

Respondent Name

Washington Conservation Voters Action Fund PAC

Complainant Name

Glen Morgan

Complaint Description

Glen Morgan reported via the portal Mon, 18 Nov 2019 at 1:43PM

To whom it may concern,

It has come to my attention that Washington Conservation Voters Action Fund PAC has committed egregious, repetitive and serious violations of Washington State's campaign finance laws (**RCW 42.17A**).

1) Failing to file timely (24hours) Independent Expenditure Reports within 21 days of an election (RCW 42.17A.260(1)(b)(i))

This well-funded PAC, which has the resources to hire professional compliance, legal, and treasurer support and which is very familiar with Washington State's campaign finance laws for decades of political activity still chose to willfully, knowingly and with malice aforethought break the law. As I've mentioned in a previous complaint, this is all the more shocking considering the fact this professional, corporately funded PAC has recently (earlier this year) received a formal Written Warning issued by the PDC for previous violations of Washington's Campaign Finance Laws (See attached warning letter – **PDC Enforcement Case #42958**).

Despite this warning, despite their resources, and despite their experience, they continue to choose to break the law again and again. This might be their current policy as just a business calculation where they have decided that the insignificant penalties that might be imposed by the PDC are no deterrence compared to the political value of concealing their heavy-hand (well-financed) in local political races. Perhaps they just believe the PDC is a joke and this is their way of mocking both the PDC and the campaign finance laws. They know they will never be held accountable.

Nevertheless, it is incumbent to at least document this pattern of repetitive violations in order for future researchers to understand how campaign finance laws don't work when applied to mega-PACs like this one. It is easy to understand why this PAC ignores the law and continues to break it when politically convenient. Just a micro cost of doing business, and not even much of a cost. They waste more money on trivial expenses than they will ever spend on compliance or penalties for a failure to comply. Unfortunately, this is only going to encourage more lawbreaking by the big PACs like this one.

Specifically, this PAC filed at least one Independent Expenditure Report weeks late during the 2019 election for a local political campaign in Whatcom County. The attached C6 (**PDC Tracking#9906**) was filed with the PDC on November 14th. It should have been filed with

the PDC on October 22nd. It details (presuming the information is accurate, which it hasn't been in the past with this PAC) an independent expenditure of \$8,719 for a large mailer in a local political race. This is a substantial sum in local politics, and it was concealed from the public during the critical 21 days proceeding an election after ballots had been mailed and while voters were completing their ballots. It was concealed until a week after the election was over. This was not an accident. This PAC knows (and has known for decades) how to properly file these types of reports. They just didn't bother to follow the law knowing nothing will happen to them.

This violation is only the most recent one I have discovered committed by this PAC.

As the PDC is well aware, current investigations for previous complaints I have filed against this well-funded, professional mega PAC are ongoing (See **PDC Enforcement Case#59539 and Case #59657**), but even while these investigations are actively occurring, this PAC has determined they will never be held accountable, so they can just keep breaking the law.

This PAC is likely (almost certainly) committing other violations with the sound and logical business reasoning that the PDC won't really investigate them with any degree of seriousness.

This is particularly concerning in light of the fact that the PDC has already issued a Formal Warning to this mega PAC, and despite that, they chose to break the law just a few months after receiving that Warning. It isn't clear if that Formal Warning was viewed as a Green Light to break the law, knowing there would be no consequences, or if this PAC just felt that they have enough money, the risk of a fine was so low it didn't even matter.

Either way, this merits an investigation by the PDC to get to the bottom of this one too. Judging from how these large mega PACs are starting to operate, it looks like I'll be busy tracking their violations even if the PDC refuses to do so in most of these cases. I still have faith that at some point, the law might be enforced, if for no other reason, than to encourage some of these Mega PACs to follow the law.

Best Regards,

Glen Morgan

C6 - WA Con Voters - 9906 - 11-14-19.pdf
175.3 KB

What impact does the alleged violation(s) have on the public?

Mega PACs like this one, which spend large sums of money, pay professional staff, and are fully aware of the campaign finance laws should not be allowed to willfully and with malice aforethought break those laws with impunity during the election cycle. They may very well have willfully done this as a business decision, but if so, a penalty should be imposed. Otherwise, why should anyone else bother to follow the law?

List of attached evidence or contact information where evidence may be found

See attached

List of potential witnesses with contact information to reach them

Everyone involved in this PAC has probably colluded in this one. It is hard to see how anyone didn't know. Obviously, this is their internal policy now - just mock the PDC and the campaign finance laws.

Certification (Complainant)

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.



Reporting Form for: (check one)

Instructions on Page 3

- INDEPENDENT EXPENDITURES** (Occurring at any time) — **\$100 or more**
 INDEPENDENT EXPENDITURE ADS (Appearing within 21 days of an election) — **\$1,000 or more**
 ELECTIONEERING COMMUNICATIONS, Except Contributions (Appearing within 60 days of an election) — **\$1,000 or more**

1. Name and complete postal mailing address of sponsor: WASHINGTON CONSERVATION VOTERS ACTION FUND PO BOX 1907 SEATTLE, WA 98111	E-mail
	BRENDON@WCVOTERS . OR
	Telephone 206-374-0760

2. Itemize expenditures of more than \$100 associated with the independent expenditure or electioneering communication.

Date Made	Date First Presented/ Mailed	Name and Address of Vendor or Recipient	Description of Expenditure (e.g., direct mail or newspaper, TV or radio ad)	Amount or Value (*See Below)
10/21/19	10/22/19	HOPKINS & SACHS 600 N 36TH ST #428 SEATTLE, WA 98103	DIRECT MAIL, 12,854 PIECES	8,719.82

Expenditures \$100 or less not itemized above \$ 0.00

Total this report \$ 8,719.82

Amount or Value

*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

Total independent expenditures and electioneering communications made during this election campaign. Include amounts shown in this report and previously submitted C-6 reports.
\$ 67,209.18

3. List of candidate(s) or ballot proposition(s) identified in the advertising.

Candidate/Proposition	Office/District/ Proposition No.	Party	Check Support or Oppose	Show portion of current expense attributable to each candidate or proposition	Show total C-6 expenses related to each candidate/ proposition during election campaign
MCCLENDON, NATALIE	COUNTY COUNCIL MEMBER/WHATCOM CO	NON PARTISAN	<input checked="" type="checkbox"/> <input type="checkbox"/>	\$ 4,359.91	\$ 0.00
ELENBAAS, BEN	COUNTY COUNCIL MEMBER/WHATCOM CO	NON PARTISAN	<input type="checkbox"/> <input checked="" type="checkbox"/>	\$ 4,359.91	\$ 0.00
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$
			<input type="checkbox"/> <input type="checkbox"/>	\$	\$

Filer Name:

4. If reporting an Electioneering Communication, it is necessary to disclose information concerning the source of funding for the communication. Select the description that applies:

- a) ___ An individual using only personal funds.
- b) ___ An individual using personal funds and/or funds received from others.
- c) ___ A business, union, group, association, organization, or other person using only general treasury funds.
- d) ___ A business, union, group, association, organization, or other person using general treasury funds and/or funds received from others.
- e) **x** A political committee filing C-3 and C-4 reports. (RCW 42.17A.205 - .240)
- f) ___ A political committee filing C-5 reports. (RCW 42.17A.250)
- g) ___ Other

If (b), (d), (f), or (g) applies, complete section 5 below. If (e) applies, also complete section 5 if the committee received funds that were requested or designated for the communication.

5. Sources giving in excess of \$250 for the electioneering communication:

Date Received	Source's Name, Address, City, State, Zip	For individuals, Employer's Name, City and State	Amount
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
			\$
		Occupation	
		Sub-Total	\$ 0.00
	Continued on attached sheet <input type="checkbox"/>	Amount from attached pages	\$ 0.00
TOTAL FUNDS RECEIVED			\$ 0.00

Sponsor of Independent Expenditure or Electioneering Communication	
I certify (or declare) under penalty of perjury under the laws of the State of Washington that this expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or an agent of a candidate nor does it otherwise constitute a contribution under RCW 42.17A.005. I further certify that the above information is true, complete, and correct to the best of my knowledge.	Signature
	Printed Name SEAN PENDER
	Street address PO BOX 1907
	City/State/Zip SEATTLE WA 98101
	Date Signed 11/14/19
Place Signed (city and county) SEATTLE KING	
*RCW 9A.72.040 provides that "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."	