

To: Public Disclosure Commission – An Agency of Washington State

From: William J. (Bill) Bangs, II (wjbangs@gmail.com)

Subject: Public Comment at the Regular Commission Meeting - February 23, 2023

Thank you for your efforts “to promote the complete disclosure of all information respecting the financing of political campaigns” “so the public can remain informed” – especially your efforts to allow the public to “follow the money” in elections (PDC Interpretation 07-04). Of course, “follow the money” includes the identification of the donors to a campaign. To be meaningful, this identification should occur before the election so that the voters know the source of campaign funding in support of their decision making.

It may be that a committee or an impending donor wish to not disclose a donor’s identity on advertising prior to an election. That can be readily achieved by the following sequence.

1. Wait to publish advertising until at least five donors have contributed.
2. Publish all advertising materials subject to RCW 42.17A.320 and WAC 390-18-01 by identifying the top five contributors to date (at the “point in time” of the publication).
3. Receive subsequent donations with no need to update previously published media (even online webpages) because the statutes do not explicitly require continuous updating.

Even if the donor has assured the committee that they would make a large donation, this promise is not considered a reportable pledge if it is not “for a specific amount” (PDC Interpretation 12-01).

Of course, all donations must be reported to the PDC, and those reports are accessible by the public. Should a committee wish to not report a given donor before the election then all they need do is proceed with the campaign without the anticipated donation until after the election. Of course, this may result in the committee accumulating substantial debt. While this debt is reported to the PDC, there is no description of how that debt will be paid. The voters will have no money to follow until after the election. (For example, one November 2022 election campaign reported their debt the day before the election as 168% of the accumulated contributions and 240% of the cash on hand - indicating either imprudent financial management or significant unreported promises.)

I hope the commission will address these loopholes in the public disclosure laws and their enforcement. Here are some preliminary suggestions.

1. Include the “point in time” in any advertising that identifies the top 5 contributors.
2. Require records that substantiate publication dates including website postings and bulk mailings.
3. Require online media such as webpages based on HTML and other text files to be updated within a reasonable time (e.g., 48 hours) after receipt of donations that change the top 5 list.
4. Limit the debt a campaign can incur (to, say, 125% of cash on hand) or require campaigns that incur such debt to report their plan to pay that debt and the donors who will contribute.

Respectfully submitted this 11th day of February 2023,


