



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

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COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Public Disclosure Commission

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: WAC 390-16-011 & WAC 390-16-012

See attached petition.

I am requesting the following change: _____

To correct the agency staff's non-enforcement of critical campaign finance requirements such as C3 and C4 reporting deadlines.

This change is needed because: _____

See attached petition.

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____

Mandatory Filer Compliance Training
Administrative Procedures Act Petition per RCW 34.05.330
Petition for Amendment of WAC 390-16-011 & WAC 390-16-012

“Ignorance of the law excuses no man; not that all men know the law; but because ‘tis an excuse every man will plead, and no man can tell how to confute¹ him.”

John Selden, English Jurist
(1584-1654)

Explanation of Petition

As it stands today, one of the most common defenses offered by PDC complaint respondents is that they did not realize what was required by state law. This is especially the case for respondents who have failed to timely file C3 and C4 reports.

The vast majority of courts and administrative agencies recognize the longstanding legal principle that “ignorance of the law is no excuse”. As it stands today, ignorance of the law is not only a valid defense at the PDC, it is actually one of the best and most commonly offered defenses. Ignorance of the law is frequently used as a basis for justifying warning letter dismissals. This petition is an effort to change that.

If adopted, this petition would require candidate committee and political committee treasurers to either attend the PDC’s compliance training course or watch the PDC’s compliance training video. Before you vote on this petition, I would strongly encourage you to watch the excellent compliance training video² produced by agency staff that covers all of the most important requirements that filers must follow. The video is only 35 minutes long. The goal of this petition is two-fold.

First, by proactively educating filers about filing requirements and the filing schedule before a campaign begins, it would significantly reduce instances of noncompliance during the campaign by filers who are otherwise unfamiliar with PDC reporting requirements. This, in turn, should significantly reduce the number of complaints that the agency would have to otherwise process. Second, if/when filers commit violations of PDC requirements that were covered as part of the PDC’s compliance training, this petition would state that the violation would be considered an aggravating factor. This would prevent respondents from being able to effectively assert that their ignorance of the law is a legitimate defense.

I intend to supplement the arguments for this APA petition before the PDC’s August regular meeting.

¹ Confute – to prove (a person or an assertion) to be wrong.

² <https://www.youtube.com/watch?v=M8j5S-A1dxw>

Mandatory Filer Compliance Training
Administrative Procedures Act Petition per RCW 34.05.330
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Proposed Modification

WAC 390-16-011

Registration statement for political committees.

(1) The official form for providing the statement of organization by political committees for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting is designated "C-1pc."

(2) At the time the statement of organization is filed by the political committee, the political committee shall certify that the designated campaign treasurer has attended the agency's compliance training class or watched the agency's compliance training video within the last 12 months.

(3) In the event that the political committee subsequently violates a requirement that was explained as part of the agency's compliance training class or compliance training video, this violation will be considered an aggravating factor at all stages of the agency's enforcement process where factors are considered as part of determining the appropriate resolution.

(4) In the event of a conflict between the provisions of this rule and any other rule, the provisions of this rule shall govern.

WAC 390-16-012

Registration statement for candidates.

(1) The official form for providing the statement of organization by candidates and candidate committees, for designating a campaign treasurer and depository, and for reporting information required to qualify for mini campaign finance reporting is designated "C-1."

(2) At the time the statement of organization is filed by the candidate committee, the candidate committee shall certify that the designated campaign treasurer has attended the agency's compliance training class or watched the agency's compliance training video within the last 12 months.

(3) In the event that the candidate committee subsequently violates a requirement that was explained as part of the agency's compliance training class or compliance training video, this violation will be considered an aggravating factor at all stages of the agency's enforcement process where factors are considered as part of determining the appropriate resolution.

(4) In the event of a conflict between the provisions of this rule and any other rule, the provisions of this rule shall govern.

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end