

**Administrative Procedures Act Petition per RCW 34.05.330**  
**Petition for Amendment of WAC 390-05-120**  
**Creating Automated Notices of Reporting Deadlines, Automated Filing**  
**Reminders, and Automated Non-Filing Notices**

**Proposed Modification - WAC 390-05-120 – “Public disclosure commission—Role of the executive director.”**

(1) The executive director acts as the commission's chief administrative officer and is accountable to the commission for agency administration. In addition, the executive director will:

(a) Act as the appointing authority for agency staff, including the authority to hire, set salaries, promote, assign work, evaluate, take corrective action and, where appropriate, terminate staff.

(b) Propose agency budgets for commission approval and oversee fiscal management of the agency.

(c) Exercise such other management oversight, decision-making and administrative action to provide timely and meaningful public access to accurate information about the financing of political campaigns, lobbyist expenditures, and the financial affairs of public officials and candidates, and to ensure compliance with and equitable enforcement of the act.

(d) Determine when appropriate and authorize enforcement alternatives set out in chapter [390-37](#) WAC to resolve complaints filed with the commission.

(e) Act as liaison between the commission and other public agencies.

(f) Research, develop, and draft policy positions, administrative rules, interpretations and advisory options for presentation to the commission.

(g) Enter into contracts and agreements on behalf of the commission.

(2) The executive director may delegate authority to subordinates, consistent with agency delegation of authority protocols as adopted by the commission, to act for the executive director as needed and appropriate.

(3) The executive director may perform other duties as authorized by chapter [42.17A](#) RCW, Title 390 WAC, or as prescribed or delegated by the commission.

(4) Beginning on or before June 1, 2024, the Executive Director or their subordinates shall implement the following system on behalf of the agency:

### **(a) Automated Filing Schedule Notice**

Whenever any entity required to file reports under either RCW 42.17A.225, or RCW 42.17A.235 files a new or amended statement of organization, the agency will provide that entity with an automated electronic notice containing the tentative schedule with the deadlines on which that entity will be required to file C3 and C4 reports for that calendar year. The deadlines will be determined based on the information that the entity has provided with respect to the elections that the entity has indicated they will be participating in. The deadlines will be determined based on the assumption that the limited exceptions described in RCW 42.17A.225(2) and RCW 42.17A.235(3)(a) do not apply, however the notice will briefly describe when those exceptions apply.

### **(b) Automated Electronic Filing Reminders**

The agency shall send automated electronic filing reminders to all entities required to file C4 reports. Automated electronic filing reminders will be sent to these entities on the day before their C4 reports are due as determined by the schedule described in (4)(a). The automated electronic filing reminders shall be sent to these entities' electronic mail addresses.

### **(c) Automated Non-Filing Notice**

If an entity required to file C4 reports fails to file a C4 report by the deadline indicated in the schedule described in (4)(a), the agency shall send an automated non-filing notice to the entity's electronic mail address the day after the deadline has passed.

This automated non-filing notice will ask the filer to select a reason why they have failed to file a report by the deadline. These reasons shall include:

- i. That the entity meets the criteria for the limited exceptions described in RCW 42.17A.225(2) or RCW 42.17A.235(3)(a) and therefore that no report is required to be filed.

- ii. That the entity is no longer participating – as described in RCW 42.17A.005(38) - in the election that the deadline is based off of, and that they will be filing an updated statement of registration to reflect that fact.
- iii. That neither of the two other options apply, and that the report is late.

When a response selecting one of the three options is received from the filer, it shall be posted on the agency's webpage where that entity's reporting history is displayed for the public.

### END OF APA PETITION ###

## **Explanation**

The goal of this proposal is twofold.

The first goal is to provide a greater level of notice to members of the filing community so that they can better understand when reports are required to be filed by.

The second goal is to provide more information to members of the public who go to an individual entity's reporting page on the PDC's website. As it stands right now, if a member of the public goes to an individual entity's reporting page on the PDC's website, they have no way of knowing why the entity has not filed a report that appears to have been due by a given deadline.

By way of example, according to my recent query of the PDC's Open Data portal, there are currently 291 candidates who have filed for election in the 2024 election cycle and have also selected the full reporting option.

Of those 291 candidates, 105 candidates have not filed a report covering activity in December of 2023, which was due on 1/10/24. I'm sure that many of these candidates were entitled to not file a report because they qualified for the activity exemption contained in RCW 42.17A.235(3)(a). However, I'm also sure that many didn't qualify for this exemption and just simply didn't file the required report. Under the current framework, if a member of the public goes to the page of one of these candidates and tries to look at their reporting history, they are unable to tell why a report for December of 2023 has not been filed.

Last year, I had submitted a somewhat similar APA petition on this subject that was ultimately rejected because it would have required the agency to pursue penalties in instances where entities failed to file reports by the required deadlines and also failed to provide an appropriate response to the non-filing notice.

While I still support that approach, I am offering this alternative approach (which does not mandate that the agency pursue penalties), which could be a helpful incremental step for the agency to improve its processes in this area.

## **Example of Proposed Automated Filing Schedule Notice**

To: [E-mail address provided by Entity]  
From: Public Disclosure Commission  
Subject Line: Filing Schedule Notice for [Entity]

Hello [Entity]:

Thank you for filing your registration with the Public Disclosure Commission.

Your registration has indicated that you will be participating in both the primary and general election in 2024. Based on this information, your filing schedule is listed below. Please pay careful attention to these deadlines.

**Failure to file by the appropriate deadline may subject you to monetary penalties.**

If you have any questions, please contact us at (360) 753-1111 or via e-mail at [PDC@PDC.WA.GOV](mailto:PDC@PDC.WA.GOV).

[Agency Signature Line]

## **Example of Proposed Automated Filing Schedule Notice (Continued)**

### **C4 Reporting Deadlines <sup>1</sup>**

Report covering activity from 1/1/24 to 1/31/24: due by 2/12/24. \*

Report covering activity from 2/1/24 to 2/29/24: due by 3/11/24. \*

Report covering activity from 3/1/24 to 3/31/24: due by 4/10/24. \*

Report covering activity from 4/1/24 to 4/30/24: due by 5/10/24. \*

Report covering activity from 5/1/24 to 5/31/24: due by 6/10/24. \*

Report covering activity from 6/1/24 to 7/15/24: due by 7/16/24.

Report covering activity from 7/15/24 to 7/29/24: due by 7/30/24.

Report covering activity from 7/30/24 to 8/31/24: due by 9/10/24.

Report covering activity from 9/1/24 to 10/14/24: due by 10/15/24.

Report covering activity from 10/15/24 to 10/28/24: due by 10/29/24.

Report covering activity from 10/29/24 to 11/30/24: due by 12/10/24.

Report covering activity from 12/1/24 to 12/31/24: due by 1/10/25. \*

### **C3 Reporting Deadlines <sup>2</sup>**

Report covering deposits made from 1/1/24 to 1/31/24: due by 2/12/24. \*

Report covering deposits made from 2/1/24 to 2/29/24: due by 3/11/24. \*

Report covering deposits made from 3/1/24 to 3/31/24: due by 4/10/24. \*

Report covering deposits made from 4/1/24 to 4/30/24: due by 5/10/24. \*

Report covering deposits made from 5/1/24 to 5/31/24: due by 6/10/24. \*

**Beginning on 6/1/24, all deposit activity must be reported no later than the following Monday, until the Monday before election day (11/4/24).**

Report covering deposits made from 11/4/24 to 11/30/24: due by 12/10/24.

Report covering deposits made from 12/1/24 to 12/31/24: due by 1/10/25. \*

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<sup>1</sup> For the reporting periods indicated with an asterisk, please note that per RCW 42.17A.225(2) and RCW 42.17A.235(3)(a), these reports are not technically required to be filed if you have not had more than \$750.00 worth of combined contribution and expenditure activity since the last time you filed a report. It is strongly recommended that you file a report by the listed deadline regardless of whether or not the exemption applies to you. If you decide to take advantage of the exemption, you are encouraged to review relevant bank statements and other indicators of financial activity to make sure that you actually qualify for the exemption.

[Note to Commissioners: the statute indicates the activity exemption is \$200 but this has been adjusted for inflation in rule to \$750 and thus the adjusted threshold is not reflected in the statute. – Conner]

<sup>2</sup> See footnote 2 above.

## **Example of Proposed Automated Electronic Filing Reminder**

To: [E-mail address provided by Entity]  
From: Public Disclosure Commission  
Subject Line: Electronic Filing Reminder for [Entity]  
Date: 2/11/24

Hello [Entity]:

We are sending you this e-mail to remind you that tomorrow (2/12/24) is the deadline for filing reports covering activity in January of 2024, per the filing schedule notice that you received when you registered with the Public Disclosure Commission.

**Please note that failure to file by the appropriate deadline may subject you to monetary penalties.**

If you have any questions or need assistance with filing, please contact us at (360) 753-1111 or via e-mail at [PDC@PDC.WA.GOV](mailto:PDC@PDC.WA.GOV).

[Agency Signature Line]

## **Example of Proposed Automated Non-Filing Notice**

To: [E-mail address provided by Entity]  
From: Public Disclosure Commission  
Subject Line: Non-Filing Notice for [Entity]  
Date: 2/13/24

Hello [Entity]:

Per the filing schedule notice that you received when you registered with the Public Disclosure Commission, the filing deadline for disclosing activity from January 2024 was yesterday (2/12/24).

We have not received this report from you.

For that reason, we are reaching out to you with this automated e-mail to determine why a report was not filed. Please select one of the following three reasons for why the report was not filed by clicking the hyperlink next to the option; information submitted to the PDC will be posted to the agency's webpage for your committee.

**Option 1:** No report was required to be filed because the criteria for the limited exceptions described in RCW 42.17A.225(2) or RCW 42.17A.235(3)(a) is applicable and therefore no report is required to be filed. [CLICK HERE](#)

**Option 2:** No report was required to be filed because this entity is no longer participating in the election that the filing schedule notice was based off of, and this entity will be filing an updated statement of registration to reflect this fact. [CLICK HERE](#)

**Option 3:** Neither of the two other options apply. The entity was required to file the report but failed to do so by the applicable deadline. [CLICK HERE](#)

**Please note that failure to file reports by the appropriate deadline may subject you to monetary penalties.**

If you have any questions or need assistance with filing, please contact us at (360) 753-1111 or via e-mail at [PDC@PDC.WA.GOV](mailto:PDC@PDC.WA.GOV).

[Agency Signature Line]