



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 15, 2021

TIME: 10:28 AM

WSR 21-21-056

Agency: Public Disclosure Commission

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-15-063 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Amending the rules regarding the inspection of commercial advertisers records for political advertising or electioneering communications, including advertising on digital media.

Hearing location(s):

| Date: | Time: | Location: (be specific) | Comment: |
|------------------|-----------|---|---|
| December 2, 2021 | 9:30 a.m. | 711 Capitol Way S, Suite 206, Olympia, WA 98504 | Due to Covid 19 protocol the hearing will conducted remotely 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: December 2, 2021 (Note: This is NOT the effective date)

Submit written comments to:

Name: Sean Flynn

Address: PO Box 40908

Email: pdc@pdc.wa.gov

Fax:

Other:

By (date) _____

Assistance for persons with disabilities:

Contact Jana Greer

Phone: 360-753-1111

Fax:

TTY:

Email: pdc@pdc.wa.gov

Other:

By (date) _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposal addresses how commercial advertisers respond to requests for records of the political advertising and electioneering communication it provides, the format for making such information available, and the content that must be disclosed.

Reasons supporting proposal: The proposal addresses the application of the commercial advertiser rules in recognition of the evolving digital media market and the increased use of digital media by political campaigns.

Statutory authority for adoption: RCW 42.17A.110 & .345.

Statute being implemented: RCW 42.17A.110 & .345.

Is rule necessary because of a:

| | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Public Disclosure Commission

| |
|--|
| <input type="checkbox"/> Private |
| <input type="checkbox"/> Public |
| <input checked="" type="checkbox"/> Governmental |

Name of agency personnel responsible for:

| | Name | Office Location | Phone |
|-----------------|--------------|---|--------------|
| Drafting: | Sean Flynn | 711 Capitol Way S, Suite 206, Olympia, WA | 360-753-1111 |
| Implementation: | Sean Flynn | 711 Capitol Way S, Suite 206, Olympia, WA | 360-753-1111 |
| Enforcement: | Kim Bradford | 711 Capitol Way S, Suite 206, Olympia, WA | 360-753-1111 |

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: The Public Disclosure Commission is not required to prepare a cost-benefit analysis under RCW 34.05.328(5)(b).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

| | |
|-------------------------------|--|
| Date: 10/14/2021 | Signature:  |
| Name: Sean Flynn | |
| Title: General Counsel | |