

Title 390 WAC

PUBLIC DISCLOSURE COMMISSION

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| Chapters | | | |
| 390-05 | General policies and definitions. | 390-04-080 | List of elected public officials. [Order 9, § 390-04-080, filed 4/24/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-12 | Administrative procedures. | 390-04-090 | List of elected public officials—Responsibility for developing. [Order 9, § 390-04-090, filed 4/24/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-13 | General provisions relating to public records of state and local agencies. | 390-04-100 | List of elected public officials—Name not on list, impact. [Order 9, § 390-04-100, filed 4/24/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-14 | Access to public records of the public disclosure commission. | 390-04-110 | Public Disclosure Act—Violation of other law. [Order 13, § 390-04-110, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-16 | Forms for campaign financing reporting—Contributions. | 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 Repealed by Order 24, filed 2/21/74. |
| 390-17 | Contribution limitations. | 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 Repealed by Order 24, filed 2/21/74. |
| 390-18 | Political advertising. | 390-04-140 | Public Disclosure Act—Required findings. [Order 13, § 390-04-140, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-19 | Electronic filing. | 390-04-150 | Public Disclosure Act—Prima facie qualifications. [Order 13, § 390-04-150, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-20 | Forms for lobbying reports, elected officials and legislators. | 390-04-160 | Written sworn statement. [Order 13, § 390-04-160, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-24 | Forms for reports of financial affairs. | 390-04-170 | Campaign financing—Special reports. [Order 13, § 390-04-170, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-28 | Hardship exemptions—Hearing examiner system. | 390-04-180 | Campaign financing—Time for filing. [Order 13, § 390-04-180, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-32 | Fair Campaign Practices Code. | 390-04-190 | Campaign financing—Encouraging expenditures to avoid contributions—Result. [Order 13, § 390-04-190, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-37 | Enforcement hearing (adjudicative proceeding) rules. | 390-04-200 | Abbreviated campaign reporting—Campaigns for public office involving \$1,000 or less. [Order 61, § 390-04-200, filed 7/16/75; Order 13, § 390-04-200, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE | | | |
| Chapter 390-04 | | | |
| POLICY AND ENFORCEMENT REGULATIONS | | | |
| 390-04-010 | Purpose. [Order 9, § 390-04-010, filed 4/24/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). | 390-04-210 | Abbreviated campaign reporting—Ballot propositions. [Order 61, § 390-04-210, filed 7/16/75; Order 13, § 390-04-210, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-04-020 | General administrative policy. [Order 9, § 390-04-020, filed 4/24/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). | 390-04-215 | Abbreviated campaign reporting—Conditions for granting use. [Order 61, § 390-04-215, filed 7/16/75.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-04-030 | Definitions. [Order 9, § 390-04-030, filed 4/24/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). | 390-04-220 | Exemptions—Conditions for granting. [Order 13, § 390-04-220, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-04-031 | Definition of term "other expenses." [Order 19, § 390-04-031, filed 10/29/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). | 390-04-225 | Abbreviated campaign reporting—Times and place for filing reports C-1 and C-4 under \$1,000 exemption. [Order 61, § 390-04-225, filed 7/16/75.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-04-035 | Definition of direct financial interest. [Order 19, § 390-04-035, filed 10/29/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). | 390-04-230 | Abbreviated campaign reporting—Exceeding limitations. [Order 61, § 390-04-230, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). |
| 390-04-036 | Definition of debt. [Order 26, § 390-04-036, filed 2/21/74.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). | | |
| 390-04-037 | Contribution—Defined. [Order 34, § 390-04-037, filed 8/28/74.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). | | |
| 390-04-038 | "Aggregate" defined. [Order 61, § 390-04-038, filed 7/16/75.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). | | |
| 390-04-040 | Use of office facilities. [Order 9, § 390-04-040, filed 4/24/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). | | |
| 390-04-050 | Enforcement policy. [Order 9, § 390-04-050, filed 4/24/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). | | |
| 390-04-060 | Lobbyist's employer—Meaning—Examples. [Order 9, § 390-04-060, filed 4/24/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). | | |
| 390-04-070 | Effect of Public Disclosure Act—Freedom of communication—Employer interference. [Order 9, § 390-04-070, filed 4/24/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1). | | |

- 390-04-240 Minimum limit on campaign expenditures. [Order 13, § 390-04-240, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1).
- 390-04-250 Expenditures—Aggregate totals. [Order 13, § 390-04-250, filed 7/31/73.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1).
- 390-04-260 Lobbyists registration and reporting—Timing. [Order 25, § 390-04-260, filed 2/21/74.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1).
- 390-04-270 Report of contributions and expenditures—C-4—Reporting requirement. [Order 25, § 390-04-270, filed 2/21/74.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1).
- 390-04-280 Time of filing F-1—RCW 42.17.240. [Order 26, § 390-04-280, filed 2/21/74.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17-370(1).
- 390-04-290 Candidates for public office—Time of filing. [Order 32, § 390-04-290, filed 7/19/74.] Repealed by 78-09-076 (Order 101), filed 8/28/78. Statutory Authority: RCW 42.17.370(1).

Chapter 390-36 COMPLIANCE HEARING PROCEDURES

- 390-36-010 Compliance hearings—Findings of fact, alleged violations, public disclosure commission policy. [Order 62, § 390-36-010, filed 8/26/75; Order 58, § 390-36-010, filed 7/16/75.] Repealed by Order 81, filed 7/22/76 and by Order 84, filed 8/18/76.
- 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.
- 390-36-030 Compliance hearings—Invitation to appear, representative notice. [Order 62, § 390-36-030, filed 8/26/75; Order 58, § 390-36-030, filed 7/16/75.] Repealed by Order 81, filed 7/22/76 and by Order 84, filed 8/18/76.
- 390-36-040 Compliance hearings—Alleged violations—Subpoenas. [Order 62, § 390-36-040, filed 8/26/75; Order 58, § 390-36-040, filed 7/16/75.] Repealed by Order 81, filed 7/22/76 and by Order 84, filed 8/18/76.
- 390-36-050 Compliance hearings—Procedures. [Order 62, § 390-36-050, filed 8/26/75; Order 58, § 390-36-050, filed 7/16/75.] Repealed by Order 81, filed 7/22/76 and by Order 84, filed 8/18/76.
- 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.
- 390-36-060 Compliance hearings—Continuances. [Order 62, § 390-36-060, filed 8/26/75; Order 58, § 390-36-060, filed 7/16/75.] Repealed by Order 81, filed 7/22/76 and by Order 84, filed 8/18/76.
- 390-36-070 Compliance hearings—Disposition—Findings. [Order 62, § 390-36-070, filed 8/26/75; Order 58, § 390-36-070, filed 7/16/75.] Repealed by Order 81, filed 7/22/76 and by Order 84, filed 8/18/76.

Chapter 390-05 WAC GENERAL POLICIES AND DEFINITIONS

WAC

- 390-05-010 Purpose.
- 390-05-020 General administrative policy.
- 390-05-040 Public Disclosure Act—Violation of other law.
- 390-05-050 Commission status under SEPA.
- 390-05-190 Agent—Definition.
- 390-05-200 Definition—Candidates for public office—Time of filing.
- 390-05-205 Definition of term "consumable."
- 390-05-210 Definition—Contribution.
- 390-05-215 Receipt of a campaign contribution.
- 390-05-220 Definition—Consideration.
- 390-05-222 Domestic partner—Definition.
- 390-05-225 Registered voters—Count or number of.
- 390-05-235 Definition—Fair market value.
- 390-05-243 Ministerial functions by persons holding administrative offices.

- 390-05-245 Officer of a candidate's committee or political committee—Definition.
- 390-05-250 Definition—Public disclosure commission.
- 390-05-271 General applications of RCW 42.17.130.
- 390-05-273 Definition of normal and regular conduct.
- 390-05-275 Definition—Party organization.
- 390-05-290 Definition—Political advertising.
- 390-05-295 Definition—Promise or promise to pay.
- 390-05-300 Suspension of reporting requirements.
- 390-05-305 Petition for disclosure—Form.
- 390-05-400 Changes in dollar amounts.
- 390-05-500 Debate or forum.
- 390-05-505 Electioneering communication exclusions.
- 390-05-510 General treasury funds.
- 390-05-515 Member.
- 390-05-520 Periodical.
- 390-05-522 Place of business—Definition.
- 390-05-525 Public service announcement.
- 390-05-530 Funding sources for electioneering communications.

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.
- 390-05-230 Definition—Elected official. [Order 62, § 390-05-230, filed 8/26/75.] Repealed by 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1).
- 390-05-240 Definition—Person. [Order 62, § 390-05-240, filed 8/26/75.] Repealed by 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1).
- 390-05-260 Definition—Public record. [Order 62, § 390-05-260, filed 8/26/75.] Repealed by 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1).
- 390-05-270 Definition—Use of facilities. [Order 62, § 390-05-270, filed 8/26/75.] Repealed by 79-02-056 (Order 79-01), filed 1/31/79. Statutory Authority: RCW 42.17.370(1).
- 390-05-280 Definition—Writing. [Order 62, § 390-05-280, filed 8/26/75.] Repealed by 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1).

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 non-action 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), 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 390-05-190 Agent—Definition. "Agent," as that term is used in chapter 42.17 RCW and Title 390 WAC, means a person, whether the authority or consent is direct or indirect, express or implied, oral or written, who:

- (1) Is authorized by another to act on his or her behalf; or
- (2) Represents and acts for another with the authority or consent of the person represented; or
- (3) Acts for or in place of another by authority from him or her.

[Statutory Authority: RCW 42.17.370(1), 96-09-015, § 390-05-190, filed 4/8/96, effective 5/9/96. Statutory Authority: RCW 42.17.370, 93-22-002, § 390-05-190, filed 10/20/93, effective 11/20/93; 93-16-064, § 390-05-190, filed 7/30/93, effective 8/30/93.]

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(8):

- (1) The existence of a political committee promoting the election of such individual for public office with the knowledge and consent of that individual; or
- (2) A public declaration of candidacy by an individual even if the candidacy is conditioned on a future occurrence; or
- (3) Meeting the requirements set forth in WAC 390-16-230 (1) or (2).

[Statutory Authority: RCW 42.17.370(1), 02-03-018, § 390-05-200, filed 1/4/02, effective 2/4/02; 96-05-001, § 390-05-200, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370, 93-16-064, § 390-05-200, filed 7/30/93, effective 8/30/93. Statutory Authority: RCW 42.17.370(1), 85-15-020 (Order 85-03), § 390-05-200, filed 7/9/85; 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 (14)(a)(iv) the term "consumable" includes the amount paid for food, beverages, preparation, catering or entertainment cost furnished at the event.

[Statutory Authority: RCW 42.17.370(1), 02-03-018, § 390-05-205, filed 1/4/02, effective 2/4/02; 96-05-001, § 390-05-205, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370, 93-16-064, § 390-05-205, filed 7/30/93, effective 8/30/93. Statutory Authority: RCW 42.17.370(1), 85-15-020 (Order 85-03), § 390-05-205, filed 7/9/85; Order 63, § 390-05-205, filed 9/10/75.]

(2009 Ed.)

WAC 390-05-210 Definition—Contribution. (1) The term "contribution" as defined in RCW 42.17.020 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 as defined in WAC 390-05-235, for the purpose of assisting any candidate or political committee. When such in-kind contribution of goods or services is provided, it shall be reported at its fair market value per WAC 390-05-235 and, pursuant to RCW 42.17.640, the fair market value is the amount of the contribution to be allocated to the contributor in determining compliance with the contributor's contribution limit.

(2) **Duplicating political advertising.** The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or the authorized agent of a candidate or political committee is a contribution to the candidate or political committee.

(3) **Consulting with a state, local or judicial candidate.** An expenditure made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent is a contribution to such candidate. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent when:

(a) Any arrangement, coordination or direction by the candidate, the candidate's authorized committee or agent is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or electioneering communications or prior to an expenditure being made by that person supporting that candidate or opposing one or more of that candidate's opponents; or

(b) An expenditure is made based on information about the candidate's plans, projects or needs provided to the expending person by the candidate, the candidate's authorized committee or agent with a view toward having an expenditure made; or

(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the candidate's authorized committee; or

(d) The expenditure is made by or in consultation with any person who, during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the candidate, the candidate's authorized committee or agent. However, there is no presumption that an expenditure is made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent, when a person performs only ministerial functions for two or more candidates or political committees pursuant to RCW 42.17.020 and WAC 390-05-243.

(4) **Consulting with a caucus political committee.** An expenditure, that does not qualify as a contribution to a candidate under subsection (3) of this section, made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a caucus political committee or its agent is a contribution to such caucus political committee.

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An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a caucus political committee or its agent when:

(a) Any arrangement, coordination or direction by the caucus political committee, its agent or another political committee financed, controlled or operated by the caucus is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or electioneering communications or prior to an expenditure being made by that person supporting that caucus political committee or one or more of the candidates supported by it or opposing one or more of those candidates' opponents; or

(b) An expenditure is made based on information about the caucus political committee's plans, projects or needs provided to the expending person by the caucus political committee, its agent or another political committee financed, controlled or operated by the caucus with a view toward having an expenditure made; or

(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the caucus political committee or another political committee financed, controlled or operated by the caucus; or

(d) The expenditure is made by or in consultation with any person who, during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the caucus political committee, its agent or another political committee financed, controlled or operated by the caucus. However, there is no presumption that an expenditure is made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a caucus political committee or its agent, when a person performs only ministerial functions for two or more candidates or political committees pursuant to RCW 42.17.020 and WAC 390-05-243.

(5) *Consulting with a bona fide political party.* An expenditure, that does not qualify as a contribution to a candidate under subsection (3) of this section, made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a bona fide political party or its agent is a contribution to such bona fide political party. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a bona fide political party when:

(a) Any arrangement, coordination or direction by the bona fide political party, its agent or a political committee financed, controlled or operated by the party is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or electioneering communications or prior to an expenditure being made by that person supporting that bona fide political party or one or more of the candidates supported by it or opposing one or more of those candidates' opponents; or

(b) An expenditure is made based on information about the bona fide political party's plans, projects or needs provided to the expending person by the bona fide political party or its agent with a view toward having an expenditure made; or

(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising

assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the bona fide political party or a political committee financed, controlled or operated by the bona fide political party; or

(d) The expenditure is made by or in consultation with any person who, during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the bona fide political party, its agent or a political committee financed, controlled or operated by the bona fide political party. However, there is no presumption that an expenditure is made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of the bona fide political party, a political committee financed, controlled, or operated by a bona fide political party or their agents, when a person performs only ministerial functions for two or more candidates or political committees pursuant to RCW 42.17.020 and WAC 390-05-243.

(6) *Consulting with other political committees.* An expenditure made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a political committee is a contribution to such political committee. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a political committee when:

(a) Any arrangement, coordination or direction by the political committee, its agent or another political committee financed, controlled or operated by the committee is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or prior to an expenditure being made by that person benefiting that political committee; or

(b) An expenditure is made based on information about the political committee's plans, projects or needs provided to the expending person by the political committee or its agent with a view toward having an expenditure made; or

(c) An expenditure is made by, through, in consultation with, or with the assistance of, including the fund-raising assistance of, any person who, during the twelve months preceding the expenditure, is or has been an officer of the political committee or another political committee financed, controlled or operated by the committee; or

(d) An expenditure is made by or in consultation with any person who, during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the political committee, its agent or another political committee financed, controlled or operated by the committee. However, there is no presumption that an expenditure is made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a political committee or its agent, when a person performs only ministerial functions for two or more candidates or political committees pursuant to RCW 42.17-020 and WAC 390-05-243.

[Statutory Authority: RCW 42.17.370(1), 08-01-069, § 390-05-210, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370 and 42.17.562, 06-11-132, § 390-05-210, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1), 96-09-015, § 390-05-210, filed 4/8/96, effective 5/9/96. Statutory Authority: RCW 42.17.370, 93-16-064, § 390-05-210, filed 7/30/93, effective 8/30/93; 91-14-041, § 390-05-210, filed 6/27/91, effective 7/28/91. Statutory Authority: RCW 42.17.370(1), 88-14-

064 (Order 88-02), § 390-05-210, filed 7/1/88; 85-15-020 (Order 85-03), § 390-05-210, filed 7/9/85; Order 62, § 390-05-210, filed 8/26/75.]

WAC 390-05-215 Receipt of a campaign contribution. "Receipt" of a campaign contribution, as that term is used in chapter 42.17 RCW, shall be deemed to occur at the earliest of the following:

(1) The date that the candidate, treasurer, deputy treasurer, campaign manager, campaign chairperson or similarly situated campaign official obtains possession of the contribution, or

(2) The date that the candidate, treasurer, deputy treasurer, campaign manager, campaign chairperson or similarly situated campaign official is informed of the contribution, or becomes aware that the campaign, or in the case of an earmarked contribution, the intermediary or conduit, has possession of the contribution, or

(3) The date that the contribution becomes available for use by the candidate or committee.

[Statutory Authority: RCW 42.17.370, 93-16-064, § 390-05-215, filed 7/30/93, effective 8/30/93; 92-05-081, § 390-05-215, filed 2/18/92, effective 3/20/92.]

WAC 390-05-220 Definition—Consideration. The term "consideration" as used in the act and in these rules shall be deemed to include anything of value promised or paid or transferred in return for a person's property or services rendered or to be rendered, including but not limited to reimbursement for traveling or other expenses.

[Statutory Authority: RCW 42.17.370(1), 85-15-020 (Order 85-03), § 390-05-220, filed 7/9/85; Order 62, § 390-05-220, filed 8/26/75.]

WAC 390-05-222 Domestic partner—Definition. "Domestic partner" or "domestic partners," as those terms are used in chapter 42.17 RCW and Title 390 WAC, means "state registered domestic partners" as defined in RCW 26.60.020 (1).

[Statutory Authority: RCW 42.17.370 and 2008 c 6 § 1303, 09-01-063, § 390-05-222, filed 12/11/08, effective 1/11/09.]

WAC 390-05-225 Registered voters—Count or number of. In accordance with RCW 29A.08.130, for purposes of chapter 42.17 RCW and Title 390 WAC, the count or number of registered voters shall not include inactive voters.

[Statutory Authority: RCW 42.17.370, 08-04-021, § 390-05-225, filed 1/28/08, effective 2/28/08.]

WAC 390-05-235 Definition—Fair market value. (1) "Fair market value" or "value" when used in the act or rules is the amount in cash which a well-informed buyer or lessee, willing but not obligated to buy or lease that property, would pay, and which a well-informed seller, or lessor, willing but not obligated to sell or lease it, would accept, taking into consideration all uses to which the property is adapted and might in reason be applied.

(b) If, in determining "fair market value" or "value," the amount buyer would pay and the amount a seller would accept would be based on varying standards, then the fair market value of the contribution shall be based on the amount the contributor would ordinarily accept for selling the property, rather than the amount the candidate or political com-

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mittee would ordinarily pay. For example, if a contributor who sells property in the ordinary course of this or her business at a wholesale price donates such property to a candidate or political committee who would ordinarily pay the retail price as a consumer, then the fair market value of the contribution shall be the wholesale price.

(2)(a) Any person who donates an item for sale, raffle, auction or awarding at a fund-raising event is making a contribution to the recipient candidate or political committee in an amount equal to the fair market value of the item donated.

(b) Any person who buys a donated item makes a contribution equal in value to the difference between the purchase or auction price and the fair market value of the donated item.

(c) If the purchase or auction price is the same as the fair market value, the buyer's contribution is zero. If the purchase or auction price is less than the fair market value, the buyer's contribution is zero and the donor's contribution is reduced to the amount of the sale or auction price.

(3) The value of any in-kind contribution donated to any candidate or political committee subject to contribution limits pursuant to RCW 42.17.640 shall not, when combined with other contributions to that candidate or political committee, exceed the donor's applicable contribution limit as set forth in RCW 42.17.640. The value of an in-kind contribution donated as an exempt contribution to a bona fide political party committee or other political committee eligible to receive exempt funds is only subject to the limit imposed by RCW 42.17.105(8).

(4)(a) Except as provided in WAC 390-16-207, if a person permits a candidate, a candidate's authorized committee or a political committee to use the telephones of a business, union, organization or other entity without charge for the purpose of making local campaign-related calls, the telephone usage is an in-kind contribution and shall be valued at its fair market value or, if no fair market value is ascertainable, \$1 per telephone per calendar day or part thereof.

(b) If toll calls are permitted, the toll charges are also an in-kind contribution unless the candidate, the candidate's authorized committee or the political committee reimburses the person in full within 30 days of making the toll calls.

[Statutory Authority: RCW 42.17.390, 94-11-018, § 390-05-235, filed 5/5/94, effective 6/5/94. Statutory Authority: RCW 42.17.370, 93-22-002, § 390-05-235, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 42.17.370(1), 79-08-046 (Order 79-03), § 390-05-235, filed 7/19/79.]

WAC 390-05-243 Ministerial functions by persons holding administrative offices. For the purposes of RCW 42.17.020 and 42.17.040:

(1) "Ministerial functions" mean the activities and duties of an administrative office that satisfy RCW 42.17.020 (15) and (34) and require:

(a) Data entry for a candidate or political committee;

(b) Filing reports that have been reviewed and approved for filing by the candidate or political committee officer;

(c) Maintaining campaign finance and other similar records including making them available for inspection upon direction by the candidate or political committee officer;

(d) Writing and depositing checks at the direction of the candidate or political committee officer;

(e) Communications related to ministerial functions (to respond to questions about data entry, to discuss or review a

candidate or committee's bank account balance, to schedule times to receive contribution checks at events, to review reports with the candidate or committee prior to filing, and similar communications) but do not involve attending strategy or campaign planning meetings or portions of meetings with candidates or political committee officers or their agents; or

(f) Other similar campaign finance activities and duties.

(2) "Administrative office" means a person performing campaign finance related clerical support or recordkeeping activities on behalf of candidates and political committees, when, for the purposes of RCW 42.17.020 (15) and (34), those activities:

(a) Are directed by the candidate or political committee officer and require performance of activities by the administrative office in a prescribed manner;

(b) Are approved by the candidate or political committee officer for whom the services are performed;

(c) Do not involve the exercise of personal judgment or discretion, including authorizing expenditures;

(d) Do not involve the disclosure, except as required by law, of any information regarding a candidate or committee's plans, projects, activities or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available, or otherwise engage in activity that is a contribution; and

(e) Do not involve the performance of functions other than ministerial functions.

(3) A person performing only ministerial functions on behalf of two or more candidates or political committees is not:

(a) Considered an agent so long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee; or

(b) An officer pursuant to WAC 390-05-245. However, that person's name, address and title must be reported on the C-1 or C-1pc registration form.

[Statutory Authority: RCW 42.17.370(1). 08-01-069, § 390-05-243, filed 12/14/07, effective 1/14/08.]

WAC 390-05-245 Officer of a candidate's committee or political committee—Definition. For purposes of chapter 42.17 RCW and Title 390 WAC, "officer of a candidate's authorized committee," or "officer of a candidate's committee" or "officer of a political committee" includes the following persons: Any person designated by the committee as an officer on the C-1 or C-1pc registration statement and any person who alone or in conjunction with other persons makes, directs, or authorizes contribution, expenditure, strategic or policy decisions on behalf of the committee.

[Statutory Authority: RCW 42.17.370(1). 08-01-069, § 390-05-245, filed 12/14/07, effective 1/14/08; 96-09-015, § 390-05-245, filed 4/8/96, effective 5/9/96.]

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.

[Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-05-250, filed 7/9/85; Order 62, § 390-05-250, filed 8/26/75.]

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WAC 390-05-271 General applications of RCW 42.17.130. (1) RCW 42.17.130 does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.

(2) RCW 42.17.130 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

[Statutory Authority: RCW 42.17.370(1). 80-02-055 (Order 80-01), § 390-05-271, filed 1/17/80; 79-02-056 (Order 79-01), § 390-05-271, filed 1/31/79.]

WAC 390-05-273 Definition of normal and regular conduct. Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.130, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

[Statutory Authority: RCW 42.17.370(1). 79-02-056 (Order 79-01), § 390-05-273, filed 1/31/79.]

WAC 390-05-275 Definition—Party organization. "Party organization," as that term is used in chapter 42.17 RCW and Title 390 WAC, means a bona fide political party as defined in RCW 42.17.020.

[Statutory Authority: RCW 42.17.370. 07-08-044, § 390-05-275, filed 3/28/07, effective 4/28/07.]

WAC 390-05-290 Definition—Political advertising. Political advertising does not include letters to the editor, news or feature articles, editorial comment or replies thereto in a regularly published newspaper, periodical, or on a radio or television broadcast where payment for the printed space or broadcast time is not normally required.

[Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-05-290, filed 7/9/85.]

WAC 390-05-295 Definition—Promise or promise to pay. For the purposes of the definition of "expenditure" found in RCW 42.17.020, "promise" or "promise to pay" includes any oral or written order placed, debt or obligation to purchase goods or services or anything of value, or any offer to purchase advertising space, broadcast time or other advertising related product or service.

[Statutory Authority: RCW 42.17.370(1). 04-12-052, § 390-05-295, filed 5/28/04, effective 6/28/04.]

WAC 390-05-300 Suspension of reporting requirements. From the effective date of RCW 42.17.405, the following reporting requirements are suspended in jurisdictions

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with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction:

(1) The F-1 financial reports of public officials required by RCW 42.17.240 and WAC 390-24-010, 390-24-020 and 390-24-025;

(2) The L-5 public agency lobbying report required by RCW 42.17.190 and WAC 390-20-120;

(3) The C-1 through C-4 campaign finance reports required for ballot issues by RCW 42.17.040 through 42.17-090 and WAC 390-16-011, 390-16-031, 390-16-036, 390-16-041, and independent campaign expenditure reports (C-6) required for ballot issues by RCW 42.17.100 and WAC 390-16-050: Provided, That reporting requirements shall be reinstated by order of the commission at its next regular or special meeting if:

(a) A certified "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters of the jurisdiction as of the date of the most recent general election in the jurisdiction is filed with the commission; or

(b) The jurisdiction has by ordinance, resolution or other official action petitioned the commission to void the suspension with respect to elected officials, candidates and ballot propositions for the jurisdiction.

If reporting requirements are reinstated by petition, the commission shall promptly notify all known affected candidates and incumbent elected officials of their duty to file disclosure reports. Such individuals and committees shall be ordered to file the required statements within thirty days of the commission order.

[Statutory Authority: RCW 42.17.370. 92-05-080, § 390-05-300, filed 2/18/92, effective 3/20/92. Statutory Authority: RCW 42.17.370(1), 85-15-020 (Order 85-03), § 390-05-300, filed 7/9/85; 82-16-032 (Order 82-05), § 390-05-300, filed 7/28/82.]

WAC 390-05-305 Petition for disclosure—Form. (1) A petition for disclosure shall be legible, on 8-1/2 x 11" paper and shall include the following information:

(a) The name of the jurisdiction;

(b) A request that public disclosure be required;

(c) The names and addresses of all known candidates and ballot proposition committees in the jurisdiction who will be required to report;

(d) The legibly printed name and address and the legal signature of at least fifteen percent of the number of registered voters in the jurisdiction as of the date of the most recent general election in the jurisdiction.

(2) The petition shall be verified and certified by the auditor or elections officer of the county or counties in which the jurisdiction is located. The signatures shall be verified by comparing the signatures on the petition to the signatures on the voter registration roll. The auditor shall place his seal on each verified page of the petition in order to certify it to the commission.

(3) A suggested form for petition is:

"We, the undersigned citizens and registered voters of (name of jurisdiction), request that the Public Disclosure Commission order disclosure in (name of jurisdiction)."

(4) A suggested form for the petition of a jurisdiction by ordinance, resolution or other official action is:

"We, the (governing board) of (name of jurisdiction) request that the Public Disclosure Commission order disclosure in (name of jurisdiction). This request is made pursuant to RCW 42.17.405 and WAC 390-05-305(4)."

[Statutory Authority: RCW 42.17.370. 92-05-080, § 390-05-305, filed 2/18/92, effective 3/20/92. Statutory Authority: RCW 42.17.370(1), 85-15-020 (Order 85-03), § 390-05-305, filed 7/9/85; 82-16-032 (Order 82-05), § 390-05-305, filed 7/28/82.]

WAC 390-05-400 Changes in dollar amounts. Pursuant to the requirement in RCW 42.17.690 that the commission biennially revise the dollar amounts found in Initiative 134 and RCW 42.17.645 to reflect changes in economic conditions, the following revisions are made:

| Code Section | Subject Matter | Amount Enacted or Last Revised | 2008 Revision |
|--------------|---|--------------------------------------|--------------------------------------|
| .020 | Definition of "Independent Expenditure" | \$700 | \$800 |
| .125 | Reimbursement of candidate for loan to own campaign | \$4,300 | \$4,700 |
| .180(1) | Report— Applicability of provisions to Persons who made contributions Persons who made independent expenditures | \$14,500 \$700 | \$16,000 \$800 |
| .640(2) | Contribution Limits— Candidates for state leg. office Candidates for county office Candidates for other state office Candidates for special purpose districts | \$700 \$700 \$1,400 \$1,400 | \$800 \$800 \$1,600 \$1,600 |
| .640(3) | Contribution Limits— State official up for recall or pol comm. supporting recall— State Legislative Office Other State Office | \$700 \$1,400 | \$800 \$1,600 |
| .640(4) | Contribution Limits— Contributions made by political parties | | |

| Code Section | Subject Matter | Amount Enacted or Last Revised | 2008 Revision |
|--------------|---|--------------------------------|--------------------------|
| | and caucus committees | | |
| | State parties and caucus committees | .70 per voter | .80 per registered voter |
| | County and leg. district parties | .35 per voter | .40 per registered voter |
| | Limit for all county and leg. district parties to a candidate | .35 per voter | .40 per registered voter |
| .640(5) | Contribution Limits— Contributions made by pol. parties and caucus committees to state official up for recall or committee supporting recall | | |
| | State parties and caucuses | .70 per voter | .80 per registered voter |
| | County and leg. district parties | .35 per voter | .40 per registered voter |
| | Limit for all county and leg. district parties to state official up for recall or pol. comm. supporting recall | .35 per voter | .40 per registered voter |
| .640(7) | Limits on contributions to political parties and caucus committees | | |
| | To caucus committee | \$700 | \$800 |
| | To political party | \$3,500 | \$4,000 |
| .645(1) | Candidates for judicial office | \$1,400 | \$1,600 |
| .740 | Contribution must be made by written instrument | \$70 | \$80 |

[Statutory Authority: RCW 42.17.370(1), 42.17.690, and 42.17.645. 08-04-022, § 390-05-400, filed 1/28/08, effective 2/28/08. Statutory Authority: RCW 42.17.370. 07-07-005, § 390-05-400, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370 and 42.17.690. 06-07-001, § 390-05-400, filed 3/1/06, effective 4/1/06. Statutory Authority: RCW 42.17.690. 03-22-064, § 390-05-400, filed 11/4/03, effective 1/1/04. Statutory Authority: RCW 42.17.370 and 42.17.690. 01-22-050, § 390-05-400, filed 10/31/01, effective 1/1/02. Statutory Authority: RCW 42.17.370(1), 00-04-058, § 390-05-400, filed 1/28/00, effective 3/1/00. Statutory Authority: RCW 42.17.690. 98-08-069, § 390-05-400, filed 3/30/98, effective 5/1/98; 96-04-021, § 390-05-400, filed 1/30/96, effective 3/1/96.]

WAC 390-05-500 Debate or forum. "Debate or forum" means qualifying events under RCW 42.17.020 (21)(b) where candidates are invited based upon predefined objective criteria, including where only one candidate in an untested race participates.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-05-500, filed 5/23/06, effective 6/23/06.]

WAC 390-05-505 Electioneering communication exclusions. (1) "Electioneering communication" does not include communications listed in RCW 42.17.020(21).

(2) "Electioneering communication" also does not include:

(a) Letters to the editor or comparable communications to news media described in RCW 42.17.020 (21)(c);

(b) Communications conveyed through web sites, e-mails, telephone calls, or in-person leaflet/pamphlet drops at street addresses; or

(c) Communications conveyed in a manner not specified in RCW 42.17.020(20).

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-05-505, filed 5/23/06, effective 6/23/06.]

WAC 390-05-510 General treasury funds. "General treasury funds" means a collective designation of all of the assets of an organization which furnish the means for defraying the necessary, usual, ordinary running and incidental expenses of an organization. General treasury funds are typically not derived from a special solicitation, effort, or receipt, but derive from regular, planned for, and ongoing revenue streams or sources.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-05-510, filed 5/23/06, effective 6/23/06.]

WAC 390-05-515 Member. In determining whether a communication is to a "member" as that term is used in RCW 42.17.020 and 42.17.100, and for the purposes of RCW 42.17.105(8) and 42.17.640:

(1) The commission will examine whether the organization is a legitimate membership organization with common interest goals and objectives, taking into account such factors as the organization's permanence, structure and whether it has formal organizing documents, membership criteria and services it provides its members.

(2) With respect to the status of members of an organization, the commission will examine whether a valid, active relationship exists between the organization and its members or classes of members for purposes other than influencing the outcome of an election, taking into account such factors as whether the members affirmatively accept membership and the rights and obligations conferred on members by the organization.

(3) If a membership organization and its members satisfy the criteria regarding "membership associations" and "members" established by the Federal Election Commission (FEC) in 11 C.F.R. Sec. 100.134 (e)-(g), the commission will consider the organization and its members as qualifying for the exemption in RCW 42.17.020 (15)(b)(v) and (21)(g), unless the communication was not sent primarily to members. However, these FEC criteria are not the only indicators of legitimate membership organizations or valid members, a determination that will be made by the commission on a case-by-case basis as necessary.

(4) In determining whether an internal political communication is "primarily" limited to the members of an organization or political committee, the commission will consider

whether any distribution to nonmembers is incidental and isolated.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-05-515, filed 5/23/06, effective 6/23/06.]

WAC 390-05-520 Periodical. "Periodical" means a publication on paper that is serial in nature and appears or is intended to appear indefinitely at regular or stated intervals.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-05-520, filed 5/23/06, effective 6/23/06.]

WAC 390-05-522 Place of business—Definition. "A place of business in the state of Washington" as that term is used in RCW 42.17.093 (1)(f) means the business is headquartered in or has a primary place of business in Washington state.

For example, if a national corporation headquartered outside of Washington state has retail outlets in Washington and that national corporation contributes two hundred fifty dollars to an out-of-state political committee that is subject to reporting under RCW 42.17.093, the out-of-state committee is not required to disclose the national corporation as a contributor under RCW 42.17.093 (1)(f).

[Statutory Authority: RCW 42.17.370 and 42.17.093 (1)(i). 06-18-035, § 390-05-522, filed 8/28/06, effective 9/28/06.]

WAC 390-05-525 Public service announcement. (1) "Public service announcement" means a communication meets all the following criteria. The communication is:

(a) Designed to benefit or promote the community's health, safety or welfare or nonprofit community events;

(b) Not selling a product or service;

(c) Sponsored by an organization with a history of routinely providing the community such outreach public service messages in the service area of the organization;

(d) Of primary interest to the general public and is not targeted to reach only voters or voters in a specific jurisdiction;

(e) Not coordinated with or controlled or paid for by a candidate's authorized committee or political committee;

(f) Subject to the policies for public service announcements of the entity broadcasting, transmitting, mailing, erecting, distributing or otherwise publishing the communication including policies regarding length, timing and manner of distribution; and

(g) One for which the arrangements to include a reference or depiction of the candidate or candidates in the communication were made at least six months before the candidate became a candidate.

(2) Examples of public service announcements include but are not limited to communications regarding nonprofit community events, outreach or awareness activities such as: Breast cancer screening, heart disease, domestic violence, organ donation, emergency or other disaster relief for organizations such as the Red Cross, programs designed to encourage reading by school children, childhood safety, fund drives for charitable programs such as United Way, and similar matters.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-05-525, filed 5/23/06, effective 6/23/06.]

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WAC 390-05-530 Funding sources for electioneering communications. (1) "Source of funds" means a person who contributes anything of value for the communication, including a loan, gift, advance, payment, pledge, or personal or professional services for less than full consideration.

(2) Goods, services, property or rights other than money or its equivalent are deemed to have a monetary value equivalent to their fair market value.

(3) "Source of funds" does not include those things of value specified in RCW 42.17.020 (15)(b).

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-05-530, filed 5/23/06, effective 6/23/06.]

Chapter 390-12 WAC

ADMINISTRATIVE PROCEDURES

WAC

| | |
|------------|--|
| 390-12-010 | Public disclosure commission—Regular meetings. |
| 390-12-040 | Public disclosure commission—Description of central and field organization. |
| 390-12-050 | Operations and procedures. |
| 390-12-170 | Public disclosure commission—Organization and structure—Officers—Terms. |
| 390-12-190 | Public disclosure commission—Elections—Vacancies. |
| 390-12-200 | Public disclosure commission—Executive director. |
| 390-12-250 | Declaratory order—Petition requisites—Consideration—Disposition. |
| 390-12-255 | Petitions for rule making, amendment or repeal—Form—Consideration—Disposition. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|--|
| 390-12-020 | Purpose. [Order 9, § 390-12-020, filed 4/24/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1). |
| 390-12-030 | Definitions. [Order 9, § 390-12-030, filed 4/24/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1). |
| 390-12-060 | Public records available. [Order 9, § 390-12-060, filed 4/24/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1). |
| 390-12-070 | Public records officer. [Order 9, § 390-12-070, filed 4/24/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1). |
| 390-12-080 | Office hours. [Order 9, § 390-12-080, filed 4/24/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1). |
| 390-12-090 | Requests for public records. [Order 9, § 390-12-090, filed 4/24/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1). |
| 390-12-100 | Copying. [Order 9, § 390-12-100, filed 4/24/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1). |
| 390-12-110 | Exemptions. [Order 9, § 390-12-110, filed 4/24/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1). |
| 390-12-120 | Review of denials of public records requests. [Order 9, § 390-12-120, filed 4/24/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1). |
| 390-12-140 | Records index. [Order 9, § 390-12-140, filed 4/24/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1). |
| 390-12-150 | Public disclosure commission—Communications. [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.] Repealed by 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1). |
| 390-12-160 | Adoption of form. [Order 9, § 390-12-160 and Form, filed 4/24/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1). |
| 390-12-180 | Public disclosure commission—Duties of officers. [Order 62, § 390-12-180, filed 8/26/75; Order 14, § 390-12-180, filed 7/31/73.] Repealed by 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1). |

390-12-210 Public disclosure law—Duties of other agencies. [Order 62, § 390-12-210, filed 8/26/75; Order 14, § 390-12-210, filed 7/31/73.] Repealed by 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1).

WAC 390-12-010 Public disclosure commission—Regular meetings. Pursuant to RCW 42.30.075, regular meetings of the public disclosure commission are scheduled to be held on the fourth Thursday of each month at 9:00 a.m. unless a different time is noted on an agenda, except November and December when a combined meeting is scheduled to be held during the first or second week of December. The meetings shall be held in the commission meeting room, second floor, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington, unless circumstances require relocating to another site. If relocating is required, the meeting shall be held at a place designated by the executive director of the commission.

[Statutory Authority: RCW 42.17.370 and 42.17.690. 06-07-001, § 390-12-010, filed 3/1/06, effective 4/1/06. Statutory Authority: RCW 42.17.370(1). 04-12-053, § 390-12-010, filed 5/28/04, effective 6/28/04. Statutory Authority: RCW 42.17.390. 94-05-010, § 390-12-010, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-12-010, filed 7/9/85; 82-05-001 (Order 82-01), § 390-12-010, filed 2/4/82; 80-06-119 (Order 80-06), § 390-12-010, filed 5/30/80; 79-10-070 (Order 79-06), § 390-12-010, filed 9/19/79; Order 62, § 390-12-010, filed 8/26/75; Order 14, § 390-12-010, filed 7/31/73.]

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 commission is assisted by a staff consisting of an executive director and such other employees as are necessary.

(2) The administrative office of the commission is located at 711 Capitol Way, Room 206, Evergreen Plaza Building, Olympia, Washington.

(3) Mailings to the commission should be addressed as follows: Public Disclosure Commission, PO Box 40908, Olympia, WA 98504-0908.

[Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-12-040, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370. 91-24-011, § 390-12-040, filed 11/22/91, effective 12/23/91. Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-12-040, filed 7/9/85; 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 390-12-050 Operations and procedures. (1) The public disclosure commission was created by the passage of Initiative 276 in 1972 for the principal purpose of providing the public with accurate information about certain financial affairs of candidates and elected officials, about the financing of election campaigns and the sponsors of political advertising, and about expenditures made in the course of lobbying. The initiative also contains provisions guaranteeing citizen access to most records of most elements of state and local government.

(2) The duties, responsibilities and powers of the commission are set forth in RCW 42.17.360, 42.17.370, 42.17.395 and 42.17.397. Provisions for establishing the commission and appointing the members thereof are stated in RCW 42.17.350.

(3) Commissioners meet monthly to consider and act on major policy matters, on requests for reporting modifications and on enforcement cases. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), and Sturgis Standard Code of Parliamentary Procedure. The passage of any motion adopting, amending or repealing any rule, or recommending changes to the act shall require a majority vote of the members of the commission as distinguished from a quorum of the commissioners.

(4) The staff prepares and distributes reporting forms and instructions in the most practical manner to persons subject to the law. The instructions are intended to satisfy the requirement of RCW 42.17.360 to publish bookkeeping manuals. The staff also provides personal instruction and technical assistance to persons with specific problems and questions.

(5) Between 45,000 and 55,000 reports are received during a calendar year from an average of 9,500 reporting "clients." The staff receives these reports, records their receipt, and microfilms and files them. Every effort is made to have reports filmed and available for public inspection and copying within twenty-four hours of their receipt.

(6) Procedures for accessing the files of the agency are given in chapter 390-14 WAC. The staff will provide microfiche copies of reports when requested by mail or telephone. Reports are generally sent the same day the request is received. Answers to telephone inquiries seeking information from particular reports will be limited to (a) verification that a report is on file and (b), if regarding a campaign financing report, the most recent totals for contributions and expenditures.

(7) While some citizens will benefit from the reports by personally reviewing them, most will look to the news media for information. The staff compiles occasional summaries and studies for distribution to news outlets. Known as "Reports to the Public," they provide a condensed mirror image of the information in reports filed with the commission.

(8) The act demands complete, accurate and timely reporting. The commission, as a vehicle of communication between those engaged in political life and the general public, is expected to take whatever actions are necessary to assure the public of having the information it is entitled to; that the flow of communication is not interrupted by those responsible for providing the information. Within the resources provided the commission, reports are reviewed, field audits are conducted and complaints are investigated. The staff concentrates on assisting people in meeting their obligations under the law in hopes of fulfilling the purpose of the act without having to resort to enforcement actions resulting in embarrassment and monetary penalties. Gross negligence and evasions of the act will not be tolerated, however. Acting without fear or favor, the staff will bring to the commissioners for appropriate action all matters where there is evidence of a material violation of chapter 42.17 RCW and/or lack of substantial compliance.

[Statutory Authority: RCW 42.17.370. 90-16-083, § 390-12-050, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-12-050, filed 7/9/85; 79-10-017 (Order 79-05), § 390-12-050, filed 9/7/79.]

WAC 390-12-170 Public disclosure commission—Organization and structure—Officers—Terms. The officers of the public disclosure commission for administrative purposes shall be chair, vice-chair and secretary. Their terms shall be one year or until a successor is elected.

[Statutory Authority: RCW 42.17.370. 93-19-034, § 390-12-170, filed 9/7/93, effective 10/8/93. Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-12-170, filed 7/9/85; Order 62, § 390-12-170, filed 8/26/75; Order 14, § 390-12-170, 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—Executive director. The commission shall employ and fix the compensation of an executive director 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.

[Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-12-200, filed 7/9/85; Order 62, § 390-12-200, filed 8/26/75; Order 14, § 390-12-200, filed 7/31/73.]

WAC 390-12-250 Declaratory order—Petition requirements—Consideration—Disposition. (1) Any person may submit a petition for a declaratory order pursuant to RCW 34.05.240 in any form so long as it

- (a) Clearly states the question the declaratory order is to answer, and
 - (b) Provides a statement of the facts which raise the question.
- (2) The executive director may conduct an independent investigation in order to fully develop the relevant facts.
- (3) The executive director will present the petition to the commission at the first meeting when it is practical to do so and will provide the petitioner with at least five days notice of the time and place of such meeting. Such notice may be waived by the petitioner.
- (4) The petitioner may present additional material and/or argument at any time prior to the issuance of the declaratory order.
- (5) The commission may issue either a binding or a non-binding order or decline to issue any order.
- (6) The commission may decide that a public hearing would assist its deliberations and decisions. If such a hearing is ordered, it will be placed on the agenda of a meeting and at

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least five days notice of such meeting shall be provided to the petitioner.

(7) If an order is to be issued, the petitioner shall be provided a copy of the proposed order and invited to comment.

(8) The declaratory order cannot be a substitute for a compliance action and is intended to be prospective in effect.

(9) The commission will decline to consider a petition for a declaratory or to issue an order when (a) the petition requests advice regarding a factual situation which has actually taken place, or (b) when a pending investigation or compliance action involves a similar factual situation.

[Statutory Authority: RCW 42.17.370. 90-16-083, § 390-12-250, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-12-250, filed 7/9/85; 81-18-043 (Order 81-03), § 390-12-250, filed 8/28/81.]

WAC 390-12-255 Petitions for rule making, amendment or repeal—Form—Consideration—Disposition.

Any person may submit a petition requesting the adoption, amendment or repeal of any rule by the commission, pursuant to RCW 34.05.330 and the uniform rules adopted by the office of financial management that are set forth in chapter 82-05 WAC.

[Statutory Authority: RCW 42.17.370(1). 99-12-056, § 390-12-255, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370. 90-16-083, § 390-12-255, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370(1). 81-18-043 (Order 81-03), § 390-12-255, filed 8/28/81.]

Chapter 390-13 WAC

GENERAL PROVISIONS RELATING TO PUBLIC RECORDS OF STATE AND LOCAL AGENCIES

WAC

- 390-13-010 Optional format for requests for lists of individuals.
- 390-13-100 Duties of elections officials receiving copies of campaign finance reports.

WAC 390-13-010 Optional format for requests for lists of individuals. The use of a list of individuals obtained from an agency for commercial purposes is prohibited by RCW 42.17.260. Therefore, the following format is adopted by the commission and authorized for use by agencies, at their option, to bring uniformity to the administration of that statute.

(Name of Agency) PUBLIC RECORDS ACCESS

STATE OF WASHINGTON }
COUNTY OF _____ } ss. AFFIDAVIT TO RELEASE
PUBLIC RECORDS

(Name and Address)

having been duly sworn, deposes and says:

1. I have requested copies of the following public records:

2. I understand that Washington state law, RCW 42.17.260, prohibits the use of lists of individuals for commercial purposes.

3. I understand that the use for commercial purposes of said records may also violate the rights of the individuals named therein and may subject me to liability for such commercial use.

4. I understand that section 2 or 3 herein apply when I use said records for commercial purposes and when others use said records or copies of same for commercial purposes. I understand that I may be liable in either case.

5. I understand that "commercial purposes" means that the person requesting the record intends that the list will be used to communicate with the individuals named in the record for the purpose of facilitating profit expecting activity.

6. Therefore, I do hereby swear and affirm on oath and under penalty of law that I will not use said records for commercial purposes and that further, it is my affirmative duty to prevent others from using said records for commercial purposes.

Signature

SUBSCRIBED AND SWORN to before me this _____ day
of _____, 20 ____.

Notary Public in and for the state
of Washington residing at _____.

[Statutory Authority: RCW 42.17.370(1), 02-03-018, § 390-13-010, filed 1/4/02, effective 2/4/02; 00-22-057, § 390-13-010, filed 10/27/00, effective 11/27/00; 96-05-001, § 390-13-010, filed 2/7/96, effective 3/9/96; 83-11-004 (Order 83-01), § 390-13-010, filed 5/6/83.]

WAC 390-13-100 Duties of elections officials receiving copies of campaign finance reports. (1) Pursuant to RCW 42.17.375, when arranging, indexing, handling and providing access to reports filed with the county as required by chapter 42.17 RCW, county election officers shall adhere to the following:

(a) Each report on receipt shall be marked with the date (or some means of determining the date) the report was post-marked and/or the date on which it was received by the elections office.

(b) Files for these reports shall be maintained separate from all other reports and documents in the office and shall be arranged alphabetically by the name of the candidate or committee. Elections officers may segregate files into additional categories, if desired.

(c) Files may be maintained in paper or electronic form or on micrographics. If files are maintained in electronic form or on micrographics, equipment for viewing and reproducing reports on paper must be made available to the public.

(d) A separate, special index shall be maintained showing the name of each candidate or committee for whom reports are on file. The index need not list each report subsequently filed. The index shall be readily available for public inspection.

(e) Reports shall be placed in the files and available for public inspection by the end of the next business day following receipt.

(f) Mindful that the public's right to know of the financing of political campaigns is paramount, elections officials shall give priority attention to and promptly honor each request for public inspection of the campaign finance report files.

(2) Copies of reports must be maintained by elections officers for a period of at least six years, in accordance with

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RCW 42.17.450, and records retention schedules prepared pursuant to chapter 40.14 RCW.

(3) A description of the county's method of filing and indexing campaign finance reports shall be updated and sent to the public disclosure commission within thirty days of a revision to the filing and indexing system.

[Statutory Authority: RCW 42.17.370(1), 02-03-018, § 390-13-100, filed 1/4/02, effective 2/4/02; 98-12-038, § 390-13-100, filed 5/28/98, effective 6/28/98; 85-15-020 (Order 85-03), § 390-13-100, filed 7/9/85; 83-17-138 (Order 83-02), § 390-13-100, filed 8/24/83.]

Chapter 390-14 WAC

ACCESS TO PUBLIC RECORDS OF THE PUBLIC DISCLOSURE COMMISSION

WAC

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|------------|--|
| 390-14-015 | Public records officer. |
| 390-14-020 | Hours for records inspection and copying. |
| 390-14-025 | Requests for public records. |
| 390-14-026 | Access goals to campaign and lobbying reports. |
| 390-14-030 | Copying of public records. |
| 390-14-035 | Exempting records from public inspection. |
| 390-14-040 | Internal review of denials of public records requests. |
| 390-14-045 | Records index. |
| 390-14-100 | List of elected public officials. |
| 390-14-110 | List of elected public officials—Name not on list, impact. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|--|
| 390-14-010 | Public records available. [Order 62, § 390-14-010, filed 8/26/75.] Repealed by 85-15-020 (Order 85-03), filed 7/9/85. Statutory Authority: RCW 42.17.370(1). |
| 390-14-055 | Record request form. [Statutory Authority: RCW 42.17.370, 92-24-015, § 390-14-055, filed 11/20/92, effective 12/21/92; Order 62, § 390-14-055, filed 8/26/75.] Repealed by 99-12-051, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370(1). |
| 390-14-105 | List of elected public officials—Responsibility for developing. [Statutory Authority: RCW 42.17.370(1), 85-15-020 (Order 85-03), § 390-14-105, filed 7/9/85; Order 62, § 390-14-105, filed 8/26/75.] Repealed by 99-12-052, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370(1). |

WAC 390-14-015 Public records officer. The executive director is the commission's public records officer. The public records officer is responsible for implementing the commission's administrative rules regarding release of public records, coordinating the staff of the commission in this regard, and insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.370(1), 99-12-057, § 390-14-015, filed 5/27/99, effective 6/27/99; 85-15-020 (Order 85-03), § 390-14-015, filed 7/9/85; 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 weekdays, excluding legal holidays, between 8:00 a.m. and 5:00 p.m.

[Statutory Authority: RCW 42.17.370(1), 99-12-058, § 390-14-020, filed 5/27/99, effective 6/27/99; 85-15-020 (Order 85-03), § 390-14-020, filed 7/9/85; 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 provide full public access to public records, protect public records from damage or disorganization, and prevent

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excessive interference with essential functions of the agency, requests to inspect or copy public records may be made in person, by letter, by telephone or by electronic means.

The commission office is located at 711 Capitol Way, Room 206, Evergreen Plaza Building, Olympia, Washington. The mailing address is: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908. Telephone number: (360) 753-1111. Toll-free telephone number: 1-877-601-2828. Facsimile number: (360) 753-1112. Electronic mail: pdc@pdc.wa.gov.

(2) Whenever a member of the public requests assistance, the staff member to whom the request is made shall assist the member of the public in identifying the appropriate public record.

[Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-14-025, filed 1/4/02, effective 2/4/02; 99-12-059, § 390-14-025, filed 5/27/99, effective 6/27/99; 85-15-020 (Order 85-03), § 390-14-025, filed 7/9/85; Order 64, § 390-14-025, filed 11/25/75; Order 62, § 390-14-025, filed 8/26/75.]

WAC 390-14-026 Access goals to campaign and lobbying reports. The commission sets the following goals for access to all reports, copies or reports, or copies of data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180.

(1) In January of 2001, when reports are filed with the commission, staff will endeavor to make the report available as follows:

(a) Submitted by electronic means:

(i) Available in the commission office within two business days and;

(ii) Available on the commission web site within four business days.

(b) Submitted on paper:

(i) Available in the commission office within four business days and;

(ii) Available on the commission web site within seven business days.

(2) In January of 2002, when reports are filed with the commission, staff will endeavor to make the report available as follows:

(a) Submitted by electronic means available in the commission office and on the commission web site within two business days and;

(b) Submitted by paper, available in the commission office and on the commission web site within four business days.

[Statutory Authority: RCW 42.17.370(1). 00-22-058, § 390-14-026, filed 10/27/00, effective 11/27/00.]

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 for paper copies of public records maintained on paper or electronically;
- Twenty-five cents per film for copies of public records maintained on microfiche;
- Twenty cents per diskette for copies of electronically maintained public records; and
- Two dollars per CD ROM for copies of electronically maintained public records.

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The commission shall charge persons who use agency equipment to make paper copies from microfiche ten cents per page. These charges are the amounts necessary to reimburse the commission for its actual costs incident to copying, including the use of the commission's equipment. Charges will not be assessed if the total cost involved in a particular request is less than one dollar.

[Statutory Authority: RCW 42.17.370(1). 99-12-060, § 390-14-030, filed 5/27/99, effective 6/27/99; 85-15-020 (Order 85-03), § 390-14-030, filed 7/9/85; 82-18-031 (Order 82-06), § 390-14-030, filed 8/25/82; 82-05-001 (Order 82-01), § 390-14-030, filed 2/4/82; Order 62, § 390-14-030, filed 8/26/75.]

WAC 390-14-035 Exempting records from public inspection. (1) The public records officer shall delete information from any record prior to permitting public inspection or copying if the information is exempt from disclosure according to RCW 42.17.310, another section of chapter 42.17 RCW or other law. After such data is deleted, the remainder of the record shall be made available.

(2) 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.

[Statutory Authority: RCW 42.17.370(1). 99-12-061, § 390-14-035, filed 5/27/99, effective 6/27/99; 85-15-020 (Order 85-03), § 390-14-035, filed 7/9/85; Order 62, § 390-14-035, filed 8/26/75.]

WAC 390-14-040 Internal review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the commission chair for prompt review of such decision by tendering a written request for review to the public records officer. 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 shall refer it to the chair of the commission. The chair shall immediately consider the matter and either affirm or reverse, in whole or in part, 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 in accordance with RCW 42.17.320.

[Statutory Authority: RCW 42.17.370(1). 99-12-062, § 390-14-040, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.390. 94-05-010, § 390-14-040, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-14-040, filed 7/9/85; Order 62, § 390-14-040, filed 8/26/75.]

WAC 390-14-045 Records index. (1) The commission has established and implemented a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the commission has maintained an index.

(b) Final adjudicative orders and declaratory orders issued after June 30, 1990, that contain an analysis or decision of substantial importance to the commission in carrying out its duties.

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(c) Interpretive and policy statements that were issued after June 30, 1990.

(2) Final and declaratory orders shall be evaluated by the executive director or executive director's designee. Those orders which are determined to have substantial importance shall be indexed.

(3) Final orders shall be indexed by the name of the person against whom the order was issued and by citation to the law involved.

(4) Declaratory orders shall be indexed by number, subject matter, phrase describing the issue or holding and citation to the law involved.

(5) Interpretive statements and policy statements shall be indexed by number and subject matter.

(6) The indexes are available for public inspection and copying weekdays, excluding legal holidays, between 8:00 a.m. and 5:00 p.m. at the Public Disclosure Commission, 711 Capitol Way, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908.

(7) The indexes shall be updated quarterly.

[Statutory Authority: RCW 42.17.370(1), 02-03-018, § 390-14-045, filed 1/4/02, effective 2/4/02; 99-12-063, § 390-14-045, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370, 91-16-072, § 390-14-045, filed 8/2/91, effective 9/2/91. Statutory Authority: RCW 42.17.370(1), 85-15-020 (Order 85-03), § 390-14-045, filed 7/9/85; Order 62, § 390-14-045, filed 8/26/75.]

WAC 390-14-100 List of elected public officials. (1)

The public disclosure commission shall prepare a list of all state elected officials of the state of Washington. The list shall be updated annually by January 15.

(2) The list shall contain the names of those entities that are reported by state elected officials and successful candidates for state office pursuant to RCW 42.17.241 (1)(g).

[Statutory Authority: RCW 42.17.370(1), 99-12-064, § 390-14-100, filed 5/27/99, effective 6/27/99; 85-15-020 (Order 85-03), § 390-14-100, filed 7/9/85; 80-05-097 (Order 80-05), § 390-14-100, filed 5/2/80; 79-10-017 (Order 79-05), § 390-14-100, filed 9/7/79; Order 62, § 390-14-100, 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 manifestly unreasonable hardship and suspension or modification will not frustrate the purposes of the act.

(2) The commission shall presume it is a manifestly unreasonable hardship for a lobbyist employer or other person filing PDC Form C-7 pursuant to RCW 42.17.180 to report the compensation paid to a state elected official, a successful candidate for state office, an immediate family member of a state elected official or successful candidate for state office, or a corporation, partnership, joint venture, association, union or other entity in which one of these individuals holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more, if:

(a) The name of such official, candidate, family member or entity does not appear on the most recent list of state elected officials prepared by the commission pursuant to WAC 390-14-100; and

(b) The lobbyist employer or other filer does not have actual knowledge of compensation being paid to such official, candidate, family member or entity.

[Statutory Authority: RCW 42.17.370(1), 99-12-065, § 390-14-110, filed 5/27/99, effective 6/27/99; 80-05-097 (Order 80-05), § 390-14-110, filed 5/2/80; Order 62, § 390-14-110, filed 8/26/75.]

Chapter 390-16 WAC

FORMS FOR CAMPAIGN FINANCING REPORTING—CONTRIBUTIONS

WAC

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|------------|--|
| 390-16-011 | Forms—Registration statement for political committees. |
| 390-16-012 | Forms—Registration statement for candidates. |
| 390-16-031 | Forms for statement of contributions deposit. |
| 390-16-032 | Forms—Auction report. |
| 390-16-033 | Earmarked contributions—Reporting—Form. |
| 390-16-034 | Additional reporting requirements. |
| 390-16-037 | Purpose of campaign expenditures—Reporting. |
| 390-16-038 | Definition—Aggregate. |
| 390-16-039 | Total contributions and expenditures—Reporting. |
| 390-16-041 | Forms—Summary of total contributions and expenditures. |
| 390-16-042 | Contingent liabilities—Reporting. |
| 390-16-050 | Forms for contributions and expenditures of out-of-state political committees. |
| 390-16-060 | Forms for report of independent expenditures and electioneering communications. |
| 390-16-063 | Additional information regarding C-6 report filing. |
| 390-16-071 | Annual report of major contributors and persons making independent expenditures. |
| 390-16-105 | Mini campaign reporting—Eligibility. |
| 390-16-111 | Mini campaign reporting—Special fund-raising events. |
| 390-16-115 | Mini campaign reporting—Conditions for granting use. |
| 390-16-121 | Last minute committees. |
| 390-16-125 | Mini campaign reporting—Exceeding limitations. |
| 390-16-205 | Expenditures by agents, employees—Reporting. |
| 390-16-206 | Ratings and endorsements. |
| 390-16-207 | In-kind contributions—Explanation and reporting. |
| 390-16-221 | Tangible property—Definition. |
| 390-16-226 | Loans. |
| 390-16-230 | Surplus campaign funds—Use in future. |
| 390-16-232 | Same office last sought. |
| 390-16-234 | Transfers of surplus and nonsurplus candidate funds. |
| 390-16-238 | Personal use of contributions—Standard. |
| 390-16-240 | Earmarked contributions—Definition and use. |
| 390-16-245 | Pledges. |
| 390-16-307 | Contributions by controlled entities. |
| 390-16-308 | Identification of source of contribution. |
| 390-16-309 | Identification of affiliated entities. |
| 390-16-310 | Limitations on contributions. |
| 390-16-312 | Handling contributions of uncertain origin. |
| 390-16-313 | Independent expenditure—Definition and application. |
| 390-16-314 | Independent expenditure—Disclosure. |
| 390-16-320 | Candidates in small political subdivisions—Reporting. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 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. |
| 390-16-035 | Form C-3—Time for filing. [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.] Repealed by 82-14-016 (Order 82-04), filed 6/28/82. Statutory Authority: RCW 42.17.370(1). |

- 390-16-036 Form for reporting fund raising events. [Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-16-036, filed 2/5/86; 82-11-026 (Order 82-03), § 390-16-036, filed 5/10/82; 82-02-007 (Order 81-04), § 390-16-036, filed 12/28/81; Order 84, § 390-16-036, filed 8/18/76.] Repealed by 89-20-068, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370.
- 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.
- 390-16-044 Statewide ballot issue signature gathering expense—Reporting. [Statutory Authority: RCW 42.17.370. 93-19-034, § 390-16-044, filed 9/7/93, effective 10/8/93.] Repealed by 00-22-054, filed 10/27/00, effective 11/27/00. Statutory Authority: RCW 42.17.370(1).
- 390-16-055 Forfeiture of contributions received from out-of-state or federal political committees. [Statutory Authority: RCW 42.17.370(1). 02-12-007, § 390-16-055, filed 5/23/02, effective 6/23/02; 96-05-001, § 390-16-055, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370. 89-20-068, § 390-16-055, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-16-055, filed 2/5/86; 82-14-016 (Order 82-04), § 390-16-055, filed 6/28/82; 79-09-041 (Order 79-04), § 390-16-055, filed 8/17/79; Order 62, § 390-16-055, filed 8/26/75; Order 29, § 390-16-055, filed 5/27/74.] Repealed by 04-01-133, filed 12/18/03, effective 1/18/04. Statutory Authority: RCW 42.17.370(1).
- 390-16-061 Campaign financing—Special reports. [Order 67, § 390-16-061, filed 1/16/76; Order 62, § 390-16-061, filed 8/26/75.] Repealed by 86-04-071 (Order 86-01), filed 2/5/86. Statutory Authority: RCW 42.17.370(1).
- 390-16-062 Campaign financing—Special reports—Time for filing. [Order 67, § 390-16-062, filed 1/6/76; Order 62, § 390-16-062, filed 8/26/75.] Repealed by 82-14-016 (Order 82-04), filed 6/28/82. Statutory Authority: RCW 42.17.370(1).
- 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.
- 390-16-080 Reports by nondomiciled committee—For report by candidates/committees less than \$1,000 expenditures—Contributions. [Order 41, § 390-16-080, filed 9/26/74; Order 19, § 390-16-080, filed 10/29/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
- 390-16-085 Candidates and committees—Surplus funds—Defined. [Order 35, § 390-16-085, filed 8/29/74.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
- 390-16-090 Candidates and committees—Disposition. [Order 35, § 390-16-090, filed 8/29/74.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
- 390-16-095 Candidates and committees—Use in future. [Order 35, § 390-16-095, filed 8/29/74.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
- 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.
- 390-16-110 Abbreviated campaign reporting—Ballot propositions. [Order 91, § 390-16-110, filed 7/22/77; Order 62, § 390-16-110, filed 8/26/75.] Repealed by 86-04-071 (Order 86-01), filed 2/5/86. Statutory Authority: RCW 42.17.370(1).
- 390-16-120 Abbreviated campaign reporting—Times and place for filing reports C-1, C-1pc and C-4abb. [Statutory Authority: RCW 42.17.370. 90-16-083, § 390-16-120, filed 7/31/90, effective 8/31/90; 89-20-068, § 390-16-120, filed 10/4/89, effective 11/6/89. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-16-120, filed 2/5/86; 79-08-046 (Order 79-03), § 390-16-120, filed 7/19/79; Order 91, § 390-16-120, filed 7/22/77; Order 62, § 390-16-120, filed 8/26/75.] Repealed by 01-22-051, filed 10/31/01, effective 1/1/02. Statutory Authority: RCW 42.17.370 and 42.17.690.
- 390-16-150 Mini campaign reporting. [Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-16-150, filed 2/5/86; 85-15-020 (Order 85-03), § 390-16-150, filed 7/9/85; 82-14-016 (Order 82-04), § 390-16-150, filed 6/28/82; Order 91, § 390-16-150, filed 7/22/77.] Repealed by 01-10-052, filed 4/26/01, effective 6/1/01. Statutory Authority: RCW 42.17.370.
- 390-16-155 Mini campaign reporting—Exceeding limitations. [Statutory Authority: RCW 42.17.370. 90-16-083, § 390-16-155, filed 7/31/90, effective 8/31/90; 89-20-068, § 390-16-155, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-16-155, filed 2/5/86; 82-14-016 (Order 82-04), § 390-16-155, filed 6/28/82; Order 91, § 390-16-155, filed 7/22/77.] Repealed by 01-22-051, filed 10/31/01, effective 1/1/02. Statutory Authority: RCW 42.17.370 and 42.17.690.
- 390-16-190 Electronic filing. [Statutory Authority: RCW 42.17.080(7). 96-04-020, § 390-16-190, filed 1/30/96, effective 3/1/96.] Repealed by 02-01-016, filed 12/7/01, effective 1/7/02. Statutory Authority: RCW 42.17.370(1).
- 390-16-200 Encouraging expenditures to avoid contributions—Result. [Order 62, § 390-16-200, filed 8/26/75.] Repealed by 98-12-036, filed 5/28/98, effective 6/28/98. Statutory Authority: RCW 42.17.370(1).
- 390-16-220 Surplus campaign funds—Definition. [Statutory Authority: RCW 42.17.370(1). 78-07-037 (Order 98), § 390-16-220, filed 6/26/78; Order 70, § 390-16-220, filed 2/25/76; Order 62, § 390-16-220, filed 8/26/75.] Repealed by 86-04-071 (Order 86-01), filed 2/5/86. Statutory Authority: RCW 42.17.370(1).
- 390-16-223 Major political party—Definition. [Statutory Authority: RCW 42.17.370(1). 88-14-064 (Order 88-02), § 390-16-223, filed 7/1/88.] Repealed by 88-20-029 (Order 88-04), filed 9/29/88. Statutory Authority: RCW 42.17.370(1).
- 390-16-225 Surplus campaign funds—Disposition. [Order 70, § 390-16-225, filed 2/25/76; Order 62, § 390-16-225, filed 8/26/75.] Repealed by 86-04-071 (Order 86-01), filed 2/5/86. Statutory Authority: RCW 42.17.370(1).
- 390-16-300 Fund raising events—Time and place of filing form C-3A. [Order 84, § 390-16-300, filed 8/18/76.] Repealed by 82-14-016 (Order 82-04), filed 6/28/82. Statutory Authority: RCW 42.17.370(1).
- 390-16-302 Reporting fund raising events—Incidental activities. [Order 84, § 390-16-302, filed 8/18/76.] Repealed by 89-20-068, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370.
- 390-16-306 Volunteer workers, fund raising activities. [Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-16-306, filed 2/5/86; Order 84, § 390-16-306, filed 8/18/76.] Repealed by 89-20-068, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370.
- 390-16-311 Automatically affiliated entities maintaining separate contribution limits. [Statutory Authority: RCW 42.17.390. 94-11-017, § 390-16-311, filed 5/5/94, effective 6/5/94.] Repealed by 05-06-070, filed 3/1/05, effective 4/1/05. Statutory Authority: RCW 42.17.370.

WAC 390-16-011 Forms—Registration statement for political committees. The official form for providing the statement of organization by political committees for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting is designated "C-1pc," revised 1/08. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, Washington 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

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|  <p>PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 Toll Free 1-877-601-2828</p> | <h2>Political Committee Registration</h2> | <h1>C1PC</h1> <p>(1/2008)</p> | |
| Committee Name (Show entire official name.) | | Acronym: | |
| Mailing Address | | Telephone: () | |
| City County Zip + 4 | | Fax: () | |
| E-mail: | | | |
| NEW OR AMENDED REGISTRATION? <input type="checkbox"/> NEW. Complete entire form. <input type="checkbox"/> AMENDS previous report. Complete entire form. | | COMMITTEE STATUS <input type="checkbox"/> Continuing (On-going; not established in anticipation of any particular campaign election.) <input type="checkbox"/> _____ election year only. Date of general or special election: _____ (Year) | |
| 1. What is the purpose or description of the committee? <input type="checkbox"/> Bona Fide Political Party Committee - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list of the names of the candidates you support. | | | |
| <input type="checkbox"/> Ballot Committee - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure: | | Ballot Number FOR AGAINST _____ <input type="checkbox"/> <input type="checkbox"/> | |
| <input type="checkbox"/> Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name: | | | |
| For single election-year only committees (not continuing committees): Is the committee supporting or opposing (a) one or more candidates? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach a list of each candidate's name, office sought and political party affiliation. (b) the entire ticket of a political party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, identify the party: | | | |
| 2. Related or affiliated committees. List name, address and relationship. <input type="checkbox"/> Continued on attached sheet. | | | |
| 3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.) If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options. <input type="checkbox"/> MINI REPORTING Mini Reporting is selected. No more than \$5,000 will be raised or spent <u>and</u> no more than \$500 in the aggregate will be accepted from any one contributor. | | | |
| 4. Campaign Manager's or Media Contact's Name and Address | | Telephone Number: () | |
| 5. Treasurer's Name and Address. Does treasurer perform <u>only</u> ministerial functions? Yes ___ No ___. See WAC 390-05-243 and next page for details. List deputy treasurers on attached sheet. <input type="checkbox"/> Continued on attached sheet. | | Daytime Telephone Number: () | |
| 6. Persons who perform only ministerial functions on behalf of this committee <u>and</u> on behalf of candidates or other political committees. List name, title, and address of these persons. See WAC 390-05-243 and next page for details. <input type="checkbox"/> Continued on attached sheet. | | | |
| 7. Committee Officers and other persons who authorize expenditures or make decisions for committee. List name, title, and address. See next page for definition of "officer." <input type="checkbox"/> Continued on attached sheet. | | | |
| 8. Campaign Bank or Depository | Branch | City | |
| 9. Campaign books must be open to the public by appointment between 8 a.m. and 8 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays. In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post office box or an out-of-area address. <p style="text-align: center;">Street Address, Room Number, City where campaign books will be available for inspection</p> In order to make an appointment, contact the campaign at (telephone, fax, e-mail): () | | | |
| 10. Eligibility to Give to State Office Candidates: During the 180 days prior to making a contribution to a state office candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State. <input type="checkbox"/> A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to state office candidates (legislative and statewide executive candidates). | | 11. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge. <div style="display: flex; justify-content: space-between;"> Committee Treasurer's Signature Date </div> | |

SEE INSTRUCTIONS ON NEXT PAGE

Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.



Who Must File – Persons, committees, organizations or groups that receive contributions or make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.

When To File – Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. **(Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.)**

File an amended C-1pc form within 10 calendar days of any material change to the registration information furnished previously. For single election-year only committees, a material change includes providing or modifying the list of candidates the committee is supporting or opposing.

Continuing political committees using Mini Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

Where To File – Send the **original to PDC** at the above address. Send a **copy to County Auditor** (county elections office) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides. Keep a copy as part of the committee's records.

“Officer” of a Political Committee – Officer of a political committee includes the following persons:

- any person designated as an officer on the C-1pc registration statement, and
- any person who alone or in conjunction with other persons makes, directs, or authorizes contribution, expenditure, strategic or policy decisions on behalf of the committee. [WAC 390-05-245]

Persons who perform “Ministerial Functions” for two or more campaigns

A person may perform ministerial functions for a candidate and a political committee without jeopardizing that political committee's eligibility to make independent expenditures or electioneering communications regarding that candidate as long as:


- the person performs solely ministerial functions for both the candidate and the political committee;
- the person is identified on both the candidate's and political committee's registration statements as a person performing ministerial functions for the campaign; and
- the person does not share information from or about one of the campaigns with the other campaign, or does not use information from or about one of the campaigns to assist the other campaign. [See RCW 42.17.020 (15)(b)(ix) and WAC 390-05-243 for more detailed information.]

“Ministerial functions” means activities carried out as part of the duties of an administrative office without exercise of personal judgment or discretion. RCW 42.17.020(34). Also see WAC 390-05-243 for a non-exclusive list of ministerial functions and a definition of administrative office. Typically, persons performing ministerial functions may, under the supervision of a candidate or committee officer, file PDC reports, make deposits, pay bills and maintain campaign finance records. However, if a person performs functions for both a candidate and a political committee and those functions for one or both campaigns entail duties beyond those deemed ministerial, any expenditure by the committee benefiting the candidate may be a contribution, rather than an independent expenditure or electioneering communication. [RCW 42.17.020(34) and WACs 390-05-243 and 390-05-210]

For Instruction Manuals and Reporting Forms click on the “Filer Resources” tab at www.pdc.wa.gov

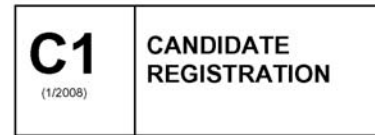
[Statutory Authority: RCW 42.17.370(1). 08-01-069, § 390-16-011, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370. 06-08-039, § 390-16-011, filed 3/29/06, effective 4/29/06; 05-06-070, § 390-16-011, filed 3/1/05, effective 4/1/05; 01-10-049, § 390-16-011, filed 4/26/01, effective 6/1/01. Statutory Authority: RCW 42.17.370(1). 00-22-050, § 390-16-011, filed 10/27/00, effective 11/27/00; 99-22-083, § 390-16-011, filed 11/2/99, effective 12/3/99. Statutory Authority: RCW 42.17.390. 94-05-011, § 390-16-011, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370. 93-15-004, § 390-16-011, filed 7/7/93, effective 8/7/93; 92-18-002, § 390-16-011, filed 8/20/92, effective 9/20/92; 91-22-033, § 390-16-011, filed 10/30/91, effective 11/30/91; 89-20-068, § 390-16-011, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-16-011, filed 2/5/86; 82-11-026 (Order 82-03), § 390-16-011, filed 5/10/82; 82-02-007 (Order 81-04), § 390-16-011, filed 12/28/81; 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 390-16-012 Forms—Registration statement for candidates. The official form for providing the statement of organization by candidates and candidate's committees, for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting is designated "C-1," revised 1/08. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, Washington, 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

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|  <p>PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 Toll Free 1-877-601-2828</p> | | <h1>Candidate Registration</h1> | | <h1>C1</h1> <p>(1/2008)</p> | |
| Candidate's Name (Give candidate's full name.) | | | | Telephone Number () | |
| Candidate's Committee Name (Do not abbreviate.) | | | | Fax Number () | |
| Mailing Address | | | | Candidate's E-Mail Address | |
| City | | County | | Zip + 4 | |
| 1. What office are you running for? | | Legislative District, County or City | | Position No. | |
| | | | | Do you now hold this office? Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| 2. Political party (if partisan office) | | | 3. Date of general or special election | | |
| <p>4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option II, Full Reporting. See instruction manuals for information about reports required and changing reporting options.</p> <p><input type="checkbox"/> Option I MINI REPORTING: In addition to my filing fee of \$_____, I will raise and spend no more than \$5,000, including any charges for inclusion in state and local voters pamphlets. I will not accept more than \$500 in the aggregate from any contributor except myself.</p> <p><input type="checkbox"/> Option II FULL REPORTING: I will use the Full Reporting system. I will file the frequent, detailed campaign reports required by law.</p> | | | | | |
| 5. Treasurer's Name and Address. Does treasurer perform <u>only</u> ministerial functions? Yes ___ No ___ See WAC 390-05-243 and next page for details. List deputy treasurers on attached sheet. | | | | Daytime Telephone Number () | |
| 6. Persons who perform only ministerial functions on your behalf <u>and</u> on behalf of other candidates or political committees. List name, title and address of these persons. See WAC 390-05-243 and next page for details. | | | | <input type="checkbox"/> Continued on attached sheet. | |
| 7. Committee Officers and other persons who authorize expenditures or make decisions on your behalf. List name, title and address. See next page for definition of "officer." | | | | <input type="checkbox"/> Continued on attached sheet. | |
| 8. Campaign Bank or Depository | | Branch | | City | |
| 9. Related or Affiliated Political Committees. List name, address and relationship. | | | | <input type="checkbox"/> Continued on attached sheet. | |
| <p>10. Campaign books must be open to the public by appointment between 8 a.m. and 8 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays. In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post office box or an out-of-area address.</p> <p>Street Address, Room Number, City where campaign books will be available for inspection</p> <p>In order to make an appointment, contact the campaign at (telephone, fax, e-mail): ()</p> | | | | | |
| <p>11. CERTIFICATION: I certify that this report is true, complete and correct to the best of my knowledge.</p> <p>Candidate's Signature _____ Date _____</p> | | | | | |

SEE INSTRUCTIONS ON NEXT PAGE

Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.



Who Must File – Candidates who seek:

- state office (legislative or statewide executive),
- a state supreme court or state court of appeals position,
- local office in jurisdictions having 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county,
- local office in jurisdictions of any size if the candidate receives or expects to receive \$5,000 or more in contributions.

When To File – Within 2 weeks of becoming a candidate. A person becomes a candidate for PDC purposes when he or she **first** does any of the following:

- receives contributions, makes expenditures, or reserves space or facilities with intent to promote his or her candidacy;
- purchases commercial advertising space or broadcast time to promote his or her candidacy;
- authorizes another person to take one of these above actions on his or her behalf;
- announces publicly that he or she is seeking office; or
- files a declaration of candidacy with the appropriate elections official.

File an amended registration within 10 days of a material change to information provided on previously filed C-1. Reports are considered filed as of the postmark date or date hand-delivered to PDC.

Where To File – Send the **original to PDC** at the above address. Send a **copy to County Auditor** (county elections office) of the county in which the candidate resides. Candidates for city offices are advised to contact their City Clerk to learn if local filing is required by local ordinance. Keep a copy for the campaign's records.

“Officer” of a Candidate’s Committee – Officer of a candidate’s committee includes the following persons:

- any person designated as an officer on the C-1 registration statement, and
- any person who alone or in conjunction with other persons makes, directs, or authorizes contribution, expenditure, strategic or policy decisions on behalf of the committee. [WAC 390-05-245]

Persons who perform “Ministerial Functions” for two or more campaigns

A person may perform ministerial functions for a candidate and a political committee without jeopardizing that political committee’s eligibility to make independent expenditures or electioneering communications regarding that candidate as long as:

- the person performs solely ministerial functions for both the candidate and the political committee;
- the person is identified on both the candidate’s and political committee’s registration statements as a person performing ministerial functions for the campaign; and
- the person does not share information from or about one of the campaigns with the other campaign, or does not use information from or about one of the campaigns to assist the other campaign. [See RCW 42.17.020 (15)(b)(ix) and WAC 390-05-243 for more detailed information.]

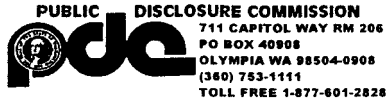
“Ministerial functions” means activities carried out as part of the duties of an administrative office without exercise of personal judgment or discretion. RCW 42.17.020(34). Also see WAC 390-05-243 for a non-exclusive list of ministerial functions and a definition of administrative office. Typically, persons performing ministerial functions may, under the supervision of a candidate or committee officer, file PDC reports, make deposits, pay bills and maintain campaign finance records. However, if a person performs functions for both a candidate and a political committee and those functions for one or both campaigns entail duties beyond those deemed ministerial, any expenditure by the committee benefiting the candidate may be a contribution, rather than an independent expenditure or electioneering communication. [RCW 42.17.020(34) and WACs 390-05-243 and 390-05-210]

For Instruction Manuals and Reporting Forms click on the “Filer Resources” tab at www.pdc.wa.gov

[Statutory Authority: RCW 42.17.370(1), 08-01-069, § 390-16-012, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370.06-08-039, § 390-16-012, filed 3/29/06, effective 4/29/06; 05-06-070, § 390-16-012, filed 3/1/05, effective 4/1/05; 01-10-054, § 390-16-012, filed 4/26/01, effective 6/1/01. Statutory Authority: RCW 42.17.370(1), 00-22-051, § 390-16-012, filed 10/27/00, effective 11/27/00; 99-22-084, § 390-16-012, filed 11/2/99, effective 12/3/99. Statutory Authority: RCW 42.17.390.94-05-011, § 390-16-012, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370.93-15-004, § 390-16-012, filed 7/7/93, effective 8/7/93; 92-18-002, § 390-16-012, filed 8/20/92, effective 9/20/92; 89-20-068, § 390-16-012, filed 10/4/89, effective 11/4/89.]

Reviser’s note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 390-16-031 Forms for statement of contributions deposit. The official form for statement of contributions deposit is designated "C-3," revised 1/02. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504. Any paper attachments shall be on 8-1/2" x 11" white paper.



**CASH RECEIPTS
MONETARY
CONTRIBUTIONS**

C3
(1/02)

THIS SPACE FOR OFFICE USE

| | | | |
|---|---------|----------------------------|---------------|
| Candidate or Committee Name (Do not abbreviate. Use full name.) | | | |
| Mailing Address | | | |
| City | Zip + 4 | Office Sought (candidates) | Election Date |

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

| Date Received | | Amount | Total |
|---------------|--|--------|-------|
| | a. Anonymous..... | \$ | \$ |
| | b. Candidate's personal funds deposited in the bank (include candidate loans in 1c) | | |
| | c. Loans, notes, security agreements. Attach Schedule L..... | | |
| | d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation..... | | |
| | e. Small contributions \$25.00 or less not itemized and number of persons giving _____ (persons) | | |

2. CONTRIBUTIONS OVER \$25.00

| Date Received | Contributor's Name, Address, City, State, Zip | Contributions of more than \$100: * Employer's Name, City and State | P R I | G E N | Amount | Aggregate* Total |
|---------------|--|--|--|-------------|--------|------------------------------|
| | | | | | \$ | \$ |
| | Occupation | | | | \$ | \$ |
| | | | | | \$ | \$ |
| | Occupation | | | | \$ | \$ |
| | | | | | \$ | \$ |
| | Occupation | | | | \$ | \$ |
| | | | | | \$ | \$ |
| | Occupation | | | | \$ | \$ |
| | <input type="checkbox"/> Check here if additional pages are attached | | Sub-total Amount from attached pages | | | *See reverse for details. |

3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT

Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.

| | | |
|--|---|------|
| 4. Date of Deposit | I certify that this report is true and complete to the best of my knowledge | |
| | Treasurer's Signature | Date |
| Treasurer's Daytime Telephone No.: () - | | |

Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC. Consult PDC instruction manuals when completing this report.

CONTRIBUTIONS OF MORE THAN \$100

When an individual gives the campaign more than \$100 in the aggregate, that person's employer must be identified by name, city, state and the person's occupation must also be disclosed. Once an individual gives more than \$100, occupation and employer information will appear on every report showing additional contributions from the individual.

For all candidates – when an individual gives more than \$100 in the aggregate from the beginning of the campaign, show occupation and employer information.

For Single Election Political Committees (e.g., ballot issue committees) – when an individual gives more than \$100 in the aggregate from the beginning of the campaign, show occupation and employer.

For Continuing Political Committees (e.g., party committees & PACs) – when an individual gives more than \$100 in the aggregate from the beginning of the calendar year, show occupation and employer.

PRIMARY/GENERAL ELECTION

Candidates for legislative or state executive office must specify in Part 2 of the C-3 form whether a contribution is designated for the primary or the general election. If a contribution is for the primary election, put a "X" in the PRI box; if it counts toward the contributor's general election limit, put an "X" in the GEN box. If one check is used to make both a primary and a general election contribution, use two separate contributor blocks – one each for the primary and general donations. See instruction manual for example.

Local and judicial office candidates, political committees and continuing political committees – primary and general election designations not required; disregard these boxes.

AGGREGATE TOTAL

The total put in the Aggregate Total column for each contributor will depend on who is filing the report. See below.

Legislative or State Executive Candidates: Show the total given for each election. If the contributor is giving a primary election contribution, the Aggregate Total figure is the total of that person's primary election contributions. If the GEN box is checked, the Aggregate Total is the contributor's general election total. (Only your campaign records and PDC's computer records will keep track of the grand total for both elections.)

Local and Judicial Candidates: Show the total given since the beginning of the campaign.

Political Committees Organized for One Election Only: Show the total given since the beginning of the campaign.

Continuing Political Committees: Show the total given since the beginning of the calendar year.

RECEIPTS CONTINUATION SHEET (Attachment to C-3 Form)

Page _____

| | |
|---|--------------|
| Candidate or Committee Name (Do not abbreviate. Use full name.) | Deposit Date |
|---|--------------|

| 2. CONTRIBUTIONS OVER \$25.00 | | | | | | |
|-------------------------------|---|---|-------------|-------------|--------|---------------------|
| Date Received | Contributor's Name, Address, City, State, Zip | Contributions of more than \$100:* Employer's Name, City and State | P R I | G E N | Amount | Aggregate Total* |
| | | Occupation | \$ | | \$ | |
| | | Occupation | | | | |
| | | Occupation | | | | |
| | | Occupation | | | | |
| | | Occupation | | | | |
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| | | Occupation | | | | |
| | | Occupation | | | | |
| | | Occupation | | | | |
| | | Occupation | | | | |

Page Total _____

[Statutory Authority: RCW 42.17.370(1), 02-01-014, § 390-16-031, filed 12/7/01, effective 1/7/02. Statutory Authority: RCW 42.17.390, 94-05-011, § 390-16-031, filed 2/3/94 effective 3/6/94. Statutory Authority: RCW 42.17.370, 93-09-002, § 390-16-031, filed 4/8/93, effective 5/9/93; 89-20-068, § 390-16-031, filed 10/4/89, effective 11/5/89. Statutory Authority: RCW 42.17.370(1), 86-04-071 (Order 86-01), § 390-16-031, filed 2/5/86; 84-05-018 (Order 84-01), § 390-16-031, filed 2/10/84; 82-11-026 (Order 82-03), § 390-16-031, filed 5/10/82; 82-02-007 (Order 81-04), § 390-16-031, filed 12/28/81; 81-14-038 (Order 81-02), § 390-16-031, filed 6/29/81; Order 62, § 390-16-031, filed 8/26/75; Order 60, § 390-16-031, filed 7/16/75.]

WAC 390-16-032 Forms—Auction report. The official form for reporting items donated and sold at auctions, as required by RCW 42.17.090 (1)(b), is designated "Attachment Au," revised 1/02. This attachment shall accompany each C-3 which reports the receipt of funds from an auction. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 206, Evergreen Plaza Building, P.O. Box 40908, Olympia, Washington, 98504-0908.

AUCTION REPORT

Use this form as an attachment to C3 to report items donated and sold at auctions. Please see the reverse for an example of a report.

**ATTACHMENT
TO C3**

Au

(1/02)

Page _____

Candidate or Committee Name (Do not abbreviate. Use full name.)

Date Auction was held

| Item No. Description | Name and Address | P R I | G R E N | Fair Market Value | Sale Price | Amount Over Fair Market Value | Aggregate Total* |
|-------------------------|---------------------------|-------------|------------------|----------------------|------------|-------------------------------------|---------------------|
| | Contributor | | | | | | |
| | *Occupation and Employer: | | | | | | |
| | Buyer | | | | | | |
| | *Occupation and Employer: | | | | | | |
| | Contributor | | | | | | |
| | *Occupation and Employer: | | | | | | |
| | Buyer | | | | | | |
| | *Occupation and Employer: | | | | | | |
| | Contributor | | | | | | |
| | *Occupation and Employer: | | | | | | |
| | Buyer | | | | | | |
| | *Occupation and Employer: | | | | | | |

*If an individual – whether a contributor or buyer – has given more than \$100 in the aggregate to the campaign, show his or her occupation and the name, city & state of his or her employer.

| | |
|--|---------|
| Cash receipts, this page | _____ → |
| Total, sale price column | _____ → |
| Total from attached pages | _____ → |
| Total cash receipts (Put this amount in part 1d of C3 report) | _____ → |

I certify that the information herein is true, correct and complete to the best of my knowledge.

Treasurer's signature _____ Date _____

INSTRUCTIONS

Item No./Description: As each item to be auctioned is received, assign it a number and a brief description.

Contributor: The person or organization that donates an item or service to be auctioned. If the campaign purchases items for auction, state "purchased by committee" under contributor's name. If auction is held by state office candidate, designate which election (PRI or GEN) contribution is for. Contribution amount is fair market value of item or service and is subject to any applicable contribution limit. Adjust fair market value amount if sold for less than initial fair market value. See No. 2 below.

Buyer: The person who buys the item or service being auctioned. If auction is held by state office candidate, designate which election (PRI or GEN) buyer is giving to when purchase price exceeds fair market value amount.

Fair Market Value: The retail value of the article. Adjust if amount paid is less than fair market value. See No. 2 below.

Sale Price: The amount the buyer paid for the item or service.

Amount Over Fair Market Value: The amount the sale price exceeds fair market value. If sale price is less than or equal to the fair market value, leave blank. The amount paid in excess of fair market value is a contribution from the buyer and is subject to any applicable contribution limit.

Aggregate Total:

Contributor: Fair market value of the donation plus all previous contributions made during campaign (for state office candidates, all contributions made for election designated; for continuing political committees, all contributions made during calendar year).

Buyer: Amount over fair market value plus all previous contributions made during campaign (for state office candidates, all contributions made for election designated; for continuing political committees, all contributions made during calendar year).

If Cash is Received: RCW 42.17.740 says that a political committee must make all of its monetary contributions by check (or other written instrument). However, individuals, businesses, unions and other entities may use currency to make small contributions. The maximum amount of a currency contribution is periodically adjusted by PDC. See WAC 390-05-400 or contact PDC. If the campaign receives cash contributions, each of which does not exceed the maximum, but is more than \$50, prepare a receipt – signed by the donor and either the candidate, treasurer or deputy treasurer – and keep it as part of the campaign records.

Example of Auction Report

| Candidate or Committee Name (Do not abbreviate. Use full name.) | | | | Date Auction was held | | | |
|---|--|--------------------------|-------------------------------------|-----------------------|------------|-------------------------------------|---------------------|
| Sam Smith for State Senate | | | | 09/14/XXXX | | | |
| Item No. Description | Name and Address | P R I | G E N | Fair market value | Sale price | Amount over fair market value | Aggregate Total* |
| No. 1 Use of Beach Cabin for Week | Contributor John Doe 200 "A" Street, Seattle, WA 98101 *Occupation and Employer: Accountant; CPA Firm, Seattle, WA | <input type="checkbox"/> | <input checked="" type="checkbox"/> | \$ 500.00 | | | \$ 500.00 |
| | Buyer Mary Smith 400 "B" Street, Tacoma, WA 98402 *Occupation and Employer: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | \$ 600.00 | \$ 100.00 | \$ 100.00 |
| No. 2 Dinner For 4 | Contributor Sam Brown 123 Military Road, Anytown, WA 98101 *Occupation and Employer: Contractor; Sam's Decks, Anytown, WA | <input type="checkbox"/> | <input checked="" type="checkbox"/> | \$ 200.00 | | | \$ 150.00 |
| | Buyer Tom Mix Rt. 2, Box 1, Saddle Mt., WA 98900 *Occupation and Employer: Manager; ABC Retail, Saddle Mt., WA | <input type="checkbox"/> | <input type="checkbox"/> | | \$ 150.00 | | |
| Cash receipts, this page | | | | | | | |
| Total, sale price column | | | | → | \$ 750.00 | | |
| Total from attached pages | | | | → | \$ 0 | | |
| Total cash receipts | | | | → | \$ 750.00 | | |
| Put this amount in part 1d of C3 report | | | | → | | | |

[Statutory Authority: RCW 42.17.370(1), 02-03-018, § 390-16-032, filed 1/4/02, effective 2/4/02; 99-22-081, § 390-16-032, filed 11/2/99, effective 12/3/99. Statutory Authority: RCW 42.17.390, 94-05-011, § 390-16-032, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370, 92-19-011, § 390-16-032, filed 9/3/92, effective 10/4/92; 89-20-068, § 390-16-032, filed 10/4/89, effective 11/4/89.]

WAC 390-16-033 Earmarked contributions—Reporting—Form. The official form for reporting the details surrounding an earmarked contribution, as required by RCW 42.17.125, is designated "Special Report E," revised 1/02. This report shall be filed within two working days of receiving a contribution earmarked for another candidate or committee. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908.



EARMARKED CONTRIBUTION

| | |
|---|---|
| SPECIAL REPORT 1/02 E | PDC OFFICE USE |
| | P M A R K R E C E I V E D |

1. Name of committee filing this report (Candidate or committee which received a contribution earmarked for another.)

Address

City County Zip

2. Original source of earmarked contribution

Name

Address

City State Zip

| 3. Contribution Date | Amount/Value | Description (Fully describe in-kind contributions) | If contribution is to benefit a state office candidate, designate whether it's for Primary or General Election. Primary _____ General _____ |
|----------------------|--------------|---|---|
| | | | |

4. Name of candidate or committee to be benefited

Address

City County Zip

If candidate, what office is the person seeking? _____

5. Certification: I certify that the information contained herein is true, complete and correct to the best of my knowledge.

Treasurer's signature _____ Date _____

The purpose of this report is to highlight receipt of an earmarked contribution. (That is, a contribution given to one candidate or political committee with the understanding, intent or instruction that it be used to benefit another candidate or committee.) This report is filed in addition to any other required reporting of the transaction.

A separate "Special Report E" is filed for each earmarked contribution received by any candidate or political committee.

File this report within two working days of receiving the earmarked contribution. Mail or deliver the original to PDC. Send a copy to the benefiting candidate or committee, also within two working days.

NOTE: Candidates for legislative and statewide executive office are subject to state contribution limits. Earmarked contributions count toward the applicable limit and are attributed to the original source of the contribution (unless another person controlled the choice of recipient). It's a violation for anyone to accept a contribution in excess of the relevant limit. Verify with the campaign of a legislative or statewide office candidate before accepting a contribution earmarked for the benefit of such a candidate.

[Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-16-033, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.390. 94-05-011, § 390-16-033, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370. 90-16-083, § 390-16-033, filed 7/31/90, effective 8/31/90; 89-20-068, § 390-16-033, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370(1). 86-14-056 (Order 86-05), § 390-16-033, filed 6/27/86.]

WAC 390-16-034 Additional reporting requirements. Pursuant to RCW 42.17.090, each report required under RCW 42.17.080 shall disclose, in addition to the name and address of each person who has made one or more contributions in the aggregate amount of more than one hundred dollars, the occupation and the name and address of the person's employer.

[Statutory Authority: RCW 42.17.370(1), 02-01-014, § 390-16-034, filed 12/7/01, effective 1/7/02; 96-05-001, § 390-16-034, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370, 93-24-003, § 390-16-034, filed 11/18/93, effective 12/19/93.]

WAC 390-16-037 Purpose of campaign expenditures—Reporting. Any person required to report the "purpose" of an expenditure under RCW 42.17.090 (1)(f) and (l), or 42.17.100 (5)(b) shall identify any candidate(s) or ballot proposition(s) that are supported or opposed by the expenditure unless such candidate(s) or ballot proposition(s) have been previously identified in a statement of organization of the person required to be filed under RCW 42.17.040 (2)(f) and (g),

(2) Whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, the report shall describe in detail that agreement or understanding, and

(3) Describe in detail the goods and/or services to be provided by the recipient of the expenditure.

Example A: If an expenditure is for a get-out-the-vote campaign, the purpose shall include the following details:

| Vendor Name | Purpose | Amount |
|----------------|---|---------|
| XYZ Consulting | GOTV—phone bank 28th and 29th Legislative districts | \$1,000 |

Example B: If an expenditure is for printing, the purpose shall include the following details

| Vendor Name | Purpose | Amount |
|--------------|-----------------|---------|
| ABC Printing | 5,000 brochures | \$3,000 |

Example C: If an expenditure is for broadcast political advertisements, the purpose shall include the following details:

| Vendor Name | Purpose | Amount |
|-------------|----------------|----------|
| Media King | Television ads | \$50,000 |
| | WZUB TV | \$30,000 |
| | WXXX TV | \$10,000 |
| | WCRB TV | \$10,000 |

[Statutory Authority: RCW 42.17.370(1), 04-01-134, § 390-16-037, filed 12/18/03, effective 1/18/04; 96-05-001, § 390-16-037, filed 2/7/96, effective 3/9/96; 82-05-001 (Order 82-01), § 390-16-037, filed 2/4/82.]

WAC 390-16-038 Definition—Aggregate. The term "aggregate" means, for purposes of:

(1) A candidate for state office, the total amount of contributions received by the candidate, an agent of the candidate and any political committee affiliated with the candidate from the beginning of the election cycle;

(2) A candidate for local or judicial office, the total amount of contributions received by the candidate, an agent

of the candidate and any political committee affiliated with the candidate from the beginning of the candidate's campaign;

(3) A bona fide political party or caucus political committee, the total amount of contributions received by the committee from January 1 of the current calendar year;

(4) A political committee, the total amount of contributions received by the committee from the date of organization;

(5) A continuing political committee, the total amount of contributions received by the committee from January 1 of the current calendar year;

(6) A contributor, the total amount of all contributions received from a person, and any person affiliated with the person, to any one candidate or political committee;

(7) A person making independent expenditures with respect to a candidate and the reporting and disclosure provisions of RCW 42.17.100, [42.17].180, [42.17].510 and [42.17].550, an independent expenditure made by a person in support of a candidate shall be added to any independent expenditure by the same person in opposition to one or more of the candidate's opponents; and, for purposes of a person making independent expenditures with respect to a ballot proposition, an independent expenditure made by a person in support of a ballot proposition shall be added to any independent expenditure by the same person in opposition to the ballot proposition or in support of an alternative ballot proposition;

(8) The special reports required by RCW 42.17.105 and 42.17.175, the total amount of contributions received or expenditures made by a single person or entity during the special reporting period;

(9) An employer of a registered lobbyist, the total amount of all contributions made to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a statewide ballot proposition during the preceding calendar year;

(10) The sponsor of a grass roots lobbying campaign, the total amount of contributions received since the beginning of the campaign and the total amount of expenditures made during the time frames specified in RCW 42.17.200(1);

(11) RCW 42.17.245, the total amount of all time and demand deposits in each financial institution on December 31;

(12) RCW 42.17.395(4), the total amount of monetary penalty that the commission may impose for multiple violations of the act.

[Statutory Authority: RCW 42.17.370(1), 02-03-018, § 390-16-038, filed 1/4/02, effective 2/4/02; 96-09-016, § 390-16-038, filed 4/8/96, effective 5/9/96. Statutory Authority: RCW 42.17.370, 93-22-002, § 390-16-038, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 42.17.370(1), 86-04-071 (Order 86-01), § 390-16-038, filed 2/5/86; Order 62, § 390-16-038, filed 8/26/75.]

WAC 390-16-039 Total contributions and expenditures—Reporting. (1) A continuing political committee which is not organized to support or oppose a particular candidate or ballot proposition 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. The report filed by such a continuing political com-

mittee covering January (or the first month thereafter for which a report would be required by RCW 42.17.065 and 42.17.080) shall contain in summary the following items remaining at the end of the year:

- (a) Funds on hand;
- (b) The total of outstanding pledges;
- (c) Unpaid loans and outstanding obligations;
- (d) Pledges given to others but not yet paid.

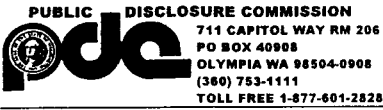
(2) Each candidate, each political committee and each continuing political committee organized to support or oppose a particular candidate or ballot proposition shall report total contributions and expenditures for the period beginning at the time the person becomes a candidate or when the committee is organized, whichever is earlier, and ending when the candidacy or committee is terminated.

(3) This rule shall not require a report unless such report would otherwise be required by chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.370(1), 86-04-071 (Order 86-01), § 390-16-039, filed 2/5/86; 79-09-041 (Order 79-04), § 390-16-039, filed 8/17/79; Order 70, § 390-16-039, filed 2/25/76.]

WAC 390-16-041 Forms—Summary of total contributions and expenditures. (1) The official form for reports of contributions and expenditures by candidates and political committees who use the "full" reporting option is designated "C-4," revised 1/02, and includes Schedule A, revised 1/04, Schedule B, revised 1/04, Schedule C, revised 3/93, and Schedule L, revised 1/02.

(2) Copies of these forms are available at the Commission Office, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, Washington 98504-0908. Any paper attachments shall be on 8-1/2" x 11" white paper.



**CAMPAIGN SUMMARY
RECEIPTS & EXPENDITURES**

| | |
|-----------|----------------|
| C4 | PDC OFFICE USE |
| (1/02) | |

Candidate or Committee Name (Do not abbreviate. Include full name)

Mailing Address City

| | | |
|-----------------------|------------------------------------|---|
| Zip + 4 | Office Sought (Candidates) | Election Date |
| Report Period Covered | From (last C-4) To (end of period) | Final Report? Yes <input type="checkbox"/> No <input type="checkbox"/> |

***For PACs, Parties & Caucus Committees:** During this report period, did the committee make an **independent expenditure** (i.e., an expense not considered a contribution) supporting or opposing a state or local candidate?
 Yes No

RECEIPTS *See reverse Yes No

1. Previous total cash and in kind contributions (From line 8, last C-4) (if beginning a new campaign or calendar year, see instruction booklet) \$ _____
2. Cash received (From line 2, Schedule A) \$ _____
3. In kind contributions received (From line 1, Schedule B)
4. Total cash and in kind contributions received this period (Line 2 plus 3)
5. Loan principal repayments made (From line 2, Schedule L)..... (_____)
6. Corrections (From line 1 or 3, Schedule C) Show + or (-) _____
7. Net adjustments this period (Combine line 5 & 6)..... Show + or (-) _____
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)
9. Total pledge payments due (From line 2, Schedule B)

EXPENDITURES

10. Previous total cash and in kind expenditures (From line 17, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)
11. Total cash expenditures (From line 4, Schedule A)
12. In kind expenditures (goods & services) (From line 1, Schedule B)
13. Total cash and in kind expenditures made this period (Line 11 plus line 12)
14. Loan principal repayments made (From line 2, Schedule L)..... (_____)
15. Corrections (From line 2 or 3, Schedule C) Show + or (-) _____
16. Net adjustments this period (Combine lines 14 & 15)..... Show + or (-) _____
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16)

CANDIDATES ONLY

| | | | | |
|------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | Won | Lost | Unopposed | Name not on ballot |
| Primary election | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| General election | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Treasurer's Daytime Telephone No.:
(_____)

CASH SUMMARY

18. Cash on hand (Line 8 minus line 17) [Line 18 should equal your bank account balance(s) plus your petty cash balance.] _____
19. Liabilities: (Sum of loans and debts owed) (_____)
20. Balance (Surplus or deficit) (Line 18 minus line 19)..... _____

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.

| | | | |
|-----------------------|------|-----------------------|------|
| Candidate's Signature | Date | Treasurer's Signature | Date |
|-----------------------|------|-----------------------|------|

SEE INSTRUCTIONS ON REVERSE

| | | |
|--------|--|---|
| Page 2 | <div style="font-size: 2em; font-weight: bold; margin: 0;">C4</div> <div style="font-size: 0.8em; margin: 2px 0;">(1/02)</div> | CAMPAIGN SUMMARY RECEIPTS & EXPENDITURES |
|--------|--|---|

**Please consult PDC instruction manuals when completing this report.
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.**

- | | |
|---|---|
| WHO MUST FILE | Each candidate and political committee using Full Reporting. |
| FILING DATES | <ol style="list-style-type: none"> 1) <u>File with C-1 or C-1pc</u> (Registration form) if you received contributions or made expenditures before registering. 2) <u>File on the 10th of each month</u> if contributions or expenditures are over \$200 since last C-4 was filed. (These 10th-of-the-month reports are not required if another C-4 must be filed during that month. See #3 below.) 3) For each primary, general and special election in which the candidate or political committee makes an expenditure, file <ul style="list-style-type: none"> • 21 days prior to the election • 7 days prior to the election • 10th of the first month after the election -- see note below <p style="margin-left: 20px;">(Note: Not required after primary election from candidates who will be in the general election or from continuing political committees.)</p> 4) <u>File final report</u> when campaign is finished or committee closes operation. Often, this coincides with the primary or general post-election, 10th-of-the-month report. <p>All reports are considered filed as of the postmark date or the date hand-delivered to PDC.</p> |
| WHERE TO SEND REPORTS | <p>Send original C-4 reports, along with all schedules and attachments, to PDC. Candidates send a duplicate copy to their County Auditor (County Elections Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.</p> <p>Candidates for city offices, city ballot issue committees and other political committees who give to city candidates or ballot issue committees should check with city clerk regarding any local filing requirements.</p> |
| *FOR ALL PACS, POLITICAL PARTIES & CAUCUS POLITICAL COMMITTEES | <p>The question posted near the top of the first page of this form regarding independent expenditures applies to ALL POLITICAL COMMITTEES required to file C-4 reports, except ballot issue committees that neither contribute to candidates nor make independent expenditures regarding them and candidate committees (because they are prohibited from making expenditures that are not directly related to their own campaigns).</p> <p>All other Political Committees and PACs must indicate whether they made any independent expenditures supporting or opposing one or more candidates for state or local office.</p> <p><u>If the response is "yes,"</u> the independent expenditure(s) MUST be itemized on the appropriate schedule (either Schedule A, or Part 3 of Schedule B), showing:</p> <ul style="list-style-type: none"> • the date of the expense; • the name and address of the vendor or recipient of the funds; • if using Schedule A, an "I" in the Code column; • the name and office sought of the candidate supported or opposed; • an indication of support or opposition; and • a brief description of the expense (e.g., brochure mailed to absentee voters). |

CASH RECEIPTS AND EXPENDITURE

SCHEDULE A
to C4
(1/04)

Candidate or Committee Name (Do not abbreviate. Use full name.) Report Date

1 CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

| Date of deposit | Amount | Date of deposit | Amount | Date of deposit | Amount | Total deposits |
|-----------------|--------|-----------------|--------|-----------------|--------|----------------|
| | | | | | | \$ |

2. TOTAL CASH RECEIPTS Enter also on line 2 of C4 \$

CODES FOR CLASSIFYING EXPENDITURES: If one of the following codes is used to describe an expenditure, no other description is generally needed.

The exceptions are:

- 1) If expenditures are in-kind or earmarked contributions to a candidate or committee or independent expenditures that benefit a candidate or committee, identify the candidate or committee in the Description block;
- 2) When reporting payments to vendors for travel expenses, identify the traveler and travel purpose in the Description block; and
- 3) If expenditures are made directly or indirectly to compensate a person or entity for soliciting signatures on a statewide initiative or referendum petition, use code "V" and provide the following information in the Description block: name and address of each person/entity compensated, amount paid each during the reporting period, and cumulative total paid all persons to date to gather signatures.

| | | |
|-------------------------------------|---|---|
| CODE DEFINITIONS ON NEXT PAGE | C - Contributions (monetary, in-kind & transfers) I - Independent Expenditures L - Literature, Brochures, Printing B - Broadcast Advertising (Radio, TV) N - Newspaper and Periodical Advertising O - Other Advertising (yard signs, buttons, etc.) V - Voter Signature Gathering | P - Postage, Mailing Permits S - Surveys and Polls F - Fundraising Event Expenses T - Travel, Accommodations, Meals M - Management/Consulting Services W - Wages, Salaries, Benefits G - General Operation and Overhead |
|-------------------------------------|---|---|

3. EXPENDITURES

- a) Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up these expenditures and show the total in the amount column on the first line below.
- b) Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount.
- c) For each payment to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company, provide a detailed breakdown in the Description block of expenses included in the payment.

| Date Paid | Vendor or Recipient (Name and Address) | Code | Purpose of Expense and/or Description | Amount |
|-----------|---|------|--|--------|
| N/A | Expenses of \$50 or less | N/A | N/A | |
| | | | | \$ |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

4. TOTAL CASH EXPENDITURES Total from attached pages \$
Enter also on line 11 of C4 \$

CODE DEFINITIONS ON NEXT PAGE

Page 2 - For information only. Do not file as part of report.

EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B)

NOTE: Expenditures (including debts) for payments to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company require further detail in the Description block. See expenditure description on Schedule A, WAC 390-16-037 and WAC 390-16-205.

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** your campaign legally makes to other campaigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- I INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column and fully describe purpose.
- L LITERATURE**. Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- B BROADCAST ADVERTISING** Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- N NEWSPAPER & PERIODICAL ADVERTISING**. Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- O OTHER ADVERTISING**. Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- V VOTER SIGNATURE GATHERING**. Use "V" for expenditures made directly or indirectly to compensate a person or entity for soliciting or procuring signatures on a statewide initiative or referendum petition. Attach itemization of each such payment.
- P POSTAGE**. Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- F FUNDRAISING EVENTS**. Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- S SURVEYS AND POLLS**. Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS**. Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveler in Description column. If travel payment was made to credit card company or traveler (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SERVICES**. Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- W WAGES, SALARIES, BENEFITS**. Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- G GENERAL OPERATION AND OVERHEAD**. Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

**IN KIND CONTRIBUTIONS, PLEDGES,
ORDERS, DEBTS, OBLIGATIONS**

**SCHEDULE
TO C4** **B**
(1/04)

Candidate or Committee Name (Do not abbreviate. Use full name.) Report Date

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

| Date Received | Contributor's Name and Address | Description of Contribution* | Fair Market Value | Aggregate Total | P R I | G E N | If more than \$100, Employer Name, City, State & Occup. |
|---|--------------------------------|------------------------------|---|-----------------|-------------|-------------|---|
| | | | | | | | Occupation |
| | | | | | | | Occupation |
| | | | | | | | Occupation |
| <input type="checkbox"/> Check here if additional pages are attached. | | | TOTAL (Enter also on line 3 and line 12 of C4) | | | | |

2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.

| Date Notified of Pledge | Name and Address of Pledge Maker | Fair Market Value | Aggregate Total | P R I | G E N | If more than \$100, Employer Name, City, State & Occup. |
|---|----------------------------------|--|-----------------|-------------|-------------|---|
| | | | | | | Occupation |
| <input type="checkbox"/> Check here if additional pages are attached. | | TOTAL (include new pledges above and all other outstanding pledges.) (Enter also on line 9 of C4) | | | | Occupation |

3. ORDERS PLACED, DEBTS, OBLIGATIONS. If debt is owed to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company, provide a detailed breakdown of expenses included in the debt. (Give estimate if actual amount not known. Exclude loans. Report loans on Schedule L.)

| Expenditure Date | Vendor's/Recipient's Name and Address | Amount Owed | Code | OR | Description of Obligation* |
|---|---------------------------------------|-------------------------------------|------|----|----------------------------|
| | | \$ | | | |
| | | \$ | | | |
| | | \$ | | | |
| | | \$ | | | |
| | | \$ | | | |
| | | \$ | | | |
| <input type="checkbox"/> Check here if additional pages are attached. | | TOTAL (Include in line 19 of C4) | | | |

*SEE NOTE AND CODE DEFINITIONS ON REVERSE

EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B)

NOTE: Expenditures (including debts) for payments to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company require further detail in the Description block. See expenditure description on Schedule A, WAC 390-16-037 and WAC 390-16-205.

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** your campaign legally makes to other campaigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- I INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column and fully describe purpose.
- L LITERATURE**. Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- B BROADCAST ADVERTISING**. Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- N NEWSPAPER & PERIODICAL ADVERTISING**. Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- O OTHER ADVERTISING**. Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- V VOTER SIGNATURE GATHERING**. Use "V" for expenditures made directly or indirectly to compensate a person or entity for soliciting or procuring signatures on a statewide initiative or referendum petition. Attach itemization of each such payment.
- P POSTAGE**. Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- F FUNDRAISING EVENTS**. Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- S SURVEYS AND POLLS**. Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS**. Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveler in Description column. If travel payment was made to credit card company or traveler (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SERVICES**. Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- W WAGES, SALARIES, BENEFITS**. Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- G GENERAL OPERATION AND OVERHEAD**. Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

CORRECTIONS

SCHEDULE **C**
to C4

Candidate or Committee Name (Do not abbreviate. Use full name.)

Date

1. CONTRIBUTIONS AND RECEIPTS (Include mathematical corrections.)

| Date of report | Contributor's name or description of correction | Amount reported | Corrected amount | Difference (+ or -) |
|----------------|---|---------------------------------------|------------------|---------------------|
| | | Total corrections to contributions | | |
| | | Enter on line 6 of C4. Show + or (-). | | |

2. EXPENDITURES (Include mathematical corrections.)

| Date of report | Vendor's name or description of correction | Amount reported | Corrected amount | Difference (+ or -) |
|----------------|--|--|------------------|---------------------|
| | | Total corrections to expenditures | | |
| | | Enter on line 15 of C4. Show + or (-). | | |

3. REFUNDS FROM VENDORS. The below listed amounts have been received as refunds on expenditures previously reported. The refund has been deposited and reported on C3 report, Line 1d.

| Date of refund | Source / person making refund | Amount of refund |
|----------------|-------------------------------|---|
| | | Total refunds |
| | | Enter as (-) on line 6 & line 15 of C4. |

LOANS

See Instructions and Example on reverse

**SCHEDULE
TO C3
OR C4**

L

(1/02)

Candidate or Committee Name

Report Date

1. MONETARY OR IN-KIND LOAN RECEIVED. Loans are considered contributions and are subject to any applicable limit.

| Date Loaned | Lender's Name and Address | P R I N G E N | Amount of Loan | Annual Interest Rate | Repayment Schedule | Date Due |
|--|---------------------------|---------------------------------|----------------|----------------------|--------------------|--|
| If monetary loan, also include this amount on line 1c, C3 report. If in-kind loan, itemize in Part 1 of Schedule B. | | | | | | If Total Contributed is more than \$100, Show Lender's Occupation and Name, City & State of Employer |

| Name and Address of Each Loan Endorser, Co-Signer | P R I N G E N | Amount Liable For (Same as Loan Amount) | Aggregate Total | If Total Contributed is more than \$100, Show Endorser's Occupation and Name, City, & State of Employer |
|--|---------------------------------|---|-----------------|---|
| <input type="checkbox"/> Continued on attached sheet | | | | |

2. LOAN PAYMENTS. Candidates may be repaid no more than amount loaned or permitted by WAC 390-05-400, whichever is less. See instruction manual.

| Date Paid | Lender's Name and Address | Principal Paid | Interest Paid | Total Payment | Balance Owed |
|--|---------------------------|----------------|---------------|---|--------------|
| Total Principal Paid Enter also on lines 5 and 14, C-4 report | | | | Total Payments Enter as an expenditure on Schedule A | |

3. LOANS FORGIVEN.

| Date | Lender's Name and Address | Original Amount | Principal Repaid | Amount Forgiven | Balance Owed |
|------|---------------------------|-----------------|------------------|-----------------|--------------|
|------|---------------------------|-----------------|------------------|-----------------|--------------|

4. LOANS STILL OWED. List each loan that has previously been reported and still has a balance due.

| Date | Lender's Name and Address | Original Amount | Principal Repaid or Forgiven | Amount Owed |
|---|---------------------------|-----------------|------------------------------|---|
| | | | | Subtotal _____ |
| | | | | New Loans Received (and listed in Item 1 above) _____ |
| | | | | Total Loans Owed Include in total on line 19, C-4 report _____ |
| <input type="checkbox"/> Continued on attached sheet. | | | | |

LOANS



Please consult PDC instruction manuals when completing this schedule.
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

WHO MUST FILE Each candidate and political committee using full reporting that receives one or more campaign loans.

FILING DATES When a monetary loan is received by the campaign, complete Part 1 and file the Schedule L with the C-3 report that corresponds with the loan's deposit into the account. **Use a separate schedule for each loan received.**

When an in-kind loan is received, complete Part 1 and file Schedule L along with the Schedule B (to the C-4) that itemizes the in-kind contribution.

When a loan is paid or forgiven, in whole or in part, complete Part 2 and/or Part 3 and file the Schedule L with the C-4 covering the period when the payment or forgiveness occurred.

When one or more loans remain unpaid, complete Part 4 and file the schedule with each C-4 report until all loans are repaid in full or forgiven. (The same schedule may be used to show loan payments, forgiveness information and to show which loans remain unpaid.)

Example

SCHEDULE TO C3 OR C4 (1/02)

Candidate or Committee Name: Adrian Adams for State Representative
Report Date: 12/22/XXXX

1. MONETARY OR IN-KIND LOAN RECEIVED. Loans are considered contributions and are subject to any applicable limit.

| Date Loaned | Lender's Name and Address | PRINCIPAL | Amount of Loan | Annual Interest Rate | Repayment Schedule | Date Due |
|---|--|-----------|----------------|----------------------|---|-----------|
| 2/12/XXXX | Tyler Adams PO Box 123 Olympia, WA | X | \$ 500.00 | 12% | \$100/month | Not fixed |
| If monetary loan, also include this amount on line 1c, C3 report. | | | \$ 500.00 | | If Total Contributed is more than \$100, Show Lender's Occupation and Name, City, & State of Employer Accountant, Best Accounting Firm, Tacoma, WA | |
| If in-kind loan, itemize in Part 1 of Schedule B. | | | | | | |

Name and Address of Each Loan Endorser, Co-Signer

| Name and Address | PRINCIPAL | Amount Liable For (Same as Loan Amount) | Aggregate Total | If Total Contributed is more than \$100, Show Endorser's Occupation and Name, City, & State of Employer |
|------------------|-----------|---|-----------------|---|
| | | | | |

Continued on attached sheet

2. LOAN PAYMENTS. Candidates may be repaid no more than amount loaned or permitted by WAC 390-05-400, which ever is less. See instruction manual.

| Date Paid | Lender's Name and Address | Principal Paid | Interest Paid | Total Payment | Balance Owed |
|----------------------|--|----------------|---------------|---------------|--------------|
| 3/30/XXXX | Tyler Adams PO Box 123, Olympia, WA | \$ 100.00 | \$ 10.00 | \$ 110.00 | \$ 400.00 |
| 3/31/XXXX | Michael Murray 201 Westway Rd, Tacoma, WA | 100.00 | \$ 0 | 100.00 | 250.00 |
| Total Principal Paid | | \$ 200.00 | | | |
| Total Payments | | | | \$ 210.00 | |

Enter also on lines 6 and 14, C-4 report

Enter as an expenditure on Schedule A

3. LOANS FORGIVEN.

| Date | Lender's Name and Address | Original Amount | Principal Repaid | Amount Forgiven | Balance Owed |
|-----------|--|-----------------|------------------|-----------------|--------------|
| 3/15/XXXX | Kelly Adams 2222 Riverfront Rd, Olympia, WA | \$ 250.00 | \$ 0 | \$ 150.00 | \$ 100.00 |

4. LOANS STILL OWED. List each loan that has previously been reported and still has a balance due:

| Date | Lender's Name and Address | Original Amount | Principal Repaid or Forgiven | Amount Owed |
|---|--|-----------------|------------------------------|-------------|
| 1/22/XXXX | Tyler Adams PO Box 123, Olympia, WA | \$ 500.00 | \$ 100.00 | \$ 400.00 |
| 2/12/XXXX | Michael Murray 201 Westway Rd, Tacoma, WA | 350.00 | 100.00 | 250.00 |
| 3/01/XXXX | Kelly Adams 2222 Riverfront Rd, Olympia, WA | 250.00 | 150.00 | 100.00 |
| 3/11/XXXX | K.M. Lawrence PO Box 3456, Olympia, WA | 1,000.00 | 0 | 1,000.00 |
| Subtotal | | | | \$ 1,750.00 |
| New Loans Received (and listed in Item 1 above) | | | | \$ 0 |
| Total Loans Owed | | | | \$ 1,750.00 |
| Include in total on line 18, C-4 report | | | | |

Continued on attached sheet.

LOAN RECEIVED
(Information would appear on separate Schedule L)

LOAN PAYMENTS

LOANS FORGIVEN

LOANS STILL OWED

[Statutory Authority: RCW 42.17.370(1), 04-01-132, § 390-16-041, filed 12/18/03, effective 1/18/04; 02-01-014, § 390-16-041, filed 12/7/01, effective 1/7/02; 99-22-082, § 390-16-041, filed 11/2/99, effective 12/3/99. Statutory Authority: RCW 42.17.370(1) and 42.17.090 (1)(k), 97-06-085, § 390-16-041, filed 3/3/97, effective 4/3/97. Statutory Authority: RCW 42.17.390, 94-05-011, § 390-16-041, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370, 93-09-002, § 390-16-041, filed 4/8/93, effective 5/9/93; 92-18-002, § 390-16-041, filed 8/20/92, effective 9/20/92; 92-05-080, § 390-16-041, filed 2/18/92, effective 3/20/92; 91-22-033, § 390-16-041, filed 10/30/91, effective 11/30/91; 90-16-083, § 390-16-041, filed 7/31/90, effective 8/31/90; 89-20-068, § 390-16-041, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370(1), 86-08-030 (Order 86-02), § 390-16-041, filed 3/26/86; 86-04-071 (Order 86-01), § 390-16-041, filed 2/5/86; 84-05-018 (Order 84-01), § 390-16-041, filed 2/10/84; 82-11-026 (Order 82-03), § 390-16-041, filed 5/10/82; 82-02-007 (Order 81-04), § 390-16-041, filed 12/28/81; 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 390-16-042 Contingent liabilities—Reporting.

A contractual contingent liability (e.g., an additional fee to be paid to a political consultant or other person whose services are used by a candidate who wins the election) is reportable as a debt or obligation on Form C-4, Schedule B, from the

time the contract is entered into until the liability is voided, paid or otherwise satisfied.

[Statutory Authority: RCW 42.17.370, 89-20-068, § 390-16-042, filed 10/4/89, effective 11/4/89.]

WAC 390-16-050 Forms for contributions and expenditures of out-of-state political committees. The official form for the report required by RCW 42.17.093 of contributions and expenditures of an out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17.040 through 42.17.090 is designated "C-5," revised 1/08. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any paper attachments shall be on 8 1/2" x 11" white paper.



| | |
|---------------------------|---|
| Form C5 1/08 | This space for office use P M O A S R T K R E C E I V E D |
|---------------------------|---|

OUT OF STATE COMMITTEE CONTRIBUTIONS TO WASHINGTON CANDIDATES OR COMMITTEES

| | |
|---|---|
| <p>1. Name and address of committee making the contribution Name Street address City / State / Zip</p> | <p>2. Check appropriate box <input type="checkbox"/> This is the first report submitted during 20__ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.</p> |
|---|---|

3. Provide the purpose of the committee and the identity of any business, union, association or person with which the committee is affiliated (e.g., a State Committee of the Oregon Republican Party, Idaho committee of United Workers Union or federal PAC of XYZ Trade Assn.)

4. Officers or responsible leaders of committee:

| Name and address | Title |
|------------------|-------|
|------------------|-------|

5. Candidate contributions: List each Washington candidate for state, local or judicial office to whom you have made a contribution of more than \$50.00.

| Candidate's name | Office sought | Political Party | Date | Amount given |
|------------------|---------------|-----------------|------|--------------|
| | | | | |

6. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

| Committee name and address | Ballot Number | For or Against? | Date | Amount given |
|----------------------------|---------------|-----------------|------|--------------|
| | | | | |

7. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state, local or judicial candidate, ballot measure or political committee.

| Recipient's name and address | Purpose | Date | Amount given |
|------------------------------|---------|------|--------------|
| | | | |

Check here if continued

8. Total contributions and expenditures (Add parts 5, 6, 7)

9. Contributions received from Washington residents: List all contributions of more than \$25.00 in the aggregate to this out-of-state committee during the current calendar year from Washington residents or corporations with their headquarters or a primary place of business in Washington.

| Name and address | Date | Amount |
|------------------|------|--------|
| | | |
| | | |
| | | |
| | | |

Check here if continued on an attached sheet

10. Contributions received from persons residing outside of Washington. List the name, address, and employer of each person or corporation residing outside the state of Washington who has made contributions of more than \$2,550 in the aggregate to this out-of-state committee during the current calendar year.

| Contributor's name, Address, City, State, Zip | Employer's Name, City and State | Date | Amount |
|---|---------------------------------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |

Check here if continued on an attached sheet

11. Eligibility to Give to State Office Candidates: During the six months prior to making a contribution to a legislative or statewide executive candidate your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to legislative and statewide executive office candidates.

12. Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

| | |
|---------------------------------|------------------------------------|
| Signature of Committee Official | Name – Typed or Printed |
| _____ | _____ |
| Title | Daytime Telephone No. () _____ |
| _____ | E-Mail Address _____ |

INSTRUCTIONS

(Statutory reference: RCW 42.17.093)

WHO MUST REPORT

An out-of-state political committee, including political committees filing with the Federal Election Commission, organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17.040 through 42.17.090 which has made contributions or expenditures to or on behalf of a state, local or judicial candidate or political committee in Washington state.

A political committee is considered “out-of-state” if it maintains its office or headquarters in another state or the District of Columbia. If there is no office or headquarters, then the political committee is considered “out-of-state” if its treasurer resides in another state or the District of Columbia.

WHEN TO REPORT

A C-5 report is due no later than the 10th day of the month following any month in which a contribution or other expenditure of more than \$50 is made to or on behalf of a Washington state candidate or political committee. After filing an initial C-5 report, subsequent reports during the same calendar year shall be filed updating or amending the information previously reported. These follow-up reports are also due no later than the 10th day of the month following any month in which an additional contribution or other expenditure of more than \$50 is made.

The C-5 report is considered filed as of the postmark date.

SEND REPORT TO

**Public Disclosure Commission
711 Capitol Way, Room 206
PO Box 40908
Olympia, Washington 98504-0908**

Questions?

Contract PDC at www.pdc.wa.gov, toll free at 1-877-601-2828 or 1-360-753-1111

[Statutory Authority: RCW 42.17.370. 08-01-059, § 390-16-050, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370 and 42.17.093 (1)(i). 06-18-035, § 390-16-050, filed 8/28/06, effective 9/28/06. Statutory Authority: RCW 42.17.370(1). 04-01-131, § 390-16-050, filed 12/18/03, effective 1/18/04; 02-12-007, § 390-16-050, filed 5/23/02, effective 6/23/02; 02-03-018, § 390-16-050, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.390. 94-05-011, § 390-16-050, filed 2/3/94 effective 3/6/94. Statutory Authority: RCW 42.17.370. 89-20-068, § 390-16-050, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-16-050, filed 2/5/86; 82-11-026 (Order 82-03), § 390-16-050, filed 5/10/82; 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 390-16-060 Forms for report of independent expenditures and electioneering communications. (1) The official form for reports of independent expenditures and electioneering communications as required by RCW 42.17.100, 42.17.103 and 42.17.565 is designated "C-6," revised 5/06. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504 and on-line at www.pdc.wa.gov. Any paper attachments shall be on 8 1/2" x 11" white paper.

(2) The C-6 report may be filed electronically consistent with WAC 390-19-040 by using an electronic filing alternative provided or approved by the commission. C-6 reports of electioneering communications shall be filed electronically as provided in RCW 42.17.565.



| |
|---------------------------|
| Form C6 5/06 |
|---------------------------|

Reporting Form for: (check one)

Instructions on Page 3

- INDEPENDENT EXPENDITURES** (Occurring at any time) — **\$100 or more**
- INDEPENDENT EXPENDITURE ADS** (Appearing within 21 days of an election) — **\$1,000 or more**
- ELECTIONEERING COMMUNICATIONS, Except Contributions** (Appearing within 60 days of an election) — **\$5,000 or more**

| | |
|---|-----------|
| 1. Name and complete postal mailing address of sponsor: | E-mail |
| | Telephone |

2. Itemize expenditures of more than \$100 associated with the independent expenditure or electioneering communication.

| Date Made | Date First Presented/ Mailed | Name and Address of Vendor or Recipient | Description of Expenditure (e.g., direct mail or newspaper, TV or radio ad) | Amount or Value (*See Below) |
|--|------------------------------|---|---|--|
| Expenditures \$100 or less not itemized above | | | | \$ |
| Amount or Value | | | | Total this report \$ |
| *If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed. | | | | Total independent expenditures and electioneering communications made during this election campaign. Include amounts shown in this report and previously submitted C-6 reports. \$ |

| Candidate/Proposition | Office/District/ Proposition No. | Party | Check Support or Oppose | | Show portion of current expense attributable to each candidate or proposition | Show total C-6 expenses related to each candidate/ proposition during election campaign |
|--|----------------------------------|-------|--------------------------|--------------------------|---|---|
| | | | <input type="checkbox"/> | <input type="checkbox"/> | | |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | \$ | \$ |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | \$ | \$ |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | \$ | \$ |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | \$ | \$ |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | \$ | \$ |
| Continued on attached sheet <input type="checkbox"/> | | | | | \$ | \$ |

Filer Name:

4. If reporting an Electioneering Communication, it is necessary to disclose information concerning the source of funding for the communication. Select the description that applies:

- a) An individual using only personal funds.
- b) An individual using personal funds and/or funds received from others.
- c) A business, union, group, association, organization, or other person using only general treasury funds.
- d) A business, union, group, association, organization, or other person using general treasury funds and/or funds received from others.
- e) A political committee filing C-3 and C-4 reports. (RCW 42.17.040 - .090)
- f) A political committee filing C-5 reports. (RCW 42.17.093)
- g) Other

If (b), (d), (f), or (g) applies, complete section 5 below. If (e) applies, also complete section 5 if the committee received funds that were requested or designated for the communication.

5. Sources giving in excess of \$250 for the electioneering communication:

| Date Received | Source's Name, Address, City, State, Zip | For individuals, Employer's Name, City and State | Amount |
|---------------|--|--|--------|
| | | | \$ |
| | | Occupation | |
| | | | \$ |
| | | Occupation | |
| | | | \$ |
| | | Occupation | |
| | | | \$ |
| | | Occupation | |
| | | | \$ |
| | | Occupation | |
| | | Sub-Total | \$ |
| | | Amount from attached pages | \$ |
| | | TOTAL FUNDS RECEIVED | \$ |

| Sponsor of Independent Expenditure or Electioneering Communication | |
|---|----------------|
| I certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a contribution under RCW 42.17.020. I further certify that the above information is true, complete, and correct to the best of my knowledge. | Signature. |
| | Printed Name |
| | Street address |
| | City/State/Zip |
| | Date Signed |
| *RCW9A.72.040 provides that "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor." | |

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-16-060, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1), 02-12-007, § 390-16-060, filed 5/23/02, effective 6/23/02; 02-03-018, § 390-16-060, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370, 89-20-068, § 390-16-060, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370(1), 86-04-071 (Order 86-01), § 390-16-060, filed 2/5/86; 82-11-026 (Order 82-03), § 390-16-060, filed 5/10/82; 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 390-16-063 Additional information regarding C-6 report filing. (1) A political committee reporting pursuant to RCW 42.17.065, 42.17.080 and 42.17.090 is exempt from providing on a C-6 form itemized information concerning its sources of funds giving in excess of two hundred fifty dollars for an electioneering communication, unless the committee received funds that were requested or designated for the communication.

(2) An out-of-state political committee shall report pursuant to RCW 42.17.565 if it sponsors an electioneering communication defined in RCW 42.17.020.

(3) The sponsor of an electioneering communication shall report pursuant to RCW 42.17.565 and commission rules regarding electioneering communications, even if the expenditure also satisfies the definition of independent expenditure in RCW 42.17.020 or 42.17.100. Persons in compliance with this subsection are deemed in compliance with RCW 42.17.100 or 42.17.103.

(4) Any person making an expenditure that is reportable under RCW 42.17.200, grass roots lobbying campaigns, that also satisfies the definition of electioneering communication in RCW 42.17.020 shall file pursuant to RCW 42.17.565 and commission rules regarding electioneering communications.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-16-063, filed 5/23/06, effective 6/23/06.]

WAC 390-16-071 Annual report of major contributors and persons making independent expenditures. (1) Any person, other than an individual (a) who made contributions to state office candidates and statewide ballot proposition committees totaling more than the aggregate amount during the preceding calendar year for contributions referenced in WAC 390-05-400, code section .180(1), or (b) who made independent expenditures regarding state office candidates and statewide ballot propositions totaling more than the aggregate amount during the preceding calendar year for independent expenditures referenced in WAC 390-05-400, code section .180(1), shall file with the commission an annual report required pursuant to RCW 42.17.180. This report shall not be required of a lobbyist employer filing an annual L-3 report pursuant to RCW 42.17.180 or of a candidate's authorized committee or a political committee provided the information has been properly reported pursuant to RCW 42.17.080 and .090.

(2) The report is entitled "Special Political Expenditures" and is designated "C-7" revised 12/08.



Special Political Expenditures

C7
12/08

PDC OFFICE USE

1. Name (Use complete company, association, union or entity name.)

Attention (Identify person to whom inquiries about the information below should be directed.)

Mailing Address Telephone

() -

City State Zip + 4

THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Disclose all payments or expenditures the reporting entity made and accrued during the previous calendar year for the types of activities described below. Complete all sections. Use "none" or "0" when applicable. Follow the directions on the attached instructions.

Summary of Expenditures

Amount

2. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. Also complete Item 8.
 - a. Aggregate contributions made by the filer. _____
 - b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this report.)
Name of PAC _____
 3. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. Show aggregate amount. Also complete Item 9. _____
 4. Expenditures for entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families. Show aggregate amount. Also complete Item 10. _____
 5. Expenditures to or on behalf of legislators, state officials, their spouses and dependents for the purpose of influencing, honoring or benefiting the legislator or official. Show aggregate amount. Also complete Item 13. _____
 6. Other expenditures related to lobbying state officials, whether payment is made to, through or on behalf of a registered lobbyist. Attach list itemizing each expense. Show date, recipient, purpose and amount. _____
- 7. Total Reportable Expenses**
(Items 2 thru 6) _____

Itemized Expenditures

8. Contributions totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure.

| Name of Recipient | Amount | Date |
|-------------------|--------|------|
| | \$ | |
| | | |

Information continued on attached pages

9. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot measure. See instructions for definition of "independent expenditure."

| Candidate's Name, Office Sought & Party or Ballot Measure & Brief Description | Amount \$ | Date and Description of Expense (Note if Support or Oppose) |
|---|--------------|--|
| <input type="checkbox"/> Information continued on attached pages | | |

10. Entertainment, gifts, tickets, passes, transportation and travel expenses (including meals, lodging and related expenses) provided to legislators, state officials, state employees and members of their immediate families.

| Name and Title | Cost or Value \$ | Date and Description of Entertainment, Gift or Travel |
|--|---------------------|---|
| <input type="checkbox"/> Information continued on attached pages | | |

11. Compensation of \$2,000 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family.

| Name | Relationship to Candidate or Official, if Family Member | Amount (Code) | Description of Consideration or Services Exchanged for Compensation |
|--|---|---------------|---|
| <input type="checkbox"/> Information continued on attached pages | | | |

12. Compensation of \$2,000 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family hold office, partnership, directorship or ownership interest of 10% or more.

| Firm Name | Person's Name | Amount (Code) | Description of Consideration or Services Exchanged for Compensation |
|--|---------------|---------------|---|
| <input type="checkbox"/> Information continued on attached pages | | | |

13. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position.

| Name | Amount \$ | Date and Description of Expense |
|--|--------------|---------------------------------|
| <input type="checkbox"/> Information continued on attached pages | | |

| | | |
|---|----------------------|------|
| 14. This report must be certified by the president, secretary-treasurer or similar officer of reporting entity. | | |
| Certification: I certify that this report is true, complete and correct to the best of my knowledge. | Signature of Officer | Date |
| Printed Name and Title of Officer: | | |

[Statutory Authority: RCW 42.17.370.09-02-021, § 390-16-071, filed 12/30/08, effective 1/30/09. Statutory Authority: RCW 42.17.370(1).02-01-015, § 390-16-071, filed 12/7/01, effective 1/7/02. Statutory Authority: RCW 42.17.370(1) and 42.17.180 (1)(h).98-01-062, § 390-16-071, filed 12/11/97, effective 1/11/98. Statutory Authority: RCW 42.17.390.95-01-074A, § 390-16-071, filed 12/16/94, effective 1/16/95; 94-11-016, § 390-16-071, filed 5/5/94, effective 6/5/94.]

WAC 390-16-105 Mini campaign reporting—Eligibility. (1) A candidate or candidate's authorized committee, as those terms are defined in RCW 42.17.020, shall not be required to comply with the provisions of RCW 42.17.065 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures exceed the amount of the candidate's filing fee provided by law plus a sum not to exceed five thousand dollars and no contribution or contributions from any person other than the candidate within such aggregate exceed five hundred dollars. However, a bona fide political party may pay the candidate's filing fee provided by law without that payment disqualifying that candidate from eligibility under this section.

(2) A political committee, as that term is defined in RCW 42.17.020, shall not be required to comply with the provisions of RCW 42.17.065 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures exceed five thousand dollars and no contribution or contributions from any person exceed five hundred dollars.

(3) A continuing political committee, as that term is defined in RCW 42.17.020, shall not be required to comply with the provisions of RCW 42.17.065 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, and 390-16-125 when neither aggregate contributions nor aggregate expenditures during a calendar year exceed five thousand dollars and no contribution or contributions from any person exceed five hundred dollars.

(4) Candidates and political committees are required to comply with all applicable provisions of chapter 42.17 RCW including, but not limited to, false political advertising, sponsor identification and public inspection of campaign books of account unless specifically exempted under subsections (1) through (3) of this section.

[Statutory Authority: RCW 42.17.370 (1) and (8), 08-01-058, § 390-16-105, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370. 05-11-001, § 390-16-105, filed 5/4/05, effective 6/4/05. Statutory Authority: RCW 42.17.370(1), 02-03-018, § 390-16-105, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370. 01-10-050, § 390-16-105, filed 4/26/01, effective 6/1/01. Statutory Authority: RCW 42.17.370(1), 86-04-071 (Order 86-01), § 390-16-105, filed 2/5/86; Order 91, § 390-16-105, filed 7/22/77; Order 62, § 390-16-105, filed 8/26/75.]

WAC 390-16-111 Mini campaign reporting—Special fund-raising events. The term "any person" as used in WAC 390-16-105 does not mean a fund-raising activity conducted pursuant to RCW 42.17.067. Candidates and committees using mini reporting as provided in chapter 390-16 WAC shall not be limited to receiving five hundred dollars from a fund-raising event provided that the payments from any person do not exceed five hundred dollars from all fund raising conducted during a campaign or calendar year as provided in WAC 390-16-105.

[Statutory Authority: RCW 42.17.370 (1) and (8), 08-01-058, § 390-16-111, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370. 01-10-051, § 390-16-111, filed 4/26/01, effective 6/1/01; 89-20-068, § 390-16-111, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370(1), 86-04-071 (Order 86-01), § 390-16-111, filed 2/5/86; Order 77, § 390-16-111, filed 6/2/76.]

(2009 Ed.)

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

(1) A candidate shall, within fourteen days of first:

(a) Receiving contributions, making expenditures, reserving space or facilities or purchasing commercial advertising space or broadcast time to promote his or her candidacy;

(b) Giving his or her consent to another person to take on behalf of the candidate any of the action in (a) of this subsection; or

(c) Announcing publicly or filing a declaration of candidacy with the appropriate elections official, file the C-1 registration statement with the commission and his or her county elections office. The statement must declare that the candidate will not exceed the contribution or expenditure limits set out in WAC 390-16-105.

(2) A political committee shall, within fourteen days after its organization or after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, file the C-1pc registration statement with the commission and with the appropriate county elections office as specified below:

(a) For a political committee, the elections office of the county in which the treasurer resides, unless the treasurer resides out-of-state, in which case the elections office of Thurston county; or

(b) For a continuing political committee, the elections office of the county in which the committee's in-state office or headquarters is located; if there is no in-state office or headquarters, the elections office of the county in which the committee treasurer resides, unless the treasurer resides out-of-state, in which case the elections office of Thurston county.

(3) The statement filed under subsection (2) of this section shall declare that the political committee will not exceed the contribution or expenditure limits set out in WAC 390-16-105.

(4) In addition to complying with subsections (2) and (3) of this section, a continuing political committee shall also file a C-1pc between January 1 and January 31 for each year in which the committee intends to use the mini reporting system. Failure to file a new registration statement during January will automatically terminate the committee's entitlement to use the mini reporting system until such time as a new C-1pc is filed.

(5) A candidate or political committee shall keep current records in sufficient detail to allow the candidate or political committee to make reports otherwise required by RCW 42.17.040 through 42.17.090 in the event that the filing of such reports becomes necessary as a result of exceeding the contribution or expenditure limitation pursuant to the provisions of WAC 390-16-125.

(6) A 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 registration statement at the principal campaign headquarters or,

[Title 390 WAC—p. 45]

if there is no campaign headquarters, at a local address of the campaign treasurer or such other place as may be authorized by the commission.

(7) The records of contributions and expenditures shall be available for audit or examination by representatives of the public disclosure commission at any time upon request from the commission.

[Statutory Authority: RCW 42.17.370 and 42.17.690. 01-22-051, § 390-16-115, filed 10/31/01, effective 1/1/02. Statutory Authority: RCW 42.17.370. 89-20-068, § 390-16-115, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-16-115, filed 2/5/86; 82-14-016 (Order 82-04), § 390-16-115, filed 6/28/82; Order 62, § 390-16-115, filed 8/26/75.]

WAC 390-16-121 Last minute committees. For purposes of compliance with WAC 390-16-115 and 390-16-120, a political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election, shall file the registration statement within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

[Statutory Authority: RCW 42.17.370. 89-20-068, § 390-16-121, filed 10/4/89, effective 11/4/89.]

WAC 390-16-125 Mini campaign reporting—Exceeding limitations. (1) A candidate or political committee shall apply in writing to the commission for authorization to change reporting options before the limitations specified in WAC 390-16-105 are exceeded. A complete application shall include all of the following documents:

(a) An amended registration statement (Form C-1 for candidates, Form C-1pc for political committees) selecting the full reporting option as provided in RCW 42.17.065 - 42.17.090;

(b) PDC forms C-3 and C-4 with relevant schedules and attachments disclosing all contributions and expenditures to date reportable under RCW 42.17.090 for the election campaign, or in the case of continuing political committees, for the calendar year; and

(c)(i) If the applicant is a candidate, a statement affirming that all candidates registered with the commission for the office being sought have been notified personally in writing of the application, and the manner and date of such notification;

(ii) If the applicant is the treasurer of a political committee supporting or opposing a ballot proposition, a statement affirming that all treasurers of all political committees registered with the commission as supporting or opposing the proposition have been notified personally in writing of the application, and the manner and date of such notification; or

(iii) If the applicant is the treasurer of a county or legislative district party committee, a statement affirming that the treasurer of that party committee's counterpart in any other major political party has been notified personally in writing of the application, and the manner and date of such notification.

(2) An application that is submitted without the required documents described in subsection (1) of this section is incomplete and will not be processed or approved. If the

applicant provides the missing documents, the application will be determined to be complete on the date the documents are postmarked or delivered to the commission.

(3) If a complete application is postmarked or delivered to the commission on or before thirty business days prior to the date of the election, the application shall be approved by the executive director.

(4) If a complete application is postmarked or delivered to the commission on or after twenty-nine business days prior to the election, the application shall be approved by the executive director only if one or more of the following factors are present:

(a) The applicant's campaign had its respective C1 or C1pc on file with the commission forty-one or more days before the election and the commission staff did not send to the applicant's campaign in a timely and proper manner, either electronically or by other mail delivery service, a notice that the thirtieth business day deadline for unrestricted changes in reporting options is approaching. To be timely and proper, this notice must be sent at least forty business days before the election to the campaign's electronic mail address or postal service mailing address specified on the registration statement;

(b) The applicant is a candidate and, within thirty business days of the election, a write-in opponent has filed for office in accordance with chapter 29A.24 RCW;

(c) Within thirty business days of the election, an independent expenditure as defined in RCW 42.17.020 is made in support of the applicant's opponent or in opposition to the applicant; or

(d) When a candidate or political committee on one side of an election campaign or proposition has been approved to change reporting options under this section, each opponent of that candidate or political committee is approved to change options as of the date that opponent postmarks or delivers a complete application to the commission.

(5) Exceeding the aggregate contributions or aggregate expenditures specified in WAC 390-16-105 without complying with the provisions of this section shall constitute one or more violations of chapter 42.17 RCW or 390-17 WAC.

[Statutory Authority: RCW 42.17.370 (1) and (8). 08-01-058, § 390-16-125, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370. 05-11-001, § 390-16-125, filed 5/4/05, effective 6/4/05. Statutory Authority: RCW 42.17.370 and 42.17.690. 01-22-051, § 390-16-125, filed 10/31/01, effective 1/1/02. Statutory Authority: RCW 42.17.370. 92-18-002, § 390-16-125, filed 8/20/92, effective 9/20/92; 92-05-079, § 390-16-125, filed 2/18/92, effective 3/20/92; 90-16-083, § 390-16-125, filed 7/31/90, effective 8/31/90; 89-20-068, § 390-16-125, filed 10/4/89, effective 11/4/89. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-16-125, filed 2/5/86; 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 390-16-205 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. In accordance with WAC 390-16-037, such expenditures shall be reported by the candidate or committee as if made or incurred by the candidate or committee directly.

Example A: If a campaign committee pays a consultant \$5,000 to prepare and mail a political advertising brochure, all costs associated with the project shall be itemized by identifying each service provided, vendor utilized and amount attributable to each:

| Vendor Name | Purpose | Amount |
|------------------|---------------------------------|---------|
| Jones Consulting | | \$5,000 |
| | ABC Graphics | \$1,200 |
| | XYZ Printing Co. (5,000 pieces) | \$3,000 |
| | Your Mailhouse | \$800 |

Or, if Jones Consulting completes the project through a combination of services provided by its principals or employees and subcontractors:

| Vendor Name | Purpose | Amount |
|------------------|---------------------------------|---------|
| Jones Consulting | | \$5,000 |
| | Graphic design | \$1,200 |
| | XYZ Printing Co. (5,000 pieces) | \$3,000 |
| | Your Mailhouse | \$800 |

Example B: If a campaign committee pays a consultant to perform tasks such as fund-raising, survey design or campaign plan development, and the consultant does not subcontract with other vendors, the expense shall be reported as follows:

| Vendor Name | Purpose | Amount |
|------------------|---|---------|
| Jones Consulting | Fund-raising, survey design campaign plan development | \$5,000 |

[Statutory Authority: RCW 42.17.370(1), 04-01-128, § 390-16-205, filed 12/18/03, effective 1/18/04; 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 shall report such expenditure including all costs of preparation and distribution in accordance with chapter 42.17 RCW. However, rating, endorsement or recommendation expenditures governed by the following provisions are not reportable: The news media exemptions provided in RCW 42.17.020 (15)(b)(iv) and (21)(c), and WAC 390-16-313 (2)(b), and the political advertising exemption in WAC 390-05-290.

(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 to make the expenditure.

[Statutory Authority: RCW 42.17.370, 08-06-061, § 390-16-206, filed 3/3/08, effective 4/3/08. Statutory Authority: RCW 42.17.370(1), 86-08-030 (Order 86-02), § 390-16-206, filed 3/26/86; Order 84, § 390-16-206, filed 8/18/76.]

WAC 390-16-207 In-kind contributions—Explanation and reporting. (1) An in-kind contribution occurs when a person provides goods, services or anything of value, other than money or its equivalent, to a candidate or political committee free-of-charge or for less than fair market value, unless the item or service given is not a contribution according to RCW 42.17.020 or WAC 390-17-405.

(2) An in-kind contribution also occurs when a person makes an expenditure that

- Supports or opposes a candidate or a ballot measure,
- Meets the definition of contribution in RCW 42.17.020 or WAC 390-05-210, and
- Is other than a monetary contribution made directly to a candidate or political committee.

For example, an in-kind contribution occurs when a person, after collaborating with a candidate or a candidate's agent, purchases space in a newspaper for political advertising supporting that candidate or opposing that candidate's opponent.

(3) An in-kind contribution also occurs when a person makes an electioneering communication that is a contribution as provided in RCW 42.17.570.

(4) According to RCW 42.17.095 and WAC 390-16-238, a candidate may not use his or her campaign funds to make a contribution, including an in-kind contribution, to another candidate or a political committee. However, under RCW 42.17.095, a candidate may use surplus funds as defined in RCW 42.17.020 to make a contribution to a political party or caucus political committee.

(5) In-kind contributions to recipients who have limits under RCW 42.17.640 or 42.17.645.

(a) If a candidate receives in-kind contributions from any person valued at more than \$25 in the aggregate for an election, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limit provided in RCW 42.17.640 or 42.17.645.

(b) If a bona fide political party or legislative caucus committee receives in-kind contributions from any person valued at more than \$25 in the aggregate during a calendar year, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limit provided in RCW 42.17.640.

(c) If an elected official against whom recall charges have been filed or a political committee supporting the recall of an elected official receives in-kind contributions from any person valued at more than \$25 in the aggregate during a recall campaign, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limits provided in RCW 42.17.640 or 42.17.645.

(6) Political committees that make in-kind contributions. Except as provided for in subsection (5) of this section, a political committee that makes in-kind contributions to a candidate or political committee totaling more than \$50 in the aggregate during a reporting period must identify the recipient and the amount of the contribution as part of its C-4 report covering that period.

If the in-kind contribution is in the form of an expenditure that has been obligated, but not yet paid, the identity of the recipient candidate or political committee, along with a good faith estimate of the value of the contribution, must be

disclosed in part 3 of Schedule B, in addition to the other information required by the form. When the expense is paid, the recipient's name and the amount of the contribution must be disclosed on Schedule A, along with the other information required by the form.

If a political committee provides equipment, property or anything else of value owned, leased or controlled by it to a candidate or political committee, the contributing committee must attach a statement to its C-4 report showing the name of the candidate or political committee to whom the contribution was made and the date, description and fair market value of the in-kind contribution.

(7) **Reporting by recipients.** Except as provided in subsection (5) of this section, in-kind contributions from one source are not reportable by the recipient candidate or political committee until the aggregate value of all in-kind contributions received from that source during a reporting period is more than \$50. If this threshold is met, the in-kind contributions must be reported in part 1 of Schedule B to the C-4 report covering that reporting period.

(8) **Valuing in-kind contributions.**

(a) For purposes of determining the value of goods or services provided as in-kind contributions, refer to WAC 390-05-235, Definition—Fair market value.

(b) If an expenditure that constitutes an in-kind contribution is made, the value of the in-kind contribution to a particular candidate or political committee is the portion of the expense that benefits the candidate or political committee.

(9) **Application of RCW 42.17.105—Last-minute contributions.**

(a) If an expenditure that constitutes an in-kind contribution is made no later than twenty-two days before a general election and written notice of the in-kind contribution is in the possession of the recipient candidate committee or political committee twenty-two or more days before that general election, the contribution is not subject to the respective \$5,000 or \$50,000 maximum amounts specified in RCW 42.17.105.

(b) If an in-kind contribution is in the form of personal services donated to a campaign for the duration of the twenty-one days before a general election, and if written notice of the value of this donation is in the possession of the recipient candidate or political committee twenty-two or more days before the election, that in-kind contribution is not subject to the respective \$5,000 or \$50,000 maximum amounts specified in RCW 42.17.105.

[Statutory Authority: RCW 42.17.370. 09-01-068, § 390-16-207, filed 12/12/08, effective 1/12/09. Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-16-207, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). 04-12-054, § 390-16-207, filed 5/28/04, effective 6/28/04; 98-12-034, § 390-16-207, filed 5/28/98, effective 6/28/98. Statutory Authority: RCW 42.17.390. 94-11-016, § 390-16-207, filed 5/5/94, effective 6/5/94. Statutory Authority: RCW 42.17.370. 93-22-002, § 390-16-207, filed 10/20/93, effective 11/20/93; 93-16-064, § 390-16-207, filed 7/30/93, effective 8/30/93. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-16-207, filed 2/5/86; 82-14-016 (Order 82-04), § 390-16-207, filed 6/28/82; Order 79, § 390-16-207, filed 6/25/76.]

WAC 390-16-221 Tangible property—Definition. (1)

All contributions received by a political committee or candidate are subject to the requirements of RCW 42.17.095 and 42.17.125 whether or not the committee converts the contri-

bution to a different form, e.g., the purchase of tangible property from monetary contributions.

(2) For the purpose of this rule, tangible property includes but is not limited to real property and improvements thereto; furniture, office desks, file cabinets, tables and machines, vehicles, printing and duplicating equipment, and computer hardware and software.

[Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-16-221, filed 2/5/86.]

WAC 390-16-226 Loans. (1) Only loans which are recorded in a written loan agreement executed at the time of the loan and properly reported may be repaid by a candidate or political committee. Surplus campaign funds under RCW 42.17.020 and 42.17.095 may only be used to return a contribution to the candidate if the contribution was properly reported as a loan from the candidate, as described in subsections (2) and (3).

(2) If any person gives or loans the candidate funds in connection with his or her campaign, the funds are not considered personal funds of the candidate. See WAC 390-17-305. Such funds are considered a contribution from the original source of the contribution under chapter 42.17 RCW *and*, unless the loan meets the exemption provided in RCW 42.17.720(3) and this subsection, the contribution is subject to the contribution limits provided in chapter 42.17 RCW.

(a) If a candidate or candidate's own political committee or campaign or authorized committee receives a loan from a commercial lending institution, the loan is exempt from the contribution limits of RCW 42.17.640 and WAC 390-16-310 only if all the following criteria are met:

- (i) The loan is not guaranteed by any other person;
 - (ii) The loan is made in the regular course of business;
- and,
- (iii) The loan is made on the same terms ordinarily available to the public.

(b) A commercial loan to a candidate's own committee or campaign or authorized committee is presumed to be guaranteed by the candidate. The presumption is rebuttable by clear, cogent and convincing evidence.

(3) The amount of campaign contributions which may be used to repay a loan made by the candidate to the candidate's own political committee or campaign, or to repay a commercial loan to a candidate's own political committee or campaign where the candidate is the borrower or guarantor, is limited to the loan repayment limit in RCW 42.17.125(3) as adjusted by WAC 390-05-400. For purposes of the loan repayment limit, these loans are aggregated for each primary, general, special or recall election and must be designated accordingly by the candidate at the time the loan is made.

(4) If a candidate makes documented out-of-pocket campaign expenditures on behalf of his or her campaign expecting repayment (not intending to make an in-kind contribution), the campaign committee must repay the candidate within 21 days of the expenditure or the candidate will be deemed to have made a loan to his or her campaign committee which must qualify for repayment under subsections (1) and (2) in order for the candidate to be repaid. Undocumented out-of-pocket campaign expenditures by the candidate are in-kind contributions not eligible for repayment.

[Statutory Authority: RCW 42.17.370(1), 02-03-018, § 390-16-226, filed 1/4/02, effective 2/4/02; 00-22-056, § 390-16-226, filed 10/27/00, effective 11/27/00. Statutory Authority: RCW 42.17.370, 93-16-064, § 390-16-226, filed 7/30/93, effective 8/30/93.]

WAC 390-16-230 Surplus campaign funds—Use in future. (1) If at any time in the future or after the last day of the election cycle for candidates as defined in RCW 42.17.-020(9) any contribution is received or an expenditure is made from surplus funds for any purpose which would qualify the recipient or person who made the expenditure as a candidate or political committee, it will be presumed the recipient or person who made the expenditure of such funds has initiated a new candidacy or committee. Surplus funds may only be expended for a new candidacy if the candidate is seeking the same office sought at his or her last election. Within fourteen days of the day such contribution is received or expenditure is 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 funds may be carried forward to the new campaign, reported as one sum and listed as a contribution identified as "funds from previous campaign." All augmentations to and all expenditures made from the retained surplus funds after the last day of the election cycle shall be reported in detail as to source, recipient, purpose, amount and date of each transaction.

(2) For candidates as defined in RCW 42.17.020(9), if at any time after the last day of the election cycle, any contribution is received or expenditure is made from such surplus funds for any purpose which would qualify the recipient or person who made the expenditure as a candidate or authorized committee, it will be presumed the recipient or person who made the expenditure of such funds has initiated a new candidacy or committee. Surplus funds may only be expended for a new candidacy if the candidate is seeking the same office sought at his or her last election. Within fourteen days of the day such contribution is received or expenditure is made, such candidate or authorized 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 funds as of the last day of the election cycle may be carried forward to the new campaign, reported as one sum and listed as a contribution identified as "funds from previous campaign." "Funds from previous campaign" carried forward by a candidate to his or her new campaign are not subject to contribution limits set forth in RCW 42.17.640.

(3) A political committee formed to support or oppose a particular ballot proposition or particular candidates which retains surplus funds to use in support or opposition of other candidates or of other ballot propositions has become a continuing political committee and must thereafter register and report in accordance with chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.370, 07-07-005, § 390-16-230, filed 3/8/07, effective 4/8/07; 93-22-002, § 390-16-230, filed 10/20/93, effective 11/20/93; 93-16-064, § 390-16-230, filed 7/30/93, effective 8/30/93. Statutory Authority: RCW 42.17.370(1), 86-04-071 (Order 86-01), § 390-16-230, filed 2/5/86; 82-14-016 (Order 82-04), § 390-16-230, filed 6/28/82; Order 70, § 390-16-230, filed 2/25/76; Order 62, § 390-16-230, filed 8/26/75.]

(2009 Ed.)

WAC 390-16-232 Same office last sought. A candidate is considered to be seeking the "same office last sought," as that term is used in RCW 42.17.095, when the candidate seeks:

- (1) The identical office last sought; or
- (2) A different position or seat of the same office last sought within the same jurisdiction; or
- (3) The same office, whether a different seat or position, in a revised district or political subdivision whenever the boundaries of a district or political subdivision are officially altered through redistricting, consolidation or other official procedure.

[Statutory Authority: RCW 42.17.370, 93-16-064, § 390-16-232, filed 7/30/93, effective 8/30/93.]

WAC 390-16-234 Transfers of surplus and nonsurplus candidate funds. (1) One candidate may reimburse another for the former's proportionate share of documented and properly reported joint campaign expenses without the transaction constituting a "transfer" within the meaning of RCW 42.17.095.

(2) Candidate surplus funds may be transferred without limit to a bona fide political party or to a caucus political committee.

(3) Except as provided in subsections (1) and (2) of this section, no candidate or candidate's authorized committee may transfer surplus or nonsurplus funds to any other candidate or political committee.

[Statutory Authority: RCW 42.17.370, 02-23-001, § 390-16-234, filed 11/6/02, effective 12/7/02; 93-16-064, § 390-16-234, filed 7/30/93, effective 8/30/93.]

WAC 390-16-238 Personal use of contributions—Standard. (1) Except as specifically allowed by chapter 42.17 RCW, any expenditure of a candidate's campaign funds that is not directly related to the candidate's election campaign is a personal use of campaign funds prohibited under RCW 42.17.125.

(2) An expenditure of a candidate's campaign funds shall be considered personal use if it fulfills or pays for any commitment, obligation or expense that would exist irrespective of the candidate's election campaign.

(3) If an activity or expenditure is both personal and campaign related, the campaign may pay no more than the fair market value of its share of the activity or expenditure. For example, if a candidate uses a personal vehicle for campaign purposes, the campaign may reimburse the candidate for:

(a) The prorated share of documented gasoline, maintenance and insurance costs directly related to the campaign's usage of the vehicle; or

(b) The standard mileage rate established by the Internal Revenue Service for those documented miles directly related to the campaign's usage.

(4) Examples of expenditures presumed to be for personal use include, but are not limited to:

(a) Mortgage, rent, utility or maintenance expenses for personal living accommodations;

(b) Clothing purchases and maintenance expenses not related to the campaign;

(c) Automobile expenses not related to the campaign;

- (d) Travel expenses not related to the campaign;
- (e) Household food items;
- (f) Restaurant expenses except for in-person fund-raising or campaign organizational activities;
- (g) Tuition payments not related to the campaign;
- (h) Admission to sporting events, concerts, theaters, or other forms of entertainment unless the event is primarily related to the candidate's campaign;
- (i) Country club membership fees, dues and payments;
- (j) Health club or recreational facility membership fees, dues and payments;
- (k) Social, civic, fraternal, or professional membership dues, fees and payments unless the expenditure occurs during an election year and membership is required to gain access to the organization's mailing list for campaign purposes or other facilities for the candidate's campaign;
- (l) Home or business internet service provider costs;
- (m) Home or business newspaper and periodical subscriptions;
- (n) Greeting cards to persons who would customarily receive such cards (e.g., family, friends and business associates).

[Statutory Authority: RCW 42.17.370(1), 04-12-055, § 390-16-238, filed 5/28/04, effective 6/28/04. Statutory Authority: RCW 42.17.390, 94-07-141, § 390-16-238, filed 3/23/94, effective 4/23/94.]

WAC 390-16-240 Earmarked contributions—Definition and use. (1) Earmarked contributions, as that term is used in RCW 42.17.135 and 42.17.670, means any contribution given to an intermediary or conduit, either a political committee, candidate or third party, with a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which is intended to result in or which does result in all or any part of the contribution being made to or for the promotion of a certain candidate, state official, or ballot proposition.

(2) For purposes of RCW 42.17.640, an earmarked contribution is deemed to be for the promotion of, and attributable to any limit applicable to the candidate, authorized committee, bona fide political party, caucus of the state legislature or political committee designated by the original contributor.

(3) If an earmarked contribution is given to an intermediary or conduit to be spent on behalf of a candidate and the entire amount given is not used for this purpose, the remainder of the contribution shall be given to the designated candidate unless its use is redesignated by the original contributor. If the conduit or intermediary exercise any direction or control over the use of the remainder of the contribution, then the amount of the remainder shall be considered a contribution from the original contributor and the conduit or intermediary to the recipient.

(4) The intermediary or conduit receiving the earmarked contribution shall notify the candidate or political committee for whose use or benefit the contribution is designated within two working days after receipt of the contribution.

(5) If an earmarked contribution is refused by the designated recipient candidate or political committee, the earmarked contribution must be returned by the intermediary or conduit to the original contributor within five working days of refusal.

[Statutory Authority: RCW 42.17.370, 93-16-064, § 390-16-240, filed 7/30/93, effective 8/30/93; 91-14-041, § 390-16-240, filed 6/27/91, effective 7/28/91.]

WAC 390-16-245 Pledges. (1) A pledge shall not be made or redeemed within twenty-one days of an election specified in RCW 42.17.105(8) if the amount of the pledge or redemption exceeds the maximum amount provided in RCW 42.17.105(8). However, if payment of a pledge is in the possession of the recipient twenty-two or more days before the election, that payment may be deposited into the campaign account within five business days of receipt in accordance with RCW 42.17.060.

(2) If a pledge is made in an election campaign subject to the contribution limits provided in RCW 42.17.640:

(a) Except as provided in WAC 390-17-302, a pledge made with respect to the primary election shall not be made or redeemed after the date of the primary; however, if the payment of a pledge is made on or before the date of the primary, that payment may be deposited into the campaign account within five business days of receipt in accordance with RCW 42.17.060; and

(b) A pledge made with respect to the general election shall not be made or redeemed after the final day of the applicable election cycle; however, if the payment of a pledge is made on or before the final day of the election cycle, that payment may be deposited into the campaign account within five business days of receipt in accordance with RCW 42.17.060.

(3) During the time limit specified in RCW 42.17.710, a state official or a person employed by or acting on behalf of a state official shall not solicit or accept a pledge or the redemption of a pledge for any purpose specified in RCW 42.17.710.

[Statutory Authority: RCW 42.17.370, 03-12-033, § 390-16-245, filed 5/29/03, effective 6/29/03. Statutory Authority: RCW 42.17.390, 94-07-141, § 390-16-245, filed 3/23/94, effective 4/23/94.]

WAC 390-16-307 Contributions by controlled entities. (1) **Corporations.** Two or more entities are treated as a single entity if one of the two or more entities is a subsidiary, branch or department of a corporation that is participating in an election campaign or making contributions.

(2) A corporation is participating in an election campaign if it:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication;

(c) Endorses a candidate prior to contributions being made by a subsidiary, branch or department of the corporation with respect to a candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed prior to a contribution being made by a subsidiary, branch or department of the corporation; or

(e) Directly or indirectly collaborates or consults with its subsidiary, branch or department on matters relating to the support of or opposition to a candidate, including the amount of a contribution, when a contribution should be given, or what assistance, services or independent expenditures, or

electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

(3) **Trade associations, labor unions, collective bargaining organizations.** Two or more entities are treated as a single entity if one of the two or more entities is a local unit or branch of a trade association, labor union or collective bargaining association that is participating in an election campaign or making contributions.

(4) A trade association, labor union or collective bargaining organization is participating in an election campaign if it:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication;

(c) Endorses a candidate prior to contributions being made by a local unit or branch of the association, union or organization with respect to a candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed prior to a contribution being made by a local unit or branch of the association, union or organization; or

(e) Directly or indirectly collaborates or consults with its local unit or branch on matters relating to the support of or opposition to a candidate, including the amount of a contribution, when a contribution should be given, or what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-16-307, filed 5/23/06, effective 6/23/06.]

WAC 390-16-308 Identification of source of contribution. Any person who makes a contribution shall inform the candidate or treasurer, at the time the contribution is made, of the true and actual source of funds from which the contribution is made. To identify the source of a contribution received by check or other written instrument in the absence of other information, a candidate or treasurer shall apply the following:

Provided, that in cases where the source of the contribution is known and differs from the guidelines set forth below, the known source of the contribution shall be reported;

Provided further, that contributions made through an intermediary or conduit or transmitted by an intermediary shall identify the true and actual source of the funds.

(1) A contribution drawn upon a single account shall be attributed to the account holder as identified by the name printed on the face of the check or negotiable instrument.

(2) A contribution drawn upon a joint account shall be attributed in equal proportion to each of the account holders as identified by the names printed on the face of the check or negotiable instrument unless the candidate or treasurer is notified in writing that the contribution should be allocated in different proportions.

(3) A contribution made by a sole proprietor or drawn upon the account of a business which is a sole proprietorship shall be attributed to the owner of the business entity.

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(4) A contribution drawn upon the account of a partnership shall be attributed to the partnership as a separate entity except that;

Any check drawn upon the partnership account but which is to be paid from the capital account of one or more individual partners shall identify at the time of transmittal to the candidate or treasurer the name(s) of the contributing partner(s) and shall be attributed to the contributing partner(s).

(5) A contribution drawn upon the account of a corporation, union, association or other organization shall be attributed to the corporation, union, association or other organization as a separate entity unless that entity is affiliated with another entity pursuant to WAC 390-16-309 in which case a contribution from one of those entities is attributed to both entities.

[Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-16-308, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.390. 94-11-016, § 390-16-308, filed 5/5/94, effective 6/5/94. Statutory Authority: RCW 42.17.370. 93-04-072, § 390-16-308, filed 1/29/93, effective 3/1/93; 91-14-041, § 390-16-308, filed 6/27/91, effective 7/28/91; 90-20-088, § 390-16-308, filed 9/28/90, effective 10/29/90.]

WAC 390-16-309 Identification of affiliated entities.

(1) Two or more entities are treated as a single person and share one contribution limit under RCW 42.17.640 if one of the entities is:

(a) A corporation and the other is a subsidiary, branch or division of the corporation;

(b) A national or international labor union, or state body of such national or international labor union, and the other is a local union or other subordinate organization of such national or international labor union or state body;

(c) A trade association or state body of such trade association and the other is a branch or local unit of such trade association;

(d) A national or state collective bargaining organization and the other is a branch or local unit of such national or state collective bargaining organization;

(e) A national or international federation of labor unions, or a state federation of labor unions, and the other is a local body of such federation;

(f) A membership organization and the other is a local unit or branch of such membership organization;

(g) Any entity referenced in (a) through (f) above and a political committee established, financed, maintained or controlled by that entity.

(2) For purposes of RCW 42.17.640, two entities shall not be treated as a single entity solely because one of the entities is a dues paying member of the other entity.

(3) In addition to paragraph (1) above, two or more entities shall be treated as one entity and share a contribution limit under RCW 42.17.640 if one of the entities is established, financed, maintained or controlled by the other, as evidenced by any one of the following factors:

(a) Whether one entity owns a controlling interest in the voting stock or securities of another entity; or

(b) Whether one entity has authority or the ability to direct or participate, other than through a vote as a member, in the governance of another entity through provisions of constitution, bylaws, contract or other formal or informal

procedure or has authority or the ability to hire, appoint, demote or otherwise control, other than through a vote as a member, the officers or other decision making employees or members of another entity; or

(c) Whether (i) one entity has a common or overlapping membership with another which indicates either a formal or ongoing relationship between the two organizations or the creation of a successor entity and (ii) the entity has an active or significant role in the formation of the other entity and (iii) the entities have similar patterns of contributions or contributors which indicate a formal or ongoing relationship between the entities; or

(d) Whether one entity provides, causes or arranges, funds, services or goods in a significant amount or on an ongoing basis, through direct or indirect means to the other entity, for less than full consideration. Full consideration includes the payment of membership dues.

[Statutory Authority: RCW 42.17.390, 94-11-016, § 390-16-309, filed 5/5/94, effective 6/5/94.]

WAC 390-16-310 Limitations on contributions. The limitations on contributions as provided in RCW 42.17.105(8) and RCW 42.17.640 shall be as follows:

(1)(a) The limitation on contributions in RCW 42.17.640 shall not apply to a "candidate" as that term is defined in RCW 42.17.020(8) when the candidate is contributing to his or her own campaign using his or her own personal funds as defined in WAC 390-17-305.

(b) The limitation on contributions in RCW 42.17.640 shall apply to contributions to the candidate from the candidate's spouse or other immediate family members.

(2) The limitations on contributions shall apply separately to the contributions made by each spouse.

(3) Emancipated minor children (children under 18 years of age) may make contributions which do not exceed the limitations on contributions and the contribution is properly attributed to the emancipated minor child if;

(a) The decision to contribute is made knowingly and voluntarily by the emancipated minor child;

(b) The funds, goods, or services contributed are owned or controlled exclusively by the emancipated minor child, such as income earned by the child, the proceeds of a trust for which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name; and

(c) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another person.

Contributions by emancipated minor children which do not meet these requirements and contributions by unemancipated minor children shall be considered contributions by the child's parents. Fifty percent of the contributions will be attributed to each parent, or in the case of a single custodial parent, the total amount is attributed to the parent.

(4) Contributions from a business organized as a sole proprietorship and contributions from the owner of the sole proprietorship shall be aggregated for purposes of determining the limitations of contributions under RCW 42.17.105(8) and 42.17.640.

(5) The limitations on contributions shall apply separately to the contributions made by a partnership from the contributions made by an individual partner except that;

Contributions made from or charged against the capital account of an individual partner shall be aggregated with the partner's individual contributions for purposes of determining the limitations on contributions under RCW 42.17.105(8) and 42.17.640.

(6) The limitations on contributions shall apply separately to the contributions made by an entity (corporation, subsidiary or branch, national union and local unions, collective bargaining organizations and local units, membership organizations and local units and other organizations and their local units) pursuant to the standards set forth in WAC 390-16-309.

[Statutory Authority: RCW 42.17.370, 05-06-070, § 390-16-310, filed 3/1/05, effective 4/1/05. Statutory Authority: RCW 42.17.370(1), 96-05-001, § 390-16-310, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.390, 94-11-016, § 390-16-310, filed 5/5/94, effective 6/5/94. Statutory Authority: RCW 42.17.370, 93-16-064, § 390-16-310, filed 7/30/93, effective 8/30/93; 92-05-079, § 390-16-310, filed 2/18/92, effective 3/20/92; 90-20-088, § 390-16-310, filed 9/28/90, effective 10/29/90.]

WAC 390-16-312 Handling contributions of uncertain origin. No contribution shall be deposited by any candidate or treasurer who believes, from the face of the contribution instrument or for any other reason, the contribution was made in a fictitious name, by one person through an agent, relative, political committee, or any other person so as to conceal the source of the contribution or to exceed the contribution limits provided in RCW 42.17.105(8) or 42.17.640. The candidate or treasurer shall return such contributions within ten calendar days to the original contributor if his or her identity is known. Otherwise, the contribution instrument shall be endorsed and made payable to "Washington state treasurer" and the contribution sent to the public disclosure commission for deposit in the state's general fund.

[Statutory Authority: RCW 42.17.370, 93-16-064, § 390-16-312, filed 7/30/93, effective 8/30/93; 91-14-041, § 390-16-312, filed 6/27/91, effective 7/28/91.]

WAC 390-16-313 Independent expenditure—Definition and application. (1) "Independent expenditure," as that term is used in chapter 42.17 RCW, except RCW 42.17.100, means an "expenditure" as defined in RCW 42.17.020 that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for public office, except federal elective office or precinct committee officer, by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for any political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name;

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value equal to or greater than the amount specified for independent expenditures in WAC 390-05-400. A series of expenditures, each of which is under the applicable amount in WAC 390-05-400, constitutes one independent expenditure if their cumulative value is equal to or greater than the amount specified in WAC 390-05-400; and

(d) The expenditure is not a contribution as defined in RCW 42.17.020 and clarified by WAC 390-05-210.

(2) **Exempt Activities.** The following activities are not considered independent expenditures for purposes of RCW 42.17.100, [42.17].180, [42.17].510 or [42.17].550:

(a) Ordinary home hospitality;

(b) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(c) An internal political communication primarily limited to (i) the members of or contributors to a political party organization or political committee, (ii) the officers, management staff or stockholders of a corporation or similar enterprise, or (iii) the members of a labor organization or other membership organization;

(d) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or the property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made shall be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the person providing the facility; or

(e) The rendering of personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid by the worker.

[Statutory Authority: RCW 42.17.370(1), 97-10-055, § 390-16-313, filed 5/1/97, effective 6/1/97; 96-09-016, § 390-16-313, filed 4/8/96, effective 5/9/96.]

WAC 390-16-314 Independent expenditure—Disclosure. For purposes of the disclosure requirement in RCW 42.17.550, the county of residence for an out-of-state person making an independent expenditure in support of or opposition to a ballot proposition shall be either:

(1) Thurston County if the independent expenditure is for a statewide ballot proposition; or

(2) For local ballot propositions, the county or counties where the ballot proposition will appear on the election ballot.

[Statutory Authority: RCW 42.17.370(1), 96-09-016, § 390-16-314, filed 4/8/96, effective 5/9/96.]

WAC 390-16-320 Candidates in small political subdivisions—Reporting. (1) According to RCW 42.17.030 and 42.17.405(7), a candidate for election in any political subdivision must report pursuant to chapter 42.17 RCW and Title 390 WAC if the candidate receives five thousand dollars or more in contributions or expects to receive five thou-

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sand dollars or more in contributions during an election cycle.

(2) It is presumed the candidate "expects to receive" five thousand dollars or more when any one of the following first occurs:

(a) The candidate or candidate's authorized committee receives at least five thousand dollars in aggregate contributions, including contributions from the candidate;

(b) The candidate is seeking the same office last sought, the candidate's election is in the current calendar year, and his or her campaign contributions in the previous election for the same office were five thousand dollars or more in the aggregate;

(c) The contributions received on or before March 31 of the election year total one thousand two hundred fifty dollars or more;

(d) The contributions received on or before June 30 of the election year total two thousand five hundred dollars or more;

(e) The contributions received on or before September 30 of the election year total three thousand seven hundred fifty dollars or more; or

(f) The candidate otherwise anticipates that five thousand dollars or more will be received during the election cycle.

(3) Surplus funds carried over from a candidate's previous campaign are not contributions to the candidate's new campaign and do not count toward the five thousand dollar reporting threshold.

(4) A candidate or candidate's authorized committee that receives, or expects to receive, five thousand dollars or more shall:

(a) Within two weeks of the date the reporting obligation begins under subsection (1) or (2) of this section, file:

(i) A candidate registration, PDC form C1;

(ii) A personal financial affairs statement, PDC form F1 and, if relevant, the F1 Supplement; and

(iii) Contribution and expenditure reports, PDC forms C3 and C4 with appropriate attachments and schedules; and

(b) Otherwise comply with the campaign finance reporting and other provisions of chapter 42.17 RCW and Title 390 WAC.

[Statutory Authority: RCW 42.17.370, 07-08-044, § 390-16-320, filed 3/28/07, effective 4/28/07.]

**Chapter 390-17 WAC
CONTRIBUTION LIMITATIONS**

WAC

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| 390-17-011 | Caucus of the state legislature—Definition. [Statutory Authority: RCW 42.17.370. 93-16-064, § 390-17-011, filed 7/30/93, effective 8/30/93.] Repealed by 02-12-007, filed 5/23/02, effective 6/23/02. Statutory Authority: RCW 42.17.370(1). |
| 390-17-050 | Independent expenditure—Definition. [Statutory Authority: RCW 42.17.370. 93-22-002, § 390-17-050, filed 10/20/93, effective 11/20/93.] Repealed by 96-09-016, filed 4/8/96, effective 5/9/96. Statutory Authority: 42.17.370(1). |
| 390-17-052 | Independent expenditure—Disclosure. [Statutory Authority: RCW 42.17.370. 93-16-064, § 390-17-052, filed 7/30/93, effective 8/30/93.] Repealed by 96-09-016, filed 4/8/96, effective 5/9/96. Statutory Authority: 42.17.370(1). |
| 390-17-205 | Number of registered voters—Calculation. [Statutory Authority: RCW 42.17.370. 93-16-064, § 390-17-205, filed 7/30/93, effective 8/30/93.] Repealed by 98-12-035, filed 5/28/98, effective 6/28/98. Statutory Authority: RCW 42.17.370(1). |

WAC 390-17-013 Committee—Definition. "Committee" as that term is used in RCW 42.17.610 - 42.17.790 means political committee and authorized committee.

[Statutory Authority: RCW 42.17.370. 93-16-064, § 390-17-013, filed 7/30/93, effective 8/30/93.]

WAC 390-17-015 Conduit—Definition. (1) "Conduit," as that term is used in chapter 42.17 RCW, is defined as a person, other than an individual, who receives and spends earmarked contributions on behalf of a designated candidate, bona fide political party, caucus of the state legislature or other political committee.

(2) Pursuant to RCW 42.17.730, a conduit may not make or transmit contributions on behalf of another.

[Statutory Authority: RCW 42.17.370. 93-16-064, § 390-17-015, filed 7/30/93, effective 8/30/93.]

WAC 390-17-017 Facilities—Definition. "Facilities," as that term is used in RCW 42.17.020(8), means that which facilitates or makes some campaign activity possible, including but not limited to: Use of stationary, postage, machines and equipment, use of employees of an entity during working hours, vehicles, office space, room or building, publications of an entity or client list of an entity.

[Statutory Authority: RCW 42.17.370(1). 96-05-001, § 390-17-017, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370. 93-16-064, § 390-17-017, filed 7/30/93, effective 8/30/93.]

WAC 390-17-030 Sample ballots and slate cards. (1) **Intent.** The commission finds that, under certain conditions, expenditures for slate cards and other candidate listings fall within the scope of RCW 42.17.640(15) and are, therefore, exempt from contribution limits and eligible for payment with a bona fide political party's exempt funds. Slate cards

and other candidate listings remain reportable under chapter 42.17 RCW and subject to the political advertising provisions of the law.

The purpose of this exemption from the contribution limit is to allow political parties and other sponsors to tell the general public which candidates they support. The exemption is not intended as a device to circumvent the contribution limits and full reporting requirements by undertaking any degree of significant campaigning on behalf of candidates.

(2) For purposes of RCW 42.17.020(21) and 42.17.640(15), "**sample ballots**" means slate cards, or other candidate listings, whether written or oral, that satisfy the qualifying criteria specified in subsection (10) of this section.

(3) Sample ballots constitute political advertising for a slate or list of candidates and must be properly identified and otherwise in compliance with the provisions of RCW 42.17.510 through 42.17.550.

(4)(a) **A bona fide political party** may use contributions it receives pursuant to RCW 42.17.640(15) to produce and distribute sample ballots.

(b) Expenditures for sample ballots do not count against a bona fide political party's contribution limit to the candidates listed on the sample ballot. Further, when reporting sample ballot expenditures, a bona fide political party is not required to attribute a portion of the expenditure to each of the candidates listed on the sample ballot, but the names of the candidates must be reported along with the other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(5) **Any person**, as defined by RCW 42.17.020, who makes an expenditure for sample ballots has made an expenditure that does not count against that person's contribution limit to the candidates listed.

(6) **An in-state political committee**, when disclosing expenditures for sample ballots as part of its C-4 report, is not required to attribute a portion of the expenditure to the candidates listed on the sample ballot, but the names of the candidates and their respective party affiliations must be reported along with other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(7) **An out-of-state committee**, when disclosing expenditures for sample ballots on a C-5 report, is not required to allocate a portion of the expenditure to the candidates listed on the sample ballot, but must report that an expenditure for sample ballots was made, the name and address of the person to whom the expenditure was made, the full amount of the expenditure, and the name, office sought and party affiliation of each candidate listed on the sample ballot. The report is due no later than the 10th day of the month following the month in which the expenditure was made.

(8) If a **lobbyist or lobbyist employer** makes expenditures for sample ballots, those expenditures are required to be reported in detail on the lobbyist's monthly L-2 report. Itemization of these expenditures must include the names and respective party affiliations of the candidates listed on the sample ballot, but no portion of the expenditure need be allocated to individual candidates listed on the sample ballot.

(9) **The candidates listed on a sample ballot** are not required to report any portion of the expenditure as an in-kind contribution to their campaigns.

(10) **Qualifying criteria for sample ballots, slate cards and other candidate listings.** In order not to count against a person's contribution limit to the candidates listed on a sample ballot and, in the case of a bona fide political party, in order to be eligible for payment with contributions received pursuant to RCW 42.17.640(15), a sample ballot must satisfy all of the criteria in (a) through (d) of this subsection.

(a) The sample ballot must list the names of at least three candidates for election to public office in Washington state and be distributed in a geographical area where voters are eligible to vote for at least three candidates listed. The candidate listing may include any combination of three or more candidates, whether the candidates are seeking federal, state or local office in Washington.

(b) The sample ballot must not be distributed through public political advertising; for example, through broadcast media, newspapers, magazines, billboards or the like. The sample ballot may be distributed through direct mail, telephone, electronic mail, Web sites, electronic bulletin boards, electronic billboards or personal delivery by volunteers.

(c) The content of a sample ballot is limited to:

- The identification of each candidate (pictures may be used);
- The office or position currently held;
- The office sought;
- Party affiliation; and
- Information about voting hours and locations.

Therefore, the sample ballot must exclude any additional biographical data on candidates and their positions on issues as well as statements about the sponsor's philosophy, goals or accomplishments. The list must also exclude any statements, check marks or other indications showing support of or opposition to ballot propositions.

(d) The sample ballot is a stand-alone political advertisement. It must not be a portion of a more comprehensive message or combined in the same mailing or packet with any other information, including get-out-the-vote material, candidate brochures, or statements about the sponsor's philosophy, goals or accomplishments. On Web sites, electronic bulletin boards or electronic billboards, the sample ballot must be a separate document.

[Statutory Authority: RCW 42.17.370. 07-07-005, § 390-17-030, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-17-030, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). 04-12-056, § 390-17-030, filed 5/28/04, effective 6/28/04; 02-12-007, § 390-17-030, filed 5/23/02, effective 6/23/02; 99-12-066, § 390-17-030, filed 5/27/99, effective 6/27/99; 96-05-001, § 390-17-030, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370. 93-16-064, § 390-17-030, filed 7/30/93, effective 8/30/93.]

WAC 390-17-060 Exempt activities—Definitions, reporting. (1)(a) "Exempt contributions" are contributions made to a political committee which are earmarked for exempt activities as described in RCW 42.17.640. Such contributions are required to be reported under RCW 42.17.090, are subject to the restrictions in RCW 42.17.105(8), but are not subject to the contribution limits in RCW 42.17.640. Any written solicitation for exempt contributions must be so designated. Suggested designations are "not for individual candidates" or "for exempt activities."

(b) Contributions made to a caucus political committee, to a candidate or candidate's authorized committee which are

earmarked for voter registration, absentee ballot information, get-out-the-vote campaigns, sample ballots are presumed to be for the purpose of promoting individual candidates and are subject to the contribution limits in RCW 42.17.640.

(c) Contributions made to a caucus political committee, to a candidate or candidate's authorized committee which are earmarked for internal organization expenditures or fund-raising are presumed to be with direct association with individual candidates and are subject to the contribution limits in RCW 42.17.640.

(2) "Exempt contributions account" is the separate bank account into which only exempt contributions are deposited and out of which only expenditures for exempt activities shall be made.

(3) "Exempt activities" are those activities referenced in RCW 42.17.640 as further clarified by subsections (4), (5), (6), and (7) of this section. Only exempt activities are eligible for payment with exempt contributions.

(4)(a) Except as permitted by WAC 390-17-030, Sample ballots and slate cards, activities referenced in RCW 42.17.640 that promote or constitute political advertising for one or more clearly identified candidates do not qualify as exempt activities.

(b) A candidate is deemed to be clearly identified if the name of the candidate is used, a photograph or likeness of the candidate appears, or the identity of the candidate is apparent by unambiguous reference.

(5) Activities referenced in RCW 42.17.640 that do not promote, or constitute political advertising for, one or more clearly identified candidates qualify as exempt activities. For example, get-out-the-vote telephone bank activity that only encourages persons called to "vote republican" or "vote democratic" in the upcoming election may be paid for with exempt contributions regardless of the number of candidates who are benefited by this message.

(6)(a) "Internal organization expenditures" referenced in RCW 42.17.640 are expenditures for organization purposes, including legal and accounting services, rental and purchase of equipment and office space, utilities and telephones, postage and printing of newsletters for the organization's members or contributors or staff when engaged in organizational activities such as those previously listed, all without direct association with individual candidates.

(b) "Fund-raising expenditures" referenced in RCW 42.17.640 are expenditures for fund-raising purposes, including facilities for fund-raisers, consumables furnished at the event and the cost of holding social events and party conventions, all without direct association with individual candidates.

(c) If expenditures made pursuant to subsections (a) and (b) above are made in direct association with individual candidates, they shall not be paid with exempt contributions.

(7) For purposes of RCW 42.17.640 and this section, activities that oppose one or more clearly identified candidates are presumed to promote the opponent(s) of the candidate(s) opposed.

[Statutory Authority: RCW 42.17.370. 07-07-005, § 390-17-060, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-17-060, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). 02-12-007, § 390-17-060, filed 5/23/02, effective 6/23/02; 02-03-018, § 390-17-060, filed 1/4/02, effective 2/4/02; 96-05-001, § 390-17-060, filed 2/7/96, effective 3/9/96. Statutory Authority:

RCW 42.17.370. 93-24-003, § 390-17-060, filed 11/18/93, effective 12/19/93.]

WAC 390-17-065 Recordkeeping and reporting of exempt contributions accounts. (1) Any political committee that receives exempt contributions as defined by RCW 42.17.640 and WAC 390-17-060 shall keep the contributions in a separate bank account. Exempt contributions commingled with contributions subject to contribution limits are presumed to be subject to the limits. Expenditures to promote candidates or which are made for purposes other than those specified in RCW 42.17.640 shall not be made with funds from the exempt contributions account.

(2)(a) Separate campaign disclosure reports shall be completed and filed for an exempt contributions account.

(b) Political committees maintaining an exempt contributions account shall make known the existence of the account by filing a statement of organization for the account pursuant to RCW 42.17.040.

(c) Political committees maintaining an exempt contributions account shall be subject to the provisions of chapter 42.17 RCW and file the disclosure reports required by this chapter for the account pursuant to RCW 42.17.080.

(3) Contributors shall not use a single written instrument to make simultaneous contributions to an exempt contributions account and any other committee account; separate written instruments must be used to make contributions to an exempt contributions account.

[Statutory Authority: RCW 42.17.370. 07-07-005, § 390-17-065, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370(1), 96-05-001, § 390-17-065, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370. 93-24-003, § 390-17-065, filed 11/18/93, effective 12/19/93.]

WAC 390-17-070 Trade association—Definition. "Trade association," as that term is used in RCW 42.17.660, means a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit and for which no part of net earnings inures to the benefit of any member.

[Statutory Authority: RCW 42.17.370. 93-22-002, § 390-17-070, filed 10/20/93, effective 11/20/93.]

WAC 390-17-071 Collective bargaining association—Definition. "Collective bargaining association" and "collective bargaining organization" as those terms are used

in RCW 42.17.660 means any organization which negotiates, on behalf of labor or management, with respect to wages, hours or conditions of employment.

[Statutory Authority: RCW 42.17.390. 94-05-010, § 390-17-071, filed 2/3/94, effective 3/6/94.]

WAC 390-17-100 Contribution withholding authorizations. (1) Each employer or other person who withholds or otherwise diverts a portion of wages or salary of a Washington resident or a nonresident whose primary place of work is in the state of Washington

(a) For the purpose of making one or more contributions to any political committee required to report pursuant to RCW 42.17.040, 42.17.050, 42.17.065, 42.17.080 or 42.17-090, or

(b) For use, specifically designated by the contributing employee, for political contributions to candidates for state or local office is required for (a) and (b) to have on file the written authorization of the individual subject to the payroll withholding or diversion of wages.

(2) Forms used for payroll deduction may either conform to the suggested format below or in a different format if it provides the following information:

(a) The name of the individual authorizing the withholding or diversion;

(b) The name of the individual's employer;

(c) The name of each political committee for which contributions are to be withheld;

(d) If more than one political committee is specified, the total dollar amount per pay period (or per week, month or year) to be withheld for each committee;

(e) A statement specifying that the authorization may be revoked at any time and such revocation shall be in writing;

(f) A statement that reads: "No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (i) the failure to contribute to, (ii) the failure in any way to support or oppose, or (iii) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee"; or a statement that informs the employee of the prohibition against employer and labor organization discrimination described in RCW 42.17.680(2);

(g) The individual's signature; and

(h) The date on which the form was completed.

(3) Forms used for payroll deduction may have information in addition to that listed above.

Political Contribution Withholding Authorization

No employer or other person may withhold a portion of a Washington State resident's earnings (or that of a nonresident whose primary place of work is in Washington) in order to make contributions to a political committee that must report to the Public Disclosure Commission or to a candidate for state or local office without written permission from that individual. Completion of this form entitles the entity specified to make such a withholding. This authorization form remains in effect until revoked in writing by the employee.

I, _____, authorize _____ to withhold \$ _____ from my earnings in order to make political contributions to _____

First Name Middle Initial Last Name Name of Employer or Other Person

Amount per/pay period/week/month/year/ Circle One

Name of _____

political committee(s) and/or candidate(s) to receive deductions
 If more than one recipient is indicated, each is to receive the following portion of the deduction made: _____

Signature: _____ **Date:** _____

According to state law, no employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee.

[Statutory Authority: RCW 42.17.370. 03-08-052, § 390-17-100, filed 3/28/03, effective 4/28/03; 93-16-064, § 390-17-100, filed 7/30/93, effective 8/30/93.]

WAC 390-17-105 Small contributors of twenty-five dollars or less. (1) To comply with RCW 42.17.680(4), each person or entity who withholds contributions of individuals shall, in lieu of disclosing the names and signatures, substitute unique numerical identifiers for persons making contributions in the amount of twenty-five dollars or less during a calendar or fiscal year on the signed withholding authorization form or on other documents (such as payroll deductions) subject to RCW 42.17.680(4).

(2) Contribution withholding authorization forms or payroll deduction documentation of contributors whose annual aggregate contribution is twenty-five dollars or less during any calendar or fiscal year are not required by the commission to be made available for public inspection or copying when such records display the names, signatures, home addresses, Social Security numbers, or other information capable of personally identifying contributors whose annual aggregate contribution is twenty-five dollars or less during any calendar or fiscal year.

(3) The names, signatures, home addresses, Social Security numbers or other information capable of personally identifying contributors whose annual aggregate contribution to a person or entity is twenty-five dollars or less during any calendar or fiscal year shall not be provided by the commission to the public or made available for public inspection or copying.

(4) Each person or entity who withholds contributions under RCW 42.17.680 shall, upon request, deliver to the commission documents of books and accounts described in RCW 42.17.680(4).

[Statutory Authority: RCW 42.17.370(1). 04-01-129, § 390-17-105, filed 12/18/03, effective 1/18/04.]

WAC 390-17-110 Employee notification of withholding provisions. (1)(a) By June 30, 2003, and at least annually by June 30 thereafter, employees from whom funds are being withheld for contributions to a candidate or political committee under RCW 42.17.680 shall be notified, in writing, of the nondiscriminatory provisions of RCW 42.17.680(2). Employee notification shall include the following language:

"No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for:

- (i) The failure to contribute to;
- (ii) The failure in any way to support or oppose; or
- (iii) In any way supporting or opposing a candidate, ballot proposition, political party, or political committee."

(b) The written notification shall be provided by the employer or labor organization. The employer or labor organization may agree on which entity shall send the notification.

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nization may agree on which entity shall send the notification.

(2)(a) Pursuant to RCW 42.17.680(3), by June 30, 2003, and at least annually by June 30 thereafter, each employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries shall ensure written notification is directly provided to the employees from whom funds are being withheld for contributions to a candidate or political committee stating that the employee authorization for withholding of wages or salary for such contributions may be revoked at any time. The employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries and the candidate, political committee, or sponsor of the political committee may agree on which of them shall send the notification.

(b) The written notification shall identify where an employee can submit the revocation, which shall be either:

- (i) The name and address of employer's contact; or
- (ii) The name and address of the person or entity responsible for the disbursement of funds in payment of wages or salaries.

(c) The employee withholding authorization is revoked as of:

- (i) The date specified in the revocation; or
- (ii) If no date is specified, as of the date the written notification is received by the employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries pursuant to RCW 42.17.680.

(3) "Written notification" means notice provided by mail, e-mail, newsletter, payroll insert or other similar direct communication in writing that is addressed to the employee. Posting information on websites, bulletin boards and other passive communication vehicles shall not constitute notification under RCW 42.17.680. If the written notification appears in a newsletter or similar publication, the notice shall be prominently displayed or announced on the first page of the written communication.

(4) Each employer or other person who provides notice pursuant to subsection (1) or (2) of this section shall maintain a copy of the annual notification and a listing of employees notified for a period of no less than five years.

[Statutory Authority: RCW 42.17.370. 03-08-050, § 390-17-110, filed 3/28/03, effective 4/28/03.]

WAC 390-17-200 Major political party organizations. (1) With respect to a major political party, each of the following is considered a separate organization for purposes of making and receiving contributions: governing body of

the state organization, county central committee and legislative district committee.

(2) Each major political party is restricted to one state central committee, one county central committee per county and one legislative district committee per legislative district.

(3) Each major political party shall designate each county central committee and each legislative district committee and shall notify the commission in writing of the names, addresses, telephone numbers, and e-mail addresses of each committee officer within two weeks following the designation.

[Statutory Authority: RCW 42.17.370. 02-23-001, § 390-17-200, filed 11/6/02, effective 12/7/02; 93-16-064, § 390-17-200, filed 7/30/93, effective 8/30/93.]

WAC 390-17-300 Contribution designation for primary and general election. (1) Pursuant to RCW 42.17.640, if a contribution is designated in writing by the contributor for a specific election, the contribution will be attributed to the contributor's limit for that designated election.

(2) An undesignated contribution made prior to the date of a primary election shall be attributed to the contributor's limit for the primary election. Undesignated contributions made after the date of the primary shall be attributed to the contributor's limit for the general election.

(3) Any portion of an undesignated contribution made prior to the date of the primary which exceeds the contributor's primary election contribution limit shall be attributed to the contributor's limit for the general election.

(4) Contributions for the primary election shall be accounted for separately from those for the general election, such that campaign records reflect one aggregate contribution total for each contributor giving in the primary election as well as one aggregate contribution total for each contributor giving in the general election.

(5) General election contributions shall not be spent for the primary election if to do so would cause the contributor of the general election contribution to exceed that contributor's contribution limit for the primary election.

(6) If a candidate loses in the primary election, or otherwise is not a candidate in the general election, all contributions attributed to the primary election remaining after repayment of outstanding campaign obligations shall be considered surplus funds, disposal of which is governed by RCW 42.17.095. If a candidate loses in the primary election, or otherwise is not a candidate in the general election, all contributions attributed to the general election shall be returned to the contributors of the funds in an amount equal to the contributor's general election aggregate total. If a portion of a contributor's general election contribution was spent on the primary election consistent with subsection (5) of this section, the amount returned to the contributor may be reduced by the amount of the contribution spent on the primary election.

[Statutory Authority: RCW 42.17.370. 07-07-005, § 390-17-300, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.390. 94-07-141, § 390-17-300, filed 3/23/94, effective 4/23/94. Statutory Authority: RCW 42.17.370. 93-16-064, § 390-17-300, filed 7/30/93, effective 8/30/93.]

WAC 390-17-302 Contributions after the primary election. (1) Pursuant to RCW 42.17.640, the date of the primary is the last day for making primary-related contributions

unless a state office candidate loses in the primary, that candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary, and the contributions are used to satisfy this outstanding debt.

(2) For purposes of the contribution limit in RCW 42.17.640, any contribution made up to thirty days after the primary election pursuant to RCW 42.17.640 is aggregated with contributions made on or before the date of the primary from the same contributor and any person with whom that contributor shares a limit under RCW 42.17.660 and WAC 390-16-309.

(3) The day following the primary election is considered the first day of the thirty-day period during which contributions may be made to state office candidates who lose in the primary election and who have outstanding primary debts.

(4) For purposes of RCW 42.17.640, "outstanding primary debts," "outstanding debts" and "debts outstanding" all mean:

(a) Unpaid primary-election related debts incurred on or before the date of the primary by the authorized committee of a candidate who lost the primary election for a state office; and

(b) Reasonable costs associated with activities of the losing candidate's authorized committee necessary to retire the primary-related debts it incurred on or before the date of the primary. Examples of such reasonable costs include:

(i) Necessary administrative expenses (office space rental, staff wages, taxes, supplies, telephone and computer costs, postage, and the like) for activities actually and directly related to retiring the committee's debt; and

(ii) Necessary expenses actually and directly related to the fund-raising activities undertaken to retire the debt, as long as all persons solicited for contributions are notified that the contributions are subject to that contributor's primary election limit for that losing candidate.

(5) Nothing in this section is to be construed as authorizing contributors to make, or state office candidates who lose the primary to receive, contributions that are used for a purpose not specifically authorized by RCW 42.17.640, including use for some future election or as surplus funds.

(6) All contributions received in excess of the sum needed to satisfy outstanding primary debts shall be returned to the original contributors in an amount not to exceed the amount contributed in accordance with the first in, first out accounting principle wherein the most recent contribution received is the first to be returned until all excess funds are returned to contributors.

[Statutory Authority: RCW 42.17.370. 07-07-005, § 390-17-302, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370 and 42.17.-690. 01-22-050, § 390-17-302, filed 10/31/01, effective 1/1/02.]

WAC 390-17-303 Superior court candidates—Eligibility to receive contributions. (1) Candidates for judicial office are subject to the contribution limits in RCW 42.17.-645 and the timing restriction on contributions of a candidate's personal funds in RCW 42.17.105(8). Pursuant to Article 4, Section 29, Amendment 41 of the state Constitution and RCW 42.17.645, candidates for the office of judge of the superior court may only receive contributions for each election in which the candidate is on the ballot or appears as a write-in candidate.

(2) For purposes of RCW 42.17.645:

(a) Only superior court candidates who appear on the primary election ballot or as write-in candidates in the primary election may receive contributions with respect to that primary; and

(b) Only superior court candidates who appear on the general election ballot or as write-in candidates in the general election may receive contributions with respect to that general election.

(3)(a) A superior court candidate who is issued a certificate of election before the primary election and whose name does not appear on either the primary or general election ballot may receive contributions pursuant to RCW 42.17.645:

(i) Through the last day for withdrawal of declarations of candidacy pursuant to RCW 29A.24.131; or

(ii) If there is a reopening of filing for the position and no other candidate files, the last day for reopening of filing pursuant to RCW 29A.24.171 and 29A.24.181.

(b) Contributions remaining in the account of such a superior court candidate who is issued a certificate of election must be returned to contributors within two weeks of certification. Primary election related contributions are to be returned using the first-in, first-out accounting method. Any contributions received with respect to the general election must be returned in full to contributors.

(4) A superior court candidate who is issued a certificate of election after the primary election and whose name does not appear on the general election ballot may receive contributions pursuant to RCW 42.17.645. However, contributions received with respect to the general election must be returned in full to contributors within two weeks of certification.

[Statutory Authority: RCW 42.17.370 and 2006 c 348. 07-14-126, § 390-17-303, filed 7/3/07, effective 11/7/07.]

WAC 390-17-305 Personal funds of a candidate. (1)

The personal funds of a candidate include:

(a) Assets which the candidate has legal access to or control over, and which he or she has legal title to or an equitable interest in, at the time of candidacy;

(b) Income from employment;

(c) Dividends and proceeds from stocks and other investments;

(d) Income from trusts, if established before candidacy;

(e) Income from trusts established from bequests, even if established after candidacy;

(f) Personal gifts, if customarily received; and

(g) Proceeds from lotteries and similar games of chance.

(2) A candidate may also use, as personal funds, his or her portion of assets owned jointly with a spouse or domestic partner. If the candidate's financial interest is not specified, then the candidate's share is deemed to be half the value of the asset.

(3) If any person gives or loans the candidate funds in connection with his or her campaign, the funds are not considered personal funds of the candidate. Such funds are considered a contribution under chapter 42.17 RCW unless the loan meets the exemption provided in RCW 42.17.720(3).

[Statutory Authority: RCW 42.17.370 and 2008 c 6 § 1303. 09-01-063, § 390-17-305, filed 12/11/08, effective 1/11/09. Statutory Authority: RCW 42.17.370. 93-16-064, § 390-17-305, filed 7/30/93, effective 8/30/93.]

(2009 Ed.)

WAC 390-17-310 Doing business in Washington. A corporation or business entity is "doing business in Washington state" for purposes of RCW 42.17.640 if it conducts continuous or substantial activities in Washington state of such character as to give rise to a legal obligation.

In determining whether a corporation or business entity is doing business in Washington state, the commission will take into consideration the following nonexclusive list of indicators:

- Purposefully availing itself of the privilege of conducting business in the state by invoking both benefits and protections of state law.

- Appointing an agent for service of process in Washington state.

- Registering as a corporation in Washington.

- Operating business locations in Washington.

- Hiring employees to work in Washington.

- Purchasing or selling goods or services in Washington.

- Operating an interactive internet web site for the purpose of conducting business.

[Statutory Authority: RCW 42.17.370. 07-07-005, § 390-17-310, filed 3/8/07, effective 4/8/07; 05-04-039, § 390-17-310, filed 1/27/05, effective 2/27/05. Statutory Authority: RCW 42.17.370(1). 96-05-001, § 390-17-310, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370. 93-16-064, § 390-17-310, filed 7/30/93, effective 8/30/93.]

WAC 390-17-315 Political committees—Qualifications to contribute. In order to make contributions as permitted by RCW 42.17.640, a political committee shall, within 180 days prior to making the contribution, have received contributions of \$10 or more from at least ten individuals registered to vote in Washington state at the time they contributed to the political committee. Upon written request of the commission or other person seeking this information, the political committee shall provide within 14 days a list of these ten individuals, identified by name, address, amount of contribution and date contribution was received.

[Statutory Authority: RCW 42.17.370. 07-07-005, § 390-17-315, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-17-315, filed 1/4/02, effective 2/4/02; 96-05-001, § 390-17-315, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.390. 94-07-141, § 390-17-315, filed 3/23/94, effective 4/23/94. Statutory Authority: RCW 42.17.370. 93-16-064, § 390-17-315, filed 7/30/93, effective 8/30/93.]

WAC 390-17-320 Contributions from corporations, businesses, unions and political committees. Pursuant to RCW 42.17.640, entities prohibited from contributing to a candidate for state office, a state official against whom recall charges have been filed or a political committee having the expectation of making expenditures in support of the recall of the official shall not earmark or otherwise direct a contribution to one of these recipients through a political committee.

[Statutory Authority: RCW 42.17.370. 07-07-005, § 390-17-320, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370(1). 96-05-001, § 390-17-320, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.390. 94-11-016, § 390-17-320, filed 5/5/94, effective 6/5/94.]

WAC 390-17-400 Time limit to solicit or accept contributions. The purpose of this rule is to clarify and implement RCW 42.17.710.

(1) "Campaign debt," as used in RCW 42.17.710 and this rule, means any debt incurred by a candidate seeking

election to a nonfederal public office, including campaigns for state, county, city, town, school district, special district or other state political subdivision elective office.

(2) **"Known candidates"** means individuals who are, or who become, candidates for state or local office during a legislative session freeze period.

(3) **"Legislative session freeze period"** means the period of time in RCW 42.17.710 within which contributions shall not be solicited or accepted by a state official or a person employed by or acting on behalf of a state official.

(a) The freeze period begins at 12:01 a.m. on the thirtieth day before the start of the regular legislative session and ends at 11:59 p.m. on the day of adjournment of the regular legislative session.

(b) If a special session is held immediately following the end of the regular legislative session, the freeze period ends at 11:59 p.m. on the day the special session adjourns.

(c) If a special session is held other than within thirty days before a regular legislative session, the freeze period begins at 12:01 a.m. on the first day of the special session and ends at 11:59 p.m. on the final day of the special session.

(4) A successful candidate for state office who does not already hold a state office is not required to comply with RCW 42.17.710 until sworn into office.

(5) A state official must comply with RCW 42.17.710 until he or she no longer holds state office.

(6) **"Person employed by or acting on behalf of a state official"** includes a caucus political committee or any political committee financed or controlled by a legislative caucus as a whole or by one or more officers of a caucus political committee.

(7) **State officials may do the following.** During a legislative session freeze period, the activities in which state officials may engage include, but are not limited to:

(a) Soliciting or accepting contributions to assist his or her own campaign for federal office;

(b) Accepting gifts or other items permitted under chapter 42.52 RCW, so long as the gift or other item is not

- A contribution to an incumbent state official or known candidate,
- A contribution to a public office fund,
- Used to pay a nonreimbursed public office related expense, or
- Used to retire a campaign debt;

(c) Attending and speaking at a fund raising event held by or on behalf of a bona fide political party, so long as the contributions raised are not earmarked or otherwise designated for any incumbent state official or known candidate;

(d) Transferring their own personal funds, as defined in WAC 390-17-305, or their own surplus funds, as defined in RCW 42.17.020, to their own campaign account, so long as the funds are properly reported;

(e) Soliciting or accepting contributions on behalf of a nonprofit charity; or

(f) Soliciting or accepting contributions on behalf of any political committee, including a caucus political committee, a bona fide political party or a ballot measure committee, so long as the political committee does not spend the contributions for the benefit of incumbent state officials or known candidates.

(8) **State officials may not do the following.** During a legislative session freeze period, a state official, or a person employed by or acting on behalf of a state official, may not solicit or accept contributions that:

(a) Go to an incumbent state official or known candidate;

(b) Go to a public office fund;

(c) Are used to pay a nonreimbursed public office related expense;

(d) Are used to retire a campaign debt;

(e) Go to a caucus political committee if the committee spends the contributions for the benefit of incumbent state officials or known candidates; or

(f) Go to a bona fide political party or a political committee if the political party or committee spends the contributions for the benefit of incumbent state officials or known candidates.

(9) **Caucus political committees.** During a legislative session freeze period, a caucus political committee

(a) May solicit or accept contributions from caucus members if the members make the contributions with their own personal funds, as defined in WAC 390-17-305, or with their own surplus funds, as defined in RCW 42.17.020;

(b) May not solicit or accept contributions for any of the purposes specified in subsection (8) of this rule.

(10) **Persons acting on behalf of state officials.** During a legislative session freeze period, a person employed by or acting on behalf of a state official may not solicit or accept contributions for any of the purposes specified in subsection (8) of this rule.

(11) **Bona fide political parties.** During a legislative session freeze period, a bona fide political party may not solicit or accept contributions that are

- Used for a public office fund,
- Used for a state official's nonreimbursed public office related expenses,
- Used for retiring a state official's campaign debt, or
- Earmarked contributions to specific incumbent state officials or known candidates.

However, a bona fide political party may solicit or accept contributions for its own fund raising purposes.

(12) **Segregating session freeze funds.** During a legislative session freeze period, if a state official, a caucus political committee, or another person employed by or acting on behalf of a state official solicits or accepts contributions to

- A caucus political committee,
- A bona fide political party, or
- Any political committee that supports or opposes state or local office candidates, the contributions are presumed to violate RCW 42.17.710, unless the contributions are
 - Deposited into a separate bank account and
 - Not spent for the benefit of incumbent state officials or known candidates.

However, nothing in this subsection authorizes a state official, a caucus political committee or any person employed by or acting on behalf of a state official to take any of the actions prohibited by subsections (8) or (9)(b) of this rule.

(13) **Session freeze solicitations.** If a person is solicited for a contribution during the legislative session freeze period

- By a state official, a caucus political committee, or another person employed by or acting on behalf of a state official, and
- The contribution is to a caucus political committee, a bona fide political party, or a political committee that supports or opposes candidates for state or local office, and
- The person makes a contribution during or after the freeze period in response to this solicitation, the contribution is subject RCW 42.17.710 and subsection (12) of this rule.

(14) **Spending contributions to benefit incumbents or known candidates.** For purposes of complying with subsections (7)(f), (8)(e) and (f), and (12) of this rule, contributions are considered spent for the benefit of incumbent state officials or known candidates if the contributions are used at any time for one or more of the following purposes.

(a) Contributions to incumbent state officials or known candidates.

(b) Independent expenditures supporting incumbent state officials or known candidates, or opposing their opponents, whether or not the opponents are themselves known candidates during a legislative session freeze period.

(c) Payments to staff, consultants or advisors for performing activities that directly assist or promote the election of incumbent state officials or known candidates.

(d) Polls or surveys that relate to incumbent state officials, known candidates or their districts, or to general voter attitudes or preferences, unless

- A poll or survey is produced, conducted, tabulated and analyzed according to the terms of a written confidentiality agreement and, if the agreement is breached, all reasonable steps are taken to enforce it, and
- The results of a poll or survey are not provided by the spender, or with the spender's permission or prior knowledge, to incumbent state officials, known candidates or their agents.

However, candidate recruitment poll or survey results may be provided to an individual who later becomes a known candidate without the expenditure being considered as benefiting a known candidate so long as the poll or survey does not constitute a contribution to the individual or does not otherwise support or promote his or her election to state or local office. For purposes of this subsection, a "candidate recruitment poll or survey" is a poll or survey that is conducted for the sole purpose of recruiting candidates to run for public office and only determines

- The respondent's party preference,
- The level of support the incumbent currently has and how strong that support is, but not why he or she has that support,
- Whether respondents recognize the names of individuals who may decide to seek that elective office,
- Whether respondents currently hold a favorable opinion about these individuals, their abilities or fitness for elective office, but not why such opinions are held,
- Whether respondents would likely vote for one or more of these individuals were they to seek office, but not why respondents would vote in the manner they indicated or whether they could be persuaded to change their vote, and

- The validity of the poll or survey results.

(e) Any other expenditure that directly benefits or promotes the election to state or local office of incumbent state officials or known candidates.

[Statutory Authority: RCW 42.17.370. 08-01-062 and 08-06-067, § 390-17-400, filed 12/14/07 and 3/3/08, effective 1/14/08 and 4/3/08. Statutory Authority: RCW 42.17.370(1). 98-23-016, § 390-17-400, filed 11/6/98, effective 12/7/98; 96-01-103, § 390-17-400, filed 12/19/95, effective 1/19/96. Statutory Authority: RCW 42.17.370. 93-16-064, § 390-17-400, filed 7/30/93, effective 8/30/93.]

WAC 390-17-405 Volunteer services. (1) In accordance with RCW 42.17.020 (15)(b)(vi), an individual may perform services or labor for a candidate or political committee without incurring a contribution, so long as the individual is not compensated by any person for the services or labor rendered and the services are of the kind commonly performed by volunteer campaign workers. These commonly performed services include:

- (a) Office staffing;
- (b) Doorbelling or leaflet drops;
- (c) Mail handling (folding, stuffing, sorting and postal preparation);
- (d) Political or fund raising event staffing;
- (e) Telephone bank activity (conducting voter identification, surveys or polling, and get-out-the-vote campaigns);
- (f) Construction and placement of yard signs, hand-held signs or in-door signs;
- (g) Acting as a driver for candidate or candidate or committee staff;
- (h) Scheduling of campaign appointments and events;
- (i) Transporting voters to polling places on election day;
- (j) Except as provided in subsection (2), preparing campaign disclosure reports required by chapter 42.17 RCW and otherwise helping to ensure compliance with state election or public disclosure laws;
- (k) Campaign consulting and management services, polling and survey design, public relations and advertising, or fund-raising performed by any individual, so long as the individual does not ordinarily charge a fee or receive compensation for providing the service; and

(l) All similar activities as determined by the commission.

(2) An attorney or accountant may donate his or her professional services to a candidate, a candidate's authorized committee, a political party or a caucus political committee, without making a contribution in accordance with RCW 42.17.020 (15)(b)(viii), if the attorney or accountant is:

- (a) Employed and his or her employer is paying for the services rendered;
- (b) Self-employed; or
- (c) Performing services for which no compensation is paid by any person. However, neither RCW 42.17.020 (15)(b)(viii) nor this section authorizes the services of an attorney or an accountant to be provided to a political committee without a contribution ensuing, unless the political committee is a candidate's authorized committee, political party or caucus political committee and the conditions of RCW 42.17.020 (15)(b)(viii) and (a), (b) or (c) of this subsection are satisfied, or unless the political committee pays the fair market value of the services rendered.

[Statutory Authority: RCW 42.17.370, 07-07-005, § 390-17-405, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370(1), 98-12-037, § 390-17-405, filed 5/28/98, effective 6/28/98. Statutory Authority: RCW 42.17.390, 94-11-017, § 390-17-405, filed 5/5/94, effective 6/5/94.]

WAC 390-17-410 Electioneering communications may constitute contributions and be subject to limit. (1) Electioneering communications are contributions when they satisfy the definition of contribution in RCW 42.17.020(15) or 42.17.570.

(2) Contributions are subject to all applicable provisions of chapter 42.17 RCW and Title 390 WAC, including RCW 42.17.105(8) and 42.17.640.

[Statutory Authority: RCW 42.17.370 and 42.17.562, 06-11-132, § 390-17-410, filed 5/23/06, effective 6/23/06.]

Chapter 390-18 WAC POLITICAL ADVERTISING

WAC

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WAC 390-18-010 Advertising, political advertising, electioneering communications, and independent expenditures. (1) For the purposes of chapter 42.17 RCW and Title 390 WAC:

(a) "Sponsor of an electioneering communication, independent expenditure or political advertising" is defined in RCW 42.17.020.

(b) Unless the context clearly provides otherwise, "advertising" or "advertisement" means political advertising, electioneering communications, or independent expenditures that are for political advertising and/or electioneering communications subject to the provisions of chapter 42.17 RCW and as defined in RCW 42.17.020 or 42.17.100.

(2) With advertising for which no payment is demanded or for which a cost is not readily ascertainable, the sponsor is the candidate, political committee or person who solicits or arranges for the advertising to be displayed or broadcast.

(3) If more than one person sponsors specific advertising, the identity of each sponsor must be shown. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of advertising, that person is not deemed a sponsor provided the contribution is reported in accordance with applicable provisions of chapter 42.17 RCW and Title 390 WAC.

(4) Printed advertising shall clearly state, in an area set apart from any other printed matter, that it has been paid for by the sponsor (Example: (1) Paid for by the XYZ committee, mailing address, city, state, zip code; (2) Vote for John Doe, paid for by John Doe, mailing address, city, state, zip code). However, printed advertising undertaken as an independent expenditure or electioneering communication shall comply with the "notice to voters" and, if relevant, the "top five contributors" provisions of RCW 42.17.510 and provide

this information in an area set apart from any other printed matter. Political committees that sponsor independent expenditure or electioneering communication printed advertising are required to provide the "top five contributors" to that political committee pursuant to WAC 390-18-025; however, this requirement does not apply to bona fide political parties sponsoring independent expenditures.

(5)(a) Advertising consisting of more than one page but intended to be presented as a single item (e.g., 3-page letter with return envelope) must identify the sponsor on the first page or fold of the advertising. Identification on an enclosed return envelope or the envelope in which the advertising is sent is not sufficient.

(b) Advertising which is a collection of several items relating to more than one candidate or committee and distributed simultaneously must show the respective sponsor on the respective items.

(6) The name of the sponsor of all radio or television advertising shall be clearly spoken or identified as required in RCW 42.17.510.

(a) All radio, telephone and television advertising undertaken as an independent expenditure as defined in RCW 42.17.020 shall comply with the "notice to voters" and, if relevant, the "top five contributors" provisions of RCW 42.17.510 and this information shall be clearly spoken or identified as provided in RCW 42.17.510.

(b) All radio and television advertising undertaken as an electioneering communication as defined in RCW 42.17.020 shall comply with the "notice to voters" and, if relevant, the "top five contributors" provisions of RCW 42.17.510 and this information shall be clearly spoken or identified as provided in RCW 42.17.510.

(c) Political committees that sponsor independent expenditure or electioneering communication radio and television advertising are required to clearly speak or otherwise identify the "top five contributors" to that political committee pursuant to WAC 390-18-025; however, this requirement does not apply to bona fide political parties sponsoring independent expenditures.

[Statutory Authority: RCW 42.17.370 and 42.17.562, 06-11-132, § 390-18-010, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370, 03-12-034, § 390-18-010, filed 5/29/03, effective 6/29/03. Statutory Authority: RCW 42.17.370(1), 00-22-055, § 390-18-010, filed 10/27/00, effective 11/27/00. Statutory Authority: RCW 42.17.370, 93-16-064, § 390-18-010, filed 7/30/93, effective 8/30/93. Statutory Authority: RCW 42.17.370(1), 85-15-020 (Order 85-03), § 390-18-010, filed 7/9/85.]

WAC 390-18-020 Advertising—Political party identification. (1) According to RCW 42.17.510, sponsors of advertising supporting or opposing a candidate who has expressed a party or independent preference on the declaration of candidacy must clearly identify the candidate's political party or independent status in the advertising.

(2) According to RCW 42.17.510, sponsors of electioneering communications identifying a candidate who has expressed a party or independent preference on the declaration of candidacy must clearly identify the candidate's political party or independent status in the advertising.

(3) To assist sponsors in complying with this requirement, the commission shall publish a list of abbreviations or symbols that clearly identify political party affiliation or

independent status. These abbreviations may be used by sponsors to identify a candidate's political party.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-18-020, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). 99-12-067, § 390-18-020, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370. 93-16-064, § 390-18-020, filed 7/30/93, effective 8/30/93. Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-18-020, filed 7/9/85.]

WAC 390-18-025 Advertising—Identification of "top five contributors." (1) For purposes of RCW 42.17.510 (2), (4) and (5), "top five contributors" means the five persons, as defined in RCW 42.17.020, giving the largest aggregate contributions exceeding seven hundred dollars during the twelve-month period preceding the date on which the advertisement is published or otherwise presented to the public. If more than five contributors give an amount equal to the largest aggregate contribution exceeding seven hundred dollars and the funds are received during the relevant twelve-month period, the political committee sponsoring the advertisement shall select five of these contributors to identify as the top five contributors.

(2) For independent expenditure advertisements or electioneering communications, the "top five contributors" identification requirement of RCW 42.17.510 applies to all political committees that make independent expenditures, including continuing political committees and out-of-state political committees subject to chapter 42.17 RCW other than a bona fide political party committee.

(3) If a political committee keeps records necessary to track contributions according to the use intended by contributors, and the committee subsequently makes independent expenditures for advertisements supporting or opposing a candidate or slate of candidates or an electioneering communication identifying a specific candidate or slate of candidates, that committee may identify the top five contributors giving for that purpose, as opposed to identifying the overall top five contributors to the committee as is otherwise required by RCW 42.17.510 and this section.

However, a contributor's contributions earmarked for independent expenditures supporting or opposing a specific candidate or slate of candidates or electioneering communications identifying a specific candidate or slate of candidates shall not be used with respect to a different candidate or slate of candidates without the contributor being identified as one of the top five contributors for the actual expenditure if that contributor is one of the top five contributors for that expenditure.

[Statutory Authority: RCW 42.17.370. 07-08-044, § 390-18-025, filed 3/28/07, effective 4/28/07. Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-18-025, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). 02-12-007, § 390-18-025, filed 5/23/02, effective 6/23/02.]

WAC 390-18-027 Medium that does not include a visual image. (1) For electioneering communications identifying sponsors and top five contributors as required by RCW 42.17.510 a "medium that does not include a visual image" means radio.

(2) For independent expenditures identifying sponsors and top five contributors as required by RCW 42.17.510 a

"medium that does not include a visual image" means radio or telephone transmissions.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-18-027, filed 5/23/06, effective 6/23/06.]

WAC 390-18-030 Advertising—Exemptions from identification. Pursuant to RCW 42.17.510(6), the following forms of advertising need not include the sponsor's name and address, the "notice to voters" or the "top five contributors" information as otherwise required by RCW 42.17.510 (1) and (2) because such identification is impractical: Ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers—size 4" x 15" or smaller, buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads of one column inch or less, noisemakers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pinwheels, plastic tableware, pocket protectors, pot holders, reader boards where message is affixed in moveable letters, ribbons, 12-inch or shorter rulers, shoe horns, skywriting, staple removers, stickers—size 2-3/4" x 1" or smaller, sunglasses, sun visors, swizzle sticks, state or local voters pamphlets published pursuant to law, tickets to fund raisers, water towers, whistles, yard signs—size 4' x 8' or smaller, yo-yos, and all other similar items.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-18-030, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). 04-12-057, § 390-18-030, filed 5/28/04, effective 6/28/04. Statutory Authority: RCW 42.17.390. 95-01-074A, § 390-18-030, filed 12/16/94, effective 1/16/95. Statutory Authority: RCW 42.17.370(1). 85-15-020 (Order 85-03), § 390-18-030, filed 7/9/85.]

WAC 390-18-040 Use of the terms "reelect," "retain," and "return." (1) The term "reelect" when used in an advertisement represents that the candidate is presently holding the office being sought, was elected to it, and is seeking another term in that same office in the same district or political subdivision.

(2) The term "reelect" may be used in an advertisement by a nonincumbent candidate who has previously been elected to the office being sought provided that in the same advertisement it is clearly stated that the candidate is not the incumbent.

(3) The term "retain" in an advertisement represents that the candidate is the incumbent but does not imply that the candidate attained the office by election.

(4) The term "return" in an advertisement represents that the candidate now holds, or has previously held, the office being sought, but does not represent that the office was attained by election.

(5) Whenever the boundaries of a district or political subdivision are officially altered through redistricting, consolidation or other official procedures, the candidate holding an office in the affected district or political subdivision may, in an advertisement, use the term "reelect," "retain" or "return," as appropriate, if the candidate is seeking the same office in the revised district or political subdivision.

(6) Stating the office sought (e.g., "mayor") by a candidate in a political advertisement without expressly stating the candidate is seeking election to the office (e.g., "for mayor"; "Elect Smith Mayor") represents that the candidate presently holds that office.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-18-040, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1), 02-03-018, § 390-18-040, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370, 92-12-037, § 390-18-040, filed 5/29/92, effective 6/29/92. Statutory Authority: RCW 42.17.370(1), 88-14-064 (Order 88-02), § 390-18-040, filed 7/1/88; 86-12-059 (Order 86-03), § 390-18-040, filed 6/3/86.]

WAC 390-18-050 Commercial advertisers—Public inspection of records. (1) Pursuant to RCW 42.17.110, any person, without reference to or permission from the public disclosure commission, is entitled to inspect the advertising records of a commercial advertiser.

(2) No commercial advertiser shall be required to make available for public inspection information regarding advertising prior to the time when the advertisement has initially received public distribution or broadcast.

(3) The documents and books of account that must be maintained open for public inspection pursuant to RCW 42.17.110(1) are:

(a) The name of the candidate or ballot measure supported or opposed;

(b) The name and address of the person who sponsored the advertising;

(c) The total cost of the advertising, how much of that amount has been paid, who made the payment, when it was paid, and what method of payment was used; and

(d) Date(s) the commercial advertiser rendered service.

(4) In addition to subsection (3) of this section and pursuant to RCW 42.17.110 (1)(b), the documents and books of account open for public inspection must include a description of the major work components or tasks, as specified in (a) through (f) of this subsection, that were required to provide the advertising services.

(a) For printers, reproducers and other persons who provide commercial duplicating services: Quantity of items, item description, design, layout, typesetting, photography, printing, silk screening, binding.

(b) For mailing services: Quantity of items mailed, binding, stuffing, labeling, list or directory services, postage or delivery.

(c) For broadcast media: Time and number of spot advertisements. If the broadcaster provides additional services such as copy writing, talent, production, and tape reproduction, some type of record or notation evidencing the additional service must be available.

(d) For billboard or sign companies: Number and location of signs, design, printing and art work, erection/removal costs.

(e) For specialty or novelty commercial advertisers: Quantity of items provided, silk screening, design, printing and art work.

(f) For newspapers and other print media: Amount of advertising space and dates of publication. If the advertiser provides additional services such as design or layout, some type of record evidencing such additional services must be available.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-18-050, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1), 99-12-068, § 390-18-050, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370, 93-04-072, § 390-18-050, filed 1/29/93, effective 3/1/93.]

WAC 390-18-060 Electioneering communication reporting threshold and sponsors. (1) A "sponsor of an electioneering communication" is defined in RCW 42.17.020 (43).

(2) For the purposes of RCW 42.17.020 (20)(c), an electioneering communication is reportable by the sponsor to the commission when the communication, alone or in combination:

(a) Identifies the same candidate in one or more communications satisfying RCW 42.17.020 (20)(a) and (b) or commission rules;

(b) Is made by the same sponsor of one or more of the communications;

(c) When it, either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market or aggregate value of \$5,000 or more; and

(d) Is not a communication exempted from reporting under RCW 42.17.020(21) or commission rule.

(3) When the electioneering communication or communications - including radio or television transmissions, mailings, billboards, newspapers and/or periodicals - reach the \$5,000 threshold, the sponsor shall electronically report to the commission as required by RCW 42.17.565 within twenty-four hours of, or on the first working day after, the date the electioneering communication is first broadcast, transmitted, erected, distributed, or otherwise published.

(4) Once the \$5,000 threshold is reached, all subsequent electioneering communications by the sponsor identifying the same candidate are reportable as provided in RCW 42.17.565 and this rule.

(5) When more than one sponsor pays for the electioneering communication, the entire fair market value of the communication is attributable to all sponsors. All sponsors of the same communication are responsible for reporting once the \$5,000 threshold is met. A failure to report by one joint sponsor is not attributable to all joint sponsors of a specific communication or communications if the remaining sponsors have reported properly.

(6) Consistent with WAC 390-16-060 and the requirements of PDC Form C-6, a prorated portion of independent expenditure and electioneering communications expenditures shall be attributed to each candidate or ballot proposition identified in the advertisement or communication. That proration shall be based on a reasonable, good faith estimate of the value of the portion of the advertisement or communication relating to each candidate or proposition identified.

(7) **Examples.** The following is a nonexclusive list of examples of reportable activities for electioneering communications:

(a) **Single sponsor, single ad.** Sponsor A pays for an electioneering communication identifying Candidate 1 and the communication has a fair market value of \$5,000 or more. The electioneering communication is reportable by Sponsor A.

(b) **Single sponsor, multiple ads.** Sponsor A pays for three electioneering communications identifying Candidate 1, and the communications have an aggregate fair market value of \$5,000 (\$1,000 for the first, \$2,000 for the second, and \$2,000 for the third). All three communications are reportable within twenty-four hours of the third communication being first broadcast, transmitted, erected, distributed or otherwise published. All subsequent electioneering communications by Sponsor A identifying Candidate 1 are reportable.

(c) **Multiple sponsors, multiple ads.** Sponsors A and B jointly agree to pay for three electioneering communications identifying Candidate 1, and the communications have a total fair market value of \$5,000 (\$1,000 for the first, \$2,000 for the second, and \$2,000 for the third). All three communications become reportable when the third communication is sponsored. All subsequent electioneering communications by Sponsors A and/or B identifying Candidate 1 are reportable.

(d) **Multiple sponsors, multiple ads.** Sponsors A and B have separately paid for an electioneering communication identifying Candidate 1, and each communication has a fair market value of \$4,000. Those communications are not reportable because they have not yet reached the \$5,000 threshold. However, Sponsors A and B then jointly agree to pay for another electioneering communication identifying Candidate 1, and the communication has a fair market value of \$1,000. Now the \$5,000 reporting threshold has been reached and within twenty-four hours of the jointly sponsored communication being published, that communication and prior separately sponsored communications identifying Candidate 1 are reportable by Sponsors A and B. All subsequent electioneering communications by Sponsors A and/or B identifying Candidate 1 are reportable.

(e) **Multiple sponsors, multiple ads.** Sponsors A, B and C jointly plan and agree to pay for a series of electioneering communications identifying Candidate 1. They decide that Sponsor A will pay for the first ad, Sponsor B will pay for the second ad, and Sponsor C will pay for the third ad. Each ad has a fair market value of \$4,999. Because A, B and C are acting in concert as one sponsoring entity for the electioneering communications, upon the publishing of the second ad the \$5,000 threshold is met and A, B and C have an obligation to report the electioneering communications within 24 hours. Likewise, A, B and C have an obligation to report the third electioneering communication within twenty-four hours of its publication. All subsequent electioneering communications by Sponsors A, B and/or C identifying Candidate 1 are reportable.

(f) **Prorating an ad.** If 80% of one or more electioneering communications with a fair market value of \$7,000 relates to a message or messages about Candidate 1, and the remaining 20% relates equally to two ballot propositions, the communication is reportable by the sponsor or sponsors because the \$5,000 threshold has been met. All subsequent electioneering communications identifying Candidate 1 are reportable.

[Statutory Authority: RCW 42.17.370 and 42.17.562. 06-11-132, § 390-18-060, filed 5/23/06, effective 6/23/06.]

(2009 Ed.)

Chapter 390-19 WAC ELECTRONIC FILING

WAC

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| 390-19-010 | Intent of electronic filing. |
| 390-19-020 | Electronic filing—Mandatory filing. |
| 390-19-030 | Electronic filing—Reporting threshold. |
| 390-19-040 | Electronic filing—Verification and amendments. |
| 390-19-050 | Electronic filing—Exceptions. |

WAC 390-19-010 Intent of electronic filing. (1) The public disclosure commission (PDC) was created and empowered by initiative of the people to provide timely and meaningful public access to information about the financing of political campaigns, lobbyist expenditures, and the financial affairs of public officials and candidates, and to insure compliance with contribution limits and other campaign finance restrictions.

(2) Full and prompt access to the political finance data filed by persons subject to the law is best realized through wide-spread use of electronic filing alternatives. The Washington state legislature has mandated that certain filers submit their PDC reports electronically. The commission encourages all persons required to report under the disclosure law to utilize the electronic filing alternatives provided by the PDC.

[Statutory Authority: RCW 42.17.370. 01-22-052, § 390-19-010, filed 10/31/01, effective 1/1/02.]

WAC 390-19-020 Electronic filing—Mandatory filing. (1) RCW 42.17.3691 mandates that persons satisfying the qualifying criteria in that section file all contribution and expenditure reports by electronic means.

(2) Persons filing by electronic means shall register with the PDC and receive a filer identification number and password. Filers must have a current C-1 Candidate Registration Statement or a C-1pc Committee Registration Statement with original signature on file with the PDC prior to receiving a filer identification number. Forms C-1 and C-1pc may not be filed electronically.

(3) A filer subject to RCW 42.17.3691 shall file all PDC C-3 and C-4 reports and all appropriate schedules electronically in compliance with subsection (5) of this section.

(4) Any filer required to file electronically, but who files on paper, is in violation of RCW 42.17.3691 and may be subject to enforcement action unless the filer is a candidate who has sought and been granted an exception from electronic filing under WAC 390-19-050.

(5) A filer subject to electronic filing shall file reports using one of the following:

(a) The ORCA software (Online Reporting of Campaign Activity) provided free-of-charge by the PDC;

(b) Software that creates electronic files that conform to the Political Disclosure Standard Electronic Reporting Format provided by the PDC; or

(c) Any other electronic filing application provided or approved by the PDC.

[Statutory Authority: RCW 42.17.370. 09-02-021, § 390-19-020, filed 12/30/08, effective 1/30/09; 01-22-052, § 390-19-020, filed 10/31/01, effective 1/1/02.]

WAC 390-19-030 Electronic filing—Reporting threshold. (1) The "electronic reporting threshold" that requires electronic filing of all contribution and expenditure reports is met when a candidate or political committee has expended \$10,000 or more in the preceding calendar year or expects to expend \$10,000 or more in the current calendar year.

(2) It is presumed that a filer "expects to expend" \$10,000 or more when any one of the following first occurs:

(a) A filer spends at least \$10,000;

(b) A filer is a candidate for the same office last sought, the filer's election is in the current calendar year, and his or her campaign expenditures in the previous election for the same office were \$10,000 or more;

(c) A filer's expenditures meet or exceed \$2,500 on or before March 31 of the current calendar year;

(d) A filer's expenditures meet or exceed \$5,000 on or before June 30 of the current calendar year;

(e) A filer's expenditures meet or exceed \$7,500 on or before September 30 of the current calendar year; or

(f) A filer otherwise projects that \$10,000 or more will be spent during the current calendar year.

(3) The following expenditures or transactions are excluded from the electronic reporting threshold calculation:

(a) Expenditures made to pay outstanding debts carried forward from a previous election;

(b) Surplus funds disposed of in accordance with RCW 42.17.095; and

(c) The value of in-kind contributions pledged or received within eight days of a special or general election.

(4) Candidate committees or political committees supporting or opposing ballot propositions that meet, exceed or expect to meet or exceed the electronic reporting threshold shall report electronically for the duration of the campaign.

(5) A report that is filed with the commission electronically need not also be filed with the county auditor or elections officer pursuant to RCW 42.17.080.

[Statutory Authority: RCW 42.17.370. 05-11-001, § 390-19-030, filed 5/4/05, effective 6/4/05. Statutory Authority: RCW 42.17.370(1). 04-01-130, § 390-19-030, filed 12/18/03, effective 1/18/04. Statutory Authority: RCW 42.17.370. 01-22-052, § 390-19-030, filed 10/31/01, effective 1/1/02.]

WAC 390-19-040 Electronic filing—Verification and amendments. (1) An electronic report is filed when it is received and validated by the public disclosure commission (PDC) computer system. The PDC shall notify the filer that the electronic report has been received.

(2) An electronic report is timely filed if received on or before 11:59 p.m. Pacific Time on the prescribed filing date.

(3) An electronic report that is infected with a virus, damaged, or is improperly formatted is not properly filed with the PDC and shall be rejected.

(4) To amend an electronically filed report, the filer shall electronically refile the entire report.

[Statutory Authority: RCW 42.17.370. 01-22-052, § 390-19-040, filed 10/31/01, effective 1/1/02.]

WAC 390-19-050 Electronic filing—Exceptions. (1) The commission may make exceptions on a case-by-case basis for candidates whose authorized committees lack the technological ability to file reports electronically.

(2) A candidate seeking an exception under RCW 42.17.3691 shall file with the PDC a written statement of reasons why the authorized committee lacks the ability to file reports electronically.

[Statutory Authority: RCW 42.17.370. 01-22-052, § 390-19-050, filed 10/31/01, effective 1/1/02.]

Chapter 390-20 WAC

FORMS FOR LOBBYING REPORTS, ELECTED OFFICIALS AND LEGISLATORS

WAC

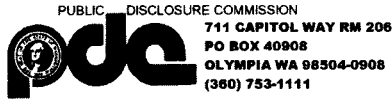
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| 390-20-010 | Forms for lobbyist registration. |
| 390-20-013 | Lobbyist registration—Photograph—Requirements. |
| 390-20-014 | Registration during last calendar quarter of the biennial registration period. |
| 390-20-015 | Lobbyists registration—Termination. |
| 390-20-017 | Suspension of registration. |
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| 390-20-020 | Forms for lobbyist report of expenditures. |
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| 390-20-110 | Forms for lobbyist employers report. |
| 390-20-111 | Form for lobbyist employers report of political contributions. |
| 390-20-120 | Forms for report of legislative activity by public 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. |
| 390-20-140 | Loss of RCW 42.17.160 exemptions. |
| 390-20-141 | Registration and reporting required when a lobbyist employs another lobbyist. |
| 390-20-143 | Application of lobbying provisions to organizations. |
| 390-20-144 | Registration and reporting by lobbyist organizations. |
| 390-20-145 | Reporting of lobbying events. |
| 390-20-146 | Reporting of field trips and other excursions. |
| 390-20-148 | Lobbyist direction or control of employer contributions. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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|------------|---|
| 390-20-010 | Forms for lobbyist registration. [Order 62, § 390-20-010, filed 8/26/75; Order 45, § 390-20-010, filed 9/26/74; Order 6, § 390-20-010, filed 1/23/73.] Repealed by 78-02-063 (Order 96), filed 1/23/78. Statutory Authority: RCW 42.17.370(1). |
| 390-20-022 | Definition—Development. [Statutory Authority: RCW 42.17.370(1). 88-06-019 (Resolution No. 88-01), § 390-20-022, filed 2/24/88.] Repealed by 90-16-083, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370. |
| 390-20-023 | Contributions to candidates, elected officials, political committees, or public office fund—Identification of source. [Statutory Authority: RCW 42.17.370(1). 85-24-020 (Order 85-05), § 390-20-023, filed 11/26/85; 79-09-041 (Order 79-04), § 390-20-023, filed 8/17/79.] Repealed by 99-12-053, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370(1). |
| 390-20-028 | Definition of terms "communicate," "communication," "communicating," and "legislation." [Statutory Authority: RCW 42.17.160(4) and 42.17.370(1). 78-08-061 (Order 100), § 390-20-028, filed 7/24/78.] Repealed by 80-02-055 (Order 80-01), filed 1/17/80. Statutory Authority: RCW 42.17.370(1). |
| 390-20-030 | Forms for lobbyist registration—For statement of compensation paid to elected officials. [Order 45, § 390-20-030, filed 9/26/74; Order 9, § 390-20-030, filed 4/24/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1). |

- 390-20-040 Forms—For report of legislative activity by legislators and legislative committees. [Order 45, § 390-20-040, filed 9/26/74; Order 5, § 390-20-040, filed 3/2/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
- 390-20-050 Forms—For report of legislative activity by public agencies. [Statutory Authority: RCW 42.17.370(1), 79-11-124 (Order 79-07), § 390-20-050, filed 11/6/79; Order 43, § 390-20-050, filed 9/26/74; Order 5, § 390-20-050, filed 3/2/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
- 390-20-051 Application of RCW 42.17.190 to lobbying of the legislature and governor. [Statutory Authority: RCW 42.17-160(4) and 42.17.370(1), 78-08-061 (Order 100), § 390-20-051, filed 7/24/78.] Repealed by 80-02-055 (Order 80-01), filed 1/17/80. Statutory Authority: RCW 42.17.370(1).
- 390-20-053 Application of RCW 42.17.190 to lobbying of other agencies. [Statutory Authority: RCW 42.17.160(4) and 42.17.370(1), 78-08-061 (Order 100), § 390-20-053, filed 7/24/78.] Repealed by 80-02-055 (Order 80-01), filed 1/17/80. Statutory Authority: RCW 42.17.370(1).
- 390-20-055 Application of RCW 42.17.190 to intra-agency activity. [Statutory Authority: RCW 42.17.160(4) and 42.17.370(1), 78-08-061 (Order 100), § 390-20-055, filed 7/24/78.] Repealed by 80-02-055 (Order 80-01), filed 1/17/80. Statutory Authority: RCW 42.17.370(1).
- 390-20-060 Forms—For registration and reporting by sponsors of grass roots lobbying campaigns. [Order 43, § 390-20-060, filed 9/26/74; Order 5, § 390-20-060, filed 3/2/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
- 390-20-070 Forms—For statement of employment of legislators, state officers, and state employees. [Order 43, § 390-20-070, filed 9/26/74; Order 5, § 390-20-070, filed 3/2/73.] Repealed by 80-02-106 (Order 80-02), filed 1/24/80. Statutory Authority: RCW 42.17.370(1).
- 390-20-080 Lobbyists—Termination of registration. [Order 49, § 390-20-080, filed 3/3/75.] Repealed by 80-03-089 (Order 80-03), filed 3/4/80. Statutory Authority: RCW 42.17.370(1).
- 390-20-085 Lobbyists expenditures—Apportionment of expenses. [Order 49, § 390-20-085, filed 3/3/75.] Repealed by 80-06-119 (Order 80-06), filed 5/30/80. Statutory Authority: RCW 42.17.370(1).
- 390-20-100 Effect of Public Disclosure Act—Freedom of communication—Employer interference. [Statutory Authority: RCW 42.17.370(1), 85-24-020 (Order 85-05), § 390-20-100, filed 11/26/85; Order 62, § 390-20-100, filed 8/26/75.] Repealed by 99-12-054, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370(1).
- 390-20-107 Lobbyist's employer—Reporting of "total expenditures." [Statutory Authority: RCW 42.17.370(1), 82-14-016 (Order 82-04), § 390-20-107, filed 6/28/82.] Repealed by 95-01-074A, filed 12/16/94, effective 1/16/95. Statutory Authority: RCW 42.17.390.
- 390-20-115 Forms for report of legislative activity by legislators and legislative committees. [Statutory Authority: RCW 42.17.370(1), 85-24-020 (Order 85-05), § 390-20-115, filed 11/26/85; Order 71, § 390-20-115, filed 3/23/76; Order 62, § 390-20-115, filed 8/26/75.] Repealed by 99-12-055, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370(1).

WAC 390-20-0101 Forms for lobbyist registration. The official form for lobbyist registration as required by RCW 42.17.150 is designated "L-1," revised 2/05. Copies of this form are available at the commission office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504. Any paper attachments shall be on 8-1/2" x 11" white paper.



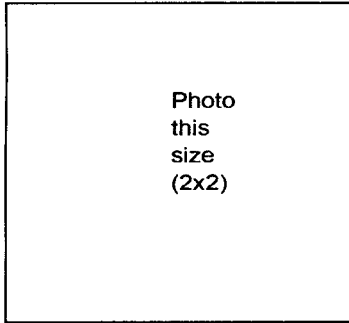
LOBBYIST REGISTRATION

THIS SPACE FOR OFFICE USE

L1

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|--|--|--------------|---|------------------------------------|---|--|---|--|---------------------------------------|-----------------------------------|--|---|---|--|--|--|--|--|--|--|----------|
| 1. Lobbyist Name | | | | | | | | | | | | | | | | | | | | | |
| Permanent Business Address City State Zip | Business Telephone Numbers Permanent () Temporary () Cell Phone () or Pager | | | | | | | | | | | | | | | | | | | | |
| 2. Temporary Thurston County address during legislative session | | | | | | | | | | | | | | | | | | | | | |
| E-Mail Address | | | | | | | | | | | | | | | | | | | | | |
| 3. Employer's name and address (person or group for which you lobby) | | | | | | | | | | | | | | | | | | | | | |
| Employer's occupation, business or description of purpose of organization | | | | | | | | | | | | | | | | | | | | | |
| 4. Name and address of person having custody of accounts, receipts, books or other documents which substantiate lobbyist reports. | | | | | | | | | | | | | | | | | | | | | |
| E-Mail Address | | | | | | | | | | | | | | | | | | | | | |
| 5. What is your pay (compensation) for lobbying? \$ _____ per _____ (hour, day, month, year) Other: Explain: | Description of employment (check one or more boxes) <input type="checkbox"/> Full time employee <input type="checkbox"/> Sole duty is lobbying <input type="checkbox"/> Part time or temporary employee <input type="checkbox"/> Lobbying is only a part of other duties <input type="checkbox"/> Contractor, retainer or similar agreement <input type="checkbox"/> Unsalariated officer or member of group | | | | | | | | | | | | | | | | | | | | |
| 6. Are you reimbursed for lobbying expenses? Explain which expenses. <input type="checkbox"/> Yes: \$ _____ per _____ <input type="checkbox"/> Yes: I am reimbursed for expenses. <input type="checkbox"/> No: I am not reimbursed for expenses. | Does employer pay any of your lobbying expenses directly? If yes, explain which ones. | | | | | | | | | | | | | | | | | | | | |
| 7. How long do you expect to lobby for this organization? <input type="checkbox"/> Permanent lobbyist <input type="checkbox"/> Only during legislative session <input type="checkbox"/> Other, Explain: | | | | | | | | | | | | | | | | | | | | | |
| 8. Is your employer a business or trade association or similar organization which lobbies on behalf of its members? If "yes," attach a list showing the name and address of each member who has paid the association fees, dues or other payments over \$500 during either of the past two years or is expected to pay over \$500 this year. <input type="checkbox"/> No <input type="checkbox"/> Yes. However, no member has paid, pays, or is expected to pay over \$500. <input type="checkbox"/> Yes. The list is attached | | | | | | | | | | | | | | | | | | | | | |
| 9. Does your employer have a connected, related or closely affiliated political action committee which will provide funds for you to make political contributions including purchase tickets to fund raising events? If so, list the name of that political action committee. <input type="checkbox"/> No <input type="checkbox"/> Yes. Name of the committee is: | | | | | | | | | | | | | | | | | | | | | |
| 11. Areas of interest. Lobbying is most frequent before legislative committee members or state agencies concerned with following subjects: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">CODE SUBJECT</td> <td style="width: 50%;">CODE SUBJECT</td> </tr> <tr> <td>01 <input type="checkbox"/> Agriculture</td> <td>08 <input type="checkbox"/> Fiscal</td> </tr> <tr> <td>02 <input type="checkbox"/> Business and consumer affairs</td> <td>09 <input type="checkbox"/> Higher education</td> </tr> <tr> <td>03 <input type="checkbox"/> Constitutions and elections</td> <td>10 <input type="checkbox"/> Human services</td> </tr> <tr> <td>04 <input type="checkbox"/> Education</td> <td>11 <input type="checkbox"/> Labor</td> </tr> <tr> <td>05 <input type="checkbox"/> Energy and utilities</td> <td>12 <input type="checkbox"/> Law and justice</td> </tr> <tr> <td>06 <input type="checkbox"/> Environmental affairs - natural resources - parks</td> <td>13 <input type="checkbox"/> Local government</td> </tr> <tr> <td>07 <input type="checkbox"/> Financial institutions and insurance</td> <td>14 <input type="checkbox"/> State government</td> </tr> <tr> <td></td> <td>15 <input type="checkbox"/> Transportation</td> </tr> <tr> <td></td> <td>16 <input type="checkbox"/> Other - Specify:</td> </tr> </table> | CODE SUBJECT | CODE SUBJECT | 01 <input type="checkbox"/> Agriculture | 08 <input type="checkbox"/> Fiscal | 02 <input type="checkbox"/> Business and consumer affairs | 09 <input type="checkbox"/> Higher education | 03 <input type="checkbox"/> Constitutions and elections | 10 <input type="checkbox"/> Human services | 04 <input type="checkbox"/> Education | 11 <input type="checkbox"/> Labor | 05 <input type="checkbox"/> Energy and utilities | 12 <input type="checkbox"/> Law and justice | 06 <input type="checkbox"/> Environmental affairs - natural resources - parks | 13 <input type="checkbox"/> Local government | 07 <input type="checkbox"/> Financial institutions and insurance | 14 <input type="checkbox"/> State government | | 15 <input type="checkbox"/> Transportation | | 16 <input type="checkbox"/> Other - Specify: | Remarks: |
| CODE SUBJECT | CODE SUBJECT | | | | | | | | | | | | | | | | | | | | |
| 01 <input type="checkbox"/> Agriculture | 08 <input type="checkbox"/> Fiscal | | | | | | | | | | | | | | | | | | | | |
| 02 <input type="checkbox"/> Business and consumer affairs | 09 <input type="checkbox"/> Higher education | | | | | | | | | | | | | | | | | | | | |
| 03 <input type="checkbox"/> Constitutions and elections | 10 <input type="checkbox"/> Human services | | | | | | | | | | | | | | | | | | | | |
| 04 <input type="checkbox"/> Education | 11 <input type="checkbox"/> Labor | | | | | | | | | | | | | | | | | | | | |
| 05 <input type="checkbox"/> Energy and utilities | 12 <input type="checkbox"/> Law and justice | | | | | | | | | | | | | | | | | | | | |
| 06 <input type="checkbox"/> Environmental affairs - natural resources - parks | 13 <input type="checkbox"/> Local government | | | | | | | | | | | | | | | | | | | | |
| 07 <input type="checkbox"/> Financial institutions and insurance | 14 <input type="checkbox"/> State government | | | | | | | | | | | | | | | | | | | | |
| | 15 <input type="checkbox"/> Transportation | | | | | | | | | | | | | | | | | | | | |
| | 16 <input type="checkbox"/> Other - Specify: | | | | | | | | | | | | | | | | | | | | |
| CERTIFICATION: I hereby certify that the above is a true, complete and correct statement. | | | | | | | | | | | | | | | | | | | | | |
| EMPLOYER'S AUTHORIZATION: Confirming the employment authority to lobby described in this registration statement. | | | | | | | | | | | | | | | | | | | | | |
| 12. LOBBYIST'S SIGNATURE | DATE | | | | | | | | | | | | | | | | | | | | |
| EMPLOYER'S SIGNATURE, NAME TYPED OR PRINTED, AND TITLE | DATE | | | | | | | | | | | | | | | | | | | | |

LOBBYIST IDENTIFICATION FORM



NAME:
BUSINESS ADDRESS:

PHONE:

OLYMPIA ADDRESS:

PHONE:

EMPLOYERS' NAMES:

YEAR FIRST EMPLOYED AS A LOBBYIST:
BIOGRAPHY:

INSTRUCTIONS

- **ATTACH THIS PAGE TO YOUR L-1 REGISTRATION.**
- **ATTACH 2" x 2" PASSPORT TYPE PHOTO. PHOTO SHOULD BE HEAD AND SHOULDERS, FULL FACE, AND TAKEN WITHIN LAST 12 MONTHS.**
- **PLEASE WRITE NAME, LIGHTLY IN PENCIL, ON BACK OF PHOTO BEFORE ATTACHING.**
- **PHOTOS WILL NOT BE RETURNED.**
- **PLEASE SEE INSTRUCTION BOOKLET FOR EXAMPLE OF BIOGRAPHY.**
- **LIST ALL EMPLOYERS ON THIS PAGE.**

PDC FORM L-1, PAGE 2 (Rev. 2/05)

[Statutory Authority: RCW 42.17.370. 05-06-070, § 390-20-0101, filed 3/1/05, effective 4/1/05; 04-02-028, § 390-20-0101, filed 12/31/03, effective 1/31/04. Statutory Authority: RCW 42.17.370(1). 00-22-060 and 00-24-041, § 390-20-0101, filed 10/27/00 and 11/29/00, effective 11/27/00 and 12/30/00. Statutory Authority: RCW 42.17.370. 91-09-021, § 390-20-0101, filed 4/10/91, effective 5/11/91. Statutory Authority: RCW 42.17.370(1). 87-05-001 (Order 87-01), § 390-20-0101, filed 2/5/87; 85-24-020 (Order 85-05), § 390-20-0101, filed 11/26/85; 82-21-020 (Order 82-07), § 390-20-0101, filed 10/12/82; 78-02-063 (Order 96), § 390-20-0101, filed 1/23/78.]

WAC 390-20-013 Lobbyist registration—Photograph—Requirements. The photograph to be submitted by a registering lobbyist shall satisfy the requirements of a photo acceptable for a United States passport. The photograph shall have been taken within twelve months of the date of registration.

[Statutory Authority: RCW 42.17.370(1), 85-24-020 (Order 85-05), § 390-20-013, filed 11/26/85; 82-14-016 (Order 82-04), § 390-20-013, filed 6/28/82.]

WAC 390-20-014 Registration during last calendar quarter of the biennial registration period. (1) The registration of a lobbyist who registers during the last calendar quarter of an even-numbered year is valid until the second Monday of January three years hence, unless it is terminated or suspended before that day.

(2) The lobbyist is required to file monthly expense reports (PDC Form L-2) for each month in which he or she is registered, even if no reportable lobbying expenditures are made.

(3) The lobbyist employer shall file the employer's report (PDC Form L-3) for each calendar year or portion thereof in which a lobbyist is registered.

[Statutory Authority: RCW 42.17.370(1), 99-12-069, § 390-20-014, filed 5/27/99, effective 6/27/99; 87-08-025 (Order 87-02), § 390-20-014, filed 3/25/87.]

WAC 390-20-015 Lobbyists registration—Termination. A lobbyist who ceases lobbying activity may terminate his or her registration at any time by filing with the commission a signed statement, consistent with RCW 42.17.150(3), indicating that he or she is not lobbying or being compensated to lobby. This notice of termination may be provided on an L-2 report for the month in which termination has taken place. A lobbyist who terminates his or her registration shall file all reports required by chapter 42.17 RCW for the period during which he or she was registered as a lobbyist. The employer of a lobbyist who terminates his or her registration shall not be relieved of any duty to file the reports otherwise required by chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.370(1), 99-12-070, § 390-20-015, filed 5/27/99, effective 6/27/99; 85-24-020 (Order 85-05), § 390-20-015, filed 11/26/85; Order 62, § 390-20-015, filed 8/26/75.]

WAC 390-20-017 Suspension of registration. A lobbyist by notifying the commission in advance in writing may temporarily suspend his or her registration for any month(s) in which no lobbying will be done, no expenditures will be made for lobbying and no compensation will be received for lobbying.

(a) During the period when the suspension is effective, the commission will not require L-2 Reports to be filed.

(b) The lobbyist may reinstate the registration by notifying the commission in writing. The notification must state the date the reinstatement is to be effective. It must also affirm that information on the original L-1 registration is still correct or include an amended L-1 Form.

(c) Notification under this rule does not suspend or modify the requirement in RCW 42.17.150(4) for a new registration each odd-numbered year.

[Statutory Authority: RCW 42.17.370(1), 85-24-020 (Order 85-05), § 390-20-017, filed 11/26/85.]

WAC 390-20-018 Lobbyist voluntary registration. A person, exempt from registration under RCW 42.17.160, who voluntarily registers as a lobbyist, shall not be required to file the reports required by RCW 42.17.170.

The employer of any voluntarily registered lobbyist shall not be required to file the reports provided in RCW 42.17.-180.

[Statutory Authority: RCW 42.17.370(1), 85-24-020 (Order 85-05), § 390-20-018, filed 11/26/85.]

WAC 390-20-020 Forms for lobbyist report of expenditures. The official form for the lobbyist report of expenditures is designated "L-2," revised 1/02 which includes the L-2 Memo Report, dated 1/02. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.



L2
1/02

PDC OFFICE USE

Lobbyist Monthly Expense Report
(as required by Chapter 397, 1995 Session Laws)

1. Lobbyist Name _____
 Mailing Address _____
 City _____ State _____ Zip + 4 _____
 New Address? Yes No
 2. This report is for the period _____ (Month) _____ (Year) This report corrects or amends the report for _____ (Month) _____ (Year) Business Telephone () - _____

| ALL COMPLETE THIS PART | | COMPLETE IF YOU HAVE MORE THAN ONE EMPLOYER | | | |
|---|---|--|-------------------------------|-------------------------------|-------------------------------|
| Include all reportable expenditures by lobbyist and lobbyist's employer for or on behalf of the lobbyist incurred during the reporting period | | Amount attributed to each employer | | | |
| Expense Category | TOTAL AMOUNT THIS MONTH All employers plus own expense (Columns a + b + c + d and attached pages) | Amounts paid from lobbyist's own funds, not reimbursed or attributed to an employer. Column A | Employer No. ____ Column B | Employer No. ____ Column C | Employer No. ____ Column D |
| 3. COMPENSATION earned from employer for lobbying this period (salary, wages, retainer) | \$ | | \$ | \$ | \$ |
| 4. PERSONAL EXPENSES for travel, food and refreshments | | \$ | | | |
| 5. ENTERTAINMENT, GRATUITIES, TRAVEL, SEMINARS for state officials, employees, their families (See #15) | | | | | |
| 6. CONTRIBUTIONS to elected officials, candidates and political committees (See #16) | | | | | |
| 7. ADVERTISING, PRINTING, INFORMATIONAL LITERATURE | | | | | |
| 8. POLITICAL ADS, PUBLIC RELATIONS, POLLING, TELEMARKETING, ETC. (See #17) | | | | | |
| 9. OTHER EXPENSES AND SERVICES (See #18) | | | | | |
| 10. TOTAL COMPENSATION AND EXPENSES INCURRED THIS MONTH | \$ | \$ | \$ | \$ | \$ |

(Attach additional page(s) if you lobby for more than three employers.)

11. EMPLOYERS' NAMES
 No. ____ (B)
 No. ____ (C)
 No. ____ (D)
 12. Subject matter of proposed legislation or other legislative activity or rulemaking the lobbyist was supporting or opposing.
 Subject Matter, Issue or Bill No. _____ Legislative Committee or State Agency Considering Matter _____ Employer Represented _____

Continued on attached pages

13. Of the time spent lobbying, what percentage was devoted to lobbying: _____ the Legislature _____% State Agencies _____%.

14. TERMINATION: (COMPLETE THIS ITEM ONLY IF YOU WISH TO TERMINATE YOUR REGISTRATION)

Date registration ends: _____ Employer's name: _____

I understand that an L-2 report is required for any month or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new registration prior to lobbying for that employer in the future. All registrations terminate automatically on the second Monday in January of each odd numbered year.

CERTIFICATION
 I certify that this report is true and complete to the best of my knowledge. LOBBYIST SIGNATURE _____ DATE _____

CONTINUE ON REVERSE

Lobbyist Name _____ Reporting Period _____ (Month) _____ (Year)

15. Itemize all of the following expenditures that were incurred by lobbyist or lobbyist employer(s) for legislators, state officials, state employees and members of their immediate families. Show the actual amount incurred for each individual or the amount fairly attributed to each.
- Entertainment expenditures exceeding \$25 per occasion (including lobbyist's expense) for meals, beverages, tickets, passes, or for other forms of entertainment.
 - Travel, lodging and subsistence expenses in connection with a speech, presentation, appearance, trade mission, seminar or educational program.
 - Enrollment and course fees in connection with a seminar or educational program.
- Lobbyists must provide an elected official with a copy of the L-2 or Memo Report if the lobbyist reports: 1) spending on one occasion over \$50 for food or beverages for the official and/or his or her family member(s), or 2) providing travel, lodging, subsistence expenses or enrollment or course fees for the official and, if permitted, the official's family.

| Date | Names of all Persons Entertained or Provided Travel, etc. | Description, Place, etc. | Sponsoring Employer | Amount |
|------|---|--------------------------|---------------------|--------|
| | | | | \$ |
| N/A | Total expenses itemized on attached Memo Reports | | | → |

Continued on attached pages.

16. If a monetary or in-kind contribution exceeding \$25 was given or transmitted by the lobbyist to any of the following, itemize the contribution below or on a Memo Report: local and state candidates or elected officials; local and state officers or employees; political committees supporting or opposing any candidate, elected official, officer or employee or any local or state ballot proposition. If a contribution exceeding \$25 was given to the following, itemize the contribution below: a caucus political committee; a political party; or a grass roots lobbying campaign.

| Date | Name of Individual or Committee Receiving Contribution | Source of Contribution | Amount |
|------|--|------------------------|--------|
| | | | \$ |
| N/A | Total contributions itemized on attached Memo Reports | | → |

If contributions were made directly by a political action committee associated, affiliated or sponsored by your employer, show name of the PAC below. (Information reported by PAC on C-4 report need not be again included in this L-2 report.)

Continued on attached pages. PAC Name: _____

17. Expenditures for: a) political advertising supporting or opposing a state or local candidate or ballot measure; or b) public relations, telemarketing, polling or similar activities that directly or indirectly are lobbying-related must be itemized by amount, vendor or person receiving payment, and a brief description of the activity. Itemize each expenditure on an attached page that also shows lobbyist name and report date. Put the aggregate total of these expenditures on line 8.
18. Payments by the lobbyist for other lobbying expenses and services, including payments to subcontract lobbyists, expert witnesses and others retained to provide lobbying services or assistance in lobbying and payments for grass roots lobbying campaigns (except advertising/printing costs listed in Item 7).

| Date | Recipient's Name and Address | Employer for Whom Expense was Incurred | Amount |
|------|------------------------------|--|--------|
| | | | \$ |

Continued on attached page.



L-2 Memo Report
1/02

Instructions: This Memo Report may be used by a lobbyist to notify a state elected official or other recipient of contributions, meals, travel expenses or educational benefits that have been provided during the preceding calendar month. The specific list of persons to whom a copy of this report must be delivered is shown below in the "Contributions" and "Meals, Travel, Seminars" sections. If the expenditures disclosed on this Memo Report do not also appear on the lobbyist's L-2 Report, a copy of this Memo Report must accompany the L-2 filing. See L-2 instruction manual for further details.

| | |
|--|------------------------------|
| <p>TO: _____ Recipient's Name*</p> <p>FROM: _____ Lobbyist's Name</p> <p>_____ Mailing Address</p> <p>_____ City State Zip + 4</p> | <p>PDC OFFICE USE</p> |
|--|------------------------------|

| | | |
|--|--|-----------------------------|
| This report is for the period _____ <small>(Month) (Year)</small> | This report corrects or amends the report for _____ <small>(Month) (Year)</small> | Business Telephone () - |
|--|--|-----------------------------|

CONTRIBUTIONS to state or local candidate, elected official, or employee, legislative staff person or ballot issue committee.

| Date Made | Amount or Value | Description (if in-kind) | Source of Contribution (Employer's Name or Own Funds) |
|-----------|-----------------|--------------------------|---|
| | \$ | | |

MEALS, TRAVEL, SEMINARS to a state elected official, including a legislator, or members of the official's immediate family. Disclose: a) expenditures totaling over \$50 on one occasion for food or beverages for the official and/or the official's family; or b) expenditures for providing permissible travel, lodging, subsistence expenses or enrollment or course fees for the official and the official's family.

| Date Given | Amount or Value | Description | Source of Gift (Employer's Name or Own Funds) | Recipient (if family member) |
|------------|-----------------|-------------|---|------------------------------|
| | \$ | | | |

| | | |
|----------------------|------|--|
| Lobbyist's Signature | Date | *Recipients of Contributions will report receipt of a cash donation on a C-3 report or in-kind on a Schedule B to the C-4 report; recipients of meals, travel and seminars will report receipt of these items on their annual F-1 statement. |
|----------------------|------|--|

[Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-20-020, filed 1/4/02, effective 2/4/02; 96-01-103, § 390-20-020, filed 12/19/95, effective 1/19/96. Statutory Authority: RCW 42.17.370. 93-04-072, § 390-20-020, filed 1/29/93, effective 3/1/93; 91-24-011, § 390-20-020, filed 11/22/91, effective 12/23/91; 90-20-088, § 390-20-020, filed 9/28/90, effective 10/29/90. Statutory Authority: RCW 42.17.370(1). 85-24-020 (Order 85-05), § 390-20-020, filed 11/26/85; 82-21-020 (Order 82-07), § 390-20-020, filed 10/12/82; 80-02-055 (Order 80-01), § 390-20-020, filed 1/17/80; 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 390-20-024 Lobbyist nonreportable expenses. A registered lobbyist who is not compensated for lobbying and, who in advance, informs the commission that the only expenses to be incurred are those exempt from reporting as (2009 Ed.)

provided in RCW 42.17.170 (2)(a)(i-iv) shall not be required to file an L-2 report.
[Statutory Authority: RCW 42.17.370(1). 85-24-020 (Order 85-05), § 390-20-024, filed 11/26/85.]

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 and state representative.

[Statutory Authority: RCW 42.17.390. 95-01-074A, § 390-20-027, filed 12/16/94, effective 1/16/95; Order 71, § 390-20-027, filed 3/23/76.]

WAC 390-20-052 Application of RCW 42.17.190—Reports of agency lobbying. Pursuant to the authority granted in RCW 42.17.190(8), the commission adopts the following interpretations regarding the reporting of lobbying by public agencies pursuant to RCW 42.17.190:

(1) The phrase "in-person lobbying" contained in RCW 42.17.190 (5)(d)(v)(B) includes activity which is intended to influence the passage or defeat of legislation, such as testifying at public hearings, but does not include activity which is not intended to influence legislation, such as attending a hearing merely to monitor or observe testimony and debate.

(2) The phrase "a legislative request" contained in RCW 42.17.190 (5)(d)(ii) includes an oral request from a member of the legislature or its staff.

(3)(a) When any subagency (i.e. department, bureau, board, commission or agency) within a state agency, county, city, town, municipal corporation, quasi-municipal corporation or special purpose district (i.e. primary agency) has independent authority to expend public funds for lobbying, that subagency may file a separate L-5 reporting the information required by RCW 42.17.190(5).

(b) When a subagency elects to file its own, separate L-5, it shall notify the commission and the administrative head of the primary agency of its intentions in writing. The primary agency shall not thereafter include information for the subagency in its L-5, and shall have no legal obligation for the filings of the subagency.

(4) Pursuant to RCW 42.17.190(6), certain local agencies may elect to have lobbying activity on their behalf reported by their elected officials, officers and employees in the same manner as lobbyists who register and report under RCW 42.17.150 and [42.17.]170:

(a) Whenever such a local agency makes such an election, it shall provide the commission with a written notice.

(b) After such an election, those who lobby on behalf of such local agency shall register and report all lobbying activity reportable under RCW 42.17.190(5) in the same manner as lobbyists who are required to register and report under RCW 42.17.150 and 42.17.170. Such a local agency shall report pursuant to RCW 42.17.180.

(c) In order to terminate such an election, such a local agency shall provide the commission with a written notice and it shall report pursuant to RCW 42.17.190(5) thereafter.

(d) The exemptions from reportable lobbying activity contained in RCW 42.17.190 (5)(d) apply to all agencies, whether or not they have exercised the election to report in the same manner as lobbyists who report under RCW 42.17.150, 42.17.170 and 42.17.180. The exemptions contained in RCW 42.17.160 (1), (4) and (5) do not apply to any agency.

(5) Unless an agency has elected to report its lobbying pursuant to RCW 42.17.190(6) and subsection (3) of this section, an agency shall include the reportable lobbying activity on its behalf by an elected official in its quarterly report. Such an elected official does not file any separate report of that activity.

(6) Reportable in-person lobbying by elected officials, officers and employees:

(a) An elected official does not engage in reportable in-person lobbying on behalf of this agency unless and until that elected official has expended in excess of fifteen dollars of nonpublic funds in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington during any three-month period as provided in RCW 42.17.190 (5)(d)(v)(B).

(b) Other officers and employees do not engage in reportable in-person lobbying on behalf of their agency unless and until they have, in the aggregate, expended in excess of fifteen dollars of nonpublic funds in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington or they have, in the aggregate, engaged in such lobbying for more than four days or parts thereof during any three month period as provided in RCW 42.17.190 (5)(d)(v)(B).

(c) When limits in (a) or (b) of this subsection have been exceeded, the agency shall report such elected official, officer, or employee as a "person who lobbied this quarter" on the front of PDC Form L-5 and include a listing of those excess expenditures as noted on that form.

[Statutory Authority: RCW 42.17.370(1). 96-05-001, § 390-20-052, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.390. 94-11-016, § 390-20-052, filed 5/5/94, effective 6/5/94. Statutory Authority: 42.17.370. 91-16-072, § 390-20-052, filed 8/2/91, effective 9/2/91. Statutory Authority: RCW 42.17.370(1). 85-24-020 (Order 85-05), § 390-20-052, filed 11/26/85; 80-02-055 (Order 80-01), § 390-20-052, filed 1/17/80.]

WAC 390-20-054 Agency lobbying—Reporting of lobbying by independent contractors. (1) An independent contractor who is retained to lobby on behalf of an agency shall register and report as a lobbyist pursuant to RCW 42.17.150 and 42.17.170.

(2) An agency which retains an independent contractor as a lobbyist and reports all of its expenditures in connection

therewith pursuant to RCW 42.17.190 shall not be obligated to file a report pursuant to RCW 42.17.180 with regard to that lobbyist.

[Statutory Authority: RCW 42.17.370(1). 81-08-025 (Order 81-01), § 390-20-054, filed 3/26/81.]

WAC 390-20-105 Lobbyist's employer—Meaning—

Examples. (1) The term "lobbyist's employer" includes 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 consideration, as that term is defined in WAC 390-05-220. A person is a lobbyist's employer within the meaning of the act when:

(a) Other persons are actually employed by or receive consideration from such person in whole or in part for lobbying;


(b) Officers or employers of such person, lobby 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;

(c) The lobbying services are secured or arranged for through an authorized representative.

(2) A person shall not be deemed to be a lobbyist's employer solely because an employee of such person engages in lobbying.

[Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-20-105, filed 1/4/02, effective 2/4/02; 88-14-064 (Order 88-02), § 390-20-105, filed 7/1/88; 85-24-020 (Order 85-05), § 390-20-105, filed 11/26/85; Order 62, § 390-20-105, filed 8/26/75.]

WAC 390-20-110 Forms for lobbyist employers report. The official form for statement by employers of registered lobbyists as required by RCW 42.17.180 is designated "L-3," revised 1/09. Copies of this form are available at the Commission Office 711 Capitol Way, Room 206, Evergreen Plaza Building, PO Box 40908, Olympia, Washington, 98504-0908. Any paper attachments shall be on 8-1/2" x 11" white paper.

| | | | |
|--|--|--|--|
|  <p>PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828</p> | <p>Employer's Lobbying Expenses</p> | <p>L3 <small>1/09</small></p> | <p><small>THIS SPACE FOR OFFICE USE</small></p> |
| <p>1. Employer's Name (Use complete company, association, union or entity name.)</p> | | | |
| <p>Attention (Identify person to whom inquiries about the information below should be directed; NOT the lobbyist.)</p> | | | |
| <p>Mailing Address</p> | | <p>Telephone () -</p> | |
| <p>City</p> | <p>State</p> | <p>Zip + 4</p> | |
| | | <p>E-Mail Address</p> | <p>Year Report Covers</p> |
| <p>THIS REPORT MUST BE FILED BY THE LAST DAY OF FEBRUARY. Include expenditures made and accrued during the previous calendar year for lobbying the Washington State Legislature and/or any state agency. Complete all sections. Use "none" or "0" when applicable.</p> | | | |
| <p>2. Identify each of your lobbyists/lobbying firms below. In column 1, show the full amount of salary or fee each earned for lobbying. In column 2, show the full amount paid (plus obligated) for other lobbying related expenses that were made by or through the lobbyist <u>and</u> reported by the lobbyist on the monthly L-2 report (e.g., contributions to legislative candidates, reimbursement for entertainment expenses, etc.). Compute the subtotals across and down the columns; put the grand total of expenses incurred by or through lobbyists in the space designated.</p> | | | |
| <p>Names of Registered Lobbyists (if payments were to lobbying firm, list firm name)</p> | <p>Col 1-Salary</p> | <p>Col 2-Other</p> | <p>Total Amount</p> |
| | \$ | \$ | \$ |
| | | | |
| | | | |
| <p>Total From Attached Page</p> | | | |
| <p><input type="checkbox"/> Information continued on attached pages</p> | | | <p>Total Expenses By or Through Lobbyists \$</p> |
| <p>DO NOT INCLUDE EXPENDITURES ALREADY ACCOUNTED FOR IN ITEM 2 ABOVE when completing Items 3 through 7 below.</p> | | | |
| <p>3. Other expenditures made by the employer for lobbying purposes. Show total expenditures made/accrued:</p> | | | |
| <p>a. to vendors on behalf of or in support of registered lobbyists (e.g., entertainment credit card purchases);</p> | | | \$ |
| <p>b. to or on behalf of expert witnesses or others retained to provide lobbying services who offer specialized knowledge or expertise that assists the employer's lobbying effort;</p> | | | _____ |
| <p>c. for entertainment, tickets, passes, travel expenses (e.g., transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families; (Also complete Item 9.)</p> | | | _____ |
| <p>d. for composing, designing, producing and distributing informational materials for use primarily to influence legislation; and</p> | | | _____ |
| <p>e. for grass roots lobbying expenses, including those previously reported by employer on Form L-6, and payments for lobbying communications to clients/customers (other than to corporate stockholders and members of an organization or union).</p> | | | _____ |
| <p>4. Political contributions to candidates for legislative or statewide executive office, committees supporting or opposing these candidates, or committees supporting or opposing statewide ballot measures. (Also complete Item 10.)</p> | | | |
| <p>a. Contributions made directly by the employer, including those previously reported on PDC Form L-3c.</p> | | | _____ |
| <p>b. If contributions were made by a political committee associated, affiliated or sponsored by the employer, show the PAC name below. (Information reported by the PAC on C-4 reports need not be again included as part of this L-3 report.)</p> | | | _____ |
| <p>Name of PAC _____</p> | | | _____ |
| <p>5. Independent expenditures supporting or opposing a candidate for legislative or statewide executive office or a statewide ballot measure. (Also complete Item 11.)</p> | | | |
| <p>6. Expenditures to or on behalf of legislators, state officials, or their spouse, registered domestic partner and dependents for the purpose of influencing, honoring or benefiting the legislator or official. (Normal course of business payments are not reportable.) (Also complete Item 14.)</p> | | | |
| <p>7. Other lobbying-related expenditures, whether through or on behalf of a registered lobbyist. Attach list itemizing each expense (i.e., show date, recipient, purpose and amount). Do not include payments accounted for above.</p> | | | |
| <p>Total Lobbying Expenses</p> | | | \$ |
| <p>(Items 2 thru 7)</p> | | | |
| <p>8. This report must be certified by the president, secretary-treasurer or similar office of lobbying employer.</p> | | | |
| <p>Certification: I certify that this report is true, complete and correct to the best of my knowledge.</p> | | <p>Signature of Employer Officer</p> | <p>Date</p> |
| <p>Printed Name and Title of Officer:</p> | | | |

CONTINUE ON REVERSE

| | | | |
|--|---|--|---|
| Employer's Name | | Year report covers: | |
| 9. Entertainment, tickets, passes, travel expenses (including transportation, meals, lodging, etc.) and enrollment or course fees provided to legislators, state officials, state employees and members of their immediate families. See instruction manual for details. | | | |
| Name and Title | Cost or Value \$ | Date and Description of Expense | |
| <input type="checkbox"/> Information continued on attached pages | | | |
| 10. Contributions (not reported by the lobbyist) totaling over \$25 to a legislative or statewide executive office candidate, a committee formed to support or oppose one of these candidates or a committee supporting or opposing a statewide ballot measure. Do not list employer-affiliated PAC contributions. | | | |
| Name of Recipient | Amount \$ | Date (and, if In-Kind, Description) | |
| <input type="checkbox"/> Information continued on attached pages | | | |
| 11. Independent expenditures in support of or opposition to a) a legislative or statewide executive office candidate or b) a statewide ballot proposition. See instruction manual for definition of "independent expenditure." | | | |
| Candidate's Name, Office Sought & Party or Ballot Proposition Number & Brief Description | Amount \$ | Date and Description of Expense (Note if Support or Oppose) | |
| <input type="checkbox"/> Information continued on attached pages | | | |
| 12. Compensation of \$2,000 or more during the preceding calendar year for employment or professional services paid to state elected officials, successful candidates for state office and each member of their immediate family. | | | |
| Name | Relationship to Candidate or Elected Official if Member of Family | Amount (Code)** | Description of Consideration or Services Exchanged for Compensation |
| <input type="checkbox"/> Information continued on attached pages | | | |
| 13. Compensation of \$2,000 or more during the preceding calendar year for professional services paid to any corporation, partnership, joint venture, association or other entity in which state elected official, successful state candidate or member of their immediate family hold office, partnership, directorship or ownership interest of 10% or more. | | | |
| Firm Name | Person's Name | Amount (Code)** | Description of Consideration or Services Exchanged for Compensation |
| <input type="checkbox"/> Information continued on attached pages | | | |
| 14. Any expenditure, not otherwise reported, made directly or indirectly to a state elected official, successful candidate for state office or member of their immediate family, if made to honor, influence or benefit the person because of his or her official position. | | | |
| Name | Amount \$ | Date and Purpose | |
| <input type="checkbox"/> Information continued on attached pages | | | |

****DOLLAR CODE AMOUNT**
 A - \$1 to \$3,999
 B - \$4,000 to \$19,999
 C - \$20,000 to \$39,999

****DOLLAR CODE AMOUNT**
 D - \$40,000 to \$99,999
 E - \$100,000 or more

[Statutory Authority: RCW 42.17.370 and 2008 c 6 § 1303. 09-01-063, § 390-20-110, filed 12/11/08, effective 1/11/09. Statutory Authority: RCW 42.17.370. 05-06-070, § 390-20-110, filed 3/1/05, effective 4/1/05; 04-02-028, § 390-20-110, filed 12/31/03, effective 1/31/04. Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-20-110, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370(1) and 42.17.180 (1)(h). 98-01-062, § 390-20-110, filed 12/11/97, effective 1/11/98. Statutory Authority: RCW 42.17.370(1). 96-01-103, § 390-20-110, filed 12/19/95, effective 1/19/96. Statutory Authority: RCW 42.17.390. 95-01-074A, § 390-20-110, filed 12/16/94, effective 1/16/95. Statutory Authority: RCW 42.17.370. 93-04-072, § 390-20-110, filed 1/29/93, effective 3/1/93; 90-22-018, § 390-20-110, filed 10/29/90, effective 11/29/90. Statutory Authority: RCW 42.17.370(1). 87-05-001 (Order 87-01), § 390-20-110, filed 2/5/87; 85-24-020 (Order 85-05), § 390-20-110, filed 11/26/85; 84-05-018 (Order 84-01), § 390-20-110, filed 2/10/84; Order 62, § 390-20-110, filed 8/26/75.]

Reviser's note: Notice of Objection: The Joint Administrative Rules Review Committee finds that WAC 390-20-110 has not been modified, amended, withdrawn, or repealed by the Public Disclosure Commission so as to conform with the intent of the Legislature as expressed in RCW 42.17.170 and 42.17.180. Therefore, pursuant to its authority under RCW 34.04.240, this notice of objection is filed.

The Joint Committee finds that WAC 390-20-110 requires the disclosure of information from lobbyists' employers which RCW 42.17.170 specifically excludes from reporting by lobbyists. It is the opinion of the Joint Committee

that the Commission is attempting to obtain information from lobbyists' employers which the Commission would not otherwise be able to obtain from lobbyists themselves. This would thwart the express intent of the Legislature that such information is inappropriate for reporting. WAC 390-20-110 would effectively neuter the reporting exemptions in RCW 42.17.170—the Commission would have the information. This is not what the Legislature intended. [Joint Administrative Rules Review Committee, Memorandum, August 16, 1984—Filed August 28, 1984, WSR 84-18-014.]

WAC 390-20-111 Form for lobbyist employers report of political contributions. The official form entitled "Employer of Lobbyist Monthly Political Contribution Report" as required by RCW 42.17.180 (2)(a) is designated "L-3c" revised 1/02. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington, 98504-0908. Any attachments must be on 8-1/2" x 11" white paper.



Employer of Lobbyist Monthly Political Contribution Report

L-3c
1/02

THIS SPACE FOR OFFICE USE

Employer's Name (Use complete company, association, union or entity name.)
 Mailing Address
 City State Zip

Who Must File Report: Employers of lobbyists registered in Washington State making one or more contributions, including in-kind contributions, during one calendar month totaling more than \$100 to a candidate for state or local office, an elected state or local official, an officer or employee of any public agency, or a political committee. *Employer contributions made through and reported by a registered lobbyist or an employer-affiliated PAC are not reportable on an L-3c*

What Must Be Reported: Contributions, including a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, or transfer of anything of value, including personal and professional services for less than full consideration. Contributions to campaign accounts and public office fund accounts are reportable.

When Is The Report Filed: Within 15 days after the last day of each calendar month during which reportable contributions were made. Reports are considered filed as of the post mark or hand-delivery date to PDC.

Itemize contributions that alone, or together with other contributions to the same recipient, total over \$100 during the calendar month specified above. If space provided is insufficient, use additional L-3c forms or 8 1/2" x 11" white paper.

| Date of Contribution | Name and Address of Recipient | Description of Contribution* | Amount or Value* |
|----------------------|-------------------------------|------------------------------|------------------|
| | | | \$ |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

*See next page for details.

Certification: I certify that the information contained herein is true and complete to the best of my knowledge.

| | | |
|--|-----------|------|
| Name and title of person authorized to sign on employer's behalf | Signature | Date |
|--|-----------|------|

Description of Contribution

Monetary Monetary contributions are those made in cash or by check, money order or other negotiable instrument. If total in amount column represents aggregate total given that recipient during the month (i.e., more than one contribution), indicate the date and amount of each contribution figured into the total.

For contributions given to incumbent candidates and elected officials, indicate whether the contribution is for the recipient's campaign account or public office account.

In-Kind Donated goods or services qualify as reportable contributions. In-kind contributions include such things as discounts on products or services, free transportation, free or reduced-rate office space, personal services, polling services, professional assistance to campaign managers and help with preparation of political advertising.

Amount or Value of Contribution

If the aggregate amount or value contributed to one recipient (candidate, elected official, agency officer or employee, or political committee) during a calendar month was over \$100 -- and the aggregate contribution was not reported by your lobbyist on his/her monthly report or the aggregate contribution was not made through and reported by your affiliated PAC -- put the total contributed in the Amount or Value column and provide the other required information.

In-Kind Value in-kind contributions at the amount you actually paid for the donated item or service or, if no purchase was made, value them at their fair market value. Fair market value is the amount a well-informed buyer or lessee, willing but not obligated to buy or lease, would pay; and what a well-informed seller, or lessor, willing but not obligated to sell or lease, would accept.

[Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-20-111, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370. 90-16-083, § 390-20-111, filed 7/31/90, effective 8/31/90.]

WAC 390-20-120 Forms for report of legislative activity by public agencies. The official form for the report of legislative activity by public agencies as required by RCW 42.17.190 is designated "L-5," revised 1/09. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.



| | |
|--------------------------------------|--|
| PDC FORM L-5 (Rev 1/09) | LOBBYING BY STATE AND LOCAL GOVERNMENT AGENCIES |
|--------------------------------------|--|

Instructions Are Printed On Reverse

| | | |
|--|---------------|---|
| Agency or Governmental Entity Name and Address | Date prepared | Report for calendar quarter ending Month Year |
| | County | |

PERSONS WHO LOBBIED THIS QUARTER

| Name | Job title | Annual salary \$ | % of time spent lobbying during quarter |
|---|-----------|---------------------|---|
| General description of lobbying activities or objectives. (Include bill or WAC numbers, if any) | | | |

Check if person spent more than \$15 of non-public funds in lobbying. See instructions on reverse.

| Name | Job title | Annual salary \$ | % of time spent lobbying during quarter |
|---|-----------|---------------------|---|
| General description of lobbying activities or objectives. (Include bill or WAC numbers, if any) | | | |

Check if person spent more than \$15 of non-public funds in lobbying. See instructions on reverse.

| Name | Job title | Annual salary \$ | % of time spent lobbying during quarter |
|---|-----------|---------------------|---|
| General description of lobbying activities or objectives. (Include bill or WAC numbers, if any) | | | |

Check if person spent more than \$15 of non-public funds in lobbying. See instructions on reverse.

| EXPENDITURES FOR LOBBYING THIS QUARTER | |
|--|----|
| Report only the separately identifiable and measurable expenditures incurred for lobbying purposes | |
| Salaries Of Persons Who Lobbied (Include only portion of quarterly salary attributable to lobbying) | \$ |
| Travel (Include food, lodging, per diem payments and cost of transportation used) | \$ |
| Brochures And Other Publications Whose Principal Purpose Is To Influence Legislation | \$ |
| Consultants Or Other Contractual Services | \$ |
| Total This Quarter | \$ |
| Total To Date This Year | \$ |

| | |
|--|------------------------------------|
| CERTIFICATION: I certify that to the best of my knowledge the above is a true, complete and correct statement in accordance with RCW 42.17.190. | Name of employee completing report |
| | Signature of agency head |
| | Work telephone Number |
| | Work E-mail |

Attach additional sheets if more room is required

THESE INSTRUCTIONS APPLY ONLY TO GOVERNMENT AGENCIES REPORTING PURSUANT TO RCW 42.17.190.**WHO SHOULD REPORT?**

Each state agency, county, city, town, municipal corporation, quasi-municipal corporation or special purpose district which expends public funds for "lobbying". Please study the definitions of what is and is not included in lobbying to determine if your agency is required to report.

"Lobbying" means attempting to influence the passage or defeat of any legislation by the state legislature or the adoption or rejection of any rule, standard, rate or other legislative enactment by any state agency under chapters 28.19 and 34.04 RCW. "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the Governor.

LOBBYING DOES NOT INCLUDE

1. Requests for appropriations by a state agency to OFM pursuant to RCW 43.88 or requests by OFM to the legislature for appropriations other than its own agency budget. Note that an agency representative who, in person, contacts a legislator or committee on appropriations matters is lobbying.
2. Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation or report on a particular subject.
3. Official reports including recommendations submitted annually or biennially by a state agency as required by law.
4. Requests, recommendations or other communications between or within state agencies or between or within local agencies.
5. Telephone conversations or preparation of written correspondence.
6. Preparation or adoption of policy positions within an agency or group of agencies. Note that once a position is adopted, further action to advocate it may constitute lobbying.
7. Attempts to influence federal or local legislation.

LOBBYING NOT REPORTABLE

1. In person lobbying totaling no more than four days or parts of days during any three month period in aggregate for all officials and employees of the agency. In person lobbying includes testifying at legislative committee hearings and state agency hearings on rules and regulations but does not include attendance merely to monitor or observe testimony and debate.
2. In person lobbying by any elected official on behalf of his agency or in connection with his powers, duties or compensation.

EXPENDITURES OVER \$15 OF NON-PUBLIC FUNDS

Any person (including an elected official) who expends more than \$15 of personal or non-public funds for or on behalf of one or more legislators, state elected officials or state public officers or employees in connection with in person lobbying must be listed on the L-5 report. Attach a page showing the spender's name, and date, the source of funds and amount spent, and for whom the money was spent. Examples of these expenditures include entertainment, dinners and campaign contributions.

REPORTS REQUIRED

The L-5 report is submitted to cover each calendar quarter in which lobbying occurs. No report is required if no reportable lobbying has taken place during the quarter.

DUE DATES: April 30 (1st quarter) July 31 (2nd quarter)
October 31 (3rd quarter) January 31 (4th quarter)


ONE CONSOLIDATED REPORT SHOULD BE SUBMITTED TO INCLUDE LOBBYING ACTIVITIES OF ALL DIVISIONS OR OFFICES OF AN AGENCY.

Send Reports To: **Public Disclosure Commission**
711 Capitol Way, Rm 206
PO Box 40908
Olympia, WA 98504-0908

SPECIAL NOTE: In lieu of reporting as provided in RCW 42.17.190 any agency or lobbyist for an agency may elect to register and report as provided in RCW 42.17.150, .160, .170 and .180. An agency so choosing must notify PDC of that fact and obtain necessary reporting forms and instructions.

[Statutory Authority: RCW 42.17.370. 09-01-068, § 390-20-120, filed 12/12/08, effective 1/12/09. Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-20-120, filed 1/4/02, effective 2/4/02; 85-24-020 (Order 85-05), § 390-20-120, filed 11/26/85; 80-02-106 (Order 80-02), § 390-20-120, filed 1/24/80. Statutory Authority: RCW 42.17.160(4) and 42.17.370(1). 78-08-061 (Order 100), § 390-20-120, filed 7/24/78; 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. The official form for registration and reporting by sponsors of grass roots lobbying campaigns as required by RCW 42.17.200 is designated "L-6," revised 1/02. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any attachments shall be on 8-1/2" x 11" white paper.

PUBLIC DISCLOSURE COMMISSION

711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

GRASS ROOTS LOBBYING

PDC FORM
L-6
 (1/02)

THIS SPACE FOR OFFICE USE

Sponsor's name _____
 Address _____
 City _____ State _____ Zip _____ Telephone _____

1. Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any. _____

2. This report covers:
 Registration (Initial report)
 Monthly report From _____ To _____
 Final report (Campaign is ended)

3. List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

| NAME | TITLE | ADDRESS |
|------|-------|---------|
|------|-------|---------|

4. Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

| NAME AND ADDRESS | OCCUPATION OR BUSINESS | TERMS OF COMPENSATION |
|------------------|------------------------|-----------------------|
|------------------|------------------------|-----------------------|

5. Expenditures Made Or Incurred In The Campaign:

| | | |
|---|----------|----------|
| 1. Previous expenditures (from line 4, last L-6 report) | | \$ _____ |
| 2. Expenses this reporting period: | \$ _____ | |
| A. Radio | _____ | |
| B. Television | _____ | |
| C. Newspapers, magazines | _____ | |
| D. Brochures, signs | _____ | |
| E. Printing and mailing | _____ | |
| F. Consultants, public relations | _____ | |
| G. Office expense, travel, salaries | _____ | |
| H. Contributions | _____ | |
| I. Entertainment | _____ | |
| J. Other expenses | _____ | |
| 3. Total expenditures this period (lines 2a-2j) | | \$ _____ |
| 4. Total expenditures in the campaign (lines 1 + 3) | | \$ _____ |

Continue On Reverse

Page 2

Sponsor's name

This report covers:

Contributions:

List each person or organization who has contributed \$25 or more during this report period

| NAME | ADDRESS, CITY, ZIP | AMOUNT |
|------|--------------------|--------|
| | | \$ |
| | | |
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| | | |

Total Amount From Any Attached Pages \$

Total Amount Received In Contributions Less Than \$25 Where Contributor's Name Is Not Listed.....

Total Contributions This Period.....

Total Contributions During The Campaign.....

CERTIFICATION: I hereby certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Name and title

Signature

Date

INSTRUCTIONS

WHO SHOULD FILE THIS FORM: Any person making grass roots lobbying expenditures not reported by a registered lobbyist, a candidate, or a political committee exceeding \$1,000 in the aggregate in any three month period or exceeding \$500 in the aggregate in any one month in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence state legislation.

FILING DEADLINE: Within 30 days after becoming a sponsor of a grass roots lobbying campaign. Thereafter, sponsors file monthly reports on the 10th of the month covering the preceding calendar month. Termination notice is to accompany the final monthly report.

SEND REPORT TO:

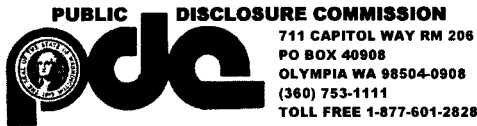
Public Disclosure Commission
711 Capitol Way, Rm 206
PO Box 40908
Olympia, WA 98504-0908

QUESTIONS:

CALL (360) 753-1111, OR TOLL FREE 1-877-601-2828

[Statutory Authority: RCW 42.17.370(1), 02-03-018, § 390-20-125, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370, 90-16-083, § 390-20-125, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370(1), 85-24-020 (Order 85-05), § 390-20-125, filed 11/26/85; 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. The official form for statement of employment of legislators, state officers, and state employees as required by RCW 42.17.210 is designated "L-7" revised 5/05. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any paper attachments shall be on 8-1/2" x 11" white paper.



L7
5/05

TO BE FILED BY
**EMPLOYERS OF STATE LEGISLATORS
STATE OFFICERS OR
STATE EMPLOYEES**

| | | |
|---|----------------------------------|---------------|
| EMPLOYER'S NAME AND BUSINESS ADDRESS | THIS SPACE FOR OFFICE USE | |
| | POSTMARK | DATE RECEIVED |

DATE PREPARED: _____ THIS FORM **AMENDS** PREVIOUS FILING
 REPLACES PREPARED (DATE) _____

ITEM 1 NAME OF PERSON BEING EMPLOYED

ITEM 2 DESCRIPTION OF WORK BEING PERFORMED

ITEM 3 AMOUNT OF COMPENSATION

ITEM 4 DESCRIPTION OF COMPENSATION

ITEM 5 STATE OFFICE OR POSITION HELD BY PERSON NAMED IN #1 ABOVE (include title and employing agency, board, or commission)

| | |
|---|---|
| <p style="text-align: center;">INSTRUCTIONS</p> <p>WHO SHOULD FILE THIS FORM: Any person registered or required to be registered as a lobbyist under this act or any employer of any person registered or required to be registered as a lobbyist under this act, who employs a member of the legislature, an employee of the legislature, a member of a state board or commission, or a full-time state employee, if that employee remains partially employed by the state.</p> <p>FILING DEADLINE: Within 15 days after commencement of employment.</p> <p>FORM TO BE SUBMITTED TO: Public Disclosure Commission.</p> <p>EXCERPT FROM PUBLIC DISCLOSURE LAW RCW 42.17.210 — Employment of legislators, board or commission members, or state employees -- Statement, contents and filing. If any person registered or required to be registered as a lobbyist under this chapter employs, or if any employer of any person registered or required to be registered as a lobbyist under this chapter, employs any member of the legislature, or any member of any state board or commission, or any employee of the legislature, or any full-time state employee, if such new employee shall remain in the partial employ of the state or any agency thereof, then the new employer shall file a statement under oath with the commission setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. The statement shall be filed within fifteen days after the commencement of such employment.</p> | <p>CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.</p> <p>SIGNATURE _____</p> <p>TITLE _____ DATE _____</p> |
|---|---|

[Statutory Authority: RCW 42.17.370. 05-11-002, § 390-20-130, filed 5/4/05, effective 6/4/05. Statutory Authority: RCW 42.17.370(1). 02-03-018, § 390-20-130, filed 1/4/02, effective 2/4/02; 85-24-020 (Order 85-05), § 390-20-130, filed 11/26/85; Order 62, § 390-20-130, filed 8/26/75.]

WAC 390-20-140 Loss of RCW 42.17.160 exemptions. (1) For the purpose of determining compliance with RCW 42.17.220, a lobbyist's employer shall be responsible for the applicability of all of the exemptions provided in RCW 42.17.160 to any lobbyist the employer employs, pays, or agrees to pay.

(2) The commission recognizes that a lobbyist who initially intends in good faith to utilize the "casual lobbying" exemption from registration and reporting which is provided in RCW 42.17.160(4) may thereafter become ineligible for that exemption, thus violating RCW 42.17.150 and/or 42.17.170 by not having registered and/or reported within the prescribed time periods.

(3) The commission shall not commence enforcement proceedings against a lobbyist or his or her employer in circumstances described in subsection (2) of this section if the lobbyist:

(a) Registers pursuant to RCW 42.17.150 before doing any lobbying in excess of the exemption limitations in RCW 42.17.160(4); and

(b) Files a report on Form L-2 when next due under RCW 42.17.170, which report includes all reportable information for the lobbying activities cumulatively causing the exemption limitations to be reached.

(4) The duty under RCW 42.17.230(1) of a person required to register as a lobbyist to obtain and preserve all records necessary to substantiate required financial reports shall include such records of all activities which cumulatively cause the RCW 42.17.160(4) exemption limitations to be reached and exceeded.

(5) A lobbyist whose only compensation or other consideration for lobbying is payment of or reimbursement for expenditures not required to be reported per RCW 42.17.170 (2)(a)(i-iv), does not qualify for exemption from registration and reporting per RCW 42.17.160(3).

[Statutory Authority: RCW 42.17.370(1), 85-24-020 (Order 85-05), § 390-20-140, filed 11/26/85; 82-14-016 (Order 82-04), § 390-20-140, filed 6/28/82. Statutory Authority: RCW 42.17.160(4) and 42.17.370(1), 78-07-038 (Order 99), § 390-20-140, filed 6/26/78.]

WAC 390-20-141 Registration and reporting required when a lobbyist employs another lobbyist. (1) If a registered lobbyist employs another lobbyist to perform lobbying activities in excess of the exemptions specified in RCW 42.17.150(2) or 42.17.160 then such registered lobbyist is also an employer of a registered lobbyist.

(2) Any person who becomes an employer of a registered lobbyist under such circumstances must (a) confirm such employment on the employee's L-1 registration statement; (b) in a written instrument filed with such employee's L-1 registration statement identify which clients the employee is authorized to represent; (c) file an annual L-3 report as an employer of a registered lobbyist; and (d) continue to file monthly L-2 reports as a registered lobbyist.

[Statutory Authority: RCW 42.17.370(1), 86-14-056 (Order 86-05), § 390-20-141, filed 6/27/86.]

WAC 390-20-143 Application of lobbying provisions to organizations. (1) A lobbyist other than a natural person shall be deemed to have properly restricted its lobbying activities and is eligible for the RCW 42.17.160(4) "casual lobby-

ing" exemption during any three-month period in which its agents or employees do not make an expenditure of more than twenty-five dollars for or on behalf of legislators, state elected officials, public officers or employees of the state of Washington.

(2) A lobbyist other than a natural person which does sponsor or coordinate or directly make unreported expenditures exceeding twenty-five dollars during a three-month period, as fully described in subsection (1), must register and report as required by RCW 42.17.150 and 42.17.170: Provided, That it can satisfy these requirements by having an individual agent (a) register and reports as a lobbyist, and (b) include as part of Form L-2 a report of these and all other lobbying expenditures made on behalf of the nonnatural person during that three-month period.

(3) An entity, including but not limited to a law firm, consulting firm, advertising agency, or other similar organization, which receives or expects to receive compensation for lobbying from any person, must register and report as a lobbyist pursuant to RCW 42.17.150 and 42.17.170: Provided, That membership dues or contributions to a nonprofit organization made for the purpose of promoting a general interest and not in return for lobbying on behalf of any specific member or contributor shall not be regarded as compensation for this purpose. Registration statements and reports shall list as the lobbyists both the firm or organization and each individual acting on its behalf. The person paying the compensation shall report under RCW 42.17.180 as a lobbyist's employer.

[Statutory Authority: RCW 42.17.370(1), 85-24-020 (Order 85-05), § 390-20-143, filed 11/26/85. Statutory Authority: RCW 42.17.160(4) and 42.17.370(1), 78-07-038 (Order 99), § 390-20-143, filed 6/26/78.]

WAC 390-20-144 Registration and reporting by lobbyist organizations. (1) Any firm, company, association or similar organization required to register as a lobbyist shall file one registration statement (PDC Form L-1) for each employer for whom the organization will lobby.

(a) The lobbying organization will attach to the registration statement a photo and the biographical information required by RCW 42.17.155 (page 3 of the L-1 Form) for each individual agent of the organization who is authorized to lobby for that particular employer.

(b) If the agent is authorized to lobby for several employers, only one photo and biographical sheet need be submitted.

(c) The organization will notify the commission in writing when there is any change in the employment or assignment of agents who lobby.

(2) One monthly expenditure report (PDC Form L-2) shall be submitted showing all expenditures made by the organization and its agents. It is unnecessary to prorate or attribute expenditures to individual agents of the organization. However, expenditures for entertainment exceeding \$25 per occasion shall identify the individual agent(s) who were present at the occasion. The L-2 report shall be signed by the president or chief executive officer of the lobbying organization.

(3) If any individual agent of the organization ceases to lobby or the organization terminates that agent's authority to lobby, the organization shall notify PDC in writing or by notation on the L-2 report of the termination.

[Statutory Authority: RCW 42.17.370(1), 85-24-020 (Order 85-05), § 390-20-144, filed 11/26/85; 81-18-043 (Order 81-03), § 390-20-144, filed 8/28/81; 81-03-001 (Order 80-08), § 390-20-144, filed 1/8/81.]

WAC 390-20-145 Reporting of lobbying events. (1) A meeting or other gathering of individuals for which lobbying is a purpose or reasonably foreseeable result shall be reportable by or on behalf of the sponsoring person in accordance with WAC 390-20-143 and other applicable provisions of law: Provided, That the executive director is authorized to state in writing how all reportable information relative to a particular gathering shall be reported on Form L-2 whenever the application of the appropriate provisions of law is unclear to the reporting person, and this interpretation shall be reviewed and approved, modified or rejected by the commission at its next regular or special meeting.

(2) Any other lobbyist reporting such a gathering may incorporate by reference in his Form L-2 a Form L-2 which is filed on the sponsor's behalf and which reports the gathering in accordance with applicable provisions of law, including WAC 390-20-143(2) and subsection (1) of this rule.

[Statutory Authority: RCW 42.17.370(1), 85-24-020 (Order 85-05), § 390-20-145, filed 11/26/85. Statutory Authority: RCW 42.17.160(4) and 42.17.370(1), 78-07-038 (Order 99), § 390-20-145, filed 6/26/78.]

WAC 390-20-146 Reporting of field trips and other excursions. (1) All persons required to file reports pursuant to RCW 42.17.170 who provide field trips or other excursions to elected and appointed officials, and other individuals required to file the Personal Financial Affairs Statement (PDC Form F-1) shall file, on the appropriate monthly L-2 or L-2 Memo Report, the identity of persons attending the field trip or other excursion along with the date, pro rata cost, and a brief description of the field trip or other excursion.

(2) All persons required to file pursuant to RCW 42.17.241 who attend a field trip or other excursion paid for or provided by a lobbyist, lobbyist employer, or other person paying for or providing field trips or other excursions shall report the date, name of the person paying for or providing the field trip or excursion, pro rata cost attributable to the filer, applicable code value, and a brief description of the field trip or other excursion as part of the F-1 statement that covers the date of the field trip or other excursion.

[Statutory Authority: RCW 42.17.370(1), 00-22-059, § 390-20-146, filed 10/27/00, effective 11/27/00.]

WAC 390-20-148 Lobbyist direction or control of employer contributions. For purposes of RCW 42.17.670, a lobbyist shall be deemed to be exercising direction or control over the choice of the recipient state office candidate, state official against whom recall charges have been filed or a political committee if the lobbyist:

(1) Officially decides to which state office candidates, state officials against whom recall charges have been filed or political committees the lobbyist employer or the employer's political committee contributes; or

(2) Has the ability, on his or her own initiative, to execute or authorize payment of a contribution by the lobbyist employer or the employer's political committee to a state office candidate, a state official against whom recall charges have been filed or a political committee.

(2009 Ed.)

[Statutory Authority: RCW 42.17.390, 94-11-016, § 390-20-148, filed 5/5/94, effective 6/5/94.]

Chapter 390-24 WAC

FORMS FOR REPORTS OF FINANCIAL AFFAIRS


WAC

| | |
|------------|--|
| 390-24-010 | Forms for statement of financial affairs. |
| 390-24-020 | Forms for amending statement of financial affairs. |
| 390-24-025 | Time for filing statement of financial affairs. |
| 390-24-032 | Definition—Nonreimbursed public office related expense. |
| 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 | Descriptions of real property. |
| 390-24-201 | Report of compensation by limited partnerships, limited liability partnerships, limited liability companies, and similar entities. |
| 390-24-202 | Report of compensation from sales commissions. |
| 390-24-203 | Reporting of field trips and other excursions. |
| 390-24-205 | Report of legislation prepared, promoted or opposed. |
| 390-24-210 | Report of officers and directors of financial institutions. |
| 390-24-301 | Changes in dollar amounts of reporting thresholds and code values. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|--|
| 390-24-030 | Forms for reports of public office fund. [Statutory Authority: RCW 42.17.370(1), 86-08-030 (Order 86-02), § 390-24-030, filed 3/26/86; 80-18-028 (Order 80-07), § 390-24-030, filed 12/1/80.] Repealed by 94-05-010, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.390. |
| 390-24-031 | Public office fund—Establishment and use. [Statutory Authority: RCW 42.17.370, 91-10-057, § 390-24-031, filed 4/29/91, effective 5/30/91.] Repealed by 94-05-010, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.390. |
| 390-24-300 | Form for report by public treasurers. [Order 77, § 390-24-300, filed 6/2/76.] Repealed by 84-05-018 (Order 84-01), filed 2/10/84. Statutory Authority: RCW 42.17.370(1). |

WAC 390-24-010 Forms for statement of financial affairs. The official form for statements of financial affairs as required by RCW 42.17.240 is designated "F-1," revised 11/08. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 206, Evergreen Plaza Building, P.O. Box 40908, Olympia, Washington 98504-0908. Any paper attachments must be on 8-1/2" x 11" white paper.

| | | | | |
|--|---|---|---|---|
| PUBLIC DISCLOSURE COMMISSION  711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828 | | PDC FORM F-1 (11/08) | PERSONAL FINANCIAL AFFAIRS STATEMENT | P M PDC OFFICE USE O A S R T K R E C E I V E D |
| Refer to instruction manual for detailed assistance and examples. Deadlines: Incumbent elected and appointed officials -- by April 15. Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position. | | DOLLAR CODE A \$1 to \$3,999 B \$4,000 to \$19,999 C \$20,000 to \$39,999 D \$40,000 to \$99,999 E \$100,000 or more | | |
| SEND REPORT TO PUBLIC DISCLOSURE COMMISSION | | | | |
| Last Name _____ First _____ Middle Initial _____ | | Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details. | | |
| Mailing Address (Use PO Box or Work Address) * _____ _____ _____ | | | | |
| City _____ County _____ Zip + 4 _____ | | | | |
| Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office <input type="checkbox"/> Professional staff of the Governor's Office and the Legislature | | Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____ | | |
| 1 INCOME List each employer, or other source of income (pension, social security, legal judgment, etc.) from which you or a family member, including registered domestic partner, received \$2,000 or more during the period. (Report interest and dividends in Item 3 on reverse) | | | | |
| Show Self (S) Spouse (SP/DP) Dependent (D) | Name and Address of Employer or Source of Compensation _____ _____ _____ | | Occupation or How Compensation Was Earned _____ _____ | Amount: (Use Code) |
| Check Here <input type="checkbox"/> if continued on attached sheet | | | | |
| 2 REAL ESTATE List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$10,000 in which you or a family member, including registered domestic partner, held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.) | | | | |
| Property Sold or Interest Divested | Assessed Value (Use Code) | Name and Address of Purchaser | | Nature and Amount (Use Code) of Payment or Consideration Received |
| Property Purchased or Interest Acquired | | Creditor's Name/Address | Payment Terms | Security Given Mortgage Amount - (Use Code) Original Current |
| All Other Property Entirely or Partially Owned | | | | |
| Check here <input type="checkbox"/> if continued on attached sheet | | | | |

CONTINUE ON NEXT PAGE


| | | | | | |
|---|--|---|--------------------------|----------|--------------------------|
| 3 | ASSETS / INVESTMENTS - INTEREST / DIVIDENDS | List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period. | | | |
| <p>A. Name and address of each bank or financial institution in which you, a family member, including registered domestic partner, had an account over \$20,000 any time during the report period.</p> <p>B. Name and address of each insurance company where you, a family member, including registered domestic partner, had a policy with a cash or loan value over \$20,000 during the period.</p> <p>C. Name and address of each company, association, government agency, etc. in which you, a family member, including registered domestic partner, owned or had a financial interest worth over \$2,000. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property. If you, your spouse, registered domestic partner and/or dependents had decision making authority regarding individual assets/investments list each asset or investment, the value and any income amount. EXAMPLE: If you self-directed an investment account identify each stock or other asset in that account.</p> | Type of Account or Description of Asset | Asset Value (Use Code) | Income Amount (Use Code) | | |
| Check here <input type="checkbox"/> if continued on attached sheet. | | | | | |
| 4 | CREDITORS | List each creditor you or a family member, including registered domestic partner, owed \$2,000 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2. | | | AMOUNT (USE CODE) |
| Creditor's Name and Address | | Terms of Payment | Security Given | Original | Present |
| Check here <input type="checkbox"/> if continued on attached sheet. | | | | | |
| 5 | | | | | |
| <p>All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.</p> <p>Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.</p> | | | | | |
| <p>A. At any time during the reporting period were you, your spouse, registered domestic partner or dependents (1) an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity or (2) a partner or member of any limited partnership, limited liability partnership, limited liability company or similar entity including but not limited to a professional limited liability company? ____ If yes, complete Supplement, Part A.</p> <p>B. Did you, your spouse, registered domestic partner or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? ____ If yes, complete Supplement, Part A.</p> <p>C. Did you, your spouse, registered domestic partner or dependents own a business at any time during the reporting period? ____ If yes, complete Supplement, Part A.</p> <p>D. Did you, your spouse, registered domestic partner or dependents prepare, promote or oppose state legislation, rules, rates or standards for compensation or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? ____ If yes, complete Supplement, Part B.</p> <p>E. Only for Persons Filing Annual Report. Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse, registered domestic partner or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? ____ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse, registered domestic partner and/or dependents to travel or to attend a seminar or other training? ____ If yes to either or both questions, complete Supplement, Part C.</p> | | | | | |
| <p>ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.</p> <p><input type="checkbox"/> I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.</p> <p><input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.</p> <p>*CANDIDATES: Do not use public agency addresses or telephone numbers for contact information.</p> | | <p>CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.</p> <p>Signature _____ Date _____</p> <p>Contact Telephone: * ()</p> <p>Email: _____(work) *</p> <p>Email: _____(Home) <u>Optional</u></p> | | | |

REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE

F-1

Information Continued

| | | | | | |
|---|--|---|---|---|---------|
| Name | | | | | |
| 1 INCOME (continued) | | | | | |
| 1 <small>Show Self (S) Spouse (SP/DP) Dependent (D)</small> | Name and Address of Employer or Source of Compensation | | Occupation or How Compensation Was Earned | Amount: (Use Code) | |
| | | | | | |
| 2 REAL ESTATE (continued) | | | | | |
| Property Sold or Interest Divested | Assessed Value (Use Code) | Name and Address of Purchaser | | Nature and Amount (Use Code) of Payment or Consideration Received | |
| Property Purchased or Interest Acquired | | Creditor's Name/Address | Payment Terms | Security Given | |
| All Other Property Entirely or Partially Owned | | | | Mortgage Amount - (Use Code) Original Current | |
| 3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS (continued) | | | | | |
| A. Name and address of each bank or financial institution | | Type of Account or Description of Asset | Asset Value (Use Code) | Income Amount (Use Code) | |
| B. Name and address of each insurance company | | | | | |
| C. Name and address of each company, association, government agency | | | | | |
| 4 CREDITORS (continued) | | | | AMOUNT (USE CODE) | |
| Creditor's Name and Address | | Terms of Payment | Security Given | Original | Present |
| | | | | | |

| | | | | | | | | | | | |
|---|--|--|------|---------------------|-------------------------|--|----|--------------|--|----------------|--|
|  <p>PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828 EMAIL: pdc@pdc.wa.gov</p> | PDC FORM F-1 SUPPLEMENT <small>(11/08)</small> | SUPPLEMENT PAGE PERSONAL FINANCIAL AFFAIRS STATEMENT | | | | | | | | | |
| PROVIDE INFORMATION FOR YOURSELF, SPOUSE, REGISTERED DOMESTIC PARTNER, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD | | | | | | | | | | | |
| Last Name | First | Middle Initial | DATE | | | | | | | | |
| <p>A OFFICE HELD, BUSINESS INTERESTS: Provide the following information if, during the reporting period, you, your spouse, registered domestic partner or dependents</p> <p>(1) were an officer, director, general partner, trustee, or 10 percent or more owner of a corporation, non-profit organization, union, partnership, joint venture or other entity; and/or</p> <p>(2) were a partner or member of a limited partnership, limited liability partnership, limited liability company or similar entity, including but not limited to a professional limited liability company.</p> <ul style="list-style-type: none"> • Legal Name: Report name used on legal documents establishing the entity. • Trade or Operating Name: Report name used for business purposes if different from the legal name. • Position or Percent of Ownership: The office, title and/or percent of ownership held. • Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered. • Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received. • Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$10,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation. • Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met. | | | | | | | | | | | |
| <p>ENTITY NO. 1 Reporting For: Self <input type="checkbox"/> Spouse <input type="checkbox"/></p> <p style="text-align: right;">Registered Domestic Partner <input type="checkbox"/> Dependent <input type="checkbox"/></p> <p>LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP</p> <p>TRADE OR OPERATING NAME:</p> <p>ADDRESS:</p> <p>BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:</p> <p>PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Purpose of payments</td> <td style="width: 40%;">Amount (actual dollars)</td> </tr> <tr> <td></td> <td style="text-align: center;">\$</td> </tr> </table> <p>PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Agency name:</td> <td style="width: 40%;">Purpose of payment (amount not required)</td> </tr> </table> <p>PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 OR MORE:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Customer name:</td> <td style="width: 40%;">Purpose of payment (amount not required)</td> </tr> </table> <p>WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$20,000. List street address, assessor parcel number, or legal description and county for each parcel):</p> <p>Check here <input type="checkbox"/> if continued on attached sheet</p> <p style="text-align: right;">CONTINUE PARTS B AND C ON NEXT PAGE</p> | | | | Purpose of payments | Amount (actual dollars) | | \$ | Agency name: | Purpose of payment (amount not required) | Customer name: | Purpose of payment (amount not required) |
| Purpose of payments | Amount (actual dollars) | | | | | | | | | | |
| | \$ | | | | | | | | | | |
| Agency name: | Purpose of payment (amount not required) | | | | | | | | | | |
| Customer name: | Purpose of payment (amount not required) | | | | | | | | | | |

Name

ENTITY NO. 2 Reporting For: Self Spouse

Registered Domestic Partner Dependent

LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments Amount (actual dollars)

\$

PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE:

Agency name: Purpose of payment (amount not required)

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 OR MORE:

Customer name: Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$20,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here if continued on attached sheet

B LOBBYING: List persons for whom you, or any immediate family member, including registered domestic partner, lobbied or prepared state legislation or state rules, rates, or standards for compensation or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

| Person to Whom Services Rendered | Description of Legislation, Rules, Etc. | Compensation (Use Code) |
|----------------------------------|---|-------------------------|
| | | |

Check here if continued on attached sheet

C FOOD TRAVEL SEMINARS Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse, registered domestic partner or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

| Date Received | Donor's Name, City and State | Brief Description | Actual Dollar Amount | Value (Use Code) |
|---------------|------------------------------|-------------------|----------------------|------------------|
| | | | \$ | |

Check here if continued on attached sheet

Information Continued

F-1 Supplement

| | | | | |
|--|------------------------------|---|----------------------|-------------------------|
| Name | | | | |
| ENTITY NO. | | Reporting For: Self <input type="checkbox"/> Dependent <input type="checkbox"/> | | |
| | | Spouse/Registered Domestic Partner <input type="checkbox"/> | | |
| LEGAL NAME: | | POSITION OR PERCENT OF OWNERSHIP | | |
| TRADE OR OPERATING NAME: | | | | |
| ADDRESS: | | | | |
| BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION: | | | | |
| PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE: | | | | |
| Purpose of payments | | Amount (actual dollars) | | |
| | | \$ | | |
| PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE: | | | | |
| Agency name: | | Purpose of payment (amount not required) | | |
| PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 OR MORE | | | | |
| Customer name: | | Purpose of payment (amount not required) | | |
| WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$20,000. List street address, assessor parcel number, or legal description and county for each parcel): | | | | |
| B LOBBYING: (Continued) | | | | |
| Person to Whom Services Rendered | | Description of Legislation, Rules, Etc. | | Compensation (Use Code) |
| | | | | |
| C FOOD TRAVEL SEMINARS (continued) | | | | |
| Date Received | Donor's Name, City and State | Brief Description | Actual Dollar Amount | Value (Use Code) |
| | | | \$ | |


[Statutory Authority: RCW 42.17.370. 08-19-058, § 390-24-010, filed 9/12/08, effective 11/5/08. Statutory Authority: RCW 42.17.370(1). 08-01-070, § 390-24-010, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370 and 42.17.241 (1)(n). 07-04-084, § 390-24-010, filed 2/5/07, effective 3/8/07. Statutory Authority: RCW 42.17.370. 06-18-034, § 390-24-010, filed 8/28/06, effective 9/28/06; 05-06-070, § 390-24-010, filed 3/1/05, effective 4/1/05; 02-20-036, § 390-24-010, filed 9/24/02, effective 10/25/02. Statutory Authority: RCW 42.17.370(1). 00-22-053, § 390-24-010, filed 10/27/00, effective 11/27/00. Statutory Authority: RCW 42.17.370 (1) and (11) and 42.17.241 (1)(n). 97-23-020, § 390-24-010, filed 11/10/97, effective 1/1/98. Statutory Authority: RCW 42.17.370(1). 96-09-017, § 390-24-010, filed 4/8/96, effective 5/9/96. Statutory Authority: RCW 42.17.370. 91-24-011, § 390-24-010, filed 11/22/91, effective 12/23/91. Statutory Authority: RCW 42.17.370(1). 88-20-029 (Order 88-04), § 390-24-010, filed 9/29/88; 86-19-039 (Order 86-06), § 390-24-010, filed 9/12/86; 86-08-030 (Order 86-02), § 390-24-010, filed 3/26/86; 85-24-020 (Order 85-05), § 390-24-010, filed 11/26/85; 84-01-017 (Order 83-03), § 390-24-010, filed 12/9/83; 80-18-028 (Order 80-07), § 390-24-010, filed 12/1/80; 80-02-055 (Order 80-01), § 390-24-010, filed 1/17/80; 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 statement of financial affairs. (1) The official form for amending statements of financial affairs as required by RCW 42.17.240 for all persons who have previously filed the Form F-1 is designated Form "F-1A," revised 11/08.

(2) No more than three F-1A forms may be filed to amend a previously submitted statement of financial affairs (Form F-1). The form can be used only to update information required on an F-1.

(3) The commission reserves the right to reject amendatory forms and require a new statement of financial affairs (Form F-1) at any time the amendments are confusing or create misunderstandings. Authority is delegated to the commission's executive director to make this determination.

(4) Copies of Form F-1A are available at the Commission Office, 711 Capitol Way, Room 206, Evergreen Plaza Building, P.O. Box 40908, Olympia, Washington 98504-0908. Any paper attachments must be on 8-1/2" x 11" white paper.

|  PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828 | | PDC FORM F-1A (11/08) | PERSONAL FINANCIAL AFFAIRS STATEMENT Short Form | | P M PDC OFFICE USE O A S R T K R E C E I V E D | | | | | | | | | | | |
|--|------------------------------|---|--|------------------|---|--------|---|----------------|---|---------------------|---|----------------------|---|----------------------|---|-------------------|
| The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. A complete F-1 form must be filed at least every four years; an F-1A form may be used for no more than three consecutive reports. Deadlines: Incumbent elected and appointed officials -- by April 15. Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position. | | | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">DOLLAR CODE</th> <th style="text-align: left;">AMOUNT</th> </tr> <tr> <td>A</td> <td>\$1 to \$3,999</td> </tr> <tr> <td>B</td> <td>\$4,000 to \$19,999</td> </tr> <tr> <td>C</td> <td>\$20,000 to \$39,999</td> </tr> <tr> <td>D</td> <td>\$40,000 to \$99,999</td> </tr> <tr> <td>E</td> <td>\$100,000 or more</td> </tr> </table> | | DOLLAR CODE | AMOUNT | A | \$1 to \$3,999 | B | \$4,000 to \$19,999 | C | \$20,000 to \$39,999 | D | \$40,000 to \$99,999 | E | \$100,000 or more |
| DOLLAR CODE | AMOUNT | | | | | | | | | | | | | | | |
| A | \$1 to \$3,999 | | | | | | | | | | | | | | | |
| B | \$4,000 to \$19,999 | | | | | | | | | | | | | | | |
| C | \$20,000 to \$39,999 | | | | | | | | | | | | | | | |
| D | \$40,000 to \$99,999 | | | | | | | | | | | | | | | |
| E | \$100,000 or more | | | | | | | | | | | | | | | |
| Last Name _____ First _____ Middle Initial _____ Mailing Address (Use PO Box or Work Address) * _____ City _____ County _____ Zip + 4 _____ | | Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details. | | | | | | | | | | | | | | |
| Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office <input type="checkbox"/> Professional staff of the Governor's Office and the Legislature | | Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____ | | | | | | | | | | | | | | |
| Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information. <input type="checkbox"/> NO CHANGE REPORT. I have reviewed my last complete F-1 report dated _____ and F-1A reports (if any) dated (1) _____ and (2) _____. The information disclosed on those reports is accurate for the current reporting period. <input type="checkbox"/> MINOR CHANGES REPORT. I have reviewed my last complete F-1 report dated _____. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers and describe changes. Provide all information required on F-1 report. | | | | | | | | | | | | | | | | |
| Check here <input type="checkbox"/> if continued on attached sheet | | | | | | | | | | | | | | | | |
| FOOD TRAVEL SEMINARS Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse, registered domestic partner or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training. | | | | | | | | | | | | | | | | |
| Date Received | Donor's Name, City and State | Brief Description | Actual Dollar Amount | Value (Use Code) | | | | | | | | | | | | |
| Check here <input type="checkbox"/> if continued on attached sheet | | | | | | | | | | | | | | | | |
| ALL FILERS EXCEPT CANDIDATES. Check the appropriate box. <input type="checkbox"/> I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns. <input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns. *CANDIDATES: Do not use public agency addresses or telephone numbers for contact information. | | CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge. Signature _____ Date _____ Contact Telephone: () _____ * Email: _____ (work) * Email: _____ (Home) <u>Optional</u> | | | | | | | | | | | | | | |

Report Not Acceptable Without Filer's Signature

Information Continued

F-1A

| | | | | |
|--|------------------------------|-------------------|----------------------------|------------------|
| Name | | | | |
| Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information. | | | | |
| <input type="checkbox"/> NO CHANGE REPORT. I have reviewed my last complete F-1 report dated _____ and F-1A reports (if any) dated (1) _____ and (2) _____. The information disclosed on those reports is accurate for the current reporting period. | | | | |
| <input type="checkbox"/> MINOR CHANGES REPORT. I have reviewed my last complete F-1 report dated _____. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers and describe changes. Provide all information required on F-1 report. | | | | |
| FOOD TRAVEL SEMINARS (Continued) | | | | |
| Date Received | Donor's Name, City and State | Brief Description | Actual Dollar Amount \$ | Value (Use Code) |
| | | | | |

[Statutory Authority: RCW 42.17.370. 08-19-058, § 390-24-020, filed 9/12/08, effective 11/5/08. Statutory Authority: RCW 42.17.370(1). 08-01-070, § 390-24-020, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370. 05-06-070, § 390-24-020, filed 3/1/05, effective 4/1/05; 02-20-036, § 390-24-020, filed 9/24/02, effective 10/25/02. Statutory Authority: RCW 42.17.370(1). 00-22-052, § 390-24-020, filed 10/27/00, effective 11/27/00. Statutory Authority: RCW 42.17.370 (1) and (11) and 42.17.241 (1)(n). 97-23-020, § 390-24-020, filed 11/10/97, effective 1/1/98. Statutory Authority: RCW 42.17.370(1). 96-09-017, § 390-24-020, filed 4/8/96, effective 5/9/96. Statutory Authority: RCW 42.17.370. 91-24-011, § 390-24-020, filed 11/22/91, effective 12/23/91. Statutory Authority: RCW 42.17.370(1). 86-19-039 (Order 86-06), § 390-24-020, filed 9/12/86; 86-08-030 (Order 86-02), § 390-24-020, filed 3/26/86; 84-01-017 (Order 83-03), § 390-24-020, filed 12/9/83; 79-11-124 (Order 79-07), § 390-24-020, filed 11/6/79; 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 statement of financial affairs. 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:

(1) Any person holding elected public office, except as exempted by the terms of RCW 42.17.240, and any appointed official and professional staff member listed or referenced in RCW 42.17.240, and any appointed official required to comply with the reporting requirements of RCW 42.17.240 by any other statute is required to file the statement of financial affairs if such person holds such public office between January 1 and April 15 of any year. Such report shall be for the preceding calendar year.

(2) Any local elected official whose term of office expires immediately after December 31 shall file a statement of financial affairs for the calendar year which ended on that date.

(3) Any local elected official who resigns his public office prior to the completion of his current term of office shall file a statement of financial affairs covering that portion of the year that he was in office.

[Statutory Authority: RCW 42.17.370(1), 86-19-039 (Order 86-06), § 390-24-025, filed 9/12/86; 86-08-030 (Order 86-02), § 390-24-025, filed 3/26/86; 84-01-017 (Order 83-03), § 390-24-025, filed 12/9/83; 80-03-089 (Order 80-03), § 390-24-025, filed 3/4/80; Order 62, § 390-24-025, filed 8/26/75.]

WAC 390-24-032 Definition—Nonreimbursed public office related expense. A "nonreimbursed public office related expense" is an expenditure incurred by an elected or appointed official, or a member of his or her immediate family, solely because of being an official.

[Statutory Authority: RCW 42.17.370(1), 86-21-106 (Order 86-07), § 390-24-032, filed 10/20/86.]

WAC 390-24-100 Definition—Direct financial interest. For the purpose of RCW 42.17.241 (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.

[Statutory Authority: RCW 42.17.370(1), 86-08-030 (Order 86-02), § 390-24-100, filed 3/26/86; 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(6) 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.

[Statutory Authority: RCW 42.17.370(1), 86-08-030 (Order 86-02), § 390-24-105, filed 3/26/86; Order 62, § 390-24-105, filed 8/26/75.]

[Title 390 WAC—p. 96]

WAC 390-24-110 Definition—Debt. (1) For the purpose of RCW 42.17.241 (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 42.17.241 (1)(c) shall not be deemed to include an account payable of a business entity in the ordinary course of such entity's business.

[Statutory Authority: RCW 42.17.370(1), 86-08-030 (Order 86-02), § 390-24-110, filed 3/26/86; 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 chair and executive director, 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 subsection (1) of this section. The executive director 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 (2) and (3) and its application to such positions and personnel.

[Statutory Authority: RCW 42.17.390, 94-05-010, § 390-24-160, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370(1), 86-08-030 (Order 86-02), § 390-24-160, filed 3/26/86; Order 88, § 390-24-160, filed 12/29/76.]

WAC 390-24-200 Descriptions of real property. (1) For the purposes of reporting real property as required by RCW 42.17.241 (1)(h) through (k), the filer shall list the street address of each parcel, the assessor's parcel number, the abbreviated legal description appearing on property tax statements, or the complete legal description.

(2) Each property description shall be followed by the name of the county in which the property is located.

[Statutory Authority: RCW 42.17.370(1), 02-03-018, § 390-24-200, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370, 01-10-053, § 390-24-200, filed 4/26/01, effective 6/1/01. Statutory Authority: RCW 42.17.370(1), 88-20-029 (Order 88-04), § 390-24-200, filed 9/29/88; 86-08-030 (Order 86-02), § 390-24-200, filed 3/26/86; Order 63, § 390-24-200, filed 9/10/75.]

WAC 390-24-201 Report of compensation by limited partnerships, limited liability partnerships, limited liability companies, and similar entities. For the purposes of filing financial disclosures required by RCW 42.17.241:

(1) The terms partnership, general partnership, limited partnership, limited liability partnership, and limited liability company as defined in Title 25 RCW will apply.

(2) Persons who have a partnership or membership in limited partnerships, limited liability partnerships, limited liability companies, and similar entities including but not limited to professional limited liability companies, shall file a personal financial affairs form (PDC F-1) as required in RCW 42.17.241, and shall also provide the information described in subsection (3) of this section.

(3) A person filing a personal financial affairs statement shall report the name of any limited partnership, limited liability partnership, limited liability company, professional limited liability company, and similar entity in which a partnership or membership is held by the person or member of the person's immediate family, and any title held. The person shall also report the following:

(a) Regarding a governmental unit in which the filer seeks or holds any office or position, if the entity has received compensation during the reporting period from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and

(b) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in the amount equal to or greater than the amount specified in WAC 390-24-010 and 390-24-020 (the F-1 reporting forms) during the reporting period and the consideration given or performed in exchange for the compensation.

[Statutory Authority: RCW 42.17.241 (1)(n) and 42.17.370. 06-21-010, § 390-24-201, filed 10/6/06, effective 11/6/06.]

WAC 390-24-202 Report of compensation from sales commissions. When a person receives compensation in the form of a commission on sales, the reporting of the compensation, required in RCW 42.17.241, shall include:

(1) The name and address of the person or persons through whom a commission was paid;

(2) For purposes of RCW 42.17.241 (1)(f), the name and address of each person (other than an individual) for whom a service was rendered or to whom a product was sold that resulted in a commission of \$2,000 or more in the aggregate;

(3) For purposes of RCW 42.17.241 (1)(g)(i), the name and address of each governmental unit for whom a service was rendered or to whom a product was sold that resulted in a commission;

(4) For purposes of RCW 42.17.241 (1)(g)(ii), the name and address of each person (other than an individual) for whom a service was rendered or to whom a product was sold that resulted in a commission of \$10,000 or more in the aggregate.

[Statutory Authority: RCW 42.17.370(1). 08-01-070, § 390-24-202, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370. 92-08-105, § 390-24-202, filed 4/1/92, effective 5/2/92.]

WAC 390-24-203 Reporting of field trips and other excursions. (1) All persons required to file reports pursuant to RCW 42.17.170 who provide field trips or other excursions to elected and appointed officials, and other individuals

required to file the Personal Financial Affairs Statement (PDC Form F-1) shall file, on the appropriate monthly L-2 or L-2 Memo Report, the identity of persons attending the field trip or other excursion along with the date, pro rata cost, and a brief description of the field trip or other excursion.

(2) All persons required to file pursuant to RCW 42.17.241 who attend a field trip or other excursion paid for or provided by a lobbyist, lobbyist employer, or other person paying for or providing field trips or other excursions shall report the date, name of the person paying for or providing the field trip or excursion, pro rata cost attributable to the filer, applicable code value, and a brief description of the field trip or other excursion as part of the F-1 statement that covers the date of the field trip or other excursion.

[Statutory Authority: RCW 42.17.370(1). 00-22-059, § 390-24-203, filed 10/27/00, effective 11/27/00.]

WAC 390-24-205 Report of legislation prepared, promoted or opposed. (1) Pursuant to RCW 42.17.241 (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 prepared, 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 (1)(a), (b), and (c) of this section as to any entity of which such person is an elected official.

[Statutory Authority: RCW 42.17.370(1). 86-08-030 (Order 86-02), § 390-24-205, filed 3/26/86; Order 90, § 390-24-205, filed 1/20/77.]

WAC 390-24-210 Report 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 42.17.241 (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.

[Statutory Authority: RCW 42.17.370(1). 86-08-030 (Order 86-02), § 390-24-210, filed 3/26/86; Order 77, § 390-24-210, filed 6/2/76.]

WAC 390-24-301 Changes in dollar amounts of reporting thresholds and code values. Pursuant to the commission's authority in RCW 42.17.370(11) to revise the monetary reporting thresholds and code values found in chapter 42.17 RCW to reflect changes in economic conditions, the following revisions are made:

| Statutory Section | Subject Matter | Amount Enacted or Last Revised | Revision Effective January 1, 2008 |
|-------------------|-------------------|--------------------------------|------------------------------------|
| .241(1)(b) | Bank Accounts | \$15,000 | \$20,000 |
| .241(1)(b) | Other Intangibles | \$1,500 | \$2,000 |
| .241(1)(c) | Creditors | \$1,500 | \$2,000 |
| .241(1)(f) | Compensation | \$1,500 | \$2,000 |

| Statutory Section | Subject Matter | Amount Enacted or Last Revised | Revision Effective January 1, 2008 |
|-------------------|---------------------------------|--------------------------------|------------------------------------|
| .241(1)(g)(ii) | Compensation to Business Entity | \$7,500 | \$10,000 |
| .241(1)(g) | Bank Interest Paid | \$1,800 | \$2,400 |
| .241(1)(h) | Real Property—Acquired | \$7,500 | \$10,000 |
| .241(1)(i) | Real Property—Divested | \$7,500 | \$10,000 |
| .241(1)(j) | Real Property—Held | \$7,500 | \$10,000 |
| .241(1)(k) | Real Property—Business | \$15,000 | \$20,000 |
| .241(1)(l) | Food and Beverages | \$50 | |
| .241(2) | Dollar Code A | Up to \$2,999 | Up to \$3,999 |
| | Dollar Code B | \$3,000—\$14,999 | \$4,000—\$19,999 |
| | Dollar Code C | \$15,000—\$29,999 | \$20,000—\$39,999 |
| | Dollar Code D | \$30,000—\$74,999 | \$40,000—\$99,999 |
| | Dollar Code E | \$75,000 and up | \$100,000 and up |

[Statutory Authority: RCW 42.17.370(1). 08-01-070, § 390-24-301, filed 12/14/07, effective 1/14/08. Statutory Authority: RCW 42.17.370 (1) and (11) and 42.17.241 (1)(n). 97-23-020, § 390-24-301, filed 11/10/97, effective 1/1/98.]

Chapter 390-28 WAC

HARDSHIP EXEMPTIONS—HEARING EXAMINER SYSTEM

WAC

| | |
|------------|--|
| 390-28-020 | Definition—Applicant. |
| 390-28-025 | Hearing to modify reporting requirements. |
| 390-28-040 | Hearing to modify reporting—Prehearing procedure and requirements. |
| 390-28-060 | Hearing to modify reporting—Administrative law judge proceedings. |
| 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. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 390-28-010 | Statement of policy. [Order 62, § 390-28-010, filed 8/26/75; Order 24, § 390-28-010, filed 2/21/74.] Repealed by 85-22-029 (Order 85-04), filed 10/31/85. Statutory Authority: RCW 42.17.370(1). |
| 390-28-021 | Definition—Hearing officer. [Order 62, § 390-28-021, filed 8/26/75.] Repealed by 85-22-029 (Order 85-04), filed 10/31/85. Statutory Authority: RCW 42.17.370(1). |
| 390-28-030 | Hearing to modify reporting—Form—Right to by applicants. [Order 62, § 390-28-030, filed 8/26/75; Order 24, § 390-28-030, filed 2/21/74.] Repealed by 85-22-029 (Order 85-04), filed 10/31/85. Statutory Authority: RCW 42.17.370(1). |
| 390-28-050 | Hearing to modify reporting—Alternate forms. [Statutory Authority: RCW 42.17.370(1). 85-22-029 (Order 85-04), § 390-28-050, filed 10/31/85; Order 62, § 390-28-050, filed 8/26/75; Order 24, § 390-28-050, filed 2/21/74.] Repealed by 91-21-030, filed 10/9/91, effective 11/9/91. Statutory Authority: RCW 42.17.370. |

WAC 390-28-020 Definition—Applicant. The term applicant for the purposes of chapter 390-28 WAC shall mean any person as defined in RCW 42.17.020 that seeks a modification pursuant to RCW 42.17.370(10) and these rules.

[Statutory Authority: RCW 42.17.370. 07-14-117, § 390-28-020, filed 7/3/07, effective 8/3/07; 91-22-083, § 390-28-020, filed 11/5/91, effective 12/6/91. Statutory Authority: RCW 42.17.370(1). 85-22-029 (Order 85-04),

§ 390-28-020, filed 10/31/85; Order 62, § 390-28-020, filed 8/26/75; Order 24, § 390-28-020, filed 2/21/74.]

WAC 390-28-025 Hearing to modify reporting requirements. (1) Any person who considers compliance with any of the reporting requirements of chapter 42.17 RCW to be a manifestly unreasonable hardship in a particular case may apply for a modification of such reporting requirements pursuant to RCW 42.17.370(10) and further pursuant to these rules.

(2) A hearing to modify the reporting requirements shall be conducted pursuant to the Administrative Procedure Act (chapter 34.05 RCW) and its supporting regulations (chapter 10-08 WAC) shall be followed unless otherwise modified by chapter 390-28 WAC.

[Statutory Authority: RCW 42.17.370. 92-05-080, § 390-28-025, filed 2/18/92, effective 3/20/92; 91-22-083, § 390-28-025, filed 11/5/91, effective 12/6/91. Statutory Authority: RCW 42.17.370(1). 85-22-029 (Order 85-04), § 390-28-025, filed 10/31/85; Order 62, § 390-28-025, filed 8/26/75; Order 24, § 390-28-025, filed 2/21/74.]

WAC 390-28-040 Hearing to modify reporting—Pre-hearing procedure and requirements. (1) An applicant must file with the commission a written request for hearing for suspension or modification of reporting requirements. The request should be submitted by the tenth day of the month preceding the month in which the report is due so that action on the request can be completed before the filing deadline.

(2) The request should contain (a) the required report completed to the extent possible, (b) the applicant's evidence to be submitted at the hearing, (c) 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.) The applicant is encouraged to also include a proposed modification to the required reporting which, in the applicant's opinion, will relieve the perceived hardship.

(3) The filing of a request for modification shall not suspend the reporting requirement of any portion of chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.370. 91-22-083, § 390-28-040, filed 11/5/91, effective 12/6/91. Statutory Authority: RCW 42.17.370(1). 85-24-020 (Order 85-05), § 390-28-040, filed 11/26/85; 80-03-089 (Order 80-03), § 390-28-040, filed 3/4/80; Order 62, § 390-28-040, filed 8/26/75; Order 24, § 390-28-040, filed 2/21/74.]

WAC 390-28-060 Hearing to modify reporting—Administrative law judge proceedings. (1) The commission may request through the office of administrative hearings the appointment of an administrative law judge to hear individual applicants.

(2) After such hearing is concluded, the administrative law judge 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 administrative law judge'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 por-

tions as may be cited by the administrative law judge, applicant or executive director. The commission may also hear additional testimony.

(3) If the applicant files objections to the administrative law judge's proposed decision, the filing requirement from which the applicant has sought modification 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(10). Such suspension of filing requirements shall be granted only until the decision is finalized by formal action of the commission.

(4) At the next meeting at which the matter can be lawfully considered, the commission shall review and either ratify or modify or revise the proposed order.

[Statutory Authority: RCW 42.17.370, 91-22-083, § 390-28-060, filed 11/5/91, effective 12/6/91. Statutory Authority: RCW 42.17.370(1), 85-22-029 (Order 85-04), § 390-28-060, filed 10/31/85; 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 a personal appearance at a hearing conducted pursuant to chapter 390-28 WAC. In the event that an applicant chooses to waive such appearance, that person shall submit a written, sworn statement setting out in detail the rationale for requesting modification or suspension.

(2) The commission, or the administrative law judge, shall proceed to decide the application in the same manner as if an appearance were made. However, in the event the commission or the administrative law judge is not able to reach a conclusion on the request because of an insufficiency of the evidence, the hearing may be adjourned for the purposes of gathering further evidence, or the application may be denied.

[Statutory Authority: RCW 42.17.370, 07-14-117, § 390-28-070, filed 7/3/07, effective 8/3/07. Statutory Authority: RCW 42.17.370(1), 85-22-029 (Order 85-04), § 390-28-070, filed 10/31/85; Order 64, § 390-28-070, filed 11/25/75; Order 62, § 390-28-070, filed 8/26/75; Order 24, § 390-28-070, filed 2/21/74. Formerly WAC 390-28-080.]

WAC 390-28-080 Hearing to modify reporting—Evidence, record, adverse decisions. (1) All evidence presented at hearings held pursuant to chapter 390-28 WAC and RCW 42.17.370(10) shall be considered to be a public record. There is a presumption that all hearings and evidence presented in hearing records are open to the public. Requests for closure of hearings or portions of hearings or hearing records generally will be denied. However, pursuant to RCW 34.05.449(5) and 42.17.370(10), the commission may close the hearing or a portion of the hearing or hearing record. The commission may close a hearing or portion of a hearing or hearing record for a limited purpose to protect compelling interests and where closure is specifically justified if it finds that it is necessary to allow the applicant to:

(a) Provide sufficient evidence to assure that proper findings are made regarding the name of an entity the disclosure of which would likely adversely affect the competitive position of the applicant as provided in RCW 42.17.370(10); or

(b) Provide other information or relevant legal authorities for which it finds a compelling interest has otherwise been shown by the applicant to close the hearing.

(2009 Ed.)

(2)(a) Before concluding that closure of a hearing or portion of a hearing or hearing record is warranted, the commission must find by clear and convincing evidence that:

(i) The applicant has satisfied a basis for seeking closure under subsection (1)(a) or (b) of this section;

(ii) An open hearing or record to report the information would work a manifestly unreasonable hardship on the applicant;

(iii) Anyone present when the closure request is made has been given an opportunity to object to the closure;

(iv) The proposed method for closing the hearing or hearing record is the least restrictive means available for protecting the threatened interests, after considering alternatives;

(v) The commission has had the opportunity to weigh the competing interests of the applicant seeking closure and the public's interests;

(vi) Closing the hearing or portion of the hearing or hearing record will not frustrate the purposes of chapter 42.17 RCW; and

(vii) The proposed protective order is not broader in its application or duration than necessary to serve its purpose.

(b) All evidence presented at any portion of a closed session identifying the matters for which the applicant requests modification under these rules shall be considered confidential by the commission pursuant to a protective order which shall be entered by the commission unless otherwise ordered by a court of competent jurisdiction. In the event that an administrative law judge determines that testimony in private may be necessary, the judge shall immediately adjourn the hearing and refer the matter to the commission.

(3) Any decision or order adverse to an applicant rendered by the commission or the administrative law judge shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law.

[Statutory Authority: RCW 42.17.370, 07-14-117, § 390-28-080, filed 7/3/07, effective 8/3/07; 91-22-083, § 390-28-080, filed 11/5/91, effective 12/6/91. Statutory Authority: RCW 42.17.370(1), 85-22-029 (Order 85-04), § 390-28-080, filed 10/31/85; Order 62, § 390-28-080, filed 8/26/75; Order 24, § 390-28-080, filed 2/21/74. Formerly WAC 390-28-070.]

WAC 390-28-090 Hearing to modify reporting—Required findings. The commission, after hearing as provided in these rules, 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.

[Statutory Authority: RCW 42.17.370(1), 85-22-029 (Order 85-04), § 390-28-090, filed 10/31/85; 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 modification:

(a) Reporting any financial interest, otherwise required to be reported by RCW 42.17.241 (1)(b) of said act, if the

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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 42.17.241 (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 42.17.241 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, 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.

[Statutory Authority: RCW 42.17.370(1), 85-22-029 (Order 85-04), § 390-28-100, filed 10/31/85; 80-02-106 (Order 80-02), § 390-28-100, filed 1/24/80; 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

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| 390-32-010 | Fair Campaign Practices Code for candidates and political committees. |
| 390-32-020 | Filing—Fair Campaign Practices Code. |
| 390-32-030 | Complaints—Fair Campaign Practices Code. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 390-32-040 | Fair Campaign Practices Code for statewide ballot issues. [Order 92, § 390-32-040, filed 7/22/77.] Repealed by 85-22-029 (Order 85-04), filed 10/31/85. Statutory Authority: RCW 42.17.370(1). |
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WAC 390-32-010 Fair Campaign Practices Code for candidates and political committees. 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.

[Statutory Authority: RCW 42.17.370(1), 85-22-029 (Order 85-04), § 390-32-010, filed 10/31/85; 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 shall be printed in appropriate campaign reporting instructions made available to candidates and political committees.

(2) Failure to subscribe to the code shall not constitute a violation of chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.370, 92-18-002, § 390-32-020, filed 8/20/92, effective 9/20/92. Statutory Authority: RCW 42.17.370(1), 86-08-030 (Order 86-02), § 390-32-020, filed 3/26/86; 85-22-029 (Order 85-04), § 390-32-020, filed 10/31/85; 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 political committees (WAC 390-32-010) may be submitted to the public disclosure commission by any person.

(2) Upon receipt of a complaint, the executive director shall forward a copy of the complaint to the complainee within twenty-four hours, accompanied by a request for a response to the complaint returned within five days from the date of mailing.

(3) Upon receipt of the complainee's response, the executive director 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 five 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 eight 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.

[Statutory Authority: RCW 42.17.370(1), 85-22-029 (Order 85-04), § 390-32-030, filed 10/31/85; Order 93, § 390-32-030, filed 8/26/77; Order 91, § 390-32-030, filed 7/22/77.]

Chapter 390-37 WAC

ENFORCEMENT HEARING (ADJUDICATIVE PROCEEDING) RULES

WAC

- 390-37-001 Enforcement cases—Jurisdiction.
- 390-37-010 Enforcement procedures—General.
- 390-37-020 Enforcement procedures—Initiation of complaint.
- 390-37-030 Enforcement procedures—Citizen complaints filed with the commission.
- 390-37-040 Enforcement procedures—Procedures for filing complaints with the commission.
- 390-37-041 Enforcement procedures—Allegations submitted to the attorney general's office and/or prosecuting attorneys.
- 390-37-050 Enforcement procedures—Respondent's notice of complaint.
- 390-37-060 Enforcement procedures—Investigation of complaints—Initiation of hearing (adjudicative proceeding).
- 390-37-063 Enforcement procedures—Demand for information—Subpoenas.
- 390-37-070 Enforcement procedures—Complaints dismissed by executive director.
- 390-37-090 Informal settlement—Cases resolvable by stipulation prior to an enforcement hearing (adjudicative proceeding), or by other alternative dispute mechanisms.
- 390-37-100 Enforcement procedures—Conduct of hearings (adjudicative proceedings).
- 390-37-103 Commission options following receipt of a staff report on alleged violations.
- 390-37-105 Prehearing conference—Rule.
- 390-37-120 Enforcement hearings (adjudicative proceedings)—Subpoenas—Discovery—Hearings.
- 390-37-130 Enforcement hearings (adjudicative proceedings)—Depositions and interrogatories—Right to take.
- 390-37-132 Enforcement hearings (adjudicative proceedings)—Depositions and interrogatories—Notice.
- 390-37-134 Depositions and interrogatories in enforcement hearings (adjudicative proceedings)—Protection of parties and deponents.
- 390-37-136 Production of documents and use at hearing and other hearing procedures (adjudicative proceedings).
- 390-37-140 Brief enforcement hearings (adjudicative proceedings)—Authority.
- 390-37-142 Brief enforcement hearing (adjudicative proceeding)—Procedure.
- 390-37-144 Brief adjudicative proceeding—Administrative review procedures.
- 390-37-150 Reconsideration and judicial review of decisions.
- 390-37-155 Electronic filing brief enforcement hearing penalty schedule.
- 390-37-160 Statement of financial affairs (F-1) penalty schedule.
- 390-37-165 Candidate registration statement (C-1)/candidate statement of financial affairs (F-1) penalty schedule.
- 390-37-170 Lobbyist monthly expense report (L-2) penalty schedule.
- 390-37-175 Lobbyist employer report (L-3) penalty schedule.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 390-37-080 Enforcement procedures—Prehearing conference. [Order 81, § 390-37-080, filed 7/22/76.] Repealed by 84-12-017 (Order 84-03), filed 5/25/84. Statutory Authority: RCW 42.17.370(1).
- 390-37-200 Investigative hearings—Commission policy. [Order 81, § 390-37-200, filed 7/22/76.] Repealed by 84-12-017 (Order 84-03), filed 5/25/84. Statutory Authority: RCW 42.17.370(1).
- 390-37-205 Investigative hearings—Respondent's notice to appear. [Order 81, § 390-37-205, filed 7/22/76.] Repealed by 84-12-017 (Order 84-03), filed 5/25/84. Statutory Authority: RCW 42.17.370(1).
- 390-37-210 Hearings—Subpoenas. [Statutory Authority: RCW 42.17.370. 90-16-083, § 390-37-210, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-37-210, filed 2/5/86; 85-15-020 (Order 85-03), § 390-37-210, filed 7/9/85; 84-12-017 (Order 84-03), § 390-37-210, filed 5/25/84; Order 81, § 390-37-210, filed 7/22/76.] Repealed by 91-16-072, filed 8/2/91, effective 9/2/91. Statutory Authority: RCW 42.17.370.
- 390-37-215 Investigative hearings—Conducted by commission or hearing officer. [Order 81, § 390-37-215, filed 7/22/76.] Repealed by 84-12-017 (Order 84-03), filed 5/25/84. Statutory Authority: RCW 42.17.370(1).
- 390-37-220 Investigative hearings—Procedures. [Order 81, § 390-37-220, filed 7/22/76.] Repealed by 84-12-017 (Order 84-03), filed 5/25/84. Statutory Authority: RCW 42.17.370(1).
- 390-37-225 Investigative hearings—Disposition of case by hearing officer. [Order 81, § 390-37-225, filed 7/22/76.] Repealed by 84-12-017 (Order 84-03), filed 5/25/84. Statutory Authority: RCW 42.17.370(1).
- 390-37-230 Investigative hearings—Disposition of case by commission. [Order 81, § 390-37-230, filed 7/22/76.] Repealed by 84-12-017 (Order 84-03), filed 5/25/84. Statutory Authority: RCW 42.17.370(1).
- 390-37-300 Late filings—Civil penalties. [Statutory Authority: RCW 42.17.370(1). 82-02-007 (Order 81-04), § 390-37-300, filed 12/28/81; Order 84, § 390-37-300, filed 8/18/76.] Repealed by 82-14-016 (Order 82-04), filed 6/28/82. Statutory Authority: RCW 42.17.370(1).
- 390-37-305 Late filings—Administrator review. [Statutory Authority: RCW 42.17.370(1). 82-02-007 (Order 81-04), § 390-37-305, filed 12/28/81; Order 84, § 390-37-305, filed 8/18/76 and 8/20/76.] Repealed by 82-14-016 (Order 82-04), filed 6/28/82. Statutory Authority: RCW 42.17.370(1).
- 390-37-310 Late filings—Waiver of penalty. [Order 84, § 390-37-310, filed 8/18/76.] Repealed by 82-02-007 (Order 81-04), filed 12/28/81. Statutory Authority: RCW 42.17.370(1).
- 390-37-312 Late filings—Criteria for waiver; procedures for disposition. [Statutory Authority: RCW 42.17.370(1). 82-02-007 (Order 81-04), § 390-37-312, filed 12/28/81.] Repealed by 82-14-016 (Order 82-04), filed 6/28/82. Statutory Authority: RCW 42.17.370(1).
- 390-37-315 Late filings—Petition for waiver—Disposition by commission. [Order 84, § 390-37-315, filed 8/18/76.] Repealed by 82-02-007 (Order 81-04), filed 12/28/81. Statutory Authority: RCW 42.17.370(1).
- 390-37-320 Late filings—Waiver petition—Judicial review and enforcement. [Statutory Authority: RCW 42.17.370(1). 82-02-007 (Order 81-04), § 390-37-320, filed 12/28/81; Order 84, § 390-37-320, filed 8/18/76.] Repealed by 82-14-016 (Order 82-04), filed 6/28/82. Statutory Authority: RCW 42.17.370(1).

WAC 390-37-001 Enforcement cases—Jurisdiction. The commission enforces the sections of chapter 42.17 RCW concerning campaign financing, lobbyist reporting, reporting of public officials' financial affairs, reporting by public treasurers, political advertising, and campaign contribution limitations. The commission does not enforce the public records provisions of chapter 42.17 RCW because RCW 42.17.340 provides for direct review by the superior courts.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-001, filed 11/4/03, effective 12/5/03.]

WAC 390-37-010 Enforcement procedures—General. This chapter provides the procedures for adjudicative proceedings (hearings) in compliance cases under the commission's jurisdiction. The procedures are also governed by RCW 42.17.395, and the adjudicative proceedings provisions of chapter 34.05 RCW. Unless they differ or are otherwise specifically addressed in this chapter, the procedure, are supplemented by the model rules of procedure in chapter 10-08 WAC. In lieu of holding an adjudicative proceeding or issuing an order as a result of such a proceeding, the commission may refer the matter to the attorney general or other law enforcement agency pursuant to RCW 42.17.360(5) and 42.17.395(3).

In addition, the procedures for requesting a hearing on a petition to modify or suspend reporting requirements are provided in RCW 42.17.370(10) and chapters 390-24 and 390-28 WAC.

The policy of the commission shall be to facilitate the resolution of compliance matters in a fair and expeditious manner. The commission encourages the parties to consider alternative resolution or partial resolution procedures such as stipulations under WAC 390-37-090, when appropriate. Informal settlements are encouraged by RCW 34.05.060.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-010, filed 11/4/03, effective 12/5/03; 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 an enforcement hearing that may arise from the complaint;
- (d) Referral from the office of the attorney general or any other law enforcement agency;
- (e) A state agency, local agency or member of a state or local agency.

(2) The person or entity against whom a complaint is filed shall be known as the respondent.

[Statutory Authority: RCW 42.17.370. 93-24-003, § 390-37-020, filed 11/18/93, effective 12/19/93. Statutory Authority: RCW 42.17.370(1). 84-12-017 (Order 84-03), § 390-37-020, filed 5/25/84; Order 79, § 390-37-020, filed 6/25/76.]

WAC 390-37-030 Enforcement procedures—Citizen complaints filed with the commission. (1) When a citizen complaint has been filed with the agency pursuant to WAC 390-37-040, 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 enforcement hearing or investigative proceeding.

(2) The complainant or any other person may submit documentary evidence and/or written factual or legal state-

ments to the staff at any time up to and including the fifth calendar day before the date of any enforcement hearing or proceeding.

(3) A person not satisfied with the dismissal of a complaint by the commission or its executive director may pursue an appropriate remedy under RCW 42.17.400(4).

[Statutory Authority: RCW 42.17.370(1). 04-12-058, § 390-37-030, filed 5/28/04, effective 6/28/04. Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-030, filed 11/4/03, effective 12/5/03; 02-23-001, § 390-37-030, filed 11/6/02, effective 12/7/02. Statutory Authority: RCW 42.17-370(1). 86-04-071 (Order 86-01), § 390-37-030, filed 2/5/86; 84-12-017 (Order 84-03), § 390-37-030, filed 5/25/84; Order 79, § 390-37-030, filed 6/25/76.]

WAC 390-37-040 Enforcement procedures—Procedures for filing complaints with the commission. (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, shall be made in writing.

(3) A complaint filed under the provisions of either subsection (1) or (2) of this section shall 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;

(b) All available documentation and other evidence which the complainant is able to supply to demonstrate a reason for believing that a violation of the sections of chapter 42.17 RCW that are enforced by the commission has occurred; and

(c) The name, address, telephone number, and other contact information for the complainant.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-040, filed 11/4/03, effective 12/5/03. Statutory Authority: RCW 42.17.370(1). 84-12-017 (Order 84-03), § 390-37-040, filed 5/25/84; Order 79, § 390-37-040, filed 6/25/76.]

WAC 390-37-041 Enforcement procedures—Allegations submitted to the attorney general's office and/or prosecuting attorneys. When a person has notified the attorney general or prosecuting attorney under RCW 42.17.400(4) that there is reason to believe a violation of the sections of chapter 42.17 RCW enforced by the commission has occurred, and the attorney general or prosecutor forwards the complaint to the commission, commission staff may:

- (1) Initiate an investigation;
- (2) Submit a report to the commission that may include a recommendation;
- (3) Schedule the matter for an adjudicative proceeding before the commission following investigation; and/or
- (4) Take any other steps consistent with the agency's authority and resources.

[Statutory Authority: RCW 42.17.370(1). 04-12-059, § 390-37-041, filed 5/28/04, effective 6/28/04. Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-041, filed 11/4/03, effective 12/5/03.]

WAC 390-37-050 Enforcement procedures—Respondent's notice of complaint. Within ten business 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.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-050, filed 11/4/03, effective 12/5/03. Statutory Authority: RCW 42.17.370(1). 79-08-046 (Order 79-03), § 390-37-050, filed 7/19/79; Order 81, § 390-37-050, filed 7/22/76.]

WAC 390-37-060 Enforcement procedures—Investigation of complaints—Initiation of hearing (adjudicative proceeding). (1) Upon receipt of a complaint not obviously unfounded or frivolous, the executive director shall direct an investigation be conducted. If after an initial review of the complaint it is determined that a complete and thorough investigation will require the expenditure of substantial resources, the executive director may request review and concurrence by the commission before continuing the investigation.

(2) The executive director shall initiate an adjudicative proceeding or provide a report to the commission whenever an investigation reveals facts that the executive director has reason to believe are a material violation of the sections of chapter 42.17 RCW under the commission's jurisdiction, and do not constitute substantial compliance.

(3) The respondent shall be notified of the date of the adjudicative proceeding no later than ten calendar days before that date. The notice shall contain the information required by RCW 34.05.434. The complainant shall also be provided a copy of this notice.

(4) It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.17.310 (1)(d). If a request is made for any such record that implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW 42.17.-330. Certain documents shall be returned to candidates, campaigns, or political committees as required by RCW 42.17.-365 within seven calendar days of the commission's final action upon completion of an audit or field investigation.

[Statutory Authority: RCW 42.17.370. 05-11-001, § 390-37-060, filed 5/4/05, effective 6/4/05; 03-22-065, § 390-37-060, filed 11/4/03, effective 12/5/03; 93-24-003, § 390-37-060, filed 11/18/93, effective 12/19/93; 91-16-072, § 390-37-060, filed 8/2/91, effective 9/2/91. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-37-060, filed 2/5/86; 84-12-017 and 84-12-029 (Orders 84-03 and 84-03A), § 390-37-060, filed 5/25/84 and 5/29/84; Order 81, § 390-37-060, filed 7/22/76.]

WAC 390-37-063 Enforcement procedures—Demand for information—Subpoenas. (1) During the course of an audit or an investigation, the executive director may issue a subpoena directed to any person who probably possesses information which is relevant and material to the audit or the investigation. The subpoena shall

(a) Specifically describe the information which is sought, and

(b) Set forth a reasonable time and place for the production of the information, and

(c) Notify the person that if the information is not produced, the executive director will apply to the superior court for an appropriate order or other remedy.

The subpoena may be personally delivered or sent by certified mail, return receipt requested.

(2) The commission may issue a subpoena under RCW 42.17.370(6) and WAC 390-37-120 to compel persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other documents which the commission deems relevant and material.

[Statutory Authority: RCW 42.17.370. 03-18-003, § 390-37-063, filed 8/20/03, effective 9/20/03; 93-24-003, § 390-37-063, filed 11/18/93, effective 12/19/93. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-37-063, filed 2/5/86; 82-02-007 (Order 81-04), § 390-37-063, filed 12/28/81.]

WAC 390-37-070 Enforcement procedures—Complaints dismissed by executive director. The executive director, with the concurrence of the chair or the chair's designee, 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 material violation of the sections of chapter 42.17 RCW that are enforced by the commission has occurred and/or shows that the respondent is in substantial compliance with the relevant statutes or rules.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-070, filed 11/4/03, effective 12/5/03. Statutory Authority: RCW 42.17.390. 94-05-010, § 390-37-070, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-37-070, filed 2/5/86; 84-12-017 (Order 84-03), § 390-37-070, filed 5/25/84; Order 81, § 390-37-070, filed 7/22/76.]

WAC 390-37-090 Informal settlement—Cases resolvable by stipulation prior to an enforcement hearing (adjudicative proceeding), or by other alternative dispute mechanisms. (1) RCW 34.05.060 authorizes agencies to establish by rule specific procedures for attempting and executing informal settlement of matters. The following procedures are available for informal dispute resolution prior to an adjudicative proceeding that may make more elaborate proceedings under the Administrative Procedure Act unnecessary.

(a) Any enforcement matter before the commission which has not yet been heard in an adjudicative proceeding may be resolved by settlement. The respondent shall communicate his or her request to the executive director or designee (commission staff), setting forth all pertinent facts and the desired remedy. Settlement negotiations shall be informal and without prejudice to rights of a participant in the negotiations.

(b) When the executive director and respondent agree to terms of any stipulation of facts, violations, and/or penalty, commission staff shall prepare the stipulation for presentation to the commission.

(c) Any proposed stipulation shall be in writing and signed by each party to the stipulation or his or her representative. The executive director shall sign for commission staff. Any stipulation to facts and violations shall be provided prior to or at the hearing. Stipulations to penalty shall be provided by 4:00 p.m. the business day preceding the hearing. The

commission has the option of accepting, rejecting, or modifying the proposed stipulation or asking for additional facts to be presented. If the commission accepts the stipulation or modifies the stipulation with the agreement of the opposing party, the commission shall enter an order in conformity with the terms of the stipulation. If the commission rejects the stipulation or the opposing party does not agree to the commission's proposed modifications to the stipulation, and if no revised stipulation or staff report is presented to the commission, then an adjudicative proceeding shall be scheduled and held.

(2) Parties are encouraged to be creative in resolving cases without further litigation where appropriate.

(3) Following a stipulation of facts or law, if the commission determines certain sanctions or other steps are required by the respondent as a result of the alternative dispute resolution including stipulations and that it intends to enter an order, and the respondent does not timely raise an objection at the hearing, it shall be presumed that the respondent has waived objections and appeals, and agrees to the entry of the order.

[Statutory Authority: RCW 42.17.370. 06-14-057, § 390-37-090, filed 6/29/06, effective 7/30/06; 05-11-001, § 390-37-090, filed 5/4/05, effective 6/4/05; 03-22-065, § 390-37-090, filed 11/4/03, effective 12/5/03; 91-16-072, § 390-37-090, filed 8/2/91, effective 9/2/91. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-37-090, filed 2/5/86; 84-12-017 (Order 84-03), § 390-37-090, filed 5/25/84; Order 81, § 390-37-090, filed 7/22/76.]

WAC 390-37-100 Enforcement procedures—Conduct of hearings (adjudicative proceedings). (1) An enforcement hearing (adjudicative proceeding) shall be conducted pursuant to the Administrative Procedure Act (chapter 34.05 RCW). Chapter 390-37 WAC further governs these proceedings, as supplemented by chapter 10-08 WAC. To the extent chapters 390-37 and 10-08 WAC differ, chapter 390-37 WAC controls.

(2) An adjudicative proceeding shall be heard by the commission, except for brief adjudicative proceedings which are conducted by the chair or the chair's designee.

(3) The commission shall have the authority to:

- (a) Determine the order of presentation of evidence;
- (b) Administer oaths and affirmations;
- (c) Rule on procedural matters, objections, and motions;
- (d) Rule on offers of proof and receive relevant evidence;

(e) Pursuant to RCW 34.05.449(5), close parts of a hearing to public observation or order the exclusion of witnesses upon a showing of good cause;

(f) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(g) Take official notice of facts pursuant to RCW 34.05.452(5);

(h) Regulate the course of the hearing and take any appropriate action necessary to maintain order during the hearing;

(i) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(j) Issue an order of default pursuant to RCW 34.05.440;

(k) Take any other action necessary and authorized by any applicable statute or rule;

(l) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver; and

(m) The commission chair or the chair's designee may conduct the procedural aspects of the adjudicative proceeding under (a) through (l) of this subsection, unless a majority of members present vote to seek a full commission decision on any particular matter.

(4) The commission may decide dispositive motions, and any other matters referred to it by the presiding officer at a prehearing conference.

(5) After an adjudicative proceeding by the commission, 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) Respondent is in apparent violation of chapter 42.17 RCW, its own remedies are inadequate and enter its order referring the matter to the appropriate law enforcement agency as provided in RCW 42.17.360 and 42.17.395.

(6) Upon the conclusion of and adjudicative proceeding, the commission:

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

(b) Shall serve the respondent a copy of the findings of fact, conclusions of law and decision and order.

(7) The executive director is authorized to sign orders on behalf of the commission.

(8) 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.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-100, filed 11/4/03, effective 12/5/03; 91-16-072, § 390-37-100, filed 8/2/91, effective 9/2/91; 90-16-083, § 390-37-100, filed 7/31/90, effective 8/31/90. Statutory Authority: RCW 42.17.370(1). 86-04-071 (Order 86-01), § 390-37-100, filed 2/5/86; 85-15-020 (Order 85-03), § 390-37-100, filed 7/9/85; 84-12-017 (Order 84-03), § 390-37-100, filed 5/25/84; Order 81, § 390-37-100, filed 7/22/76.]

WAC 390-37-103 Commission options following receipt of a staff report on alleged violations. Upon receipt of a staff report concerning alleged violations of those sections of chapter 42.17 RCW that the commission enforces, the commission may:

(1) Schedule the matter for a hearing (adjudicative proceeding); or

(2) Issue an order; or

(3) In lieu of holding an enforcement hearing (adjudicative proceeding), or issuing an order, refer the matter or apparent violations to the attorney general or other enforcement agency pursuant to RCW 42.17.360(5) and 42.17.395.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-103, filed 11/4/03, effective 12/5/03.]

WAC 390-37-105 Prehearing conference—Rule. (1) In any prehearing conference prior to an enforcement hearing (adjudicative proceeding), the chair or the chair's designee upon his/her own motion or upon request by one of the parties or their qualified representative, may direct the parties to

appear at a specified time and place for a conference to consider:

- (a) Identifying and simplifying issues;
- (b) The necessity of amendments to the hearing notice;
- (c) The possibility of obtaining stipulations, admissions of facts and of documents;
- (d) Limiting the number of witnesses; and
- (e) Procedural and such other matters as may aid in the conduct of the proceeding.

(2) Prehearing conferences may be presided over by the chair or his/her designee.

(3) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(4) In a prehearing conference, the presiding officer may hear prehearing motions regarding preliminary matters such as motions *in limine*, discovery motions, and other similar matters. The presiding officer shall not consider dispositive motions in a prehearing conference and such motions will automatically be scheduled for consideration before the commission.

(5) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken and decisions made at the conference and the date on which objections to the order are to be filed and served. If no objection to the order is timely filed with the presiding officer, the order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(6) When the chair or his/her designee presides over a prehearing conference, he or she is acting as a quasi-judicial body which relates to a quasi-judicial matter between named parties. Therefore, a prehearing conference is not subject to chapter 42.30 RCW, Open Public Meetings Act.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-105, filed 11/4/03, effective 12/5/03. Statutory Authority: RCW 42.17.390. 94-05-010, § 390-37-105, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370. 91-16-072, § 390-37-105, filed 8/2/91, effective 9/2/91.]

WAC 390-37-120 Enforcement hearings (adjudicative proceedings)—Subpoenas—Discovery—Hearings.

(1) The commission, or presiding officer, may issue subpoenas for discovery, subpoenas to persons to appear and give testimony, and may require the production of any books, papers, correspondence, memorandums, or other records deemed relevant or material and the commission or presiding officer may issue protective orders as a part of an enforcement hearing. The agency or its legal representative may issue subpoenas as may the attorney of the party against whom action is being taken. Upon request of the commission or presiding officer, all subpoenas must be filed with the commission, together with proof of proper service. Such subpoenas will issue and may be enforced in the form and manner set forth in RCW 34.05.446 and WAC 10-08-120(4). The subpoena may be personally delivered or sent by certified mail, return receipt requested.

(2) The commission, or presiding officer, upon motion or before the time specified in the subpoena for compliance therewith, may:

- (a) Quash or modify the subpoena if it is unreasonable and oppressive; or

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(b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(3) The attendance of witnesses and such production of evidence may be required from any place within the state of Washington to any location where a hearing is being conducted.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-120, filed 11/4/03, effective 12/5/03; 91-16-072, § 390-37-120, filed 8/2/91, effective 9/2/91.]

WAC 390-37-130 Enforcement hearings (adjudicative proceedings)—Depositions and interrogatories—Right to take.

Unless otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the hearing. The deposition of a commissioner, the executive director, or assistant director, may only be taken upon application to the commission, for good cause shown, and only in those circumstances where the statements or depositions of other staff members would not reveal the information, evidence, or details needed by the party for the case. The attendance of witnesses to a deposition may be compelled by use of a subpoena. Depositions shall be taken only in accordance with this rule and the rules on subpoenas.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-130, filed 11/4/03, effective 12/5/03; 91-16-072, § 390-37-130, filed 8/2/91, effective 9/2/91.]

WAC 390-37-132 Enforcement hearings (adjudicative proceedings)—Depositions and interrogatories—Notice.

A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than seven calendar days in writing to the commission and all parties. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined. On motion of a party to whom the notice is served, the commission or its hearing officer may, for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-132, filed 11/4/03, effective 12/5/03; 91-16-072, § 390-37-132, filed 8/2/91, effective 9/2/91.]

WAC 390-37-134 Depositions and interrogatories in enforcement hearings (adjudicative proceedings)—Protection of parties and deponents.

After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the commission or the presiding officer in a prehearing conference may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or

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counsel, or the commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or the deponent, and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the commission or the presiding officer in a prehearing conference may order the officer conducting the examination to cease forthwith from taking the deposition or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

[Statutory Authority: RCW 42.17.370. 03-18-003, § 390-37-134, filed 8/20/03, effective 9/20/03; 91-16-072, § 390-37-134, filed 8/2/91, effective 9/2/91.]

WAC 390-37-136 Production of documents and use at hearing and other hearing procedures (adjudicative proceedings). (1) Unless a prehearing order states otherwise, the provisions of this rule apply to evidence and written argument (legal briefs) filed and served in hearings (adjudicative proceedings). Parties or the executive director may request a prehearing conference if provisions of this rule need to be adjusted or if the provisions are not adhered to by the parties.

(2) The parties are encouraged to exchange copies of proposed exhibits, exhibit lists and witness lists prior to the deadline specified in subsection (3)(a) of this section. The parties are encouraged to exchange documents by e-mail. The parties are encouraged to confer and determine whether there are any objections to the evidence and whether any agreements or stipulations can be reached regarding proposed exhibits, witnesses, and legal and factual issues.

(3)(a) Unless the commission determines otherwise, when evidence is to be offered at the adjudicative proceeding or when briefs are to be submitted at the adjudicative proceeding, the party offering the evidence or brief shall file with the commission and serve on all parties a copy of proposed exhibits, exhibit lists, witness lists, and briefs with the commission via an e-mail to the executive director or his or her designee by the date and time designated by the executive director or designee, which is typically by 1:00 p.m. Pacific Time at least eight calendar days prior to the hearing. The e-mail shall provide the name of the party submitting the documents, the total number of pages, the software used to prepare the document, and the name, address, telephone number and e-mail address of the person sending the e-mail message.

(b) In the event electronic submission is not readily available to a *pro se* respondent or the evidence is not suited to e-mail transmission, other means of providing these materials to the commission may be approved by the chair or the executive director, or their designees if requested in advance of the date and time in (a) of this subsection.

(c) On the day the parties provide these materials electronically to the commission, they shall also mail or otherwise deliver a paper (or hard copy) set of the materials to the commission.

(d) The parties shall confirm in advance with the executive director that any documents provided electronically are able to be accessed by software available at the agency. If they are not accessible, the executive director shall direct how the documents are to be submitted.

(e) The documents are considered filed when received during actual business hours at the commission office. If received after actual business hours, they will be deemed filed the next business day.

(4) Respondent's exhibits shall be numbered R-1, R-2, etc. Commission staff exhibits shall be numbered S-1, S-2, etc. Jointly submitted exhibits shall be numbered J-1, J-2, etc. If an exhibit is not jointly submitted but there is no objection to it by the responding party, the party offering the exhibit shall designate agreed-to exhibits on the party's exhibit list.

(5) Briefs shall contain the name of the respondent in the caption and the cause number. Briefs shall be no more than twenty-five pages, double-spaced, excluding attachments or exhibits.

(6) The parties shall inform the executive director of any special equipment necessary for the adjudicative proceeding at the time documents are filed with the commission.

[Statutory Authority: RCW 42.17.370 and 42.17.690. 06-07-001, § 390-37-136, filed 3/1/06, effective 4/1/06. Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-136, filed 11/4/03, effective 12/5/03; 91-16-072, § 390-37-136, filed 8/2/91, effective 9/2/91.]

WAC 390-37-140 Brief enforcement hearings (adjudicative proceedings)—Authority. (1) The commission may provide a brief adjudicative proceeding for violations of the sections of chapter 42.17 RCW that it enforces in which the facts are undisputed, the violations appear to be relatively minor in nature, and a penalty no greater than \$500 will be assessed for the violations. Typical matters to be heard in a brief adjudicative proceeding include, but are not limited to, the following:

- (a) Failure to file or late filing of required reports,
- (b) Failure to report or accurately report campaign contributions or expenditures or funds spent in lobbying,
- (c) Use of public office facilities in election campaigns when the value of public funds expended was minimal,
- (d) Infractions of political advertising law regarding sponsor identification or political party identification.

(2) The commission may utilize a penalty schedule for brief adjudicative proceedings.

(3) Brief adjudicative proceedings are set forth in RCW 34.05.482 through 34.05.494.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-140, filed 11/4/03, effective 12/5/03; 93-15-004, § 390-37-140, filed 7/7/93, effective 8/7/93; 91-16-072, § 390-37-140, filed 8/2/91, effective 9/2/91.]

WAC 390-37-142 Brief enforcement hearing (adjudicative proceeding)—Procedure. (1) A brief adjudicative proceeding may be presided over by the chair, or a member of the commission designated by the chair.

(2) When a violation, as described in WAC 390-37-140, is alleged, before taking action, the executive director shall send the alleged violator notice, which shall include:

- (a) Alleged violation;

(b) The maximum amount of the penalty that can be imposed at the hearing, relevant penalty schedules, and the amount of any proposed fine; and

(c) Person's right to respond either in writing or in person to explain his/her view of the matter.

(3) At the time of the hearing if the presiding officer believes alleged violations are of such magnitude as to merit penalties greater than \$500, the presiding officer shall immediately adjourn the hearing and direct the matter be scheduled for an adjudicative proceeding by the full commission.

(4) At the time any unfavorable action is taken, within ten business days the presiding officer shall serve upon each party a written statement describing the violation, the reasons for the decision, the penalty imposed, and their right to request review by the commission. The executive director is authorized to sign the decision on behalf of the presiding officer.

(5) The written decision of the presiding officer is an initial order. If no review is taken of the initial order, the initial order shall be the final order.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-142, filed 11/4/03, effective 12/5/03. Statutory Authority: RCW 42.17.390. 94-05-010, § 390-37-142, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370. 93-15-004, § 390-37-142, filed 7/7/93, effective 8/7/93; 91-16-072, § 390-37-142, filed 8/2/91, effective 9/2/91.]

WAC 390-37-144 Brief adjudicative proceeding—Administrative review procedures. (1) The commission shall conduct a review of the initial order upon the written or oral request of a party if the commission receives the request within twenty-one business days after the service of the initial order. "Service" is defined as the date the order was deposited in the U.S. mail per RCW 34.05.010(19), or personally served. The party seeking review shall state the reason for the review, and identify what alleged errors are contained in the initial order.

(2) If the parties have not requested review, the commission may conduct a review of the initial order upon its own motion and without notice to the parties, but it may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.

(3) The order on review shall be in writing stating the findings made, and the reasons for the decision, and notice that reconsideration and judicial review are available. The order on review shall be entered within twenty business days after the date of the initial order or of the request for review, whichever is later.

(4) If the commission is not scheduled to meet within twenty business days after the date of the initial order or request for review and therefore cannot dispose of the request within that time period, the request is:

(a) Deemed denied under RCW 34.05.491(5) and the initial order becomes final;

(b) Considered a request for reconsideration under WAC 390-37-150; and

(c) Scheduled for consideration and disposition at the next commission meeting at which it is practicable to do so.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-144, filed 11/4/03, effective 12/5/03; 91-16-072, § 390-37-144, filed 8/2/91, effective 9/2/91.]

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WAC 390-37-150 Reconsideration and judicial review of decisions. (1) For purposes of this rule, "decision" means any findings, conclusions, order, or other action by the commission which is reviewable by a court.

(2) A decision may be reconsidered only upon (a) the written request of a party thereby or (b) the motion or written request of a commissioner who voted on the prevailing side when that decision was made.

(3) Such a request for reconsideration shall be filed at the office of the public disclosure commission, or motion made, no later than twenty-one business days after service of the decision of which reconsideration is sought. Copies of the request or motion shall be served on all parties of record at the time the request for reconsideration or motion is filed.

(4) A request or motion for reconsideration shall specify the grounds therefor. Grounds for reconsideration shall be limited to:

(a) A request for review was deemed denied in accordance with WAC 390-37-144(4);

(b) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation; or

(c) Significant typographical or ministerial errors in the order.

(5) Upon being served with a decision, the respondent may treat that decision as final for the purpose of petitioning for judicial review. The commission may not reconsider any decision after being served with a petition for judicial review.

(6) When a request for reconsideration is served, or motion made, enforcement of the decision of which reconsideration is sought shall be stayed and the decision shall not be final until the commission has acted on the reconsideration.

(7) The commission is deemed to have denied request for reconsideration or motion if, within twenty business days from the date the request or motion is filed, the commission does not either (a) dispose of the request or motion, or (b) serve the parties with written notice specifying the date it will act upon the request or motion.

(8) The commission shall act on the reconsideration request or motion, at the next meeting at which it practicably may do so, by:

(a) Deciding whether to reconsider its decision; and

(b) If it decides to do so, either:

(i) Affirming its decision; or

(ii) Withdrawing or modifying the final order; or

(iii) Setting the matter for further hearing.

Provided, That before a decision may be amended other than by lowering a penalty, the respondent shall be given notice and an opportunity to be heard if, and in the same manner as, required for the original decision.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-150, filed 11/4/03, effective 12/5/03; 91-16-072, § 390-37-150, filed 8/2/91, effective 9/2/91. Statutory Authority: RCW 42.17.370(1). 79-08-046 (Order 79-03), § 390-37-150, filed 7/19/79.]

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WAC 390-37-155 Electronic filing brief enforcement hearing penalty schedule.

| Status | 1st Occasion | 2nd Occasion | 3rd Occasion | 4th Occasion |
|---|--------------|--------------|--------------|-------------------------------|
| Failed to electronically file by date required. | \$250 | \$350 | \$500 | Full commission consideration |

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

[Statutory Authority: RCW 42.17.370. 03-22-065, § 390-37-155, filed 11/4/03, effective 12/5/03.]

WAC 390-37-160 Statement of financial affairs (F-1) penalty schedule.

| Status | 1st Occasion | 2nd Occasion | 3rd Occasion | 4th Occasion |
|---|--------------|---------------|---------------|-------------------------------|
| Failed to file report by date of enforcement hearing. | \$150 | \$300 | \$500 | Full commission consideration |
| Filed report after hearing notice but before enforcement hearing. | | | | Full commission consideration |
| Did not pay settlement amount. | \$100 | \$200 | \$400 | Full commission consideration |
| Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount. | \$0 - \$100 | \$100 - \$200 | \$200 - \$400 | Full commission consideration |

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(a) Was found in violation during a previous reporting period,

(b) The violation remains in effect following any appeals, and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW 42.17.370. 05-04-038, § 390-37-160, filed 1/27/05, effective 2/27/05; 03-22-065, § 390-37-160, filed 11/4/03, effective 12/5/03.]

WAC 390-37-165 Candidate registration statement (C-1)/candidate statement of financial affairs (F-1) penalty schedule.

| Status | 1st Occasion | 2nd Occasion | 3rd Occasion | 4th Occasion |
|---|------------------|-------------------------------|-------------------------------|-------------------------------|
| Failed to file F-1 and/or C-1 by date of enforcement hearing. | \$150 per report | \$300 per report, up to \$500 | Full commission consideration | Full commission consideration |
| Filed reports after hearing notice but before enforcement hearing. Did not pay settlement amount. | \$100 per report | \$200 per report | \$400 | Full commission consideration |

| Status | 1st Occasion | 2nd Occasion | 3rd Occasion | 4th Occasion |
|---|------------------------|--------------------------|---------------|-------------------------------|
| Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount. | \$0 - \$100 per report | \$100 - \$200 per report | \$200 - \$400 | Full commission consideration |

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(a) Was found in violation during a previous reporting period,

(b) The violation remains in effect following any appeals, and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW 42.17.370, 05-04-038, § 390-37-165, filed 1/27/05, effective 2/27/05; 03-22-065, § 390-37-165, filed 11/4/03, effective 12/5/03.]

WAC 390-37-170 Lobbyist monthly expense report (L-2) penalty schedule.

| Status | 1st Occasion | 2nd Occasion | 3rd Occasion | 4th Occasion |
|---|--------------|---------------|---------------|-------------------------------|
| Failed to file report by date of enforcement hearing. | \$150 | \$300 | \$500 | Full commission consideration |
| Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount. | \$100 | \$200 | \$400 | Full commission consideration |
| Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount. | \$0 - \$100 | \$100 - \$200 | \$200 - \$400 | Full commission consideration |

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer. Except in rare circumstances, the non-suspended portion of the penalty will not be less than the original settlement offer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(a) Was found in violation during a previous reporting period,

(b) The violation remains in effect following any appeals, and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW 42.17.370, 05-04-038, § 390-37-170, filed 1/27/05, effective 2/27/05; 03-22-065, § 390-37-170, filed 11/4/03, effective 12/5/03.]

WAC 390-37-175 Lobbyist employer report (L-3) penalty schedule.

| Status | 1st Occasion | 2nd Occasion | 3rd Occasion | 4th Occasion |
|---|--------------|---------------|---------------|-------------------------------|
| Failed to file report by date of enforcement hearing. | \$150 | \$300 | \$500 | Full commission consideration |
| Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount. | \$100 | \$200 | \$400 | Full commission consideration |
| Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount. | \$0 - \$100 | \$100 - \$200 | \$200 - \$400 | Full commission consideration |

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

(a) Was found in violation during a previous reporting period,

(b) The violation remains in effect following any appeals, and

(c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW 42.17.370, 05-04-038, § 390-37-175, filed 1/27/05, effective 2/27/05; 03-22-065, § 390-37-175, filed 11/4/03, effective 12/5/03.]