

WSR 23-01-125

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed December 20, 2022, 11:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-14-006.

Title of Rule and Other Identifying Information: Changes in dollar amounts by making inflationary adjustments to the monetary limits and reporting thresholds established in statute.

Hearing Location(s): On January 26, 2023, at 9:30 a.m., at 711 Capitol Way South, Suite 206, Olympia, WA 98504. The hearing will be accessible remotely, in-person by special accommodation, and streamed live at <https://www.youtube.com/user/WASTPDC/live>. To provide public comment via conference line during this time, please call 1-360-522-2372.

Date of Intended Adoption: January 26, 2023.

Submit Written Comments to: Sean Flynn, P.O. Box 40908, email pdcpdc@pdcpdc.wa.gov.

Assistance for Persons with Disabilities: Contact Jana Greer, phone 360-753-1111, email pdcpdc@pdcpdc.wa.gov, by January 24, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule making would make inflationary adjustments to the monetary limits and reporting values of the campaign finance category, which are established in statute, based on the economic changes since the time of enactment, as reflected in the inflationary index recommended by the office of financial management (OFM). The public disclosure commission (commission) may adjust the inflationary values by rounding off the numbers in order to be most accessible to the public. The proposal also includes changing the reporting values set in rule, which are not limited to the inflationary index formula.

Reasons Supporting Proposal: Under RCW 42.17A.125, the commission is required to consider revising the monetary limits and reporting values in statute based on the inflationary index as recommended by OFM. The last inflationary adjustments were made in 2016. Other reporting values set in rule are not subject to the requirements of the inflationary adjustment, but may be considered for change within the discretion of the commission.

Statutory Authority for Adoption: RCW 42.17A.110 and [42.17A].125.

Statute Being Implemented: RCW 42.17A.125.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Public disclosure commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Sean Flynn, 711 Capitol Way South, Suite 206, Olympia, WA, 360-753-1111; Enforcement: Kim Bradford, 711 Capitol Way South, Suite 206, Olympia, WA, 360-753-1111.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The commission is not required to prepare a cost-benefit analysis under RCW 34.05.328 (5) (b).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute; and rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

December 19, 2022
 Sean Flynn
 General Counsel

OTS-4258.3

AMENDATORY SECTION (Amending WSR 22-14-030, filed 6/24/22, effective 6/30/22)

WAC 390-05-400 Changes in dollar amounts. Pursuant to the authority in RCW 42.17A.125 that the commission may revise the monetary contribution limits and reporting thresholds and code values of the act to reflect changes in economic conditions, the previous and current amounts are:

((Code-Section	Subject Matter	Previous	Current
.005	Reporting threshold for "Independent Expenditure" for political advertising	\$950	\$1,000
.255	Reporting threshold for "Independent Expenditure" not otherwise reported	\$100	\$100
.265	Reporting threshold for late contributions (last minute contributions)	\$1,000	\$1,500
.445(3)	Reimbursement of candidate for loan to own campaign	\$5,500	\$6,000
.630(1)	Report—		
	Applicability of provisions to persons who made contributions	\$19,000	\$20,000
	Persons who made independent expenditures	\$950	\$1,000
.405(2)	Contribution Limits—		
	Candidates for state leg. office	\$950	\$1,000
	Candidates for county office	\$950	\$1,000
	Candidates for other state office	\$1,900	\$2,000
	Candidates for special purpose districts	\$1,900	\$2,000
	Candidates for city council office	\$950	\$1,000
	Candidates for mayoral office	\$950	\$1,000
	Candidates for school board office	\$950	\$1,000
	Candidates for hospital district	\$950	\$1,000
.405(3)	Contribution Limits—		
	State official up for recall or pol comm. supporting recall—		
	State Legislative Office	\$950	\$1,000
	Other State Office	\$1,900	\$2,000
.405(4)	Contribution Limits—		
	Contributions made by political parties and caucus committees		

((Code Section	Subject Matter	Previous	Current
	State parties and caucus committees	.95 per voter	\$1.00 per registered voter
	County and leg. district parties	.50 per voter	.50 per registered voter
	Limit for all county and leg. district parties to a candidate	.50 per voter	.50 per registered voter
.405(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	.95 per voter	\$1.00 per registered voter
	County and leg. district parties	.50 per voter	.50 per registered voter
	Limit for all county and leg. district parties to state official up for recall or pol. comm. supporting recall	.50 per voter	.50 per registered voter
.405(7)	Limits on contributions to political parties and caucus committees		
	To caucus committee	\$950	\$1,000
	To political party	\$5,000	\$5,500
.410(1)	Candidates for judicial office	\$1,900	\$2,000
.475	Contribution must be made by written instrument	\$95	\$100
.710	Code values for statement of personal financial affairs – See WAC 390-24-301))		

<u>Code Section</u>	<u>Subject</u>	<u>Value Set in Statute (year last changed)</u>	<u>Previous Adjusted Value in Rule (last set in 2016)</u>	<u>Current Adjusted Value (last set in 2023)</u>
<u>Campaign Finance Reporting</u>				
<u>.005(15)</u>	<u>Limit for the value of volunteer services excluded from the definition of contribution</u>	<u>\$50 (1989)</u>	<u>n/a</u>	<u>\$144</u>
<u>.005(21)</u>	<u>Reporting threshold for "Electioneering communication"</u>	<u>\$1,000 (2011)</u>	<u>n/a</u>	<u>\$1,449</u>
<u>.005(30)</u>	<u>Reporting threshold for "Independent expenditure" for political advertising</u>	<u>\$1,000 (2019)</u>	<u>n/a</u>	<u>\$1,203</u>
<u>.005(46)(a)</u>	<u>Maximum limit for qualification as a "Remediable violation" where no contribution limit applies</u>	<u>\$1,000 (2018)</u>	<u>n/a</u>	<u>\$1,237</u>
<u>.110(8)</u>	<u>Limit on eligibility for reporting exceptions by small campaigns ("mini reporting" pursuant to WAC 390-16-105 et seq.)</u>	<u>\$5,000 (2010)</u>	<u>n/a</u>	<u>\$7,285</u>
<u>.207(1)(a)(i)</u>	<u>Incidental committee - Threshold of expenditures for registration</u>	<u>\$25,000 (2018)</u>	<u>n/a</u>	<u>\$30,925</u>
<u>.235(1)</u>	<u>Incidental committee - Threshold for reporting top 10 contributors</u>	<u>\$10,000 (2018)</u>	<u>n/a</u>	<u>\$12,370</u>

<u>Code Section</u>	<u>Subject</u>	<u>Value Set in Statute (year last changed)</u>	<u>Previous Adjusted Value in Rule (last set in 2016)</u>	<u>Current Adjusted Value (last set in 2023)</u>
<u>.235(3)(b)</u>	<u>Incidental committee - Threshold for regular monthly reporting of contributions or expenditures</u>	<u>\$200 (2018)</u>	<u>n/a</u>	<u>\$247</u>
<u>.220(4)</u>	<u>Limit for retaining accumulated unidentified contributions</u>	<u>\$300 (1973)</u>	<u>n/a</u>	<u>\$2,478</u>
<u>.225(2)</u>	<u>Regular monthly campaign reports - Threshold for regular monthly reporting of contributions or expenditures - continuing PAC</u>	<u>\$200 (1982)</u>	<u>n/a</u>	<u>\$693</u>
<u>.235(3)(a)</u>	<u>Regular monthly campaign reports - Threshold for regular monthly reporting of contributions or expenditures - PAC</u>	<u>\$200 (1982)</u>	<u>n/a</u>	<u>\$693</u>
<u>.230(2)</u>	<u>Contributions fund- raising - Limit on amounts eligible for special reporting of fund-raising activities</u>	<u>\$25 - event \$50 - auction (1989)</u>	<u>n/a</u>	<u>\$72 (event) \$144 (auction)</u>
<u>.230(4)</u>	<u>Contributions fund- raising - Threshold for reporting identity of contributions</u>	<u>\$50 (1989)</u>	<u>n/a</u>	<u>\$144</u>
<u>.235(5) & .240(2)</u>	<u>Contributions - Threshold for required reporting identity of contributors</u>	<u>\$25 (1982)</u>	<u>n/a</u>	<u>\$87</u>
<u>.240(2)</u>	<u>Threshold for reporting pledges</u>	<u>\$100 (2019)</u>	<u>n/a</u>	<u>\$120</u>
<u>.240(7)</u>	<u>Threshold for reporting expenditure activity</u>	<u>\$50 (1982)</u>	<u>n/a</u>	<u>\$173</u>
<u>.240(9)</u>	<u>Threshold for reporting source of debt</u>	<u>\$750 (2018)</u>	<u>n/a</u>	<u>\$928</u>
<u>.250</u>	<u>Out-of-state PAC - Threshold for reporting contributions</u>	<u>\$25 - In-state (1983) \$2,550 - Out-of-state (2010)</u>	<u>n/a</u>	<u>\$84 - In-state \$3,715 - Out-of-state</u>
<u>.265</u>	<u>"Last-minute contribution" - Reporting threshold</u>	<u>\$1,000 (2001)</u>	<u>n/a</u>	<u>\$1,500* *adjusted in 2022</u>
<u>.255(1)</u>	<u>Independent expenditure ("not otherwise reported") - Threshold for including incidental volunteer expenses</u>	<u>\$50 (1995)</u>	<u>n/a</u>	<u>\$110</u>
<u>.255(2)</u>	<u>Independent expenditure ("not otherwise reported") - Threshold for reporting</u>	<u>\$100 (1973)</u>	<u>n/a</u>	<u>\$826</u>

<u>Code Section</u>	<u>Subject</u>	<u>Value Set in Statute (year last changed)</u>	<u>Previous Adjusted Value in Rule (last set in 2016)</u>	<u>Current Adjusted Value (last set in 2023)</u>
<u>.255(5)</u>	<u>Independent expenditure ("not otherwise reported") - Threshold for itemized expenditures</u>	<u>\$50 (1989)</u>	<u>n/a</u>	<u>\$144</u>
<u>.260</u>	<u>Independent expenditure (political advertising) - Threshold for reporting</u>	<u>\$1,000 (2001)</u>	<u>n/a</u>	<u>\$1,812</u>
<u>.305</u>	<u>Independent expenditure (electioneering communication) - Threshold for detailed reporting of expenditure</u>	<u>\$100 (2005)</u>	<u>n/a</u>	<u>\$169</u>
<u>.630(1)</u>	<u>Applicability of provisions to persons who made contributions</u>	<u>\$16,000 (2010)</u>	<u>\$20,000</u>	<u>\$20,000*</u> <u>*not adjusted in 2023</u>
<u>.630(1)</u>	<u>Persons who made independent expenditures</u>	<u>\$800 (2010)</u>	<u>\$1,000</u>	<u>\$1,000*</u> <u>*not adjusted in 2023</u>
<u>Campaign Contribution Limits</u>				
<u>.405(2)</u>	<u>Limits on contributions to candidates</u>			
	<u>- Candidates for state legislative office</u>	<u>\$800 (2010)</u>	<u>\$1,000</u>	<u>\$1,165</u>
	<u>- Candidates for county office</u>	<u>\$800 (2010)</u>	<u>\$1,000</u>	<u>\$1,165</u>
	<u>- Candidates for other state office</u>	<u>\$1,600 (2010)</u>	<u>\$2,000</u>	<u>\$2,331</u>
	<u>- Candidates for special purpose districts</u>	<u>\$1,600 (2010)</u>	<u>\$2,000</u>	<u>\$2,331</u>
	<u>- Candidates for city council office</u>	<u>\$800 (2010)</u>	<u>\$1,000</u>	<u>\$1,165</u>
	<u>- Candidates for mayoral office</u>	<u>\$800 (2010)</u>	<u>\$1,000</u>	<u>\$1,165</u>
	<u>- Candidates for school board office</u>	<u>\$800 (2010)</u>	<u>\$1,000</u>	<u>\$1,165</u>
	<u>- Candidates for hospital district</u>	<u>\$800 (2010)</u>	<u>\$1,000</u>	<u>\$1,165</u>
<u>.410(1)</u>	<u>- Candidates for judicial office</u>	<u>\$1,600 (2010)</u>	<u>\$2,000</u>	<u>\$2,331</u>
<u>.405(4)</u>	<u>State and local party and caucus committee limits on contributions to a candidate</u>			
	<u>- State parties and caucus committee</u>	<u>\$0.80 × per voter (2010)</u>	<u>\$1.00 per voter</u>	<u>\$1.17 per registered voter</u>
	<u>- County and legislative district parties</u>	<u>\$0.40 per voter (2010)</u>	<u>\$.50 per voter</u>	<u>\$.58 per registered voter</u>

<u>Code Section</u>	<u>Subject</u>	<u>Value Set in Statute (year last changed)</u>	<u>Previous Adjusted Value in Rule (last set in 2016)</u>	<u>Current Adjusted Value (last set in 2023)</u>
	- Limit on aggregate of all county and legislative district parties to a candidate	<u>\$0.40 × per voter (2010)</u>	<u>\$.50 per voter</u>	<u>\$0.58 per registered voter</u>
<u>.405(7)</u>	<u>Limits to political parties and caucus committees</u>			
	- <u>To caucus committee</u>	<u>\$800 (2010)</u>	<u>\$1,000</u>	<u>\$1,165</u>
	- <u>To political party</u>	<u>\$4,000 (2010)</u>	<u>\$6,000</u>	<u>\$5,828</u>
<u>.405(3)</u>	<u>Recall - Limits to state or local official or to PAC supporting recall</u>			
	- <u>State legislative office and local office</u>	<u>\$800 (2010)</u>	<u>\$1,000</u>	<u>\$1,165</u>
	- <u>Other (nonlegislative) state office and port district</u>	<u>\$1,600 (2010)</u>	<u>\$2,000</u>	<u>\$2,331</u>
<u>.405(5)</u>	<u>Recall - Limits for political parties and caucus committees to state or local officials or to PACs supporting recall</u>			
	- <u>State parties and caucuses</u>	<u>\$0.80 × per voter (2010)</u>	<u>\$1.00 per voter</u>	<u>\$1.17 per registered voter</u>
	- <u>County and legislative district parties</u>	<u>\$0.40 × per voter (2010)</u>	<u>.50 per voter</u>	<u>\$0.58 per registered voter</u>
	- <u>Limit for all county and legislative district parties to state official up for recall or political committee supporting recall</u>	<u>\$0.40 × per voter (2010)</u>	<u>.50 per voter</u>	<u>\$0.58 per registered voter</u>
<u>.420</u>	<u>Limits on large contributions</u>			
	- <u>Statewide office</u>	<u>\$50,000 - (2010)</u>	<u>n/a</u>	<u>\$72,850</u>
	- <u>Other (nonstatewide) office</u>	<u>\$5,000 - other (2010)</u>	<u>n/a</u>	<u>\$7,285</u>
<u>.445(3)</u>	<u>Maximum limit for reimbursement of candidate loan to own campaign</u>	<u>\$4,700 (2010)</u>	<u>\$6,000</u>	<u>\$6,848</u>
<u>.475</u>	<u>Contribution must be made by written instrument</u>	<u>\$100 (2019)</u>	<u>n/a</u>	<u>\$120</u>
<u>.600 - .640</u>	<u>Lobbying disclosure and restrictions - See WAC 390-20-150</u>			
<u>.710</u>	<u>Code values for statement of personal financial affairs - See WAC 390-24-301</u>			

[Statutory Authority: RCW 42.17A.125. WSR 22-14-030, § 390-05-400, filed 6/24/22, effective 6/30/22. Statutory Authority: RCW 42.17A.110(1), 2019 c 428, and 2019 c 261. WSR 20-02-062, § 390-05-400, filed 12/24/19, effective 1/24/20. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-05-400, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110, 42.17A.125(1), and 42.17A.250 [(1)](g). WSR 16-04-080, § 390-05-400, filed 1/29/16, effective 2/29/16; WSR 14-01-010, § 390-05-400, filed 12/5/13, effective 1/5/14. Statutory Authority: RCW 42.17A.110 and 42.17A.125. WSR 13-05-012, § 390-05-400, filed 2/7/13, effective 3/10/13. Statutory Authority: RCW 42.17.110 and 42.17.125. WSR 12-10-041, § 390-05-400, filed 4/27/12, effective 5/28/12. Statutory Authority: RCW 42.17.370(1) and 42.17.690. WSR 12-01-032, § 390-05-400, filed 12/13/11, effective 1/13/12. Statutory Authority: RCW 42.17.370(1), 42.17.690, and 42.17.645. WSR 08-04-022, § 390-05-400, filed 1/28/08, effective 2/28/08. Statutory Authority: RCW 42.17.370. WSR 07-07-005, § 390-05-400, filed 3/8/07, effective 4/8/07. Statutory Authority: RCW 42.17.370 and 42.17.690. WSR 06-07-001, § 390-05-400, filed 3/1/06, effective 4/1/06. Statutory Authority: RCW 42.17.690. WSR 03-22-064, § 390-05-400, filed 11/4/03, effective 1/1/04. Statutory Authority: RCW 42.17.370 and 42.17.690. WSR 01-22-050, § 390-05-400, filed 10/31/01, effective 1/1/02. Statutory Authority: RCW 42.17.370(1). WSR 00-04-058, § 390-05-400, filed 1/28/00, effective 3/1/00. Statutory Authority: RCW 42.17.690. WSR 98-08-069, § 390-05-400, filed 3/30/98, effective 5/1/98; WSR 96-04-021, § 390-05-400, filed 1/30/96, effective 3/1/96.]

OTS-4259.1

AMENDATORY SECTION (Amending WSR 18-24-074, filed 11/30/18, effective 12/31/18)

WAC 390-16-034 Additional contribution reporting requirements.

Pursuant to RCW 42.17A.240, each report required under RCW 42.17A.235 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~~) \$120, their occupation, and the name and address of their employer.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-16-034, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-16-034, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 02-01-014, § 390-16-034, filed 12/7/01, effective 1/7/02; WSR 96-05-001, § 390-16-034, filed 2/7/96, effective 3/9/96. Statutory Authority: RCW 42.17.370. WSR 93-24-003, § 390-16-034, filed 11/18/93, effective 12/19/93.]