



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: March 31, 2022

TIME: 11:53 AM

WSR 22-08-047

Agency: Public Disclosure Commission

Title of rule and other identifying information: (describe subject) 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 and rounded off to be most accessible for the public.

Statutory authority for adoption: RCW 42.17A.110 & 125

Statute being implemented: RCW 42.17A.125

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:

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

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Sean Flynn	711 Capitol Way Ste 206; Olympia, WA	360-753-1111
Implementation:	Sean Flynn	Same	Same
Enforcement:	Kim Bradford	Same	Same

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

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- 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;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- 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; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): 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, including 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 the Office of Financial Management, 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 rulemaking allows the agency to meet that statutory requirement where permanent rulemaking 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

Name: Sean Flynn
Agency: Public Disclosure Commission
Address: 711 Capitol Way S, Suite 206; Olympia, WA 98502
Phone: 360-753-1111
Fax: 360-753-1112
Email: pdc@pdc.wa.gov
Other:

AND RECEIVED BY (date) June 6, 2022

Date: March 31, 2022

Name: Sean Flynn

Title: General Counsel

Signature:

