



State of Washington
PUBLIC DISCLOSURE COMMISSION

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Memo

To: PDC Commissioners

From: Sean Flynn, General Counsel

Date: January 16, 2025

Re: APA Rulemaking Petition re Public Comment for Election Purposes (Kunzler)

The petitioner, Joe Kunzler, submitted a rulemaking petition on December 25, 2024. The petition proposes to clarify that making public comment during an open public meeting that supports or opposes an election campaign is illegal and must be stopped immediately by the presiding officer. This petitioner previously submitted the same petition in 2023.

Under the Administrative Procedure Act (APA), a person may petition an agency requesting the adoption, repeal, or amendment of a rule. Within 60 days of the submission of a petition, the agency must either deny the petition, or initiate the rulemaking process. If the Commission denies the petition, it must state its reasons for the denial, addressing the concerns raised and alternative means of addressing the concerns, where appropriate.

The Commission dismissed the previous petition and sent the petitioner its written response on June 7, 2023 (attached). That dismissal addresses the concerns raised by the petition and PDC Staff has no recommendation beyond the Commission's previous decision.