WAC 390-16-063 Additional information regarding independent expenditures and C-6 report filing. (1) RCW 29B.25.120 requires a person not otherwise subject to the disclosure requirements of Title 29B RCW to disclose an independent expenditure of $1,000 or more that supports or opposes a candidate or ballot measure. RCW 29B.25.130 requires the disclosure of political advertising with a fair market value of $2,000 or more that is presented to the public within 21 days of an election, that supports or opposes a ballot proposition, or that qualifies as an independent expenditure and supports or opposes a candidate.

(a) **Prorating and attributing independent expenditures that support or oppose multiple candidates or ballot measures.** Whether to disclose an independent expenditure that supports or opposes multiple candidates or ballot measures is determined by prorating and attributing the cost of the expenditure among all candidates or ballot measures that are the subject of the expenditure. Disclosure is required when:

(i) The pro rata cost for a single candidate or ballot measure reaches or exceeds the statutory threshold and none of the subject candidates are seeking election to the same office and none of the subject ballot measures are competing measures; or

(ii) The sum of the pro rata costs attributable to all candidates seeking election to the same office or the sum of the pro rata costs attributable to competing ballot measures reaches or exceeds the statutory threshold.

Example 1 (prorating): A mailer/postcard supports one candidate and one ballot measure at a total cost of $3,200. One side of the postcard is entirely devoted to the ballot measure. The other side is split evenly between the candidate and the ballot measure. The ballot measure's pro rata share is $2,400 (75%) and the candidate's pro rata share is $800 (25%).

Example 2 (prorating and attributing): An independent expenditure ad appears in the newspaper two weeks before the election. The ad costs $2,000; 50% of the ad supports a candidate and the other 50% opposes the candidate's opponent. The independent expenditure is disclosed under RCW 29B.25.130 because the sum of the pro rata share for the two candidates who seek the same office is $2,000.

(b) **Disclosing independent expenditures that support or oppose multiple candidates or ballot measures.** When a pro rata, attributable cost reaches or exceeds the statutory threshold, the entire independent expenditure must be disclosed, including the amounts attributable to all candidates and ballot propositions supported or opposed by the expenditure.

(c) **Other applications of prorating and attributing independent expenditures.** Use the prorating and attribution steps explained in (a)(i) and (ii) of this section to determine when an independent expenditure as defined in RCW 29B.10.310 must comply with the "no candidate authorized this ad" sponsor identification and, if applicable, the "top 5" contributors required by RCW 29B.30.050 and WAC 390-18-010.

(2) A political committee reporting pursuant to RCW 29B.25.070, 29B.25.090, and 29B.25.100 is exempt from providing on a C-6 form the sources of any funds received by the committee for an electioneering communication, unless the committee received funds that were earmarked or otherwise designated for the communication.

(3) An out-of-state political committee must report pursuant to RCW 29B.30.020 if it sponsors an electioneering communication as defined in RCW 29B.10.220.

(4) The sponsor of an electioneering communication must report pursuant to RCW 29B.30.020 and these rules regarding electioneering communications, even if the expenditure also satisfies the definition of independent expenditure in RCW 29B.10.310 or 29B.25.120. Persons in compliance with this subsection are deemed in compliance with RCW 29B.25.120 or 29B.25.130.

(5) Any person making an expenditure that is reportable under RCW 29B.50.100, grass roots lobbying campaigns, that also satisfies the definition of electioneering communication in RCW 29B.10.220, must also file pursuant to RCW 29B.30.020 and these rules regarding electioneering communications. The report filed pursuant to RCW 29B.30.020 must identify the grass roots campaign.

(6) In addition to any other reporting requirements on the C-6 form, any political advertising that supports or opposes a ballot proposition or that supports or opposes a candidate and qualifies as an independent expenditure, or any electioneering communication, must identify any "synthetic media," as defined under RCW 29B.35.010, that was used in the advertising or communication, and further report:

(a) The name of the vendor that provided the software or other digital technology used to create the synthetic media;

(b) The commercial advertiser that sold the advertising or communication, if any; and

(c) The description of any audience targeting information provided for any digital communication by a digital communication platform, or other vendor.

[Statutory Authority: RCW 42.17A.110 and 2024 c 164. WSR 26-01-209, s 390-16-063, filed 12/24/25, effective 1/1/26. Statutory Authority: RCW 42.17A.110 and 42.62.040. WSR 24-12-019, § 390-16-063, filed 5/24/24, effective 6/24/24. Statutory Authority: RCW 42.17A.110, 42.17A.125, 42.17A.615, and 42.17A.640. WSR 24-01-028, § 390-16-063, filed 12/8/23, effective 1/8/24. Statutory Authority: RCW 42.17A.110 and [42.17A.]125. WSR 23-12-036, § 390-16-063, filed 5/30/23, effective 6/30/23. Statutory Authority: RCW 42.17A.110(1), 2019 c 428, and 2019 c 261. WSR 20-02-062, § 390-16-063, filed 12/24/19, effective 1/24/20. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-16-063, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1). WSR 14-12-012, § 390-16-063, filed 5/22/14, effective 6/22/14. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-16-063, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370 and 42.17.562. WSR 06-11-132, § 390-16-063, filed 5/23/06, effective 6/23/06.]