

# Comments on potential PDC legislative priorities

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reported via email

13 hours ago (Mon, 22 Aug 2022 at 6:42 PM)

To: "PDC Support" <pdcc@pdcc.wa.gov>

External Email

Dear Commissioners:

Thank you for soliciting public comment on potential PDC legislative priorities for the 2023 session. I am unable to attend the meeting on Thursday due to other commitments, but offer these thoughts.

- **Adjusting campaign expenditure reporting schedules:** My understanding is that in the relatively near future all data will be entered into ORCA online, stored on PDC servers, and immediately accessible to all users with no need to explicitly "file" any C3 or C4 reports. What had been deadlines for filing of reports will instead become deadlines by which individual transactions must be entered into ORCA. It makes no sense to mandate additional C4 reports now, if C4 reports are going to be eliminated soon. Very few people – except for campaign opponents – care about campaign expenditures anyway; voters care who is supporting a candidate with their contributions, and rarely look at C4 reports except perhaps to determine totals and cash on hand. I would not add more burdens on campaign treasurers to file more reports that few people look at or care about. **I therefore oppose adding more special C4 reports before elections.**
- **Adjusting last-minute contribution reporting:** I agreed with increasing the LMC threshold to exceed the individual contribution limit for legislative candidates. **I likewise support increasing the LMC threshold to exceed the individual contribution limit for statewide candidates** and automatically adjusting it as the contribution limits are raised. LMC reports should not be required to be filed for ordinary contributions by individuals, but only for extraordinary contributions such as by bona-fide political parties.
- **Expenditure details for digital advertising:** I strongly oppose requirements to provide minute details of any political advertising, not only digital ads but for direct mail, text, social media, or robocall campaigns. The original intent of the Public Disclosure Act was to disclose who was contributing to candidates so voters would know who was backing them, and to know if candidates were buying political favors through activities such as big newspaper ad buys in exchange for endorsements, or buying campaign materials or ads in exchange for large contributions – to disclose political corruption. It was *never* the intent of the PDA for PDC reporting to be used as a way for politicians to discover the detailed campaign strategies of their opponents, which is exactly what occurs when the level of detail proposed is mandated. There is no need for anyone to know the fine details of targeting for digital ads. **I oppose the new requirements** as well as *existing* requirements to report such level of detail of ad buys. It is sufficient for the public to know how much was spent, with whom, and a general description (e.g. "signs", "web ads") without knowing the fine details of what was bought with specific counts or targeting information.

In addition to those PDC proposals, I would propose the following:

- **Centralize the foreign control certification requirement:** Campaigns and their treasurers should not be required to demand any certification regarding foreign control of contributors to campaigns. Instead, donors who exceed an aggregate limit of donations across all candidates and ballot measures in a given campaign year should be required to directly file such certifications directly with the PDC, similar to how reports are filed by lobbyists. That way a single certification will cover *all* contributions made by the reporting entity, instead of every individual campaign having to request that certification. The PDC would be able to use automated processes to detect when the aggregate contribution total has been reached and a foreign control certification should have been filed; this will be facilitated by the planned unified list of political contributors to provide consistent identification across all campaigns.
- **Reform commercial advertiser proactive disclosure rules:** The requirement that commercial advertisers maintain publicly-accessible records of political advertisements should be eliminated, and replaced with a mechanism by which the PDC can subpoena such records when handling a complaint regard advertising that has not been reported by a campaign or for which no sponsorship statement was included. The burden of maintaining these detailed records in a publicly-accessible form should not be forced onto commercial advertisers simply because they are in the business. Commercial advertisers should not be burdened with fishing expeditions by random members of the public. The high cost of compliance with Washington's extraordinary and uniquely burdensome requirements on commercial advertisers have resulted in the inability for state and local campaigns in Washington to use the most effective advertising media. Let's restore the ability of state and local candidates to use these effective means of advertising and change the system from advertisers having to make information available proactively to them being able to provide the data to the PDC in response to a subpoena.

Thanks for your kind consideration of these remarks.

Best regards,

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