RULE-MAKING ORDER
EMERGENCY RULE ONLY

CR-103E (December 2017)
(Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 27, 2025
TIME: 11:00 AM

WSR 25-22-024

Agency: Public Disclosure Commission

Effective date of rule:

Emergency Rules

☒ Immediately upon filing.

☒ Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: The rule change will exempt funding of a political party's sample ballots from contribution limits when the sample ballot includes the party's position on a ballot proposition. The current rule provides that sample ballots meeting certain criteria, are not considered contributions to the candidates listed on the card. One criteria is that the sample ballot may not include any ballot proposition on the sample ballot in order to qualify for the exemption. The rule change would permit the inclusion of ballot propositions, so long as there is no additional statements about the sponsor's reasons for supporting or opposing the ballot proposition, or indicating any candidate's support for or opposition to a ballot proposition.

Citation of rules affected by this order:

New: n/a
Repealed: n/a
Amended: WAC 390-17-030
Suspended: n/a

Statutory authority for adoption: RCW 42.17A.110(1)

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: The Public Disclosure Commission finds good cause that immediate amendment of the rule is necessary for the general welfare and that observing the time requirements of permanent rulemaking is contrary to the public interest. Under RCW 42.17A.110(1), any rule relating to campaign finance, political advertising, or related forms may not take effect after June 30th through the day following the general election in that year. This rule change was proposed through a petition submitted to the Commission on March 18, 2025, and the state budget was not finalized until May 21, 2025. The timing of the petition, the legislative session, and the budget approval did not permit enough time for the Commission to consider and complete the rulemaking process before the statutory June 30th deadline.

The petition stated that rule change was important for the upcoming 2025 election cycle, as both major political parties have recently increased participation in the ballot initiative process. The 2024 election cycle included party involvement in several high profile ballot initiative campaigns, which is expected to continue in the upcoming election. Furthermore, the 2025 legislative session produced particular issues, including the extraordinary budget situation, that are anticipated to generate multiple ballot propositions in which the parties will be participating. The parties have indicated that they use sample ballots to inform the public on the positions each party takes in elections. Under the current rules, the parties are limited in producing sample ballots that include the positions taken on ballot propositions, which can effectively prevent the parties from disseminating information to help inform the public on the election. Therefore, emergency rulemaking is necessary to implement the purpose of the Fair Campaign Practices Act and to help to fully inform the public concerning the positions of political parties on ballot propositions during the 2025 election cycle.

The Commission has conducted extensive outreach to engage the public in formulating this rule for adoption. The petition was presented at the Commission's public meeting on April 24, 2025. PDC staff published the draft rule on its website, sent

notice to all stakeholders, and solicited comments from each major political party as well as other targeted groups. The issue again was presented at the Commission's public meetings on May 22nd, and on June 26th. The Commission adopted an emergency rule on June 30, 2025. Additional time is necessary to maintain this rule through the 2025 election cyce.

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	0	Amended	0	Repealed	0

The number of sections adopted at the request of a nongovernmental entity:

	New	0	Amended	1	Repealed	0

The number of sections adopted on the agency's own initiative:

	New	0	Amended	0	Repealed	0

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	0	Amended	0	Repealed	0

The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	0	Amended	0	Repealed	0

Date Adopted: October 27, 2025

Name: Sean Flynn

Title: General Counsel

Signature:

