PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: December 12, 2025
TIME: 8:50 AM

WSR 26-01-066

Agency: Public Disclosure Commission

☒ **Original Notice**

☐ **Supplemental Notice to WSR _____**

☐ **Continuance of WSR _____**

☒ **Preproposal Statement of Inquiry was filed as WSR** 25-21-034 **; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) Inclusion of ballot propositions on party sample ballots and slate cards

Hearing location(s):

Date:	**Time:**	**Location:** (be specific)	**Comment:**
February 12, 2026	9:30 am	Public Disclosure Commission 711 Capitol Way S; Ste. 206 Olympia, WA 98504	Remote access and participation available upon request.

Date of intended adoption: February 12, 2026 (Note: This is **NOT** the **effective** date)

Submit written comments to:	**Assistance for persons with disabilities:**
Name Public Disclosure Commission	Contact Jana Greer
Address 711 Capitol Way S; Ste 206; Olympia, WA 98504	Phone 360-753-1111
Email pdc@pdc.wa.gov	Fax 360-753-1112
Fax 360-753-1112	TTY
Other	Email pdc@pdc.wa.gov
Beginning (date and time) December 12, 2025 at 8:00 am	Other
By (date and time) February 6, 2026, 2026 at 12:00 pm.	By (date) February 6, 2026.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposal would include positions on ballot propositions on slate cards published by political parties and other political committees that would still qualify for the exemption from contribution limits under RCW 42.17A.404(15). The current rules expressly disqualify slate cards from the contribution limit exemption if the slate care includes a position on a ballot proposition.

Reasons supporting proposal: This rule change was proposed originally through a petition submitted to the Commission by the State Democratic Party on March 18, 2025. The petition proposed to 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 restriction is that the sample ballot may not include any ballot proposition on the sample ballot. The petition sought to 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

The petition stated that a rule change was needed to amend the content permitted in party slate cards that are exempt from contribution limits. The petition stated that 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 upcoming elections. The parties 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. The Commission granted to petition and adopted emergency rules to be effective during the 2025 election cycle. The current proposed rulemaking is under consideration to make the emergency rules permanent and implement the purpose

of the Fair Campaign Practices Act in helping to fully inform the public concerning the positions of political parties on ballot propositions.

Statutory authority for adoption: RCW 42.17A.110

Statute being implemented: RCW 42.17A.405.

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: The proposed rule currently is in effect as an emergency rule, which is set to expire by February 2026.

Name of proponent: (person or organization) Public Disclosure Commission
Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Sean Flynn	Public Disclosure Commission (above)	360-753-1111
Implementation	Kim Bradford	Same	Same
Enforcement	Kim Bradford	Same	Same

Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name
Address
Phone
Fax
TTY
Email
Other

☒ No: Please explain: Does not meet the criteria under RCW 34.05.328(4).

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The Governor's Office for Regulatory Innovation and Assistance (ORIA) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). For additional information on exemptions, consult the exemption guide published by ORIA. Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- ☐ RCW 34.05.310 (4)(b) (Internal government operations)
- ☐ RCW 34.05.310 (4)(c) (Incorporation by reference)
- ☐ RCW 34.05.310 (4)(d) (Correct or clarify language)
- ☒ RCW 34.05.310 (4)(e) (Dictated by statute)
- ☐ RCW 34.05.310 (4)(f) (Set or adjust fees)
- ☐ RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

☒ The rule proposal: Is fully exempt. *(Skip section 3.)* Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. *(Complete section 3.)* The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using this template from ORIA):

☐ The rule proposal: Is not exempt. *(Complete section 3.)* No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: December 12, 2025	**Signature:**
Name: Sean Flynn	
Title: General Counsel	