



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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June 7, 2023

Joe A. Kunzler  
701 Warner Street  
Sedro Woolley, WA 98284  
[growlernoise@gmail.com](mailto:growlernoise@gmail.com)

RE: Petition for Rulemaking on the Use of Public Comment for Political Advertising

Dear Mr. Kunzler,

On May 15, 2023, you submitted a petition for rulemaking by email to the Public Disclosure Commission accompanied by written commentary. The Commission has reviewed the draft rule, and considered any information contributed by the public, yourself, and PDC Staff. At its May 25, 2023, regular meeting the Commission publicly discussed the petition, reviewed the arguments and information provided, and voted on the request. Granting a petition for rulemaking is at the agency's discretion and this letter is our written response to the petition per RCW 34.05.330(1).

The petition seeks to create a new rule to prohibit the use of public comment periods, as described in RCW 42.30.240, to announce or advertise a candidacy for public office. The Commission's existing statutory authority at RCW 42.17A.555 already prohibits public officials from using this forum for their own political purposes and also prevents them from allowing others to do so. The proposed rule also requests the PDC enforce the statute against persons who are not public officials who use public comment periods to advertise their campaigns. This is outside the authority of RCW 42.17A.555, which only applies to current public officials. Finally, the petition asks the Commission to adopt rules that set specific penalties under WAC 390-37-182 for these violations. The Commission declines to adopt this portion of the proposed rule as it limits its discretion when determining the appropriate penalties in enforcement matters.

The Commission has determined that rulemaking on this topic is unnecessary and inappropriate at this time. The Commission currently reviews complaints on this issue and effectively enforces the statute on the improper use of public facilities.

The appropriate place to discuss changes to policy and enforcement matters, and whether the PDC is consistently enforcing its statutory authority, is within the agency's strategic planning process. This issue can be presented there and arguments made for more stringent enforcement or for an increased emphasis on this issue. As an alternative to rulemaking, the Commission will continue to

evaluate the need for increased emphasis on this issue and will also encourage compliance through providing additional information and continued training of public officials.

While we appreciate the sharing of your concerns, the Commission finds it unnecessary to repeat the statute's prohibition in rule or to limit our discretion in determining appropriate penalties. The petition for rulemaking is denied and rulemaking on this topic will not be pursued at this time.

Sincerely,

*Fred Jarrett*

[Fred Jarrett \(Jun 5, 2023 21:39 PDT\)](#)

Fred Jarrett, Chair

Washington State Public Disclosure Commission