property. If no reasonable estimate of the value of such services, property or rights is practicable, it shall be sufficient to report instead a precise description of such services, property or rights so furnished. [Order 34, § 390-04-037, filed 8/28/74.]

WAC 390-04-038 "Aggregate" defined. The term "aggregate" for the purpose of these campaign financing regulations means a total of all contributions received or expenditures made by a candidate or committee together with all contributions received and all expenditures made by all political committees formed by or with the express or implied knowledge or consent of such candidate or committee in connection with such campaign. [Order 61, § 390-04-038, filed 7/16/75.]

WAC 390-04-040 Use of office facilities. Whereas section 13 of the Act forbids certain political uses of the office facilities of elected public officials but expressly denies the application of that section to activities which are a part of the normal and regular conduct of an office; it shall be the policy of the Commission to construe the term "use of any facilities" in section 13 of the Act as meaning only (1) uses of "facilities", as that term is therein defined, which constitute or result in a measurable expenditure of public funds; or (2) such uses which have a measurable dollar value.

Examples of activities or uses which the commission considers to be excluded from section 13 of the Act are verbal endorsements or statements favoring or opposing candidates or ballot issues which endorsements or statements do not directly or indirectly involve any measurable expenditures of public funds. [Order 9, § 390-04-040, filed 4/24/73.]

WAC 390-04-050 Enforcement policy. This Act shall be enforced and its penalties shall be invoked against all persons who knowingly violate its provisions. However, it shall not be the policy of the Commission to invoke the penalties provided therein for violations which may be committed by any person unknowingly and without actual fault. [Order 9, § 390-04-050, filed 4/24/73.]

WAC 390-04-060 Lobbyist's employer—Meaning—Examples. A person shall not be deemed to be a lobbyist's employer within the meaning of sections 15-20 of the Act solely because an employee of such person

engages in lobbying. The term "lobbyist's employer" as defined in the Act shall be deemed to include every person who engages or utilizes the services of any other person to lobby, upon an agreement express of [or] implied, for compensation or for other consideration as that term is defined in WAC 390-04-030. A person shall be deemed to be a lobbyist's employer within the meaning of section 18 of the Act as to the following persons: (1) Persons who are actually employed by or receive consideration from such person in whole or in part, for lobbying.

(2) Officers or employees of such person, whose actual duties consist, in whole or in part, of lobbying for or on behalf of such person, whether such duties are expressed in the corporate or partnership articles or bylaws or other writings of such employer, or in a written or oral contract, or exist by reason of a mutual understanding. [Order 9, § 390-04-060, filed 4/24/73.]

WAC 390-04-070 Effect of Public Disclosure Act—Freedom of communication—Employer interference. Except as provided by sections 15-19, which require certain persons who lobby to register and file periodic reports with the Commission, nothing in the Public Disclosure Act shall be deemed to impair or restrict the right of any individual to communicate to any member of the legislature or other public official his views regarding any proposed, pending or enacted legislation of the legislature or rule, standard, rate or other legislative enactment of any other state agency, regardless of whether or not such matter as to which he communicates also affects, directly or indirectly, the interests of his employer: *Provided*, Such activity involves no unauthorized or unlawful use of an employer's time or funds.

Nothing in the Act shall be deemed to necessitate or excuse if otherwise unlawful, any instruction, directive or order issues, orally or in writing, by any employer restraining such communication by an employee, or requiring such employee to obtain advance permission from such employer in order to make such communication. Any adverse action taken against such employee for the alleged violation of such instruction, directive or order, contrary to the policies expressed in these regulations, which depends or purports to depend upon the provisions of the Public Disclosure Act for its validity, shall be considered unlawful. Any such action, when reported to or discovered by the Commission, shall be reported to appropriate enforcement agencies for such civil or criminal action as may be appropriate. [Order 9, § 390-04-070, filed 4/24/73.]

WAC 390-04-080 List of elected public officials. The Public Disclosure Commission shall prepare, collate and make available for public distribution a list of all elected officials of the State of Washington. The list shall be published by the commission and updated periodically. [Order 9, § 390-04-080, filed 4/24/73.]

WAC 390-04-090 List of elected public officials—Responsibility for developing. The Administrator of the Public Disclosure Commission shall be

responsible for keeping the list on a current basis and shall develop all procedures necessary for performing that responsibility. [Order 9, § 390-04-090, filed 4/24/73.]

WAC 390-04-100 List of elected public officials—Name not on list, impact. (1) The Commission has as part of its authority the power to suspend or modify reporting requirements of chapter 1, Laws of 1973 (chapter 42.17 RCW), if it finds after hearing that literal application of the act would work manifest hardship, and if it finds that suspension or modification will not frustrate the purpose of the act.

(2) Upon a hearing of this nature, the Commission shall presume the reporting of the name of any elected official as required by the act to be an unreasonable hardship, if the name of that elected official does not appear on the list compiled pursuant to this chapter. [Order 9, § 390-04-100, filed 4/24/73.]

WAC 390-04-110 Public Disclosure Act—Violation of other law. No provision of Initiative 276 shall be construed in such a manner as to require any person to act or refrain from acting where such action or non-action would violate any provision of the state or federal constitution or any federal law. [Order 13, § 390-04-110, filed 7/31/73.]

WAC 390-04-140 Public Disclosure Act—Required findings. The commission, after hearing as provided in these regulations, may suspend the applicable reporting requirement of chapter 1, Laws of 1973 if it finds that the literal application of such requirement works a manifestly unreasonable hardship in the case under consideration and if it also finds that such suspension or modification will not frustrate the purposes of the act. The commission shall suspend or modify such reporting requirement or requirements, only to the extent necessary to substantially relieve such hardship, and only upon clear and convincing proof to support such claim. [Order 13, § 390-04-140, filed 7/31/73.]

WAC 390-04-150 Public Disclosure Act—Prima facie qualifications. The following, or any of them, shall be considered prima facie qualified for exemption under section 37(9), chapter 1, Laws of 1973 pursuant to these regulations:

(a) Reporting any financial interest, otherwise required to be reported by section 24(b) of said act, if the financial institution or other entity in which the candidate or official having such interest does not engage in business in the state of Washington, or is not regulated in whole or in part by the office sought or held by such candidate or elected official, and provided that such reporting would present actual difficulties to the candidate or official and the interest in question would present no actual or potential conflict with the proper performance of the duties of the office sought or held, in the public interest.

(b) Reporting debts and related information otherwise required to be reported by section 24(c), if the debt is owed to a creditor whose primary business is located

outside the state of Washington and if such creditor is not regulated by the office sought or held by such candidate or elected official, and provided that such reporting would present actual difficulties to the candidate or official and the interest in question would present no actual or potential conflict with the proper performance of the duties of the office sought or held, in the public interest.

(c) Reporting names of persons for whom actual or proposed legislation, rules, rates, or standards have been prepared, promoted, or opposed for current or deferred compensation; and related information otherwise required under section 24(e) if such work is a part of the normal and regular conduct of the office then held by the candidate or elected public official: *Provided*, That such reporting would present actual difficulties to the candidate or official and the interest in question would present no actual or potential conflict with the proper performance of the duties of the office sought or held, in the public interest.

(d) Reporting any of the information required by section 24(f)(g), if public disclosure would violate any legally recognizable confidential relationship: *Provided*, The information in question does not relate to a business entity which would be subject to the regulatory authority of the office sought or held by such candidate or elected official in whole or in part: *And provided further*, That such reporting would present actual difficulties to the candidate or official and the interest in question would present no actual or potential conflict with the proper performance of the duties of the office sought or held, in the public interest.

(e) Reporting any of the information required by section 24 for members of the immediate family of a candidate or elected official, if such information relates to a financial interest held by such member under a bona fide separate property agreement, or other bona fide separate status and such financial interest does not constitute a present or prospective source of income to such candidate or elected official or to any other person who is dependent upon such candidate or elected official for support in whole or in part.

(f) Reporting any other matter which would constitute an unreasonable hardship in a given case, when the matter reported would not indicate any actual or potential conflict with the proper performance of the duties of the office sought or held in the public interest. [Order 13, § 390-04-150, filed 7/31/73.]

WAC 390-04-160 Written sworn statement. The term written, sworn statement for the purposes of section 24 of the act shall mean a statement prepared by the elected official or candidate written and sworn to as to truth and accuracy to his best and actual knowledge or belief of the candidate or elected official. [Order 13, § 390-04-160, filed 7/31/73.]

WAC 390-04-170 Campaign financing—Special reports. Any person who, during any election campaign, makes an expenditure aggregating \$100 or more in support of or in opposition to any candidate or proposition, other than a contribution made directly to a candidate

or political committee, shall file with the commission a report signed by the person making such expenditure disclosing his name and address together with the date, nature and payee or other recipient of such expenditure and the purpose for which it was made. [Order 13, § 390-04-170, filed 7/31/73.]

WAC 390-04-180 Campaign financing—Time for filing. The report required by section 10, chapter 1, Laws of 1973 (Initiative 276) and WAC 390-04-170 herein, shall be filed with the commission as follows:

(a) In the case of expenditures aggregating \$100 or more, but less than \$500, within one week of the date at which such aggregate expenditure amount is reached; except that during the week immediately preceding the week in which the election is held such reports shall be filed within two business days following the day on which such aggregate expenditure amount is reached;

(b) In the case of expenditures aggregating \$500 or more, within two business days following the day on which such aggregated expenditure amount is reached. [Order 13, § 390-04-180, filed 7/31/73.]

WAC 390-04-190 Campaign financing—Encouraging expenditures to avoid contributions—Result.

If a candidate or a political committee advises, counsels, or otherwise knowingly encourages any person to make an expenditure which, if made by the candidate or committee would be regulated by sections 8 and 9, chapter 1, Laws of 1973 for the purpose of avoiding direct contributions or for any other reason, the person making such expenditure shall be considered an agent of the candidate or political committee encouraging the expenditure, and the expenditure shall be considered for all intents and purposes as an expenditure of such candidate or political committee. [Order 13, § 390-04-190, filed 7/31/73.]

WAC 390-04-200 Abbreviated campaign reporting—Campaigns for public office involving \$1,000 or less. No candidate and no political committee, as those terms are defined in RCW 42.17.020, shall be required to comply with the provisions of RCW 42.17.040 through RCW 42.17.090 except as otherwise prescribed in WAC 390-04-038, WAC 390-04-215, WAC 390-04-225 and WAC 390-04-230 in any election campaign for public office in which neither the aggregate contributions nor the aggregate expenditures on behalf of such candidate exceed \$1,000, and no contribution or contributions from any source other than the candidates personal resources within such aggregate exceeds \$100. [Order 61, § 390-04-200, filed 7/16/75; Order 13, § 390-04-200, filed 7/31/73.]

WAC 390-04-210 Abbreviated campaign reporting—Ballot propositions. No political committee, as that term is defined in RCW 42.17.020, shall be required to comply with the provisions of RCW 42.17.040 through RCW 42.17.090 except as otherwise prescribed in WAC 390-04-038, WAC 390-04-215, WAC 390-04-225, and WAC 390-04-230 in connection with any

ballot proposition in which neither the aggregate contributions nor the aggregate expenditures exceed \$1,000, and contribution or contributions from any person within such aggregate exceeds \$100. [Order 61, § 390-04-210, filed 7/16/75; Order 13, § 390-04-210, filed 7/31/73.]

WAC 390-04-215 Abbreviated campaign reporting—Conditions for granting use. The exemptions allowed in WAC 390-04-200, WAC 390-04-210, and WAC 390-04-215 shall be granted to a candidate or political committee only upon compliance with the following conditions.

(1) The candidate or political committee must, at the time or [of] organization, or at the time of receipt of contributions or the making of expenditures or at the time of reservation of space or facilities with intent to promote or oppose a candidacy for office or with intent to promote or oppose a ballot proposition, whichever comes first, file the C-1 registration statement with the Commission and declare that the candidate or political committee will not exceed the expenditure limitations set out in WAC 390-04-200, WAC 390-04-210, or WAC 390-04-215.

(2) The candidate or political committee must, throughout the ensuing election campaign, keep current records in sufficient detail to allow the candidate or political committee to make reports otherwise required by RCW 42.17.040 through RCW 42.17.090 in the event that the filing of such reports becomes necessary as a result of exceeding the expenditure limitation, pursuant to subsequent permission of the Commission.

(3) The candidate or political committee treasurer shall, during the eight days immediately preceding the date of the election, maintain records of contributions and expenditures current within one business day. These records shall be open for public inspection during the hours designated on the C-1 at the principal campaign headquarters or, if there is not campaign headquarters, at the address of the campaign treasurer.

(4) The records of contributions and expenditures shall be open to audit or examination by representatives of the Public Disclosure Commission at any time upon request from the Commission. [Order 61, § 390-04-215, filed 7/16/75.]

WAC 390-04-220 Exemptions—Conditions for granting. The exemptions allowed in WAC 390-04-200 and WAC 390-04-210 shall be granted to a candidate or political committee only upon compliance with the following conditions.

(1) The candidate or political committee must, at the time of organization, or at the time of receipt of contributions or the making of expenditures or at the time of reservation of space or facilities with intent to promote or oppose a candidacy for office or with intent to promote or oppose a ballot proposition, whichever comes first, file a declaration with the commission indicating that the candidate or political committee does not intend to exceed the expenditure limitations set out in WAC 390-04-200 and 390-04-210.

(2) The candidate or political committee must, throughout the ensuing election campaign, keep current

records in sufficient detail to allow the candidate or political committee to make reports otherwise required by sections 4-9 of the initiative in the event that the filing of such reports becomes necessary as a result of the permissive exceeding of the expenditure limitation by the candidate or political committee. [Order 13, § 390-04-220, filed 7/31/73.]

WAC 390-04-225 Abbreviated campaign reporting—Times and place for filing reports C-1 and C-4 under \$1,000 exemption. (1) The report C-1 shall be filed by any candidate or political committee intending to use the abbreviated reporting recognized and regulated by WAC 390-04-200, 390-04-210 or 390-04-215 at the time of becoming a candidate or within ten days of organization of a committee.

(2) In the case of a continuing political committee, the C-1 report shall be filed initially before accepting any contributions or making any expenditures. Thereafter, the C-1 shall be filed each year between January 1 and January 31 and within ten days of any date a change is made in reportable information.

(3) The report form C-4 summary page shall be filed by each candidate and political committee five days prior to any primary, special and general election in which there was participation.

(4) The report form C-4 summary page shall be filed by each candidate and political committee within 21 days after each special or general election in which there was participation. In the case of a candidate or committee which participates in a primary election but does not participate in the following general election, the C-4 report shall be filed not later than 21 days following the general election. Additionally, in the case of a continuing political committee the report form C-4 shall be filed between January 1 and January 31 for the period between the last report and December 31.

(5) The original of each report required by this section shall be filed with the Public Disclosure Commission. A copy shall be filed with the auditor of the county in which the candidate or committee treasurer resides and a copy shall be retained by the candidate or committee treasurer. [Order 61, § 390-04-225, filed 7/16/75.]

WAC 390-04-230 Abbreviated campaign reporting—Exceeding limitations. (1) Whenever there is reason to believe that any of the aggregate limitations specified in WAC 390-04-200, WAC 390-04-210, WAC 390-04-215, or WAC 390-04-225 will or may be exceeded, the candidate, committee or other person legally interested in such campaign may apply to the Commission for authorization to exceed such limitation.

(a) The person making application shall submit to the Commission not later than 30 days prior to the date of the election in which the person requests release is participating, a statement, under oath, setting forth the reasons why the limitations will or may be exceeded and why the candidate or committee could not have anticipated the excess.

(b) The statement shall affirm that all known candidates for the office being sought have been notified personally of the application stating the manner and date of such notification. In the case of a ballot proposition, the statement shall affirm that the committee treasurer of all committees identifiable from the records of the county auditor or Public Disclosure Commission to be opposing or supporting the proposition have been notified personally of the application stating the manner and date of such notification.

(c) The statement shall be accompanied by properly completed campaign report forms C-1 and C-4. The form C-4 shall include an itemization of all contributions received and expenditures made since the C-1 form was filed establishing the candidacy or committee. Continuing committees shall file for the current calendar year.

(2) When one candidate or committee on either side of an election campaign has applied for permission to exceed the limitations of the exemption under (1) above, all other candidates and/or committees may be granted a seven day extension of the application date shown in paragraph (1)(a) above should any of them require release from the limitations of the exemption.

(3) The Commission shall investigate to determine why the applicable requirements were not complied within the first instance and whether or not the probability of exceeding such limitations was reasonably foreseeable. The Commission, if sufficient cause is shown, shall grant a release from the exemption conditioned upon full future compliance with all applicable requirements of chapter 42.17 RCW.

(4) Any person who knowingly or negligently causes or permits the limitations specified in these regulations to be exceeded without compliance with RCW 42.17.040 through RCW 42.17.090 and without permissive order of the Commission granted under these regulations shall be deemed to have violated the applicable provisions of RCW 42.17.040 through RCW 42.17.090. [Order 61, § 390-04-230, filed 7/16/75; Order 13, § 390-04-230, filed 7/31/73.]

WAC 390-04-240 Minimum limit on campaign expenditures. Section 14 of Initiative 276 shall not be deemed to limit expenditures to any amount less than \$1,000 in any election campaign wherein aggregate contributions and expenditures, as those terms are defined in WAC 390-14-180 and WAC 390-14-190 each amounted to \$1,000 or less. [Order 13, § 390-04-240, filed 7/31/73.]

WAC 390-04-250 Expenditures—Aggregate totals. The totals of expenditures referred to in section 14, chapter 1, Laws of 1973 shall be deemed to mean aggregate totals, as those terms are defined in WAC 390-04-200 and 390-04-210. [Order 13, § 390-04-250, filed 7/31/73.]

WAC 390-04-260 Lobbyists registration and reporting—Timing. Any lobbyist registered under chapter 42.17 RCW must file an expenditure report at the

times required by said act even if no reportable expenditures are made. A failure to file such required expenditure report shall be deemed to be noncompliance with chapter 42.17 RCW. [Order 25, § 390-04-260, filed 2/21/74.]

WAC 390-04-270 Report of contributions and expenditures—C-4—Reporting requirement. It shall be the policy of the Public Disclosure Commission to interpret RCW 42.17.080 and 42.17.090 to require that reports filed under those sections concerning contributions and expenditures of political committees or candidates shall be filed on the dates required by RCW 42.17.080, even if there are no reportable transactions during the reporting period. In that case the form C-4 shall be filed indicating no contributions or expenditures. [Order 25, § 390-04-270, filed 2/21/74.]

WAC 390-04-280 Time of filing F-1—RCW 42.17.240. It shall be the policy of the Public Disclosure Commission to construe the filing requirements of Initiative 276, section 24, RCW 42.17.240, for elected officials in the following manner: It is the interpretation of the Commission that any person holding elected public office, except as exempted by the terms of RCW 42.17.240 is required to file the Report of Financial Affairs required by that section if such person holds such public office in the month of January of any year. Such report shall be for the 12 months preceding that month. [Order 26, § 390-04-280, filed 2/21/74.]

WAC 390-04-290 Candidates for public office—Time of filing. The following circumstances shall give rise to presumption that an individual is a "candidate" as that term is defined in RCW 42.17.020(5):

(a) The existence of a political committee promoting the election of such individual for public office with the knowledge of that individual; or

(b) A public declaration of candidacy by an individual even if the candidacy is conditioned on a future occurrence. [Order 32, § 390-04-290, filed 7/19/74.]

Chapter 390-05 WAC

GENERAL POLICIES AND DEFINITIONS

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

390-05-030 Enforcement policy. [Order 62, § 390-05-030, filed 8/26/75.] Repealed by Order 72, filed 4/26/76.

WAC 390-05-010 Purpose. The purpose of these regulations is to implement the provisions of chapter 42.17 RCW (Initiative 276), hereinafter referred to as the Public Disclosure Act or Act, by declaring the policies of the Commission, particularly with regard to the interpretation and enforcement of the Act by the Commission. [Order 62, § 390-05-010, filed 8/26/75.]

WAC 390-05-020 General administrative policy. Whereas the Public Disclosure Act was adopted by the people for the general betterment of local and state government, it shall be the policy of the Public Disclosure Commission to carry out and effectuate that policy to the full extent of its delegated powers, through efficient administration, appropriate regulations and rulings, and through strict, vigorous, uniform and fair enforcement of the provisions of the Act. [Order 62, § 390-05-020, filed 8/26/75.]

WAC 390-05-040 Public Disclosure Act—Violation of other law. No provision of chapter 42.17 RCW (Initiative 276) shall be construed in such a manner as to require any person to act or refrain from acting where such action or nonaction would violate any provision of the state or federal constitution or any federal law. [Order 62, § 390-05-040, filed 8/26/75.]

WAC 390-05-050 Commission status under SEPA. (1) The Public Disclosure Commission recognizes its responsibilities under RCW 43.21C.120 to adopt rules pertaining to the State Environmental Policy Act (SEPA) as that act relates to activities under the Commission's jurisdiction. The Commission has reviewed SEPA and its own programs and concludes that all actions which the Commission is authorized to undertake are exempt by virtue of WAC 197-10-040(2), WAC 197-10-150 through 197-10-190. The Commission, as an administrative agency, has statutory authority for information gathering, recordkeeping, and investigative and hearing procedures with respect to elected officials, candidates, political committees, and persons and entities involved in lobbying activities. None of these activities are potentially subject to the environmental impact statement requirements of RCW 43.21C.030.

(2) In accordance with WAC 197-10-800(4), the Commission adopts this statement in compliance with the requirements of chapter 43.21C RCW. [Order 77, § 390-05-050, filed 6/2/76.]

WAC 390-05-200 Definition—Candidates for public office—Time of filing. The following circumstances shall give rise to presumption that an individual is a "candidate" as that term is defined in RCW 42.17.020(5):

(a) The existence of a political committee promoting the election of such individual for public office with the knowledge of that individual; or,

(b) A public declaration of candidacy by an individual even if the candidacy is conditioned on a future occurrence. [Order 62, § 390-05-200, filed 8/26/75.]

WAC 390-05-205 Definition of term "consumable". For the purpose of RCW 42.17.020(8) the term "consumables" includes the amount paid for food, beverages, preparation or catering, entertainment cost or fair market value of items sold, raffled, or given as prizes. [Order 63, § 390-05-205, filed 9/10/75.]

WAC 390-05-210 Definition—Contribution. The term "contribution" as defined in RCW 42.17.020(8) shall be deemed to include, amount other things, furnishing services or property or rights on a discriminatory basis or at less than their fair market value, for the purpose of assisting any candidate or political committee. In the case of services or property or rights having no other fixed or determinable market value, the value of such contribution shall be determined by estimating if possible, the difference in cost of achieving the same result with or without the use of such services or property. If no reasonable estimate of the value of such services, property or rights is practicable, it shall be sufficient to report instead a precise description of such services, property or rights so furnished. [Order 62, § 390-05-210, filed 8/26/75.]

WAC 390-05-220 Definition—Consideration. The term "consideration" as used in the Act and in these regulations shall be deemed to include anything of value promised or paid or transferred in return for a person's services rendered or to be rendered, including but not limited to reimbursement for traveling or other expenses. [Order 62, § 390-05-220, filed 8/26/75.]

WAC 390-05-230 Definition—Elected official. "Elected official" means any person elected at a general or special election for public office, and any person appointed to fill a vacancy in any such office. [Order 62, § 390-05-230, filed 8/26/75.]

WAC 390-05-240 Definition—Person. The term "person", for the purposes of these regulations, shall include but shall not be limited to individuals, partnerships, public and private corporations, associations, and other governmental and business or legal entities. [Order 62, § 390-05-240, filed 8/26/75.]

WAC 390-05-250 Definition—Public Disclosure Commission. The "Public Disclosure Commission" is the commission appointed by the Governor pursuant to RCW 42.17.350. The Public Disclosure Commission shall hereinafter be referred to as the Commission. Where appropriate, the term "commission" also refers to the staff and employees of the Commission. [Order 62, § 390-05-250, filed 8/26/75.]

WAC 390-05-260 Definition—Public record. "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or

local agency regardless of physical form or characteristics. [Order 62, § 390-05-260, filed 8/26/75.]

WAC 390-05-270 Definition—Use of facilities. Whereas, RCW 42.17.130 forbids certain political uses of the office facilities of elected public officials but expressly denies the application of that section to activities which are a part of the normal and regular conduct of an office, it shall be the policy of the Commission to construe the term "use of any facilities" in RCW 42.17.130 as meaning only (1) uses of "facilities", as that term is therein defined, which constitute or result in a measurable expenditure of public funds; or (2) such uses which have a measurable dollar value.

Examples of activities or use which the Commission considers to be excluded from RCW 42.17.130 are verbal endorsements or statements favoring or opposing candidates or ballot issues which endorsements or statements do not directly or indirectly involve any measurable expenditure of public funds. [Order 62, § 390-05-270, filed 8/26/75.]

WAC 390-05-280 Definition—Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents. [Order 62, § 390-05-280, filed 8/26/75.]

Chapter 390-12 WAC ADMINISTRATIVE PROCEDURES

WAC

390-12-010	Public Disclosure Commission—Regular meetings.
390-12-020	Purpose.
390-12-030	Definitions.
390-12-040	Public Disclosure Commission—Description of central and field organization.
390-12-060	Public records available.
390-12-070	Public Records Officer.
390-12-080	Office hours.
390-12-090	Requests for public records.
390-12-100	Copying.
390-12-110	Exemptions.
390-12-120	Review of denials of public records requests.
390-12-140	Records index.
390-12-150	Public Disclosure Commission—Communications.
390-12-160	Adoption of form.
390-12-170	Public Disclosure Commission—Organization and structure—Officers—Terms.
390-12-180	Public Disclosure Commission—Duties of officers.
390-12-190	Public Disclosure Commission—Elections—Vacancies.
390-12-200	Public Disclosure Commission—Administrator.
390-12-210	Public Disclosure Law—Duties of other agencies.

WAC 390-12-010 Public Disclosure Commission—Regular meetings. Pursuant to section 7, chapter 250, Laws of 1971 1st ex. sess. and RCW 42.30.070, regular meetings of the Public Disclosure Commission shall be held on the third Tuesday of each calendar month beginning at 9:00 A.M. Such meeting shall be held at a place designated by the Chairman of the

Commission. [Order 62, § 390-12-010, filed 8/26/75; Order 14, § 390-12-010, filed 7/31/73.]

WAC 390-12-020 Purpose. The purpose of this chapter shall be to ensure compliance by the Public Disclosure Commission with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular with sections 25-32 of that act, dealing with public records. [Order 9, § 390-12-020, filed 4/24/73.]

WAC 390-12-030 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents."

(3) The Public Disclosure Commission is the commission appointed by the Governor pursuant to section 35, chapter 1, Laws of 1973. The Public Disclosure Commission shall hereinafter be referred to as the commission. Where appropriate, the term commission also refers to the staff and employees of the commission. [Order 9, § 390-12-030, filed 4/24/73.]

WAC 390-12-040 Public Disclosure Commission—Description of central and field organization. (1) The Public Disclosure Commission is a five member commission appointed by the Governor with the consent of the Senate. The Administrative Office of the Commission and its staff are located at Public Disclosure Commission, Room 403, Evergreen Plaza Building, Olympia, Washington. [Order 62, § 390-12-040, filed 8/26/75 Order 42, § 390-12-040, filed 9/26/74; Order 9, § 390-12-040, filed 4/24/73.]

WAC 390-12-060 Public records available. All public records of the commission, as defined in WAC 390-12-030 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 390-12-110. [Order 9, § 390-12-060, filed 4/24/73.]

WAC 390-12-070 Public Records Officer. The commission's public records shall be in charge of the Public Records Officer designated by the commission. The person so designated shall be located in the Administrative Office of the commission. The Public Records Officer shall be responsible for the following: The implementation of the commission's rules and regulations regarding release of public records, coordinating the staff of the commission in this regard, and generally insuring compliance by the staff with the public records

disclosure requirements of chapter 1, Laws of 1973. [Order 9, § 390-12-070, filed 4/24/73.]

WAC 390-12-080 Office hours. Public records shall be available for inspection and copying during the customary office hours of the commission. For the purpose of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. [Order 9, § 390-12-080, filed 4/24/73.]

WAC 390-12-090 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures: (1) A request shall be made in writing upon a form prescribed by the commission which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the commission's staff, if the public records officer is not available, at the administrative office of the commission during customary officer hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the commission's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested. [Order 9, § 390-12-090, filed 4/24/73.]

WAC 390-12-100 Copying. No fee shall be charged for the inspection of public records. The commission shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the commission's copy equipment. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying. [Order 9, § 390-12-100, filed 4/24/73.]

WAC 390-12-110 Exemptions. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 390-12-090 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the commission reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order 9, § 390-12-110, filed 4/24/73.]

WAC 390-12-120 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chairman of the commission. The chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within 2 business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the commission has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order 9, § 390-12-120, filed 4/24/73.]

WAC 390-12-140 Records index. (1) The commission has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception: "(a) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

"(b) those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

"(c) administrative staff manuals and instructions to staff that affect a member of the public;

"(d) planning policies and goals, and interim and final planning decisions;

"(e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

"(f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency,

whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 9, § 390-12-140, filed 4/24/73.]

WAC 390-12-150 Public Disclosure Commission—Communications. All communications with the Commission including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the Commission's decisions and other matters, shall be addressed as follows: c/o Public Records Officer, Room 403, Evergreen Plaza Building, Olympia, Washington. [Order 62, § 390-12-150, filed 8/26/75 Order 42, § 390-12-150, filed 9/26/74; Order 9, § 390-12-150, filed 4/24/73.]

WAC 390-12-160 Adoption of form. The Public Disclosure Commission hereby adopts use by all persons requesting inspection and/or copies of records the form set out below, entitled "request for public records".

We have received your request for copies of our public records. Please complete the form on the right and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.

Thank you.

Return to:

Public Disclosure Commission
Insurance Building
Olympia, Washington 98504

**PUBLIC DISCLOSURE COMMISSION
REQUEST FOR PUBLIC RECORDS**

Date ----- Time -----

Name -----

Address -----

Description of Records (see index):

I certify that the information obtained through this request for public records will not be used for commercial purposes.

Signature

Number of copies -----
Number of pages -----
Per page charge \$-----
Total charge \$-----

[Order 9, § 390-12-160 and Form, filed 4/24/73.]

WAC 390-12-170 Public Disclosure Commission—Organization and structure—Officers—Terms. The officers of the Public Disclosure Commission for administrative purposes shall be chairman, vice-chairman and secretary. Their terms shall be one year and until a successor is elected and qualified. [Order 62, § 390-12-170, filed 8/26/75; Order 14, § 390-12-170, filed 7/31/73.]

WAC 390-12-180 Public Disclosure Commission—Duties of officers. The chairman shall be nominal head of the Commission, and shall preside at all of the Commission's meetings. In addition, the chairman shall coordinate the activities of all employees and assistants of the Commission in interims between meetings. The vice-chairman shall act as chairman in the chairman's absence. The secretary shall see that all minutes and other records of the Commission are properly and accurately made and kept. [Order 62, § 390-12-180, filed 8/26/75; Order 14, § 390-12-180, filed 7/31/73.]

WAC 390-12-190 Public Disclosure Commission—Elections—Vacancies. Elections to fill Commission offices shall be held annually at the regular June meeting of the Commission, or at a special election called for that purpose between May 1 and June 30 of the calendar year in which the new terms will commence. Vacancies in said offices may be filled by a vote of the Commission at any regular meeting or any special meeting called for that purpose. [Order 62, § 390-12-190, filed 8/26/75; Order 14, § 390-12-190, filed 7/31/73.]

WAC 390-12-200 Public Disclosure Commission—Administrator. The Commission shall employ and fix the compensation of an administrator who shall perform the following duties under the general authority and supervision of the Commission:

- (1) Act as records officer and administrative arm of the Commission.
- (2) Coordinate the policies of the Commission and the activities of all Commission employees and other persons who perform ministerial functions for the Commission.
- (3) Act as liaison between the Commission and other public agencies. [Order 62, § 390-12-200, filed 8/26/75; Order 14, § 390-12-200, filed 7/31/73.]

WAC 390-12-210 Public Disclosure Law—Duties of other agencies. The Attorney General through his office shall supply such legal assistance as the Commission may require in order to carry out its responsibilities. However, the Commission reserves the right to employ attorneys who are neither the Attorney General nor an Assistant Attorney General to carry out any function of

the Attorney General prescribed in RCW 42.17.380. [Order 62, § 390-12-210, filed 8/26/75; Order 14, § 390-12-210, filed 7/31/73.]

Chapter 390-14 WAC
ACCESS TO PUBLIC RECORDS

WAC

390-14-010	Public records available.
390-14-015	Public Records Officer.
390-14-020	Hours for records inspection and copying.
390-14-025	Requests for public records.
390-14-030	Copying of public records.
390-14-035	Exempting records from public inspection.
390-14-040	Review of denials of public records requests.
390-14-045	Records index.
390-14-055	Record request form.
390-14-100	List of elected public officials.
390-14-105	List of elected public officials—Responsibility for developing.
390-14-110	List of elected public officials—Name not on list, impact.

WAC 390-14-010 Public records available. All public records of the Commission, as defined in WAC 390-05-260 and WAC 390-05-280 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 390-14-035. [Order 62, § 390-14-010, filed 8/26/75.]

WAC 390-14-015 Public Records Officer. The Commission's public records shall be in charge of the Public Records Officer designated by the Commission. The person so designated shall be located in the Administrative Office of the Commission. The Public Records Officer shall be responsible for the following: the implementation of the Commission's rules and regulations regarding release of public records, coordinating the staff of the Commission in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW. [Order 62, § 390-14-015, filed 8/26/75.]

WAC 390-14-020 Hours for records inspection and copying. Public records shall be available for inspection and copying during the customary office hours of the Commission. For the purposes of this chapter, the customary office hours shall be from 9:00 A.M. to noon and from 1:00 P.M. to 4:00 P.M., Monday through Friday, excluding legal holidays. [Order 62, § 390-14-020, filed 8/26/75.]

WAC 390-14-025 Requests for public records. (1) In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures: (1) a request shall be made in writing upon a form prescribed by the Commission which shall

be available at its administrative office. The form shall be presented to the public records officer or to any member of the Commission's staff, if the public records officer is not available, at the administrative office of the Commission during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the request matter is not identifiable by reference to the Commission's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested. [Order 64, § 390-14-025, filed 11/25/75; Order 62, § 390-14-025, filed 8/26/75.]

WAC 390-14-030 Copying of public records. No fee shall be charged for the inspection of public records. The Commission shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the Commission's copy equipment. This charge is the amount necessary to reimburse the Commission for its actual costs incident to such copying. [Order 62, § 390-14-030, filed 8/26/75.]

WAC 390-14-035 Exempting records from public inspection. (1) The Commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 390-14-025 is exempt under the provisions of RCW 42.17.310;

(2) In addition, pursuant to RCW 42.17.260, the Commission reserves the right to delete identifying details when its makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order 62, § 390-14-035, filed 8/26/75.]

WAC 390-14-040 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or

other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chairman of the Commission. The chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the Commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the Commission has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order 62, § 390-14-040, filed 8/26/75.]

WAC 390-14-045 Records index. (1) The Commission has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception: (a) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; (b) those statements of policy and interpretation of policy, statute and the Constitution which have been adopted by the agency; (c) administrative staff manuals and instructions to staff that affect a member of the public; (d) planning policies and goals, and interim and final planning decisions; (e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and (f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index promulgated by the Commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 62, § 390-14-045, filed 8/26/75.]

WAC 390-14-055 Record request form. The Public Disclosure Commission hereby adopts for use by all persons requesting inspection and/or copies of records entitled "Request for Public Records". [Order 62, § 390-14-055, filed 8/26/75.]

WAC 390-14-100 List of elected public officials. The Public Disclosure Commission shall prepare, collate and make available for public distribution a list of all elected officials of the State of Washington. The list shall be published by the Commission and updated periodically. [Order 62, § 390-14-100, filed 8/26/75.]

WAC 390-14-105 List of elected public officials—Responsibility for developing. The Administrator of the Public Disclosure Commission shall be responsible for keeping the list on a current basis and shall develop all procedures necessary for performing that responsibility. [Order 62, § 390-14-105, filed 8/26/75.]

WAC 390-14-110 List of elected public officials—Name not on list, impact. (1) The Commission has as part of its authority the power to suspend or modify reporting requirements of chapter 42.17 RCW, if it finds after hearing that literal application of the Act would work a manifest hardship, and if it finds that suspension or modification will not frustrate the purpose of the Act.

(2) Upon a hearing of this nature, the Commission shall presume the reporting of the name of any elected official as required by the act to be an unreasonable hardship, if the name of that elected official does not appear on the list compiled pursuant to this chapter. [Order 62, § 390-14-110, filed 8/26/75.]

Chapter 390-16 WAC FORMS FOR CAMPAIGN FINANCING REPORTING—CONTRIBUTIONS

WAC

390-16-011	Forms for use by political committees and candidates.
390-16-031	Forms for statement of contributions deposit.
390-16-035	Form C-3—Time for filing.
390-16-036	Form for reporting fund raising events.
390-16-038	Definition—Aggregate.
390-16-039	Total contributions and expenditures—Reporting.
390-16-041	Forms for reports of contributions and expenditures by candidates and political committees.
390-16-050	Forms for contributions and expenditures of political committees not domiciled in Washington State.
390-16-055	Filing reports by nondomiciled committees.
390-16-060	Forms for campaign financing—Special reports.
390-16-061	Campaign financing—Special reports.
390-16-062	Campaign financing—Special reports—Time for filing.
390-16-080	Reports by nondomiciled committee—For reports by candidates/committees less than \$1,000 expenditures—Contributions.
390-16-085	Candidates and committees—Surplus funds—Defined.
390-16-090	Candidates and committees—Disposition.
390-16-095	Candidates and committees—Use in future.
390-16-105	Abbreviated campaign reporting—Campaigns for public office involving \$1,000 or less.
390-16-110	Abbreviated campaign reporting—Ballot propositions.
390-16-111	Abbreviated campaign reporting—Special fund raising events.
390-16-115	Abbreviated campaign reporting—Conditions for granting use.
390-16-120	Abbreviated campaign reporting—Times and place for filing reports C-1 and C-4 under \$1,000 exemption.
390-16-125	Abbreviated campaign reporting—Exceeding limitations.
390-16-150	Mini campaign reporting.
390-16-155	Mini campaign reporting—Exceeding limitations.
390-16-200	Encouraging expenditures to avoid contributions—Result.
390-16-205	Expenditures by agents, employees—Reporting.
390-16-206	Ratings and endorsements.

- 390-16-207 In-kind contributions and expenditures—Reporting.
- 390-16-220 Surplus campaign funds—Definition.
- 390-16-225 Surplus campaign funds—Disposition.
- 390-16-230 Surplus campaign funds—Use in future.
- 390-16-300 Fund raising events—Time and place of filing form C-3A.
- 390-16-302 Reporting fund raising events—Incidental activities.
- 390-16-306 Volunteer workers, fund raising activities.

Reviser's note: Forms for campaign finance reporting were duly filed by Order 5 on March 2, 1973, Order 6 filed on March 23, 1973 and Order 60, filed July 16, 1975 in the Code Reviser's Office by the Public Disclosure Commission in accordance with the provisions of the Administrative Procedure Act. The reviser has deemed it inexpedient to convert these forms to the prescribed style of WAC. Copies of such forms may be obtained by writing to the Public Disclosure Commission, Insurance Building Room 403, Evergreen Plaza Building, Olympia, Washington 98504.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 390-16-010 Forms—For statement of organization by political committees. [Order 5, § 390-16-010, filed 3/2/73.] Repealed by Order 60, filed 7/16/75.
- 390-16-020 Forms—For report of campaign treasurer and depository. [Order 5, § 390-16-020, filed 3/2/73.] Repealed by Order 60, filed 7/16/75.
- 390-16-030 Forms—For statement of contributions deposit. [Order 5, § 390-16-030, filed 3/2/73.] Repealed by Order 60, filed 7/16/75.
- 390-16-040 Forms—For report of contributions and expenditures by candidates and political committees. [Order 5, § 390-16-040, filed 3/2/73.] Repealed by Order 60, filed 7/16/75.
- 390-16-070 Form for report by commercial advertisers. [Order 62, § 390-16-070, filed 8/26/75; Order 41, § 390-16-070, filed 9/26/74; Order 6, § 390-16-070, filed 3/23/73.] Repealed by Order 73, filed 4/26/76.
- 390-16-100 Abbreviated campaign reporting—Reports by candidates/committees less than \$1,000 expenditures—Contributions. [Order 62, § 390-16-100, filed 8/26/75.] Repealed by Order 76, filed 5/6/76.

WAC 390-16-011 Forms—Registration statement for candidates and political committees. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for providing statement of organization by political committees as required by RCW 42.17.040, for designating campaign treasurer and depository as required by RCW 42.17.050, and for reporting information required to qualify for mini campaign finance reporting or abbreviated campaign finance reporting as permitted by RCW 42.17.370(7) and WAC 390-16-115, 390-16-120 or 390-16-150 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "C-1". This form may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. [Order 91, § 390-16-011, filed 7/22/77; Order 62, § 390-16-011, filed 8/26/75; Order 60, § 390-16-011, filed 7/16/75.]

WAC 390-16-031 Forms for statement of contributions deposit. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for statement of contributions deposit as required by RCW 42.17.060 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "C-3". This form may be obtained at the Commission

office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. [Order 62, § 390-16-031, filed 8/26/75; Order 60, § 390-16-031, filed 7/16/75.]

WAC 390-16-035 Form C-3—Time for filing. The copy of form C-3 required by RCW 42.17.060 of Initiative 276 to be filed with the Commission (of deposits of contributions in the depository bank) shall be filed with the Commission the same day the deposit is made. [Order 87, § 390-16-035, filed 11/19/76; Order 62, § 390-16-035, filed 8/26/75; Order 20, § 390-16-035, filed 10/29/73.]

WAC 390-16-036 Form for reporting fund raising events. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for reporting fund raising events under the provisions of section 9, chapter 112, Laws of 1975-76, 2nd ex. sess., is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "C-3A." This form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. [Order 84, § 390-16-036, filed 8/18/76.]

WAC 390-16-038 Definition—Aggregate. The term "aggregate" for the purpose of these campaign financing regulations means a total of all contributions received or expenditures made by a candidate or committee together with all contributions received and all expenditures made by all political committees formed by or with the express or implied knowledge or consent of such candidate or committee in connection with such campaign. [Order 62, § 390-16-038, filed 8/26/75.]

WAC 390-16-039 Total contributions and expenditures—Reporting. (a) Each candidate and each political committee organized to support or oppose a particular candidacy or ballot proposition shall report total contributions and expenditures for the period beginning at the time the person becomes a candidate or when the committee is organized, whichever is earlier, and ending when the candidacy or committee is terminated.

(b) A continuing political committee shall report total contributions and expenditures based on a calendar year, or upon the basis of a fiscal year if the Commission expressly authorizes this method.

(c) The report filed by a continuing political committee covering January (or the first month thereafter for which a report would be required by RCW 42.17.065, 42.17.080 and WAC 390-16-120) shall contain in summary the following items remaining at the end of the year:

- (1) Funds on hand;
- (2) In-kind contributions retained;
- (3) The total of outstanding pledges;
- (4) Unpaid loans and outstanding obligations;
- (5) Pledges given to others but not yet paid;

(d) This rule shall not require a report unless such report would otherwise be required by chapter 42.17 RCW. [Order 70, § 390-16-039, filed 2/25/76.]

WAC 390-16-041 Forms—Summary of total contributions and expenditures. Pursuant to the statutory authority of RCW 42.17.360(1), the official forms for reports of contributions and expenditures by candidates and political committees as required by RCW 42.17.080-42.17.090 and WAC 390-16-120 are hereby adopted for use in reporting to the Public Disclosure Commission. The form shall be designated as "C-4" and includes Schedules A, B, and C. These forms may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. [Order 91, § 390-16-041, filed 7/22/77; Order 62, § 390-16-041, filed 8/26/75; Order 60, § 390-16-041, filed 7/16/75.]

WAC 390-16-050 Forms for contributions and expenditures of political committees not domiciled in Washington State. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for the report of contributions and expenditures of political committees not domiciled in Washington State, as required by RCW 42.17.090, is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "C-5". Copies of this form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. [Order 77, § 390-16-050, filed 6/2/76; Order 62, § 390-16-050, filed 8/26/75; Order 6, § 390-16-050, filed 3/23/73.]

WAC 390-16-055 Filing reports by nondomiciled committees. (1) A political committee not domiciled in the State of Washington from which a report is required by RCW 42.17.090(1)(k) shall file such report before making any contribution to a candidate or political committee.

(2) Said report shall be kept current by the filing of a new or amended report whenever any contributions are made by such out-of-state committee. The new or amended reports shall be made at the time such contributions are made. Any subsequent report shall update the initial report by showing any changes in reportable information since the date of the last report.

(3) It shall be the responsibility of any candidate or political committee receiving funds from a nondomiciled committee to determine whether such committee has complied with RCW 42.17.090(1)(k) and WAC 390-16-055. If the out-of-state committee has not filed the required report, the funds shall be returned to the out-of-state committee immediately. Any other action taken with such funds, if there is not an up-to-date report on file, shall result in the forfeiture of such funds to the State of Washington and shall be deemed a violation of chapter 42.17 RCW. [Order 62, § 390-16-055, filed 8/26/75; Order 29, § 390-16-055, filed 5/27/74.]

WAC 390-16-060 Forms for campaign financing—Special reports. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for contributors' reports as required by RCW 42.17.100, is hereby adopted for use in reporting to the Public Disclosure Commission. These forms shall be designated as "C-6" and "C-7". Copies of these forms may be obtained at the Commission office, Room 403, Evergreen

Plaza Building, Olympia, Washington, 98504. [Order 77, § 390-16-060, filed 6/2/76; Order 62, § 390-16-060, filed 8/26/75; Order 6, § 390-16-060, filed 3/23/73.]

WAC 390-16-061 Campaign financing—Special reports. Any person who, during any election campaign, makes an expenditure aggregating \$100 or more in support of or in opposition to any candidate or proposition, other than a contribution made directly to a candidate or political committee in accordance with RCW 42.17.100(1), shall file with the Commission a report signed by the person making such expenditure disclosing his name and address together with the date, nature and payee or other recipient of such expenditure and the purpose for which it was made. If no reasonable estimate of the value of such expenditure is practicable, it shall be sufficient to report instead a precise description of services, property or rights furnished through the expenditure and, where appropriate, attach a copy of the item produced, or distributed by the expenditure. [Order 67, § 390-16-061, filed 1/16/76; Order 62, § 390-16-061, filed 8/26/75.]

WAC 390-16-062 Campaign financing—Special reports—Time for filing. The report required by RCW 42.17.100(1) and WAC 390-16-061 herein, shall be filed with the Commission as follows:

(a) In the case of expenditures aggregating \$100 or more, but less than \$500, within one week of the date at which such aggregate expenditure amount is reached; except that during the week immediately preceding the week in which the election is held such reports shall be filed within two business days following the day on which such aggregate expenditure amount is reached;

(b) In the case of expenditures aggregating \$500 or more, within two business days following the day on which such aggregated expenditure amount is reached;

(c) When additional expenditures are made following the filing of an initial report under (a) and/or (b), subsequent reports shall be filed on the next reporting date at which reports would be required of a candidate or political committee in accordance with RCW 42.17.080(2)(a) & (b). [Order 67, § 390-16-062, filed 1/6/76; Order 62, § 390-16-062, filed 8/26/75.]

WAC 390-16-080 Reports by nondomiciled committee—For report by candidates/committees less than \$1,000 expenditures—Contributions. Pursuant to the statutory authority of sections 36(1) and 37(7) chapter 1, Laws of 1973, the official form for the report of committees or candidate who do not intend to exceed the limits of contributions or expenditures set out in WAC 390-04-200 through 390-04-250, is hereby adopted for use in reporting to the Public Disclosure Commission. Copies of this form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. [Order 41, § 390-16-080, filed 9/26/74; Order 19, § 390-16-080, filed 10/29/73.]

WAC 390-16-085 Candidates and committees—Surplus funds—Defined. "Surplus Funds" as used in

these regulations shall refer to any funds of a political committee which remain after the payment of all obligations of the committee, and which are not intended to be retained by the political committee or candidate for use in future election campaigns. [Order 35, § 390-16-085, filed 8/29/74.]

WAC 390-16-090 Candidates and committees—Disposition. (1) If surplus funds are distributed by a political committee in the manner set forth in the registration statement and the political committee is dissolved, no further reporting by such committee shall be required.

(2) If surplus funds are regained by the candidate or political committee, which is no longer operating as a political committee or candidate, and not used for purposes reportable under any portion of the Act which would qualify the person as a political committee or candidate, no further reporting need be done: *Provided*, That the candidate/political committee report to the Commission any changes in portion of distribution of such funds originally filed with the Public Disclosure Commission. [Order 35, § 390-16-090, filed 8/29/74.]

WAC 390-16-095 Candidates and committees—Use in future. If at any time in the future such funds should be used by the holder for purposes that would qualify the holder as a political committee (illustrated by receipt of contributions and resultant augmentation of the fund) then it shall be presumed that the holder had at all times intended to continue the existence of a political committee. [Order 35, § 390-16-095, filed 8/29/74.]

WAC 390-16-105 Abbreviated campaign reporting—Campaigns for public office involving \$1,000 or less. No candidate and no political committee, as those terms are defined in RCW 42.17.020, shall be required to comply with the provisions of RCW 42.17.060-42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, 390-16-120 and 390-16-125 in any election campaign for public office in which neither the aggregate contributions nor the aggregate expenditures on behalf of such candidate exceed \$1,000 and no contribution or contributions from any source other than the candidate's personal resources within such aggregate exceeds \$100. [Order 91, § 390-16-105, filed 7/22/77; Order 62, § 390-16-105, filed 8/26/75.]

WAC 390-16-110 Abbreviated campaign reporting—Ballot propositions. No political committee, as that term is defined in RCW 42.17.020, shall be required to comply with the provisions of RCW 42.17.040-42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, 390-16-120, and 390-16-125 in connection with any ballot proposition in which neither the aggregate contributions nor the aggregate expenditures exceed \$1,000, and no contribution or from any person within such aggregate exceeds \$100. [Order 91, § 390-16-110, filed 7/22/77; Order 62, § 390-16-110, filed 8/26/75.]

WAC 390-16-111 Abbreviated campaign reporting—Special fund raising events. The terms "any source" and "any person" as used in WAC 390-16-105 and WAC 390-16-110 shall not be construed as meaning a fund raising activity conducted pursuant to section 9, chapter 112, Laws of 1975-76, 2nd Extraordinary Session. Candidates and committees using abbreviated reporting as provided in chapter 390-16 WAC shall not be limited to receiving \$100 from a fund raising event provided that the profit realized from any person does not exceed \$100 from all fund raising events conducted during a campaign or calendar year. [Order 77, § 390-16-111, filed 6/2/76.]

WAC 390-16-115 Abbreviated campaign reporting—Conditions for granting use. The exemptions allowed in WAC 390-16-105, 390-16-110 and 390-16-115 shall be granted to a candidate or political committee only upon compliance with the following conditions.

(1) The candidate or political committee must, at the time of organization, or at the time of receipt of contributions or the making of expenditures or at the time of reservation of space or facilities with intent to promote or oppose a candidacy for office or with intent to promote or oppose a ballot proposition, whichever comes first, file the C-1 registration statement with the Commission and declare that the candidate or political committee will not exceed the expenditure limitations set out in WAC 390-16-105, 390-16-110 or 390-16-115.

(2) The candidate or political committee must, throughout the ensuing election campaign, keep current records in sufficient detail to allow the candidate or political committee to make reports otherwise required by RCW 42.17.040-42.17.090 in the event that the filing of such reports becomes necessary as a result of exceeding the expenditure limitation, pursuant to subsequent permission of the Commission.

(3) The candidate or political committee treasurer shall, during the eight days immediately preceding the date of the election, maintain records of contributions and expenditures current within one business day. These records shall be open for public inspection during the hours designated on the C-1 at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(4) The records of contributions and expenditures shall be open to audit or examination by representatives of the Public Disclosure Commission at any time upon request from the Commission. [Order 62, § 390-16-115, filed 8/26/75.]

WAC 390-16-120 Abbreviated campaign reporting—Times and place for filing reports C-1 and C-4 under \$1,000 exemption. (1) The report C-1 shall be filed by any candidate or political committee intending to use the abbreviated reporting recognized and regulated by WAC 390-16-105, 390-16-110 or 390-16-115 at the time of becoming a candidate or within ten days of organization of a committee.

(2) In the case of a continuing political committee, the C-1 report shall be filed initially before accepting

any contributions or making any expenditures. Thereafter, the C-1 shall be filed each year between January 1 and January 31 for any year in which the committee intends to use the abbreviated reporting system and within ten days of any date a change is made in reportable information. Failure to file a new C-1 during January shall automatically terminate the committee's entitlement to use the abbreviated reporting system until such time as a new C-1 is filed.

(3) The report form C-4 summary page shall be filed by each candidate and political committee within twenty-one days after each special or general election in which there was participation. In the case of a candidate or committee which participates in a primary election but does not participate in the following general election, the C-4 report shall be filed not later than twenty-one days following the general election.

Additionally, in the case of a continuing political committee, the report form C-4 shall be filed December 31 summarizing the total contributions received and expenditures made during the calendar year.

(4) The original of each report required by this section shall be filed with the Public Disclosure Commission. A copy shall be filed with the auditor of the county in which the candidate or committee treasurer resides and a copy shall be retained by the candidate or committee treasurer. [Order 91, § 390-16-120, filed 7/22/77; Order 62, § 390-16-120, filed 8/26/75.]

WAC 390-16-125 Abbreviated campaign reporting—Exceeding limitations. Whenever there is reason to believe that any of the aggregate limitations specified in WAC 390-16-105, 390-16-110, 390-16-115, or 390-16-120 will or may be exceeded, the candidate, committee or other person legally interested in such campaign may apply to the commission for authorization to exceed such limitation.

(1) If the application is made more than thirty days prior to the date of the election, the application shall be considered approved without further action by the commission if the person making application submits within one day of the time that the limitations are exceeded:

(a) A properly completed PDC form C-1 indicating the intention of using the full reporting system provided by RCW 42.17.040-42.17.090;

(b) A properly completed PDC form C-4 with Schedules A and B disclosing all contributions and expenditures reportable under RCW 42.17.090 for the election campaign or in the case of continuing political committees for the calendar year.

(c) A statement affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of such notification. In the case of a ballot proposition, the statement shall affirm that the committee treasurer of all committees identifiable from the records of the county auditor or Public Disclosure Commission to be opposing or supporting the proposition have been notified personally of the application stating the manner and date of such notification.

(2) If the application is made within thirty days of the date of the election, the application shall be approved

only by express order of the commission chairman or his designated representative.

(a) Prior to such approval being granted, the commission chairman or his representative shall determine that the application contains those documents shown in subsection (1)(a), (b) and (c) above.

(b) The commission staff shall investigate and report to the chairman why the applicable requirements were not complied with in the first instance and whether or not the probability of exceeding such limitations was reasonably foreseeable. If the investigation shows that the declaration by the candidate, committee or other person filed under WAC 390-16-115 was made in good faith and that the probability of exceeding such limitations was not reasonably foreseeable, the commission chairman shall grant a release from the exemption conditioned upon full future compliance with all applicable requirements of chapter 42.17 RCW.

(3) When one candidate or committee on either side of an election campaign has applied for permission to exceed the limitations of the exemption under subsection (1) above, all other candidates and/or committees may be granted a seven day extension of the application date shown in subsection (1) above should any of them require release from the limitations of the exemption.

(4) Any person who knowingly or negligently causes or permits the limitations specified in these regulations to be exceeded without compliance with RCW 42.17.040-42.17.090 and without permissive order of the commission granted under these regulations shall be deemed to have violated the applicable provisions of RCW 42.17.040-42.17.090. [Order 91, § 390-16-125, filed 7/22/77; Order 67, § 390-16-125, filed 1/16/76; Order 62, § 390-16-125, filed 8/26/75.]

WAC 390-16-150 Mini campaign reporting. No candidate as that term is defined in RCW 42.17.020(5) and no political committee whose principal purpose is the support of one candidate and whose organization is known to and countenanced by that candidate (hereafter candidate's committee) shall be required to comply with the provisions of RCW 42.17.060-42.17.090 except as otherwise prescribed in this regulation in any election campaign for public office in which the aggregate expenditures in the campaign will not exceed the amount of the filing fee provided by law plus a sum not to exceed \$200.

(1) Any candidate or candidate's committee shall register and file the C-1 registration statement with the Commission and county auditor of the county wherein the candidate resides at or before the time he publicly announces his candidacy, files for office or the committee is formed, whichever is earliest. The C-1 shall state his intent to use the mini campaign reporting system.

(2) The C-1 registration shall include a statement by the candidate that no contribution or contributions from any source other than the candidate's personal resources within the aggregate contributions received exceeds \$100. [Order 91, § 390-16-150, filed 7/22/77.]

WAC 390-16-155 Mini campaign reporting—Exceeding limitations. (1) Whenever there is reason to

believe that the expenditure limits provided in WAC 390-16-150 will be exceeded or that the candidate or candidate's committee will exceed the limitations on contributions and expenditures provided in WAC 390-16-150, the candidate, candidate's committee or other person legally interested in the campaign may apply to the Commission for authorization to exceed such limits.

(a) The application shall take the form of a new C-1 report indicating the candidate's or candidate committee's intent to report in accordance with either the abbreviated reporting system provided in WAC 390-16-105 or to fully report as provided in RCW 42.17.040-42.17.090.

(b) The application shall be accompanied by a statement signed by the candidate affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of notification.

(c) The application shall be submitted to the Commission and duplicate copies of C-1 and C-4 report submitted to the county auditor of the county where the candidate resides within one day of the time that expenditure limits are exceeded.

(2) The application shall be approved without further Commission action. [Order 91, § 390-16-155, filed 7/22/77.]

WAC 390-16-200 Encouraging expenditures to avoid contributions—Result. If a candidate or a political committee advises, counsels or otherwise knowingly encourages any person to make an expenditure which, if made by the candidate or committee would be regulated by RCW 42.17.080-42.17.090, for the purpose of avoiding direct contributions or for any other reason, the person making such expenditure shall be considered an agent of the candidate or political committee encouraging the expenditure, and the expenditure shall be considered for all intents and purposes as an expenditure of such candidate or political committee. [Order 62, § 390-16-200, filed 8/26/75.]

WAC 390-16-205 Expenditures by agents, employees—Reporting. Expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, etc. employed or retained for the purpose of organizing, directing, managing or assisting the candidate's or committee's efforts shall be deemed expenditures by the candidate or committee. Such expenditures shall be reported by the candidate or committee as if made or incurred by the candidate or committee directly. [Order 74, § 390-16-205, filed 4/26/76.]

WAC 390-16-206 Ratings and endorsements. (1) Any person making a measurable expenditure of funds to communicate a rating, evaluation, endorsement or recommendation for or against a candidate or ballot proposition (other than news, feature, or editorial comment in a regularly scheduled issue of a printed periodical) shall report such expenditure including all costs of preparation and distribution in accordance with RCW 42.17.030 through 42.17.100.

(2) A candidate or sponsor of a ballot proposition who, or a political committee which, is the subject of the rating, evaluation, endorsement or recommendation shall not be required to report such expenditure as a contribution unless the candidate, sponsor, committee or an agent thereof advises, counsels or otherwise encourages the person or committee to make the expenditure. [Order 84, § 390-16-206, filed 8/18/76.]

WAC 390-16-207 In-kind contributions and expenditures—Reporting. (1) Whenever a candidate or a political committee makes one or more in-kind expenditures which (i) directly or indirectly, in whole or in part, benefit another identifiable candidate or political committee and (ii) in the aggregate amount to a value of twenty-five dollars or more in the reporting period, then, for the purpose of complying with the provisions of RCW 42.17.090(1)(f);

(a) such candidate or political committee shall identify the candidate or political committee benefited by such expenditure and state the value thereof; and

(b) the candidate or political committee that receives benefit of such expenditure or expenditures shall report a corresponding amount as a contribution received and as an expenditure made by such candidate or political committee.

(2) Whenever a candidate or a political committee makes an in-kind expenditure which supports or opposes more than one candidate or ballot proposition, the person making such expenditure shall identify each candidate or ballot proposition to which such support or opposition is directed and, if the aggregate expenditure amounts to twenty-five dollars (\$25.00) or more, shall state the prorated amount of the expenditure or expenditures properly attributable to each such candidate or ballot proposition.

(3) Whenever a candidate or political committee provides its equipment, property or other facilities owned, retained, leased or controlled by it to another candidate or political committee, the fair market value of the use of such equipment, property or other facilities, if it amounts to twenty-five dollars or more, shall be reported as follows:

(a) by the candidate or political committee providing the equipment, property or other facilities, by attaching to its form C-4, Schedule B, a statement setting forth the name of the candidate or political committee benefited and the date, description and value of the in-kind contribution made by it.

(b) by the candidate or political committee benefiting from the use of such equipment, property or other facilities, by reporting the value of such use in its form C-4, Schedule B, both as a contribution and as an expenditure. [Order 79, § 390-16-207, filed 6/25/76.]

WAC 390-16-220 Surplus campaign funds—Definition. "Surplus funds" as used in these regulations shall refer to any campaign funds of a political committee or candidate which remain after the payment of all obligations of the committee or candidate. [Order 70, § 390-16-220, filed 2/25/76; Order 62, § 390-16-220, filed 8/26/75.]

WAC 390-16-225 Surplus campaign funds—Disposition. (1) If surplus funds are distributed by a political committee or candidate in the manner set forth in the statement of organization and the political committee is dissolved or in the case of candidates operating without a committee, such candidacy is terminated, no further reporting by such committee shall be required.

(2) If the surplus funds are retained by the candidate or political committee, which is no longer operating as a political committee or candidate, and not used for purposes reportable under any portion of the Act which would qualify the person as a political committee or candidate, no further reporting need be done, provided that the candidate or political committee report to the Public Disclosure Commission any changes in distribution of such funds from that originally filed with the Commission in a statement of organization in accordance with RCW 42.17.040. [Order 70, § 390-16-225, filed 2/25/76; Order 62, § 390-16-225, filed 8/26/75.]

WAC 390-16-230 Surplus campaign funds—Use in future. If at any time in the future any contribution or expenditure is received by or made from such surplus fund or funds for any purpose which would qualify the holder as a candidate or political committee, it will be presumed the holder of such funds has initiated a new candidacy or committee. Within ten days of the day such contribution or expenditure is received or made, such candidate or political committee shall file (a) a final report for the previous campaign as provided in RCW 42.17.080 and 42.17.090 and (b) a statement of organization and initial report for the new campaign as provided by RCW 42.17.040, 42.17.080 and 42.17.090. The surplus fund may be reported as one sum and listed as a contribution identified as "funds from previous campaign", provided that all augmentations to and all expenditures made from the retained surplus fund from the initial date of retention are reported in detail as to source, recipient, purpose, amount and date of each transaction. [Order 70, § 390-16-230, filed 2/25/76; Order 62, § 390-16-230, filed 8/26/75.]

WAC 390-16-300 Fund raising events—Time and place of filing form C-3A. (1) Special fund raising events reportable on Public Disclosure Commission form C-3A shall be reported to the Commission at the following intervals:

(a) For a fund raising activity lasting no more than three consecutive days, within three days following completion of the activity,

(b) For a fund raising activity lasting more than three consecutive days; weekly each Tuesday to cover the preceding week ending on Saturday.

(2) A copy of each report submitted to the Public Disclosure Commission shall additionally be attached to the PDC form C-4 (report of contributions and expenditures) required to be filed with the county auditor. [Order 84, § 390-16-300, filed 8/18/76.]

WAC 390-16-302 Reporting fund raising events—Incidental activities. For purposes of reporting

a single fund raising event on form C-3A, a political committee, depending on which alternative is more convenient to the political committee, shall regard receipts from admissions, concessions, programs or other incidental activities either:

(1) as integral parts of the one fund raising activity and totally reportable as one activity; or

(2) as receipts from individual fund raising activities and reportable individually as separate activities. [Order 84, § 390-16-302, filed 8/18/76.]

WAC 390-16-306 Volunteer workers, fund raising activities. For the purpose of reporting fund raising activities pursuant to section 9, chapter 112, Laws of 1975-76, 2nd ex. sess., time spent by volunteer workers in operating such activities need not be reported. However, the name, address and title of responsible leaders or organizers of the activity shall be reported. [Order 84, § 390-16-306, filed 8/18/76.]

Chapter 390-20 WAC

FORMS FOR LOBBYING REPORTS, ELECTED OFFICIALS AND LEGISLATORS

WAC

390-20-010	Forms for lobbyist registration.
390-20-015	Lobbyists registration—Termination.
390-20-020	Forms for lobbyist report of expenditures.
390-20-025	Lobbyists expenditures—Apportionment of expenses.
390-20-026	Definition of term "other expenses".
390-20-027	Definition—State elected official, candidate for state office.
390-20-030	Forms for lobbyist registration—For statement of compensation paid to elected officials.
390-20-040	Forms—For report of legislative activity by legislators and legislative committees.
390-20-050	Forms—For report of legislative activity by state agencies.
390-20-060	Forms—For registration and reporting by sponsors of grass roots lobbying campaigns.
390-20-070	Forms—For statement of employment of legislators, state officers, and state employees.
390-20-080	Lobbyists—Termination of registration.
390-20-085	Lobbyists expenditures—Apportionment of expenses.
390-20-100	Effect of Public Disclosure Act—Freedom of communication—Employer interference.
390-20-105	Lobbyist's employer—Meaning—Examples.
390-20-110	Forms for statement of compensation paid to elected officials.
390-20-115	Forms for report of legislative activity by legislators and legislative committees.
390-20-120	Forms for report of legislative activity by state and local government agencies.
390-20-125	Forms for registration and reporting by sponsors of grass roots lobbying campaigns.
390-20-130	Forms for statement of employment of legislators, state officers, and state employees.

Reviser's note: Forms for lobbying reports, elected officials and legislators reporting was duly filed on March 2, 1973, March 23, 1973, April 24, 1973, and October 31, 1977, in the Code Reviser's Office by the Public Disclosure Commission in accordance with the provisions of the Administrative Procedures Act. The reviser has deemed it inexpedient to convert these forms to the prescribed style of WAC. Copies of such forms may be obtained by writing to the Public Disclosure Commission, Room 403, Evergreen Plaza Building, Olympia, Washington 98504.

WAC 390-20-010 Forms for lobbyist registration. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for lobbyist registration as required by RCW 42.17.150 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-1". Copies of this form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. [Order 62, § 390-20-010, filed 8/26/75; Order 45, § 390-20-010, filed 9/26/74; Order 6, § 390-20-010, filed 3/23/73.]

WAC 390-20-015 Lobbyists registration—Termination. A lobbyist who intends to cease lobbying activity may terminate his registration at any time by filing with the Commission a signed statement, consistent with RCW 42.17.150(3) indicating his intention to terminate any further activity as a lobbyist. A lobbyist who terminates such registration shall file any reports required under the lobbyist reporting provisions for the period during which he was registered as a lobbyist. The employer of any such lobbyist shall not be relieved of any duty to file the report otherwise required by RCW 42.17.180. [Order 62, § 390-20-015, filed 8/26/75.]

WAC 390-20-020 Forms for lobbyist report of expenditures. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for the lobbyist report of expenditures as required by RCW 42.17.170 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-2." Copies of this form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. [Order 94, § 390-20-020, filed 10/31/77; Order 88, § 390-20-020, filed 12/29/76; Order 62, § 390-20-020, filed 8/26/75; Order 45, § 390-20-020, filed 9/26/74; Order 6, § 390-20-020, filed 3/23/73.]

WAC 390-20-025 Lobbyists expenditures—Apportionment of expenses. For the purposes of compliance with RCW 42.17.170(2)(a) requiring reporting of expenditures by lobbyists, a person registered and reporting as a lobbyist need only report those expenditures made or incurred for lobbying. [Order 62, § 390-20-025, filed 8/26/75.]

WAC 390-20-026 Definition of term "other expenses". The term "other expenses" in RCW 42.17.170 shall be deemed to include only expenses or services paid or incurred or performed in connection with lobbying. [Order 70, § 390-20-026, filed 2/25/76; Order 62, § 390-20-026, filed 8/26/75.]

WAC 390-20-027 Definition—State elected official, candidate for state office. For the purposes of reporting by employers of registered lobbyists pursuant to RCW 42.17.180, the terms "state elected official" and "candidate for state office" shall include governor, lieutenant governor, attorney general, state auditor, commissioner of public lands, insurance commissioner, secretary of state, superintendent of public instruction,

state treasurer, state senator, state representative, justices of the supreme court and judges of the court of appeals. [Order 71, § 390-20-027, filed 3/23/76.]

WAC 390-20-030 Forms for lobbyist registration—For statement of compensation paid to elected officials. Pursuant to the statutory authority of section 36(1), chapter 1, Laws of 1973, the official form for statement by employers of registered lobbyists of compensation paid to elected officials as required by section 18 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-3". Copies of this form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. [Order 45, § 390-20-030, filed 9/26/74; Order 9, § 390-20-030, filed 4/24/73.]

WAC 390-20-040 Forms—For report of legislative activity by legislators and legislative committees. Pursuant to the statutory authority of section 36(1), chapter 1, Laws of 1973, the official form for report of legislative activity by legislators and legislative committees as required by section 19 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-4". Copies of this form may be obtained at the Commission office Room 403, Evergreen Plaza Building, Olympia, Washington 98504. [Order 45, § 390-20-040, filed 9/26/74; Order 5, § 390-20-040, filed 3/2/73.]

WAC 390-20-050 Forms—For report of legislative activity by state agencies. Pursuant to the statutory authority of section 36(1), chapter 1, Laws of 1973, the official form for report of legislative activity by state agencies as required by section 19 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-5". Copies of this form may be obtained at the Commission office, Room 403 Evergreen Plaza Building, Olympia, Washington 98504. [Order 43, § 390-20-050, filed 9/26/74; Order 5, § 390-20-050, filed 3/2/73.]

WAC 390-20-060 Forms—For registration and reporting by sponsors of grass roots lobbying campaigns. Pursuant to the statutory authority of section 36(1), chapter 1, Laws of 1973, the official form for registration and reporting by sponsors of grass roots lobbying campaigns as required by section 20 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-6". Copies of this form may be obtained at the Commission office, Room 403 Evergreen Plaza Building, Olympia, Washington 98504. [Order 43, § 390-20-060, filed 9/26/74; Order 5, § 390-20-060, filed 3/2/73.]

WAC 390-20-070 Forms—For statement of employment of legislators, state officers, and state employees. Pursuant to the statutory authority of section 36(1), chapter 1, Laws of 1973, the official form for statement of employment of legislators, state officers, and state employees as required by section 21 is hereby adopted

for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-7". Copies of this form may be obtained at the Commission office, Room 403 Evergreen Plaza Building, Olympia, Washington 98504. [Order 43, § 390-20-070, filed 9/26/74; Order 5, § 390-20-070, filed 3/2/73.]

WAC 390-20-080 Lobbyists—Termination of registration. A lobbyist who intends to cease lobbying activity may terminate his registration at any time by filing with the Commission a signed statement, consistent with RCW 42.17.150(3), indicating his intention to terminate any further activity as a lobbyist. A lobbyist who terminates such registration shall file any reports required under the lobbyist reporting provisions for the period during which he was registered as a lobbyist. The employer of any such lobbyist shall not be relieved of any duty to file the report otherwise required by RCW 42.17.180. [Order 49, § 390-20-080, filed 3/3/75.]

WAC 390-20-085 Lobbyists expenditures—Apportionment of expenses. For the purpose of compliance with RCW 42.17.170(2)(a) requiring reporting of expenditures by lobbyists, a person registered and reporting as a lobbyist need only report those expenditures made or incurred for lobbying. [Order 49, § 390-20-085, filed 3/3/75.]

WAC 390-20-100 Effect of Public Disclosure Act—Freedom of communication—Employer interference. Except as provided by RCW 42.17.150-42.17.190, which require certain persons who lobby to register and file periodic reports with the Commission, nothing in the Public Disclosure Act shall be deemed to impair or restrict the right of any individual to communicate to any member of the legislature or other legislative enactment of any other state agency, regardless of whether or not such matter as to which he communicates also affects, directly or indirectly, the interest of his employer: *Provided*, such activity involves no unauthorized or unlawful use of an employer's time or funds.

Nothing in the Act shall be deemed to necessitate or excuse if otherwise unlawful, any instruction, directive or order issues, orally or in writing, by any employer restraining such communication by an employee, or requiring such employee to obtain advance permission from such employer in order to make such communication. Any adverse action taken against such employee for the alleged violation of such instruction, directive or order, contrary to the policies expressed in these regulations, which depends or purports to depend upon the provisions of the Public Disclosure Act for its validity, shall be considered unlawful. Any such action, when reported to or discovered by the Commission, shall be reported to appropriate enforcement agencies for such civil or criminal action as may be appropriate. [Order 62, § 390-20-100, filed 8/26/75.]

WAC 390-20-105 Lobbyist's employer—Meaning—Examples. A person shall not be deemed to be a

lobbyist's employer within the meaning of RCW 42.17.150-42.17.200 solely because an employee of such person engages in lobbying. The term "lobbyist's employer" as defined in the Act shall be deemed to include every person who engages or utilizes the services of any other person to lobby, upon an agreement express or implied, for compensation or for other considerations as that term is defined in WAC 390-05-230. A person shall be deemed to be a lobbyist's employer within the meaning of RCW 42.17.180 as to the following persons: (1) Persons who are actually employed by or receive consideration from such person in whole or in part, for lobbying; (2) Officers or employees of such person, whose actual duties consists, in whole or in part, of lobbying for or on behalf of such person, whether such duties are expressed in the corporate or partnership articles or bylaws or other writings of such employer, or in a written or oral contract, or exist by reason of a mutual understanding. [Order 62, § 390-20-105, filed 8/26/75.]

WAC 390-20-110 Forms for statement of compensation paid to elected officials. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for statement by employers of registered lobbyists of compensation paid to elected officials as required by RCW 42.17.180 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-3". Copies of this form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. [Order 62, § 390-20-110, filed 8/26/75.]

WAC 390-20-115 Forms for report of legislative activity by legislators and legislative committees. Pursuant to the statutory authority of RCW 42.17.190, the official form for report of legislative activity by legislators and legislative committees as required by RCW 42.17.190 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-4". Copies of this form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. [Order 71, § 390-20-115, filed 3/23/76; Order 62, § 390-20-115, filed 8/26/75.]

WAC 390-20-120 Forms for report of legislative activity by state and local government agencies. Pursuant to the statutory authority of RCW 42.17.190, the official form for report of legislative activity by state and local government agencies as required by RCW 42.17.190 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-5". Copies of this form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. [Order 94, § 390-20-120, filed 10/31/77; Order 77, § 390-20-120, filed 6/2/76; Order 62, § 390-20-120, filed 8/26/75.]

WAC 390-20-125 Forms for registration and reporting by sponsors of grass roots lobbying campaigns. Pursuant to the statutory authority of RCW 42.17.200,

the official form for registration and reporting by sponsors of grass roots lobbying campaigns as required by RCW 42.17.200 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-6". Copies of this form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. [Order 62, § 390-20-125, filed 8/26/75.]

WAC 390-20-130 Forms for statement of employment of legislators, state officers, and state employees. Pursuant to the statutory authority of RCW 42.17.210, the official form for statement of employment of legislators, state officers, and state employees as required by RCW 42.17.210 is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "L-7". Copies of this form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. [Order 62, § 390-20-130, filed 8/26/75.]

Chapter 390-24 WAC

FORMS FOR REPORTS OF FINANCIAL AFFAIRS

WAC

390-24-010	Forms for reports of financial affairs.
390-24-020	Forms for amending financial affairs statement.
390-24-025	Time for filing financial affairs statement.
390-24-100	Definition—Direct financial interest.
390-24-105	Definition—Written sworn statement.
390-24-110	Definition—Debt.
390-24-160	Definition—Professional staff member.
390-24-200	Sufficient descriptions of property.
390-24-205	Report of legislation prepared, promoted or opposed.
390-24-210	Reports of officers and directors of financial institutions.
390-24-300	Form for report by public treasurers.

Reviser's note: Forms for financial affairs reporting was duly filed on March 23, 1973, November 25, 1975, November 19, 1976, and October 31, 1977, in the Code Reviser's Office by the Public Disclosure Commission in accordance with the provisions of the Administrative Procedures Act. The reviser has deemed it inexpedient to convert these forms to the prescribed style of WAC. Copies of such forms may be obtained by writing to the Public Disclosure Commission, Room 403, Evergreen Plaza Building, Olympia, Washington 98504.

WAC 390-24-010 Forms for reports of financial affairs. Pursuant to the statutory authority of RCW 42.17.360(1) the official form for reports of financial affairs as required by RCW 42.17.240 is hereby adopted for use in reporting to the Public Disclosure Commission, provided that the form adopted by WAC 390-24-020 may be used by those persons filing after their first filing of this form. This form shall be designated as "F-1". Copies of this form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. [Order 94, § 390-24-010, filed 10/31/77; Order 87, § 390-24-010, filed 11/19/76; Order 62, § 390-24-010, filed 8/26/75; Order 48, § 390-24-010, filed 3/3/75; Order 44, § 390-24-010, filed 9/26/74; Order 6, § 390-24-010, filed 3/23/73.]

WAC 390-24-020 Forms for amending financial affairs statement. The official form for amending reports

of financial affairs as required by RCW 42.17.240 for all persons who have previously filed the form F-1 without exemptions, is hereby adopted for use. This form shall be designated as form "F-1A". The Commission reserves the right to reject amendatory forms and require a new Statement of Financial Affairs (Form F-1) if the amendments are of such length or detail so as to be confusing or to create misunderstanding. Copies of form F-1A may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. [Order 94, § 390-24-020, filed 10/31/77; Order 87, § 390-24-020, filed 11/19/76; Order 62, § 390-24-020, filed 8/26/75; Order 48, § 390-24-020, filed 3/3/75.]

WAC 390-24-025 Time for filing financial affairs statement. It shall be the policy of the Public Disclosure Commission to construe the filing requirements of RCW 42.17.240, for elected officials in the following manner: It is the interpretation of the Commission that any person holding elected public office, except as exempted by the terms of RCW 42.17.240, is required to file the Statement of Financial Affairs required by that section if such person holds such public office in the month of January of any year. Such report shall be for the twelve months preceding that month. [Order 62, § 390-24-025, filed 8/26/75.]

WAC 390-24-100 Definition—Direct financial interest. For the purpose of RCW 42.17.240(1)(b), the phrase "direct financial interest" means and includes any direct ownership interest in a bank or savings account, in the cash surrender value of an insurance policy, in stocks, bonds, securities, evidences of indebtedness, judgments, accounts receivable, and other monetary claims in liquidated amounts.

The term "direct financial interest" as used in that subsection, shall not be deemed to include:

(1) Any direct financial interest which is required to be reported by such elected official or candidate under any other provision of chapter 42.17 RCW;

(2) An account receivable by a business entity in the ordinary course of such entity's business. [Order 62, § 390-24-100, filed 8/26/75.]

WAC 390-24-105 Definition—Written sworn statement. The term written, sworn statement for the purposes of RCW 42.17.240 shall mean a statement prepared by the elected official or candidate written and sworn to as to truth and accuracy to his best and actual knowledge or belief, of the candidate or elected official. [Order 62, § 390-24-105, filed 8/26/75.]

WAC 390-24-110 Definition—Debt. (1) For the purpose of RCW 42.17.240(1)(c), the term "debt" means and includes a personal obligation or liability to pay or return something of value. (2) The term "debt" as used in RCW 42.17.240(1)(c) shall not be deemed to include: an account payable of a business entity in the ordinary course of such entity's business. [Order 62, § 390-24-110, filed 8/26/75.]

WAC 390-24-160 Definition—Professional staff member. (1) A professional staff member of the Office of the Governor and of the Legislature includes all individuals retained on a full or part time basis whose primary responsibilities require the exercise of judgment and discretion in policy related matters, including, but not limited to, such individuals who are involved in the development of legislation. A professional staff member does not include individuals retained primarily for clerical, ministerial, or internal accounting and bookkeeping purposes.

(2) To insure that the provisions of Referendum 36 and this rule are properly and fairly administered and to provide guidance to affected individuals, the Commission, through its chairman and administrator, shall confer annually in December with the Governor, the Secretary of the Senate and the Clerk of the House regarding the specific professional staff members believed to fall within the criteria set forth in Paragraph (1). The administrator shall submit a report of those conferences to the Commission at its December meeting for approval, disapproval or modification, or other determination. Each determination shall be based on an annual review of the positions and personnel to be retained by the affected governmental bodies during the ensuing year and shall constitute the Commission's administrative interpretation of the term "professional staff member" in RCW 42.17.240(1) as amended by Referendum 36, and its application to such positions and personnel. [Order 88, § 390-24-160, filed 12/29/76.]

WAC 390-24-200 Sufficient descriptions of property. For the purposes of reporting under RCW 42.17.240(1)(h)-(k), the Commission shall deem the following to be sufficient descriptions of property:

- (1) Complete legal description, or
- (2) Abbreviated legal description as appear on property statements;
- (3) Street address, except when such address is a rural route. [Order 63, § 390-24-200, filed 9/10/75.]

WAC 390-24-205 Report of legislation prepared, promoted or opposed. (1) Pursuant to RCW 42.17.240(1)(e), an official must provide in each report required by that subsection:

- (a) the name of each governmental entity of which the official is an officer or employee,
- (b) a statement of each subject area on which the reporting official has proposed, promoted or opposed any legislation, rule, rate or standard for such entity,
- (c) the compensation received or promised for said service and,
- (d) all other persons for whom such services have been performed for current or deferred compensation, together with an itemization of such actual or proposed legislation, rules, rates and standards, and the amount of compensation paid or promised for the service.

(2) A person need not report the information described in subsection (a), (b), and (c) as to any entity of which such person is an elected official. [Order 90, § 390-24-205, filed 1/20/77.]

WAC 390-24-210 Reports of officers and directors of financial institutions. An elected official or candidate who is an officer or director of a financial institution may comply in part with RCW 42.17.240(1)(g)(ii) by incorporating by reference a list of the financial institution's officers and directors if such a list has been filed with the Commission by the financial institution in the current year. [Order 77, § 390-24-210, filed 6/2/76.]

WAC 390-24-300 Form for report by public treasurers. Pursuant to the statutory authority of RCW 42.17.360(1), the official form for the report by public treasurers as required by Section 10, Substitute House Bill 1329, chapter 112, Laws of 1975-76 2nd ex. sess. [RCW 42.17.245], is hereby adopted for use in reporting to the Public Disclosure Commission. This form shall be designated as "T-1". Copies of this form may be obtained at the Commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. [Order 77, § 390-24-300, filed 6/2/76.]

Chapter 390-28 WAC HARDSHIP EXEMPTIONS—HEARING EXAMINER SYSTEM

WAC

390-28-010	Statement of policy.
390-28-020	Definition—Applicant.
390-28-021	Definition—Hearing officer.
390-28-025	Hearing to modify reporting requirements.
390-28-030	Hearing to modify reporting—Form—Right to by applicants.
390-28-040	Hearing to modify reporting—Prehearing procedure and requirements.
390-28-050	Hearing to modify reporting—Alternate forms.
390-28-060	Hearing to modify reporting—Procedures.
390-28-070	Hearing to modify reporting—By affidavit or sworn statement.
390-28-080	Hearing to modify reporting—Evidence, record, adverse decisions.
390-28-090	Hearing to modify reporting—Required findings.
390-28-100	Reporting modifications—Possible qualifications.

WAC 390-28-010 Statement of policy. (1) The Public Disclosure Commission is empowered by RCW 42.17.370(9) to suspend or modify reporting requirements of the Open Government Law in particular cases, pursuant to certain findings. The commission is fully aware of the need for such provision, and the procedural requirements which must be observed in its use of such power. The commission has adopted certain procedural guidelines, including hearings, by regulations previously adopted and is further aware of the need for expeditious handling of such hearings in order that their purpose will not be frustrated by delays extending beyond reporting deadlines.

(2) With these factors in mind, the commission adopts WAC 390-28-010 through 390-28-100. [Order 62, § 390-28-010, filed 8/26/75; Order 24, § 390-28-010, filed 2/21/74.]

WAC 390-28-020 Definition—Applicant. The term applicant for the purposes of chapter 390-28 WAC shall mean any individual, group, association or other

entity that seeks an exemption pursuant to RCW 42.17.370(9) and these regulations. [Order 62, § 390-28-020, filed 8/26/75; Order 24, § 390-28-020, filed 2/21/74.]

WAC 390-28-021 Definition—Hearing officer. The term "hearing officer" for the purposes of chapter 390-28 WAC shall mean any member of the commission or other person designated by resolution of the commission to preside at hearings conducted pursuant to chapter 390-28 WAC. [Order 62, § 390-28-021, filed 8/26/75.]

WAC 390-28-025 Hearing to modify reporting requirements. (1) Any elected official or candidate or other person who considers compliance with any of the reporting requirements of chapter 42.17 RCW to be a manifestly unreasonable hardship in his particular case may apply for an exemption from such reporting requirements pursuant to RCW 42.17.370(9) and further pursuant to these regulations. [Order 62, § 390-28-025, filed 8/26/75; Order 24, § 390-28-025, filed 2/21/74.]

WAC 390-28-030 Hearing to modify reporting—Form—Right to by applicants. Each applicant shall be accorded the full procedural protection of the Administrative Procedures Act (chapter 34.04 RCW) and accompany regulations (chapter 1-08 WAC) in any hearing before the Commission or its designee. [Order 62, § 390-28-030, filed 8/26/75; Order 24, § 390-28-030, filed 2/21/74.]

WAC 390-28-040 Hearing to modify reporting—Prehearing procedure and requirements. (1) An applicant must file with the Commission a written request for hearing for suspension or modification of reporting requirements.

(2) The request should contain a summary of the applicant's evidence to be submitted at the hearing. In the case of a hearing to suspend or modify the reporting requirements of RCW 42.17.240, the applicant, if he is a candidate for public office, shall complete the form F-1 (reference WAC 390-24-010) to the extent possible. The applicant shall append a statement of reasons why the reporting of required information would cause a manifestly unreasonable hardship, with as much detail as possible. A general statement, such as "violates right of privacy" shall not be deemed as sufficient compliance with this requirement.

(3) The filing of a request for exemption shall not toll the reporting requirement of any portion of chapter 42.17 RCW. No such request filed later than three days prior to an applicable reporting date shall be considered, *provided that* elected public officials requesting an exemption shall file such request no later than the fifteenth (15th) day of December prior to the January reporting deadline. If an applicant does not file within these time limits, he shall be deemed to have waived any right to an exemption, *provided that* the commission upon good cause shown may grant a hearing. [Order 62, § 390-28-040, filed 8/26/75; Order 24, § 390-28-040, filed 2/21/74.]

WAC 390-28-050 Hearing to modify reporting—Alternate forms. (a) An applicant pursuant to time application made according to these regulations shall have the right to a hearing before a majority of the members of the Public Disclosure Commission. Such hearing shall be conducted pursuant to chapter 34.04 RCW, applicable regulations found in chapter 1-08 WAC, and chapter 390-28 WAC.

(b) The applicant may choose to be heard by a hearing examiner in lieu of a hearing by the commission as a body. Such hearing shall be conducted pursuant to chapter 34.04 RCW. Procedure shall be controlled by chapter 1-08 WAC, except to the extent that chapter 390-28 WAC shall be in conflict with chapter 1-08 WAC. [Order 62, § 390-28-050, filed 8/26/75; Order 24, § 390-28-050, filed 2/21/74.]

WAC 390-28-060 Hearing to modify reporting—Procedures. (1) The commission shall appoint hearing officers to hear individual applicants. It shall be the duty of the hearing officer to conduct hearings on assigned cases in an impartial and orderly manner. The hearing officer shall have the authority, subject to other provisions of the law or regulations;

(a) to administer oaths and affirmations;

(b) to rule on all procedural matters, objections, and motions;

(c) to rule on offers of proof and receive relevant evidence;

(d) to interrogate applicants and witnesses in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the issues;

(e) to recess or adjourn hearings, or to refer the application to the entire commission.

(2) After such hearing is concluded, the hearing officer shall prepare and distribute to the applicant and each commissioner a proposed decision determining the issue. The applicant shall have five days to file with the commission specific objections to the hearing officer's **proposed** decision and to request an opportunity to present additional evidence to the commission. When written objections are timely filed, the commission, at the time of review and ratification, shall consider the whole record or such portions as may be cited by the hearing examiner. The commission may also hear additional testimony.

(3) If the applicant files objections to the hearing officer's proposed decision, the filing requirement from which the applicant has sought exemption shall not be suspended unless the commission, upon notice of the filing of objections, determines that a temporary suspension is justifiable pursuant to the criteria set out in RCW 42.17.370(9). Such suspension of filing requirements shall be granted only until the decision is finalized by formal action of the commission.

(4) At the next regular or special meeting at which the matter can be lawfully considered by the commission under these regulations, the commission shall review and either ratify or modify or revise the proposed order; provided that if the commission's order on review is adverse to the applicant, the proceedings shall be governed by RCW 34.04.110. [Order 67, § 390-28-060, filed

1/16/76; Order 62, § 390-28-060, filed 8/26/75; Order 24, § 390-28-060, filed 2/21/74.]

WAC 390-28-070 Hearing to modify reporting—
By affidavit or sworn statement. (1) An applicant may choose to waive an appearance at a hearing conducted pursuant to chapter 390-28 WAC. The applicant may request a hearing before the entire commission or before a hearing officer as established by this chapter.

(2) In the event that an applicant chooses to waive such appearance, he shall submit to the Commission, or its designee, a written, sworn statement setting out in detail the rationale for requesting exemption or suspension.

(3) The commission, or its designee, shall proceed to decide the application in the same manner as if an appearance were made, *provided that* in the event the commission or its designee is not able to reach a conclusion on the application because of an insufficiency of the evidence, it may adjourn the hearing for the purposes of gathering further evidence, or it may deny the application. Temporary suspension of reporting requirements may be granted as provided in WAC 390-28-060(3). [Order 64, § 390-28-070, filed 11/25/75; Order 62, § 390-28-070 (Formerly § 390-28-080), filed 8/26/75; Order 24, § 390-28-070, filed 2/21/74.]

WAC 390-28-080 Hearing to modify reporting—
Evidence, record, adverse decisions. (1) The commission, or its designee shall be guided in its deliberations by WAC 390-28-090 and WAC 390-28-100, setting out required findings and *prima facie* qualifications, RCW 42.17.370(9), and the past proceedings of the commission.

(2) All evidence presented at hearings of the commission held pursuant to chapter 390-28 WAC and RCW 42.17.370(9) shall be considered to be a public record, *provided that* the commission may close the hearing and hold an executive session pursuant to RCW 42.30.140 if it finds that an executive session is necessary to allow the applicant to provide enough evidence to assure that proper findings are made. All evidence presented at any portion of a meeting held in executive session identifying the matters for which the applicant requests exemption under these regulations shall be considered and held confidential by the commission unless otherwise ordered by a court of competent jurisdiction, *provided that* evidence presented at a public hearing shall not be considered confidential. In the event that a hearing officer determines that an executive session may be necessary, he shall immediately adjourn the hearing and certify the cause to the commission for hearing.

(3) Any decision or order adverse to an applicant rendered by the commission or its designee shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law. [Order 62, § 390-28-080 (Formerly § 390-28-070), filed 8/26/75; Order 24, § 390-28-080, filed 2/21/74.]

WAC 390-28-090 Hearing to modify reporting—
Required findings. The commission, after hearing as provided in these regulations, may suspend the applicable

reporting requirement of chapter 42.17 RCW if it finds that the literal application of such requirement works a manifestly unreasonable hardship in the case under consideration and if it also finds that such suspension or modification will not frustrate the purposes of the act. The commission shall suspend or modify such reporting requirement or requirements only to the extent necessary to substantially relieve such hardship, and only upon clear and convincing proof to support such claim. [Order 62, § 390-28-090, filed 8/26/75; Order 24, § 390-28-090, filed 2/21/74.]

WAC 390-28-100 Reporting modifications—
Possible qualifications. The following, or any of them, may be considered possible qualifications for a reporting modifications [modification] under RCW 42.17.370(9) pursuant to these regulations.

(a) Reporting any financial interest, otherwise required to be reported by RCW 42.17.240(1)(b) of said act, if the financial institution or other entity in which the candidate or official having such interest does not engage in business in the state of Washington, or is not regulated in whole or in part by the office sought or held by such candidate or elected official, and *provided that* such reporting would present actual difficulties to the candidate or official and the interest in question would present no actual or potential conflict with the proper performance of the duties of the office sought or held, in the public interest.

(b) Reporting any of the information required by RCW 42.17.240(1)(f) and (g), if public disclosure would violate any legally recognizable confidential relationship: *Provided*, the information in question does not relate to a business entity which would be subject to the regulatory authority of the office sought or held by such candidate or elected official in whole or in part: *And provided further*, That such reporting would present actual difficulties to the candidate or official and the interest in question would present no actual or potential conflict with the performance of the duties of the office sought or held, in the public interest.

(c) Reporting any of the information required by RCW 42.17.240 for members of the immediate family of a candidate or elected official, if such information relates to a financial interest held by such member under a bona fide separate property agreement, or other bona fide separate status and such financial interest does not constitute a present or prospective source of income to such candidate or elected official or to any other person who is dependent upon such candidate or elected official for support in whole or in part.

(d) Reporting any other matter which would constitute an unreasonable hardship in a given case, or potential conflict with the proper performance of the duties of the office sought or held in the public interest. [Order 64, § 390-28-100, filed 11/25/75; Order 62, § 390-28-100, filed 8/26/75; Order 24, § 390-28-100, filed 2/21/74.]

Chapter 390-32 WAC
FAIR CAMPAIGN PRACTICES CODE

WAC

390-32-010	Fair Campaign Practices Code for candidates and local ballot issues.
390-32-020	Filing—Fair Campaign Practices Code.
390-32-030	Complaints—Fair Campaign Practices Code.
390-32-040	Fair Campaign Practices Code for state-wide ballot issues.

WAC 390-32-010 Fair Campaign Practices Code for candidates and local ballot issues. Pursuant to the provisions of RCW 42.17.370(1) and (6) the Public Disclosure Commission adopts this Fair Campaign Practices Code:

(1) I shall conduct my campaign, and to the extent reasonably possible shall insist that my supporters conduct themselves, in a manner consistent with the best American tradition, discussing the issues and presenting my record and policies with sincerity and candor.

(2) I shall uphold the right of every qualified voter to free and equal participation in the election process.

(3) I shall not participate in, and I shall condemn, personal vilification, defamation, and other attacks on any opposing candidate or party which I do not believe to be truthful, provable, and relevant to my campaign.

(4) I shall not use or authorize, and I shall condemn material relating to my campaign which falsifies, misrepresents, or distorts the facts, including but not limited to malicious or unfounded accusations creating or exploiting doubts as to the morality, patriotism or motivations of any party or candidate.

(5) I shall not appeal to, and I shall condemn appeals to, prejudices based on race, creed, sex or national origin.

(6) I shall not practice, and I shall condemn practices, which tend to corrupt or undermine the system of free election or which hamper or prevent the free expression of the will of the voters.

(7) I shall promptly and publicly repudiate the support of any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent(s) to methods in violation of the letter or spirit of this Code.

(8) I shall refrain from any misuse of the Public Disclosure Law, chapter 42.17 RCW to gain political advantage for myself or any other candidate. [Order 93, § 390-32-010, filed 8/26/77; Order 64, § 390-32-010, filed 11/25/75; Order 62, § 390-32-010, filed 8/26/75; Order 50, § 390-32-010, filed 3/3/75.]

WAC 390-32-020 Filing—Fair Campaign Practices Code. (1) A copy of the code provided in WAC 390-32-010 and 390-32-040 shall be printed in appropriate campaign reporting instructions made available to candidates and political committees.

(2) The PDC form C-1 registration statement for candidates and political committees shall contain a section wherein the candidate or committee treasurer may indicate his intent to either voluntarily subscribe to the Code or not to subscribe to all or a part of the Code.

(3) Neither failure to subscribe to the code nor to complete that section of the C-1 registration statement pertaining to the code shall constitute a violation of chapter 42.17 RCW. [Order 93, § 390-32-020, filed 8/26/77; Order 91, § 390-32-020, filed 7/22/77; Order 62, § 390-32-020, filed 8/26/75; Order 59, § 390-32-020, filed 7/16/75; Order 52, § 390-32-020, filed 4/17/75.]

WAC 390-32-030 Complaints—Fair Campaign Practices Code. (1) Written and signed complaints alleging a violation of one or more specific provisions of the Fair Campaign Practices Code for candidates and local ballot issues (WAC 390-32-010) or the Fair Campaign Practices Code for state-wide ballot issues (WAC 390-32-040) may be submitted to the Public Disclosure Commission by any person.

(2) Upon receipt of a complaint, the Commission administrator shall forward a copy of the complaint to the complainee within 24 hours, accompanied by a request for a response to the complaint returned within 5 days from the date of mailing.

(3) Upon receipt of the complainee's response, the Commission administrator shall forward a copy to the complainant. A copy of the complaint and the response shall be sent to news media. The complaint and the response shall be available at the Commission office for public inspection and copying. If the complainee does not respond within 5 days, the complaint shall be made public without a response.

(4) The Commission will make no attempt to secure a reply to and will make no public release of complaints received within 8 days of an election.

(5) The Commission will not issue comments or opinions about complaints or responses.

(6) In the absence of any contrary intention as expressed by the complainant, the filing of a complaint with the Commission constitutes implied consent to have the complainant's identity disclosed. [Order 93, § 390-32-030, filed 8/26/77; Order 91, § 390-32-030, filed 7/22/77.]

WAC 390-32-040 Fair Campaign Practices Code for state-wide ballot issues. (1) We shall conduct our campaign, and to the extent reasonably possible shall insist that our supporters conduct themselves, in a manner consistent with the best American tradition, discussing the issues and presenting the record and facts with sincerity and honesty.

(2) We shall uphold the right of every qualified voter to free and equal access in the election process to all views held by both those in support of or opposition to this ballot issue.

(3) We shall not participate in, and shall condemn, personal vilification, defamation, and other attacks on those who hold the opposing viewpoint which we do not believe to be truthful, provable, and relevant to the campaign.

(4) We shall not use or authorize, and shall condemn material relating to the campaign which falsifies, misrepresents, or distorts the facts, including but not limited

to malicious or unfounded accusations creating or exploiting doubts as to the morality, patriotism or motivations of those who oppose our view.

(5) We shall not appeal to, and we shall condemn appeals to, prejudices based on race, creed, sex or national origin.

(6) We shall not practice, and we shall condemn practices, which tend to corrupt or undermine the system of free elections or which hamper or prevent the free expression of the will of the voters. To this end we do voluntarily agree not to accept contributions when such acceptance would result in the total of contributions and independent campaign expenditures in support of or opposition to any state-wide ballot issue exceeding fifteen cents multiplied by the number of Washington voters voting in the last presidential general election. We shall promptly condemn any action by any group or individual whose contribution or expenditure results in this limitation being exceeded.

(7) We shall promptly and publicly repudiate the support of any individual or group which resorts to methods in violation of letter or spirit of this Code.

(8) We shall refrain from any misuse of the Public Disclosure Law, chapter 42.17 RCW to gain political advantage for our viewpoint. [Order 92, § 390-32-040, filed 7/22/77.]

Chapter 390-37 WAC ENFORCEMENT PROCEDURES— INVESTIGATIVE HEARINGS

WAC	
390-37-010	Enforcement procedures—Policy.
390-37-020	Enforcement procedures—Initiation of complaint.
390-37-030	Enforcement procedures—Status of citizen complainant and others.
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390-37-300	Late filings—Civil penalties.
390-37-305	Late filings—Administrator review.
390-37-310	Late filings—Waiver of penalty.
390-37-315	Late filings—Petition for waiver—Disposition by Commission.
390-37-320	Late filings—Waiver petition—Judicial review and enforcement.

WAC 390-37-010 Enforcement procedures—Policy. The Commission recognizes the need for published uniform rules setting forth Commission policies and procedures for cases in which violations or apparent violations of chapter 42.17 RCW are brought to its attention. The policy of the Commission shall be to facilitate the resolution of compliance matters in a fair and expeditious manner. [Order 79, § 390-37-010, filed 6/25/76.]

WAC 390-37-020 Enforcement procedures—Initiation of complaint. (1) A complaint alleging a violation of chapter 42.17 RCW may be brought to the attention of the Commission staff by:

- (a) a member of the public;
- (b) the Commission staff;
- (c) a Commission member, who shall then be disqualified from participating in the decision of a contested case that may arise from the complaint; or
- (d) referral from the Office of the Attorney General.

(2) The person or entity against whom a complaint is filed shall be known as the respondent. [Order 79, § 390-37-020, filed 6/25/76.]

WAC 390-37-030 Enforcement procedures—Status of citizen complainant and others. (1) When a citizen complaint has been filed with the Commission, neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the Commission. However, the staff shall give notice to the complainant of any open Commission hearings on the matter and the complainant may be called as a witness in any contested case hearing or investigative proceeding.

(2) The complainant or any other person may submit documentary evidence and/or written factual or legal statements to the Commission at any time. The complainant or any other person wishing to be heard in a compliance matter may request permission in advance of a public hearing on the matter or at such hearing, and the Commission may grant such person a reasonable opportunity to be heard.

(3) A person not satisfied with the dismissal of a complaint by the Commission or its administrator when no violation is found, may pursue an appropriate remedy under RCW 42.17.400(4). [Order 79, § 390-37-030, filed 6/25/76.]

WAC 390-37-040 Enforcement procedures—Procedure for filing citizen complaints. (1) A complaint filed with the Commission, relating to an elected official or a candidate for elective office, shall be in writing and signed by the complainant under oath.

(2) A complaint filed with the Commission, other than a complaint specified in subsection (1) of this section may be made informally.

(3) A complaint filed under the provisions of either subsection (1) or (2) of this section should include:

- (a) a statement of the nature of the alleged violation or violations, date, time and place of each occurrence and name of person or persons responsible; and

(b) all available documentation and other evidence which the complainant is able to supply to demonstrate a reason for believing that a violation of chapter 42.17 RCW has occurred. [Order 79, § 390-37-040, filed 6/25/76.]

WAC 390-37-050 Enforcement procedures—Respondent's notice of complaint. (1) Within ten (10) days of receipt by the Commission of a complaint which on its face appears to have merit, the Commission shall notify the respondent that a complaint has been filed. The notice shall set forth the nature of the complaint and its origin (citizen complaint, commission or other) and the statutory provision alleged to have been violated.

(2) A respondent who is an elected official or a candidate for elective office shall be notified of the complainant's identity as required by RCW 42.17.310(1)(e). A respondent who is an elected official or a candidate for elective office shall be notified of the complainant's identity as required by RCW 42.17.310(1)(e). A respondent who is not an elected official or a candidate for elective office shall be notified of the complainant's identity only if the complainant has consented or if the complaint is a matter of public record or public knowledge. [Order 81, § 390-37-050, filed 7/22/76.]

WAC 390-37-060 Enforcement procedures—Investigation of complaints. The administrator shall investigate and present to the Commission each complaint which indicates reasonable cause to believe chapter 42.17 RCW has been violated. [Order 81, § 390-37-060, filed 7/22/76.]

WAC 390-37-070 Enforcement procedures—Complaints dismissable by administrator. The administrator, with the concurrence of the chairman, at any time prior to consideration by the Commission, may dismiss a complaint which on its face, or as shown by investigation, does not show reason to believe that a violation of chapter 42.17 RCW has occurred. [Order 81, § 390-37-070, filed 7/22/76.]

WAC 390-37-080 Enforcement procedures—Prehearing conference. (1) After investigation of a complaint, there shall be a prehearing conference between the administrator or his designee and the respondent.

(2) The administrator and respondent shall proceed according to WAC 390-37-090. If the administrator and respondent can agree at the prehearing conference that:

- (a) no facts are contested; and
- (b) no questions of law are presented; and
- (c) respondent had no intent to conceal or withhold information in violation of the provisions of chapter 42.17 RCW, and
- (d) chapter 42.17 RCW was violated, and
- (e) determination of the sanction, if any, shall be made by the Commission under the provisions of section 12(4), chapter 112, Laws of 1975 2nd Extraordinary Session.

(3) There shall be a contested case hearing if

(a) one or more of the criteria set forth in subsection (2) of this section is not satisfied and

(b) the administrator determines there is reasonable cause to believe a violation has occurred and the violation is one which the Commission should resolve by finding an actual violation pursuant to Substitute House Bill 1329, section 12(4), 2nd Extraordinary Session.

(4) The administrator shall proceed in accordance with WAC 390-37-230 if

(a) one or more of the criteria set forth in subsection (2) of this section is not satisfied and

(b) the administrator determines there is reasonable cause to believe a violation has occurred and the violation is one which the Commission should refer to the Attorney General or other law enforcement agency pursuant to RCW 42.17.360. [Order 81, § 390-37-080, filed 7/22/76.]

WAC 390-37-090 Enforcement procedures—Cases resolvable by stipulation. (1) When the administrator and respondent agree at the prehearing conference to the criteria set forth in subsections (2)(a) through (e) of WAC 390-37-080, the administrator and respondent shall prepare stipulated statements of fact and law for presentation to the Commission.

(2) If the Commission finds that there has been an actual violation by approving the findings of fact and conclusions of law as presented in the stipulation, the Commission shall:

(a) convene a contested case hearing on the issue of the sanction to be imposed, and

(b) determine the amount of the sanction.

(3) The Commission shall refer the matter to the administrator for further investigation or other action consistent with the Commission's deliberations if the Commission:

(a) does not approve the proposed findings of fact and conclusions of law pursuant to subsection (1) of this section or

(b) determines its own remedy would be inadequate. [Order 81, § 390-37-090, filed 7/22/76.]

WAC 390-37-100 Enforcement procedures—Contested case hearings. (1) A contested case hearing shall be conducted pursuant to the Administrative Procedures Act (chapter 34.04 RCW) and its supporting regulations (chapter 1-08 WAC).

(2) A contested case shall be heard either by the Commission or, if the respondent consents, by a duly designated hearing officer. The hearing officer may be either a member of the Commission or another qualified person designated by resolution of the Commission to preside at contested case hearings.

(3) Upon the conclusion of a contested case, the hearing officer shall prepare and present to the Commission findings of fact, conclusions of law, and a proposed decision determinative of the matter. When the proposed decision is adverse to the respondent, a copy of the findings of fact, conclusions of law and proposed decision shall be served upon the administrator and the respondent. Both the respondent and the administrator shall be afforded an opportunity to file exceptions and written

argument with the Commission. The Commission shall review the proposed decision at its next regular meeting or at a special meeting called for that purpose. The Commission shall consider the whole record or such portions as shall be cited by the parties. Oral argument may be heard at the discretion of the Commission.

(4) After either a hearing by the Commission or review by the Commission of the proposed decision of a hearing officer the Commission may find that:

(a) respondent did not violate the act, as alleged, and dismiss the case; or

(b) respondent violated chapter 42.17 RCW, as alleged, and determine the sanction, if any, to be imposed, or

(c) (i) respondent is in apparent violation of chapter 42.17 RCW, (ii) its own remedy is inadequate and enter its order referring the matter to the appropriate law enforcement agency as provided in RCW 42.17.360.

(5) Upon the conclusion of a hearing, the Commission

(a) shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case; and

(b) shall deliver, either in person or by mail, to each respondent, or the attorney of record of each respondent, a copy of the findings of fact, conclusions of law and decision.

(6) When the Commission finds an apparent violation and refers the matter to an enforcement agency, the Commission shall give to the respondent written notice of such finding and order of referral. [Order 81, § 390-37-100, filed 7/22/76.]

WAC 390-37-200 Investigative hearings—Commission policy. (1) Although a respondent has no legal right to a hearing in connection with a determination by the Commission to refer an apparent violation to a law enforcement authority, the Commission has found that such a hearing may be a useful means of developing the true state of facts, with obvious benefit to all parties, including the public. It is the purpose of the investigative hearing rules, stated in WAC 390-37-200 through 390-37-230, to establish procedural guidelines for such hearings.

(2) For the purpose of these regulations, the term "investigative hearing" means a hearing to determine whether there has been an apparent violation of one or more provisions of chapter 42.17 RCW and whether such apparent violation should be referred to an appropriate law enforcement authority.

(3) The Commission reserves the right to dispense with an investigative hearing in any case and to refer such matter to a law enforcement authority whenever

(a) such action appears necessary for proper administration and enforcement of the Act, or

(b) the Commission concludes that no useful purpose would be served by an investigative hearing. [Order 81, § 390-37-200, filed 7/22/76.]

WAC 390-37-205 Investigative hearings—Respondent's notice to appear. The Commission, through

its administrator, shall give notice to the respondent seven (7) days in advance of an investigative hearing, advising the respondent that he or she may appear and present testimony at such hearing. [Order 81, § 390-37-205, filed 7/22/76.]

WAC 390-37-210 Investigative hearings—Subpoenas. (1) The Commission, its chairman, or designee of the Commission or upon request by a respondent, may subpoena persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other records which the Commission deems relevant or material.

(2) Such subpoena will issue and may be enforced in the form and manner set forth in RCW 34.04.105 and WAC 1-08-105 through 1-08-170. [Order 81, § 390-37-210, filed 7/22/76.]

WAC 390-37-215 Investigative hearings—Conducted by Commission or hearing officer. An investigative hearing shall be conducted by a hearing officer or, if the respondent requests, the Commission. The Commission or the hearing officer shall conduct the hearing in an impartial and orderly manner. The Commission or hearing officer shall have the authority, subject to other provisions of the law or regulations, to:

(a) administer oaths and affirmations;

(b) issue subpoenas compelling the attendance of witnesses and the production of evidence;

(c) rule on all procedural matters, objections and motions;

(d) interrogate witnesses in an impartial manner to develop pertinent facts;

(e) receive relevant evidence; and

(f) recess, continue, or adjourn hearings. [Order 81, § 390-37-215, filed 7/22/76.]

WAC 390-37-220 Investigative hearings—Procedures. (1) In any investigative hearing held to adduce evidence regarding alleged violations of the act, the Commission or the hearing officer shall be guided by the following:

(a) The person appearing shall be sworn;

(b) Upon direction of the Commission or hearing officer, additional witnesses may be called and examined;

(c) Staff or counsel shall ascertain identifying facts for the record and shall then proceed to examine the person testifying;

(d) The Commission or hearing officer may examine any witness;

(e) The respondent may present evidence and may call additional witnesses;

(f) The staff, counsel, commissioners or hearing officer may cross-examine persons so appearing;

(g) The chairman or hearing officer shall rule on admissibility of evidence, subject to being overruled by a majority of the commissioners present when heard before the full Commission.

(2) The Commission or hearing officer may vary these procedures from time to time as deemed necessary for efficient and fair administration. [Order 81, § 390-37-220, filed 7/22/76.]

WAC 390-37-225 Investigative hearings—Disposition of case by hearing officer. (1) At the conclusion of an investigative hearing, the hearing officer shall prepare a written summary of the evidence gathered and a written statement of the proposed action. The hearing officer may propose any action which the Commission might make consistent with WAC 390-37-230 or he may refer the matter to the Commission.

(2) A copy of the hearing officer's written summary and report shall be furnished promptly after the hearing to the respondent and to each Commission member. The respondent shall have 5 days from the receipt of such summary and statement in which to notify the Commission in writing of specific objections to the summary and statement, and of the desire to present new or additional evidence. No further action shall be taken on the matter prior to the expiration of the 5 day period.

(3) Upon request by a commission member, the full Commission shall review the matter at the next meeting at which the matter may be considered pursuant to this rule. The Commission may ratify, set aside, or modify the hearing officer's disposition or take any action provided by WAC 390-37-230.

(4) If no Commissioner requests such a review at or before the next meeting at which the matter could be considered pursuant to this rule, and if no objections or new or additional evidence is presented by the respondent, the action taken by the hearing officer shall be the official action of the Commission.

(5) If the hearing officer's proposed decision becomes the official action of the Commission, the hearing officer's written summary and report shall become the public record of the Commission's action. [Order 81, § 390-37-225, filed 7/22/76.]

WAC 390-37-230 Investigative hearings—Disposition of case by Commission. (1) At the conclusion of an investigative hearing, the Commission may:

(a) dismiss a matter;

(b) postpone a final decision on the matter to allow Commissioners, staff and counsel to summarize and review the evidence and make recommendations as to the disposition of the matter;

(c) find an apparent violation and refer the matter to an appropriate law enforcement authority pursuant to RCW 42.17.360.

(2) The Commission shall not make formal findings or conclusions inasmuch as these matters are fact-finding efforts and not formal contested cases. However, the Commission shall prepare a summary of the evidence gathered and its conclusions, which report shall become the public record of the Commission's action. [Order 81, § 390-37-230, filed 7/22/76.]

WAC 390-37-300 Late filings—Civil penalties. The late filing civil penalty imposed by section 11, chapter 112, Laws of 1975-76, 2nd ex. sess., is an automatic penalty. Payment of this civil penalty by a person who violates chapter 42.17 RCW does not preclude the Commission or a court from imposing other or additional civil penalties in connection with the same violation. [Order 84, § 390-37-300, filed 8/18/76.]

WAC 390-37-305 Late filings—Administrator review. The Commission staff shall review all late filings of statements or reports required under chapter 42.17 RCW.

(1) A statement or report which is filed within ten days of the applicable due date except when relating to campaign financing and due within ten days before an election, and which is accompanied by payment of the ten dollar late filing penalty specified in section 11, chapter 112, Laws of 1975-76, 2nd ex. sess., shall receive no further penalty by the Commission for being late;

(2) A statement or report filed more than 60 days after the applicable due date shall be treated as a compliance matter pursuant to chapter 390-37 WAC;

(3) Any other late-filed statement or report shall be reviewed by the Commission administrator to determine if the amounts of money involved or other circumstances indicate an apparent attempt to (a) withhold or conceal information required to be disclosed under chapter 42.17 RCW, or (b) otherwise frustrate the purposes of that chapter. Upon an affirmative finding under the preceding sentence, the case shall be treated as a compliance matter pursuant to chapter 390-37 WAC. Upon a negative finding under the first sentence of this subsection, only the ten dollar late filing penalty specified in section 11, chapter 112, Laws of 1975-76, 2nd ex. sess., shall be assessed. [Order 84, § 390-37-305, filed 8/18/76 and 8/20/76.]

WAC 390-37-310 Late filings—Waiver of penalty. (1) The Commission is empowered by section 11, chapter 112, Laws of 1975-76, 2nd ex. sess., to waive imposition of the ten dollar late filing penalty only if the Commission finds that failure to timely file a statement or report was unavoidable.

(2) Any person seeking a waiver of this late filing penalty shall file with the Commission a written petition, verified under oath by the petitioner, setting forth the specific circumstances which caused the late filing to be unavoidable.

(3) The petition shall be submitted with the late statement or report and shall operate to defer payment of the late filing penalty pending Commission action on the petition. [Order 84, § 390-37-310, filed 8/18/76.]

WAC 390-37-315 Late filings—Petition for waiver—Disposition by Commission. (1) The Commission shall consider any waiver petition submitted pursuant to WAC 390-37-310 at an announced public meeting. The Commission, in its discretion, may hold a hearing.

(2) If the Commission finds that failure to timely file the report or statement was unavoidable, an order shall be entered waiving imposition of the civil penalty.

(3) If the Commission finds that a report was not timely filed and that the failure to file timely was avoidable, the Commission may either:

(a) enter an order directing immediate payment of the amount of the penalty; or

(b) find that an apparent violation of chapter 42.17 RCW has occurred and take appropriate action pursuant

to WAC 390-37-200 through 390-37-230. [Order 84, § 390-37-315, filed 8/18/76.]

WAC 390-37-320 Late filings—Waiver petition—Judicial review and enforcement. (1) Any order issued by the Commission pursuant to WAC 390-37-315 shall be subject to judicial review under the Administrative Procedures Act (chapter 34.04 RCW).

(2) If the Commission's order is not satisfied and no petition for review is filed within thirty days as provided in RCW 34.04.130, the Commission may petition the superior court of any county in which a petition for review could be filed under that section for an order of enforcement. Proceedings in connection with the Commission's petition shall be in accordance with section 13, chapter 112, Laws of 1975-76, 2nd ex. sess. [Order 84, § 390-37-320, filed 8/18/76.]