

WSR 24-01-028

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed December 8, 2023, 2:37 p.m., effective January 8, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules make inflationary adjustments to the lobbying reporting thresholds. The rules also amend the grass roots (indirect) lobbying requirements, including clarifying the reporting of grass roots lobbying activities. The rules also make miscellaneous changes to other lobbying reporting requirements, including technical changes and other clarifications. The rules make additional inflationary adjustments for campaign finance values as a followup to prior rule making, and make miscellaneous changes to the campaign finance rules, including correcting references to reporting values that were previously adjusted for inflation.

Citation of Rules Affected by this Order: Amending WAC 390-05-400, 390-16-063, 390-16-207, 390-17-315, 390-20-017, 390-20-020A, 390-20-025, 390-20-052, 390-20-110, 390-20-125, 390-20-143 and 390-20-150.

Statutory Authority for Adoption: RCW 42.17A.110, 42.17A.125, 42.17A.615, and 42.17A.640.

Adopted under notice filed as WSR 23-21-091 on October 17, 2023.

Changes Other than Editing from Proposed to Adopted Version: Details were changed in reporting of grass roots lobbying activities, and the ability to file grass roots lobbying reports for a lobbyist employer. Details were changed for reporting details of lobbyist expenditure activities.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 12, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 8, 2023.

Sean Flynn  
General Counsel

**OTS-4980.3**

AMENDATORY SECTION (Amending WSR 23-07-004, filed 3/1/23, effective 4/1/23)

**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	Value Set in Statute (year last changed)	Previous Adjusted Value in Rule (last set in 2016)	Current Adjusted Value (last set in 2023)
Campaign Finance Reporting				
.005(15)	Limit for the value of volunteer services excluded from the definition of "Contribution"	\$50 (1989)	n/a	\$200
.005(21)	Reporting threshold for "Electioneering Communication"	\$1,000 (2011)	n/a	\$2,000
.005(30)	Reporting threshold for "Independent Expenditure"	\$1,000 (2019)	n/a	\$2,000
.005(30)	Limit for the value of volunteer campaign worker expenses exempted from threshold for "Independent Expenditure"	\$250 (2018)	n/a	\$350
.005(46)(a)	Maximum limit for qualification as a "Remediable Violation" where no contribution limit applies	\$1,000 (2018)	n/a	\$1,500
.110(8) .135(7)	Limit on eligibility for reporting exceptions by small campaigns ("mini reporting" pursuant to WAC 390-16-105 et seq.)	\$5,000 (2010)	n/a	\$7,000
.207(1)(a)(i)	Incidental committee - Threshold of expenditures for registration	\$25,000 (2018)	n/a	\$35,000
.235(1)	Incidental committee - Threshold for reporting top 10 contributors	\$10,000 (2018)	n/a	\$15,000
.235(3)(b)	Incidental committee - Threshold for regular monthly reporting of contributions or expenditures	\$200 (2018)	n/a	\$500
.220(4)	Limit for retaining accumulated unidentified contributions	\$300 (1973)	n/a	\$500
.225(2)	<u>Continuing PAC -</u> Regular monthly campaign reports - Threshold for regular monthly reporting of contributions or expenditures( <del>-continuing PAC</del> )	\$200 (1982)	n/a	\$750

Code Section	Subject	Value Set in Statute (year last changed)	Previous Adjusted Value in Rule (last set in 2016)	Current Adjusted Value (last set in 2023)
.235(3)(a)	Regular monthly campaign reports - Threshold for regular monthly reporting of contributions or expenditures - PAC	\$200 (1982)	n/a	\$750
.230(2)	Contributions fund-raising - Limit on amounts eligible for special reporting of fund-raising activities	\$25 - event \$50 - auction (1989)	n/a	\$100 (event) \$150 (auction)
.230(4)	Contributions fund-raising - Threshold for reporting identity of <del>((contributions))</del> contributors	\$50 (1989)	n/a	\$150
.235(5) & .240(2)	Contributions - Threshold for required reporting identity of contributors	\$25 (1982)	n/a	\$100
.240(2)	Threshold for reporting pledges	\$100 (2019)	n/a	\$150
.240(7)	Threshold for reporting expenditure activity	\$50 (1982)	n/a	\$200
.240(9)	Threshold for reporting source of debt	\$750 (2018)	n/a	\$1,000
.250	Out-of-state PAC - Threshold for reporting contributions	\$25 - In-state (1983) \$2,550 - Out-of-state (2010)	\$2,680 (2016)	\$100 (In-state) \$4,000 (Out-of-state)
.265	"Last-minute contribution" - Reporting threshold (see also RCW 42.17A.625)	\$1,000 (2001)	n/a	\$1,500
.255(1)	Independent expenditure ("not otherwise reported") - Threshold for including incidental volunteer expenses	\$50 (1995)	n/a	\$200
.255(2)	Independent expenditure ("not otherwise reported") - Threshold for reporting	\$100 (1973)	n/a	\$1,000
.255(5)	Independent expenditure ("not otherwise reported") - Threshold for itemized expenditures	\$50 (1989)	n/a	\$200
.260	Independent expenditure (political advertising) - Threshold for reporting	\$1,000 (2001)	n/a	\$2,000

Code Section	Subject	Value Set in Statute (year last changed)	Previous Adjusted Value in Rule (last set in 2016)	Current Adjusted Value (last set in 2023)
.305	<u>Independent expenditure (electioneering communication) - Threshold for reporting the source of funding from special solicitations or other (nongeneral treasury) funds</u>	\$250 (2005)	n/a	\$400
.305	Independent expenditure (electioneering communication) - Threshold for detailed reporting of expenditure	\$100 (2005)	n/a	\$200
((.630(1)	<del>Applicability of provisions to persons who made contributions</del>	\$16,000 (2010)	\$20,000	\$20,000 *not adjusted in 2023
.630(1)	<del>Persons who made independent expenditures</del>	\$800 (2010)	\$1,000	\$1,000 *not adjusted in 2023))
.625	<u>Threshold for lobbyists and lobbyist employers reporting making a last-minute contribution</u>	\$1,000 (2001)	n/a	\$1,500
.630(1)	<u>Aggregate threshold for special report (C-7) by nonindividuals who make contributions or independent expenditures</u>	\$16,000/contributions per year (2010)  \$800/independent expenditures per year (2010)	\$20,000/contributions per year  \$1,000/independent expenditures per year	\$24,000 per year  \$1,200 per year
.630(1)	<u>Threshold for reporting compensation paid to elected officials (or family) on the C-7 special report</u>	\$800 (2010)	n/a	\$1,200
<b>Campaign Contribution Limits</b>				
.405(2)	Limits on contributions to candidates:			
	- Candidates for state legislative office	\$800 (2010)	\$1,000	\$1,200
	- Candidates for county office	\$800 (2010)	\$1,000	\$1,200
	- Candidates for other state office	\$1,600 (2010)	\$2,000	\$2,400
	- Candidates for special purpose districts	\$1,600 (2010)	\$2,000	\$2,400
	- Candidates for city council office	\$800 (2010)	\$1,000	\$1,200
	- Candidates for mayoral office	\$800 (2010)	\$1,000	\$1,200
	- Candidates for school board office	\$800 (2010)	\$1,000	\$1,200
	- Candidates for hospital district	\$800 (2010)	\$1,000	\$1,200
.410(1)	- Candidates for judicial office	\$1,600 (2010)	\$2,000	\$2,400
.405(4)	State and local party and caucus committee limits on contributions to a candidate:			

Code Section	Subject	Value Set in Statute (year last changed)	Previous Adjusted Value in Rule (last set in 2016)	Current Adjusted Value (last set in 2023)
	- State parties and caucus committee	\$0.80 × per registered voter (2010)	\$1.00 per registered voter	\$1.20 per registered voter
	- County and legislative district parties	\$0.40 × per registered voter (2010)	\$0.50 per registered voter	\$0.60 per registered voter
	- Limit on aggregate of all county and legislative district parties to a candidate	\$0.40 × per registered voter (2010)	\$0.50 per registered voter	\$0.60 per registered voter
.405(7)	Limits to political parties and caucus committees:			
	- To caucus committee	\$800 (2010)	\$1,000	\$1,200
	- To political party	\$4,000 (2010)	\$5,500	\$6,000
.405(3)	Recall - Limits to state or local official or to PAC supporting recall:			
	- State legislative office and local office	\$800 (2010)	\$1,000	\$1,200
	- Other (nonlegislative) state office and port district	\$1,600 (2010)	\$2,000	\$2,400
.405(5)	Recall - Limits for political parties and caucus committees to state or local officials or to PACs supporting recall:			
	- State parties and caucuses	\$0.80 × per registered voter (2010)	\$1.00 per registered voter	\$1.20 per registered voter
	- County and legislative district parties	\$0.40 × per registered voter (2010)	\$0.50 per registered voter	\$0.60 per registered voter
	- Limit for all county and legislative district parties to state official up for recall or political committee supporting recall	\$0.40 × per registered voter (2010)	\$0.50 per registered voter	\$0.60 per registered voter
.405(12)	Threshold for contributions by political committees to be eligible to make a contribution	\$10 (from 10 persons) (1993)	n/a	\$25 (from 10 persons)
.420	Limits on large contributions:			
	- Statewide office	\$50,000 - (2010)	n/a	\$75,000
	- Other (nonstatewide) office	\$5,000 - other (2010)	n/a	\$7,500
.442	<u>Threshold for one political committee to be eligible to make a contribution to another political committee</u>	<u>\$10 (from 10 persons) (2011)</u>	<u>n/a</u>	<u>\$25 (from 10 persons)</u>
.445(3)	Maximum limit for reimbursement of candidate loan to own campaign	\$4,700 (2010)	\$6,000	\$7,500
.475	Contribution must be made by written instrument	\$100 (2019)	n/a	\$100
.600 - .640	Lobbying disclosure and restrictions - See WAC 390-20-150			
.710	Code values for statement of personal financial affairs - See WAC 390-24-301			

OTS-5024.1

AMENDATORY SECTION (Amending WSR 23-12-036, filed 5/30/23, effective 6/30/23)

**WAC 390-16-063 Additional information regarding independent expenditures and C-6 report filing.** (1) RCW 42.17A.255 requires a person not otherwise subject to the disclosure requirements of chapter 42.17A RCW to disclose an independent expenditure of \$1,000 or more that supports or opposes a candidate or ballot measure. RCW 42.17A.260 requires the disclosure of political advertising with a fair market value of \$2,000 or more that is presented to the public within 21 days of an election, that supports or opposes a ballot proposition, or that qualifies as an independent expenditure and supports or opposes a candidate.

(a) **Prorating and attributing independent expenditures that support or oppose multiple candidates or ballot measures.** Whether to disclose an independent expenditure that supports or opposes multiple candidates or ballot measures is determined by prorating and attributing the cost of the expenditure among all candidates or ballot measures that are the subject of the expenditure. Disclosure is required when:

(i) The pro rata cost for a single candidate or ballot measure reaches or exceeds the statutory threshold and none of the subject candidates are seeking election to the same office and none of the subject ballot measures are competing measures; or

(ii) The sum of the pro rata costs attributable to all candidates seeking election to the same office or the sum of the pro rata costs attributable to competing ballot measures reaches or exceeds the statutory threshold.

Example 1 (prorating): A mailer/postcard supports one candidate and one ballot measure at a total cost of \$3,200. One side of the postcard is entirely devoted to the ballot measure. The other side is split evenly between the candidate and the ballot measure. The ballot measure's pro rata share is \$2,400 (75%) and the candidate's pro rata share is \$800 (25%).

Example 2 (prorating and attributing): An independent expenditure ad appears in the newspaper two weeks before the election. The ad costs (~~(\$1,000)~~) \$2,000; 50% of the ad supports a candidate and the other 50% opposes the candidate's opponent. The independent expenditure is disclosed under RCW 42.17A.260 because the sum of the pro rata share for the two candidates who seek the same office is (~~(\$1,000)~~) \$2,000.

(b) **Disclosing independent expenditures that support or oppose multiple candidates or ballot measures.** When a pro rata, attributable cost reaches or exceeds the statutory threshold, the entire independent expenditure must be disclosed, including the amounts attributable to all candidates and ballot propositions supported or opposed by the expenditure.

(c) **Other applications of prorating and attributing independent expenditures.** Use the prorating and attribution steps explained in (a) (i) and (ii) of this section to determine when an independent expenditure as defined in RCW 42.17A.005 must comply with the "no candidate authorized this ad" sponsor identification and, if applicable, the "top 5" contributors required by RCW 42.17A.320 and WAC 390-18-010.

(2) A political committee reporting pursuant to RCW 42.17A.225, 42.17A.235 and 42.17A.240 is exempt from providing on a C-6 form the sources of any funds received by the committee for an electioneering communication, unless the committee received funds that were earmarked or otherwise designated for the communication.

(3) An out-of-state political committee must report pursuant to RCW 42.17A.305 if it sponsors an electioneering communication as defined in RCW 42.17A.005.

(4) The sponsor of an electioneering communication must report pursuant to RCW 42.17A.305 and these rules regarding electioneering communications, even if the expenditure also satisfies the definition of independent expenditure in RCW 42.17A.005 or 42.17A.255. Persons in compliance with this subsection are deemed in compliance with RCW 42.17A.255 or 42.17A.260.

(5) Any person making an expenditure that is reportable under RCW 42.17A.640, grass roots lobbying campaigns, that also satisfies the definition of electioneering communication in RCW 42.17A.005, must also file pursuant to RCW 42.17A.305 and these rules regarding electioneering communications. The report filed pursuant to RCW 42.17A.305 must identify the grass roots campaign.

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

**WAC 390-16-207 In-kind contributions—Explanation and reporting.**

(1) An in-kind contribution must be reported on the C-4 report. An in-kind contribution, as that term is used in the act and these rules, 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 42.17A.005 or WAC 390-17-405.

An in-kind contribution includes an expenditure that:

- Supports or opposes a candidate or a ballot measure;
- Meets the definition of contribution in RCW 42.17A.005 or WAC 390-05-210;
- Is an electioneering communication that is a contribution as provided in RCW 42.17A.310; 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.

(2) According to RCW 42.17A.430 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 42.17A.430, a candidate may use surplus funds as defined in RCW 42.17A.005 to make a contribution to a political party or caucus political committee.

(3) **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.

**(4) In-kind contributions to recipients who have limits under RCW 42.17A.405 or 42.17A.410.**

(a) If a candidate receives in-kind contributions from any person valued at more than (~~twenty-five dollars~~) \$25 in the aggregate for an election, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17A RCW and is subject to the applicable contribution limit provided in RCW 42.17A.405 or 42.17A.410.

(b) If a bona fide political party or legislative caucus committee receives in-kind contributions from any person valued at more than (~~twenty-five dollars~~) \$25 in the aggregate during a calendar year, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17A RCW and is subject to the applicable contribution limit provided in RCW 42.17A.405.

(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 (~~twenty-five dollars~~) \$25 in the aggregate during a recall campaign, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17A RCW and is subject to the applicable contribution limits provided in RCW 42.17A.405 or 42.17A.410.

**(5) 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 (~~fifty dollars~~) \$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 C-4 report. When the expense is paid, the recipient's name and the amount of the contribution must be disclosed on Schedule A, in addition to the other information required by the C-4 report.

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.

**(6) 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 (~~fifty dollars~~) \$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.

**(7) Application of RCW 42.17A.420—Last-minute contributions.**



(a) If an expenditure that constitutes an in-kind contribution is made no later than (~~twenty-two~~) 22 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~~) 22 or more days before that general election, the contribution is not subject to the respective (~~five thousand dollars or fifty thousand dollars~~) \$7,500 or \$75,000 maximum amounts specified in RCW 42.17A.420.

(b) If an in-kind contribution is in the form of personal services donated to a campaign for the duration of the (~~twenty-one~~) 21 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~~) 22 or more days before the election, that in-kind contribution is not subject to the respective (~~five thousand dollars or fifty thousand dollars~~) \$7,500 or \$75,000 maximum amounts specified in RCW 42.17A.420.

#### OTS-4981.1

AMENDATORY SECTION (Amending WSR 23-12-036, filed 5/30/23, effective 6/30/23)

**WAC 390-17-315 Political committees—Qualifications to contribute.** (1) Within 180 days of making a contribution to a state office candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official, a political committee shall have received contributions of (~~\$10~~) \$25 or more each from at least 10 individuals registered to vote in Washington state.

(2) A political committee shall have received contributions of \$25 or more each from at least 10 individuals registered to vote in Washington state before contributing to a Washington state political committee.

(3) A political committee shall maintain a list of the names and addresses of these registered voters from whom contributions are received, the amount of each contribution, and the date each contribution is received. Upon written request of the commission or other person seeking this information, the political committee shall provide the list within 14 days.

#### OTS-4982.4

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

**WAC 390-20-017 Suspension of registration.** Lobbyists may temporarily suspend their registration by amending the registration to in-

dicating the months in which no lobbying will be done, no expenditures will be made for lobbying, and no compensation will be received for lobbying. The amendment must be made before the beginning of the suspension period.

(1) During the period when the suspension is effective, the PDC will not require L-2 Reports to be filed.

(2) The registration shall be reinstated upon the expiration of the suspension period indicated on the amended registration, or if the lobbyist further amends the registration in advance to indicate a new date of reinstatement. The lobbyist must update any information on the registration upon reinstatement.

(3) Notification under this rule does not suspend or modify the requirement in RCW ((42.17.150)) 42.17A.600(4) for a new registration each odd-numbered year.

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

**WAC 390-20-020A L-2 Reporting guide.  
For Entertainment, Receptions, Travel and Educational Expenditures**

<p align="center"><b>Typical Expenditures*</b> (Only permitted if receipt could not reasonably be expected to influence the performance of the officer's or employee's official duties.)</p>	<p align="center"><b>Itemize Expense?</b></p>	<p align="center"><b>Give Copy of Monthly Expense Report or Memo Report to Elected Official?</b></p>
<b>Entertaining State Officials, Employees or Their Families:</b>		
<input type="checkbox"/> Any type of entertainment occasion costing (( <del>\$50</del> ) <u>\$100</u> ) or less	No	No
<input type="checkbox"/> Breakfast, lunch or dinner for legislator or other state official or employee (singly, or in conjunction with family member(s)) and total cost for occasion is: <ul style="list-style-type: none"> <li>◦ ((<del>\$50</del>) <u>\$100</u>) or less</li> <li>◦ More than ((<del>\$50</del>) <u>\$100</u>), and amount attributable to legislator/family is more than ((<del>\$50</del>) <u>\$100</u>)</li> </ul>	No	No
<ul style="list-style-type: none"> <li>◦ More than ((<del>\$50</del>) <u>\$100</u>), and amount attributable to legislator/family is more than ((<del>\$50</del>) <u>\$100</u>)</li> </ul>	Yes	Yes
<input type="checkbox"/> Tickets to theater, sporting events, etc.	Yes	No
<input type="checkbox"/> Golf outing	Yes	No
<b>Receptions:</b>		
<input type="checkbox"/> Reception to which the entire legislature, all members of a chamber, or any of the two largest caucuses recognized in each chamber are invited and is: <ul style="list-style-type: none"> <li>◦ Sponsored by a person other than a lobbyist;</li> <li>◦ Attended by individuals other than legislators, lobbyists, and lobbyist employers;</li> <li>◦ A social event; and</li> <li>◦ Does not include a sit-down meal.</li> </ul>	Yes Disclose list of attendees (submitting sign-in sheet is sufficient). A per-person cost is not required	No
<input type="checkbox"/> All other receptions	Yes	Yes, if the food and beverage cost for the legislator and family members exceeds \$50
<b>Travel-Related Expenditures for Officials, Employees:</b>		
<input type="checkbox"/> Travel, lodging, meals for office-related appearance or speech at lobbyist employer's annual conference	Yes	Yes

<p style="text-align: center;"><b>Typical Expenditures*</b>                      (Only permitted if receipt could not reasonably be expected to influence the performance of the officer's or employee's official duties.)</p>	<p style="text-align: center;"><b>Itemize Expense?</b></p>	<p style="text-align: center;"><b>Give Copy of Monthly Expense Report or Memo Report to Elected Official?</b></p>
<input type="checkbox"/> Travel, lodging, meals for office-related tour of lobbyist employer's manufacturing plant or other facility	<p style="text-align: center;">Yes</p>	<p style="text-align: center;">Yes</p>
<p>Educational Expenditures for Officials, Employees:</p>		
<input type="checkbox"/> Travel, lodging, meals, tuition to attend seminar sponsored by nonprofit organization	<p style="text-align: center;">Yes</p>	<p style="text-align: center;">Yes</p>
<p>Other Lobbying-Related Items:</p>		
<input type="checkbox"/> Flowers costing any amount to officials, staff and/or family	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>
<input type="checkbox"/> Candy costing (( <del>\$50</del> ) \$100 or less per official or employee	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>
<input type="checkbox"/> Golf balls, coffee cups or other promotional items	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>
<input type="checkbox"/> Fruit baskets costing (( <del>\$50</del> ) \$100 or less per official or employee	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>

Note: References to employees or staff do not constitute authority to provide impermissible items to regulatory, contracting or purchasing employees.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-20-025 Lobbyists expenditures—Apportionment of expenses.** (1) For the purposes of compliance with RCW 42.17A.615 (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. Each expenditure must be reported in sufficient itemized detail to identify the person and agency being lobbied, and the subject matter of the proposed legislation (or other legislative activity) or rulemaking that the lobbyist has been engaged in supporting or opposing. Such detail must include the identification of legislation or rule by number or citation, or title of draft if no number has been assigned. If a lobbyist is reporting expenditure activity of a grass roots (indirect) lobbying campaign, pursuant to RCW 42.17A.640 and WAC 390-20-125, such activity must be reported separately from other direct lobbying expenditures.

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

**WAC 390-20-052 Application of RCW 42.17A.635—Reports of agency lobbying.** Regarding the reporting of lobbying by public agencies pursuant to RCW 42.17A.635:

(1) The phrase "in-person lobbying" contained in RCW 42.17A.635 (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. "In-person" lobbying also includes meetings through video conferencing or other remote access through an online platform or other digital medium with visual capability.

(2) The phrase "a legislative request" contained in RCW 42.17A.635 (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 42.17A.635(5).

(b) When a subagency elects to file its own, separate L-5, it must notify the PDC and the administrative head of the primary agency of its intentions electronically. The primary agency does not thereafter need to include information for the subagency in its L-5, and will have no legal obligation for the filings of the subagency.

(4) Pursuant to RCW 42.17A.635(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 42.17A.600 and 42.17A.615:

(a) Whenever such a local agency makes such an election, it shall provide the PDC with a notice electronically.

(b) After such an election, those who lobby on behalf of such local agency must register and report all lobbying activity reportable under RCW 42.17A.635(5) in the same manner as lobbyists who are required to register and report under RCW 42.17A.600 and 42.17A.615. Such a local agency shall report pursuant to RCW 42.17A.630.

(c) In order to terminate such an election, such a local agency must provide the PDC with notice electronically, and report pursuant to RCW 42.17A.635(5) thereafter.

(d) The exemptions from reportable lobbying activity contained in RCW 42.17A.635 (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 42.17A.600, 42.17A.615, and 42.17A.630. The exemptions contained in RCW 42.17A.610 (1), (4) and (5) do not apply to any agency.

(5) Unless an agency has elected to report its lobbying pursuant to RCW 42.17A.635(6) and subsection (3) of this section, an agency must 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 of an agency is not reportable unless and until:

(a) ~~An ((elected official does not engage in reportable in-person lobbying on behalf of an agency unless and until that))~~ elected official has expended in excess of ~~((twenty-five dollars))~~ \$100 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 42.17A.635 (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 ~~((7))~~:

(i) Expended in excess of ((twenty-five dollars)) \$100 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,)); and

(ii) Engaged in such lobbying for more than four days or parts thereof during any three-month period as provided in RCW 42.17A.635 (5) (d) (v) (B).

(c) When limits in (a) or (b) of this subsection have been exceeded, the agency must report such elected official, officer, or employee as a "person who lobbied this quarter" on the front of L-5 Report and include a listing of those excess expenditures as noted on that report.

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

**WAC 390-20-110 Reporting for lobbyist employers.** The official report for statement by employers of registered lobbyists as required by RCW ((42.17.180)) 42.17A.630 is designated "L-3." ((This report is available on the PDC's website, [www.pdc.wa.gov](http://www.pdc.wa.gov), and at the PDC Office, Olympia, Washington.)) Electronic filing is required by RCW 42.17A.055 unless the PDC executive director has granted a hardship exemption for lack of technological ability.

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

**WAC 390-20-125 Registration and reporting by sponsors of grass roots lobbying campaigns.** The official report for registration and reporting by sponsors of grass roots lobbying campaigns as required by RCW 42.17A.640 is designated "L-6." Hard copies of this report are available for download on the PDC's website, [pdc.wa.gov](http://pdc.wa.gov), and at the PDC Office, Olympia, Washington. Any attachments shall be on 8-1/2" x 11" white paper.

(1) Grass roots lobbying, also known as indirect lobbying, as set forth in RCW 42.17A.640, involves an appeal to the public to solicit, urge, or encourage the public to influence legislation. Grass roots (indirect) lobbying is distinguished from direct lobbying of a legislator, state official, or state agency, which may require registration and reporting separately, pursuant to RCW 42.17A.600 and 42.17A.615.

(2) The presentation of a campaign may include any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication to the public. The commission will consider the definition of "mass communication," as set forth in WAC 390-05-290, as guidance in application to this section.

(a) Internal communications by a membership organization that are directed and limited to the members of that organization do not constitute lobbying, as defined under RCW 42.17A.005. The commission will use the criteria set forth under WAC 390-05-515 to assist in determining whether a communication is primarily limited to the members within an organization.

(b) The publication or dissemination of news reporting activities by working members of the press, radio, digital media, or television, where no payment for the content has been received and where payment for the space or time of such content is not normally required, is ex-

empt from registration and reporting as provided under RCW 42.17A.610(3).

(3) The sponsor of a grass roots lobbying campaign is the person or persons making expenditures for the presentation of the campaign to the public.

(a) A lobbyist may report the campaign activities of a sponsor, who is a registered lobbyist employer, on the L-2 Report, including the same details as required pursuant to RCW 42.17A.640, and this section, only if:

(i) The sponsor did not receive any contributions for the campaign other than the sponsor's own funds, including general treasury funds;

(ii) The sponsor timely registered for the campaign pursuant to RCW 42.17A.640; and

(iii) The campaign is identified on the L-2 Report.

(b) If the campaign has more than one sponsor (for example a group or coalition of persons with each member making expenditures separately for the campaign), the sponsors must register collectively as a grass roots lobbying campaign on the L-6 Report. All activity must be reported on the L-6 Report, or in accordance with (a) of this subsection.

(4) Expenditures made on behalf of a grass roots lobbying campaign must be reported by financial category, pursuant to RCW 42.17A.640(2), with sufficient detail and itemization to provide the public a reasonable understanding of the nature and scope of the expenditure, including:

(a) Advertising - Any advertising or other form of mass communication must be segregated by media type, including:

(i) The name and address of any commercial advertiser that sold the advertising;

(ii) The quantity of each printed media distributed, or the name and location of each publication, outlet, or platform where the advertisement or communication appeared;

(iii) The date or dates that the advertising or communication was broadcast, distributed, published, or otherwise presented to the public; and

(iv) A description of the major work components or tasks that were provided by media type, in such detail as incorporated from WAC 390-18-050(7).

(b) Entertainment - Any expenditures on entertainment made in furtherance of the campaign must be reported. However, entertainment provided to or on behalf of a legislator or state official may need to be reported as direct lobbying, pursuant to RCW 42.17A.615.

(c) Office expenses - Any equipment, office space, staffing or other services purchased with campaign contributions, or used exclusively for the grass roots lobbying campaign, must be reported and itemized. If office expenses are provided exclusively by an organizational sponsor's general treasury funds, only the proportional campaign use of such office expenses must be reported as follows:

(i) The proportional amount paid or incurred by the sponsor for any employee or contractor who provides the campaign with:

(A) More than 20 hours a month on any administrative, secretarial, or other supportive staffing services; or

(B) More than five hours a month on any professional services, such as legal, accounting, management, or production; and

(ii) The purchase or rental value of any equipment or property used primarily for campaign purposes.

(d) Consultants - Any contractual or other payments made to any professional service provider, or other third party, for campaign purposes must be reported, including the name and address of the provider and a description of the services provided.

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

**WAC 390-20-143 Application of lobbying provisions to organizations.** (1) A lobbyist other than an individual will be considered to have properly restricted its lobbying activities and is eligible for the RCW 42.17A.610(5) "casual lobbying" exemption during any three-month period in which its agents or employees do not make an expenditure of more than (~~thirty-five dollars~~) \$100 for or on behalf of legislators, state elected officials, public officers or employees of the state of Washington.

(2) A lobbyist other than an individual which does sponsor or coordinate or directly make unreported expenditures exceeding (~~thirty-five dollars~~) \$100 during a three-month period, as fully described in subsection (1) of this section, must register and report as required by RCW 42.17A.600 and 42.17A.615: Provided, that it can satisfy these requirements by having an individual agent (a) register and report as a lobbyist, and (b) include a report of these and all other lobbying expenditures made on behalf of the individual during that three-month period as part of the L-2 Report.

(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 42.17A.600 and 42.17A.615: 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 will not be regarded as compensation for this purpose. Registration statements and reports must list as the lobbyists both the firm or organization and each individual acting on its behalf. The person paying the compensation must report under RCW 42.17A.630 as a lobbyist's employer.

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

**WAC 390-20-150 Changes in dollar amounts.** Pursuant to the commission's authority in RCW 42.17A.125 to revise the monetary reporting thresholds found in chapter 42.17A RCW to reflect changes in economic conditions, the following revisions are made:

<u>((Statutory Section</u>	<u>Subject Matter</u>	<u>Amount and Date Enacted or Last Revised</u>	<u>Revision Effective December 1, 2014</u>
<u>.600(1)(i)</u>	Lobbyist employer's members or funders	\$500 (1973)	\$1,450
<u>.610(5)</u>	Casual lobbying threshold	\$25 (1982)	\$35

<u>((Statutory Section</u>	<u>Subject Matter</u>	<u>Amount and Date Enacted or Last Revised</u>	<u>Revision Effective December 1, 2014</u>
.615(2)(a)	Itemize entertainment expenditures	\$25 (1978)	\$50
.630(2)(a)	Contributions disclosed by lobbyist employer on monthly report (L-3e)	\$100 (1990)	\$110
.635(5)(d)(v)	Nonpublic funds spent on gifts provided by public agency	\$15 (1979)	\$25
.640(1)	Grass-roots lobbying	\$500/ \$1,000 (1985)	\$700/ \$1,400))

<u>Code Section</u>	<u>Subject</u>	<u>Value Set in Statute (and last changed)</u>	<u>Previous Adjusted Value in Rule (last changed in 2014)</u>	<u>Current Adjusted Value (effective ...2023)</u>
<u>42.17A.600(1)</u>	<u>Threshold for reporting members of a lobbyist employer entity who pay dues or fees</u>	<u>\$500 (1973)</u>	<u>\$1,450</u>	<u>\$4,000</u>
<u>42.17A.610(5)</u>	<u>Limit for "casual lobbying" exemption from registration for lobbying expenses in a three-month period</u>	<u>\$25 (1982)</u>	<u>\$35</u>	<u>\$100</u>
<u>42.17A.615(2)</u>	<u>Threshold for itemizing expenditures on entertainment and food or beverage for public officials</u>	<u>\$25 (entertainment) (1982)</u> <u>\$50 (food &amp; beverage) (1995)</u>	<u>\$50</u> <u>n/a</u>	<u>\$100</u> <u>\$100</u>
<u>42.17A.630(2)</u>	<u>Threshold for reporting monthly contributions by lobbyist employer</u>	<u>\$100 (1990)</u>	<u>\$110</u>	<u>\$250</u>
<u>42.17A.635 (5)(d)(v)(B)</u>	<u>Limit on expenditure of nonpublic funds on behalf of any public officer in connection with agency lobbying</u>	<u>\$15 (1979)</u>	<u>\$25</u>	<u>\$100</u>
<u>42.17A.640(1)</u>	<u>Threshold of expenditure activity for registration as a grassroots lobbying campaign</u>	<u>\$500 per month (1985)</u> <u>\$1,000 per three-month period (1985)</u>	<u>\$700</u> <u>\$1,400</u>	<u>\$1,500</u> <u>\$3,000</u>
<u>42.17A.640(2)</u>	<u>Threshold for reporting the identity of contributors to a grassroots campaign</u>	<u>\$25 (1985)</u>	<u>n/a</u>	<u>\$100</u>