

WSR 22-08-047

EXPEDITED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed March 31, 2022, 11:53 a.m.]

Title of Rule and Other Identifying Information: Making an inflationary adjustment to the threshold for reporting late (last minute) contributions.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The change will adjust the threshold for reporting last minute contributions. The adjustment will raise the threshold for which contributions must be reported within the special reporting period under RCW 42.17A.265 (six days before the primary and 21 days before the general election). The last minute contribution value and adjustment will be added to the revisions of contribution limits and reporting thresholds under WAC 390-05-400.

Reasons Supporting Proposal: The monetary threshold for reporting last minute contributions has not been changed in law since 2002. In 2019, the legislature authorized the commission to revise additional monetary values and reporting thresholds (not previously authorized) by rule every two to five years, including the threshold for last minute contributions. The proposal would adjust the threshold in recognition of the economic changes reflected in the inflationary index recommended by the office of financial management (OFM) and rounded off to be most accessible for the public.

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, Suite 206, Olympia, WA, 360-753-1111; Enforcement: Kim Bradford, 711 Capitol Way, Suite 206, Olympia, WA, 360-753-1111.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Content is explicitly and specifically dictated by statute.

Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The subject of the proposal was incorporated within a prior legislative bill that was developed through a process of publication, substantial public participation, and input spanning a six-month period. The bill (HB 1919) was introduced in the 2021 legislative session, and subject to the legislative process, in-

cluding consideration in a legislative policy committee that involved public hearings and public testimony. In addition, the adjustment made in the proposal must be based on the inflationary index recommended by OFM, and the only discretion permitted in law is in rounding off the value to be most accessible to the public. Finally, RCW 42.17A.110(1) requires rules that impact each year's general election be effective by June 30th of that election year. The shortened timeline for expedited rule making allows the agency to meet that statutory requirement where permanent rule-making procedures would not.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Sean Flynn, Public Disclosure Commission, 711 Capitol Way South, Suite 206, Olympia, WA 360-753-1111, fax 360-753-1112, email pdc@pdc.wa.gov, AND RECEIVED BY June 6, 2022.

March 31, 2022
Sean Flynn
General Counsel

OTS-3703.1

AMENDATORY SECTION (Amending WSR 20-02-062, filed 12/24/19, effective 1/24/20)

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
<u>.265</u>	<u>Reporting threshold for late contributions (last minute contributions)</u>	<u>\$1,000</u>	<u>\$1,500</u>
.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

Code Section	Subject Matter	Previous	Current
	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		
	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		

[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.]