State of Washington
PUBLIC DISCLOSURE COMMISSION
711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

Memo

To: PDC Commissioners
From: Sean Flynn, General Counsel
Date: October 15, 2026
Re: Proposed Interpretation re limits on last-minute contributions

---

PDC staff is proposing a Commission interpretive statement in consideration of concerns over enforcement of RCW 29B.40.070, and the prohibition on large campaign contributions within 21 days of an election. This matter was discussed most recently at the September 24th, 2026, meeting and briefly summarized below.

The Administrative Procedures Act allows an agency to issue an interpretive statement to advise the public of its current opinions, approaches, and likely courses of action. *See* RCW 34.05.230. When an agency issues an interpretative statement, it is published in the state register. The law encourages agencies to convert longstanding interpretations into rule, and the public may petition an agency to convert interpretive statements into rule.

Under RCW 29B.40.070, a person may not make, and a candidate or committee may not receive, a contribution within 21 days of the general election if the contribution exceeds $75,000 for a campaign for a statewide office, or $7,500 for any other office. The Commission recently considered a challenge to the enforceability of this provision in the context of an enforcement matter, Case 181096 (Tam Thi-Dang Bui). The case was dismissed without prejudice.

Given the uncertainty of the enforceability of the law, and in recognition of maintaining fairness in compliance standards across all campaigns, the Commission has considered issuing an interpretive statement to alert campaigns about the Commission's current approach to enforcement of RCW 29B.40.070. The following provides proposed language for the Commission to consider in issuing an interpretive statement:

Enforcement Suspension of Pre-Election Contribution Limits under RCW 29B.40.070

In recognition of significant concerns raised over the enforceability of RCW 29B.40.070, and in order to maintain fairness to all campaigns in the application of law, the Commission is suspending enforcement of this provision to the extent that it prohibits the making or receipt of a contribution exceeding $75,000 for a campaign for statewide office, or $7,500 for any other campaign. This decision does not declare or otherwise determine the constitutionality or legal status of this or any other law.