

Complaint Description

Glen Morgan (Fri, 21 Jun 2019 at 10:50 AM)

To whom it may concern,

It has come to my attention that One Washington Equality Campaign PAC has committed significant and serious violations of Washington States Campaign Finance laws (**RCW 42.17A**). The Specific violations are identified as follows:

1. Failure to report expenditures made in support or opposition to a ballot proposition (Violation of RCW 42.17A.240 (6))

Specifically, One Washington Equality Campaign PAC has failed to report significant legal services engaged during the promotion of I-1000 and their opposition to R-88. In the attached multiple examples (likely there are more), One Washington Equality Campaign PAC's Co-Chair Nathaniel Jackson and Campaign Manager Jesse Wineberry (see C-1PC (amended) filed on 12/18/2018 **PDC Tracking #100877754**) filed multiple legal actions using Foster Pepper LLC as legal counsel. At no time since these legal actions were taken were any of these expenditures reported either as a paid vendor or in-kind contributions. Due to both the complexity of these legal documents and the litigation involved, and the hourly rate of the various attorneys involved in this litigation, these legal expenditures clearly were required to be reported by the One Washington Equality Campaign PAC.

2. Failure to properly report independent expenditures totaling \$100 or more in support (or opposition) of a ballot proposition (Violation of RCW 42.17A.255(2))

It is possible the One Washington Equality Campaign PAC might try to argue these expenditures are not required to be reported under **RCW 42.17A**, however I will point out the Recent Washington State Supreme Court Decision (see attached) which clearly refutes any argument that One Washington Equality Campaign PAC might try to produce in order to justify their failure to comply with the law.

"According to Washington State's Fair Campaign Practices Act (FCPA) (**RCW 42.17A**) , more specifically **RCW 42.17A.255**, requires a person (organization) to file a report with the PDC disclosing all "independent expenditures" totaling \$ 100 or more during the same election campaign. **RCW 42.17A.255(2)**. Subsection (1) of that statute defines "independent expenditure" as "any expenditure that is made in support of or in opposition to any candidate or ballot proposition." **RCW 42.17A.255(1)**. "Ballot proposition" is defined in **RCW 42.17A.005(4)** as any "measure" as defined by **RCW 29A.04.091** [i.e., "any proposition or question submitted to the voters"], or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures."

Since Nathaniel Jackson is a listed co-chair of the One Washington Equality Campaign PAC, his legal actions, on behalf of and in support of the political goals of both the I-1000 initiative to the legislature campaign and in opposition to R-88 clearly fall within the scope of Washington State's Fair Campaign Practices Act. Campaign Manager Jesse Wineberry's legal documents would also fall within the scope of the FCPA reporting requirements. Neither individual filed these documents Pro Se.

This PAC also has highlighted an unusual campaign finance loophole which I've mentioned on a few occasions over the past few years in regards to the use of unpaid debt to hide (or delay the identity) of campaign donors). There is exceptional debt incurred by this campaign which has, as of this complaint, not yet been paid. It seems likely that, unless these vendors forgive this debt (and therefore the debt becomes in-kind contributions), the payment of this debt in the future by an as-yet unidentified contributor to this PAC is a significant and effective method for campaigns to obscure and hide multi-million dollar campaign contributions from the public until the revelation of these shadow contributors are revealed long after the political initiative campaign itself is over and the public knowledge can no longer make an impact on the political initiative or referendum being sponsored.

Regardless, this political action committee has clearly violated the law and the PDC should take steps to ensure the law is followed in this matter.

Please feel free to contact me if you need further information.

Best Regards,

Glen Morgan

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

The public has almost no idea who is really funding this campaign (due to the massive debt as yet unpaid). The public also doesn't truly know how much this campaign has spent, and this complaint only details one obvious deficiency in the reporting requirements of this political committee

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

All documents attached, possibly additional legal documents which have unreported expenditures in these matters do exist.

List of potential witnesses with contact information to reach them.

All officers of the PAC and their legal counsel referenced at Foster Pepper LLP

Complaint Certification:

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.