



**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: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

November 1, 2023

Delivered electronically to Pro Choice Washington PAC at info@prochoicewashington.org

Subject: Complaint filed by Glen Morgan, PDC Case 141602

Dear Pro Choice Washington PAC:

Below is a copy of an electronic letter sent to Glen Morgan concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Mr. Morgan, the PDC has dismissed this matter following RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

However, per WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure to follow filing requirements for RCW 42.17A.235 and .240 in years 2020, 2021, and 2022 as noted in the enclosed letter sent to Mr. Morgan. Staff expects you to file all required reports of contributions and expenditures in future years timely and accurately. Regarding the alleged violation of RCW 42.17A.270, incomplete reporting of earmarked contributions in 2020, the PDC has dismissed this matter per RCW 42.17A.755(1) and WAC 390-37-060(1)(a) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter. If violations of PDC laws or rules occur in the future, the Commission will consider this formal written warning in deciding on further Commission action.

If you have questions, you may contact Tanya Mercier toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

/s/ Electronically signed

Tanya Mercier
Compliance Officer

/s/ Electronically signed

Peter Frey Lavalley
Executive Director



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November 1, 2023

Delivered electronically to Glen Morgan at glen@wethegoverned.com

Subject: Complaint against Pro Choice Washington PAC, PDC Case 141602

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review and assessment of the complaint you filed on August 21, 2023. The complaint alleged that Pro Choice Washington PAC, a continuing political committee, may have violated RCW 42.17A.235, .240 and .270 for failure to timely and accurately disclose contributions and expenditures on reports and incomplete reporting of earmarked contributions in election years 2018 to 2022.

PDC staff reviewed the allegation(s); the applicable statutes, rules, and reporting requirements; the response(s) provided by the Respondent; the applicable PDC reports filed by the Respondent; and other relevant information, to determine whether the record supports a finding of one or more violations.

Based on staff's review, we found the following:

- The Committee filed a Political Committee Registration (C-1PC report) on January 13, 2015, and selected the Full Reporting option. The Committee was registered and reporting as a continuing political committee dating back to at least 1996.
- Pro-Choice Washington, the 501(c)(4) sponsor of the political committee, was until the fall of 2021 affiliated with the national parent organization NARAL Pro-Choice. In previous years, the Committee has registered with the PDC under the following entity names:
 - NARAL Pro-Choice WA
 - NARAL Pro-Choice Washington PAC
 - Pro-Choice Washington PAC
- Per RCW 42.17A.235 and .240, under the Full Reporting Option, the Committee was required to disclose contribution and expenditure information by submitting Receipts and Expenditure Summary (C-4) reports and Cash Receipts, Monetary Contributions (C-3) reports to the PDC. The Committee's due dates for the C-3 and C-4 reports are determined by its activity and participation in the election cycle.

- Specific to reporting for 2018, the alleged violations are beyond the statute of limitations. Per RCW 42.17A.770, action must be started within five years after the date when the alleged violation occurred.
- Specific to reporting for 2019, alleged violations of late and inaccurate reporting were handled under PDC case #59665, and the Respondent received a written warning. No new allegations were made in the current complaint, specific to the 2019 reporting, so the resolution from the prior case stands.
- Amendments are insufficient evidence of late reporting. There are many reasons a committee might amend their reports and the mere presence of an amendment is not itself conclusive evidence of a violation. When considering C-3 and C-4s, these report amendments require inspection of the actual report to determine whether the committee has a requirement to report activity by a given date. As well, deciding if a report is late is not as simple as calculating the days late based on a periodic reporting timeline and when a report was filed but is fact specific to the campaign and its activities. In this instance, the evidence provided was insufficient to support the allegations of late or inaccurate reporting for the identified amended reports for years 2020, 2021, and 2022.
- Of the non-amended reports due in 2020, 2021, and 2022, outlined in the evidence provided, only two reports showed a level of late-reported activity that would have deprived the public of critical information.
 - C-3 #110075206, deposit date 9/17/21 for a total estimated activity of \$1,000 filed 165 days late. A review of the report showed all individual contributions reported correctly.
 - C-3 #110108826, deposit date 8/9/22 for a total estimated activity of \$2,800 filed 13 days late. A review of the report showed all individual contributions reported correctly except employer information was missing from one contribution in excess of the \$250 aggregate limit. Once notified, the Committee took prompt action to amend the report.
- A mitigating factor of the late reporting was that the sponsor of the Committee underwent significant organizational challenges caused by the COVID pandemic as well as the transition from being affiliated with NARAL Pro-Choice that affected its ability to supply adequate in-kind administrative staff and oversight of the Committee. Late reporting, over the years outlined in the complaint, was attributable to that lack of administrative support. The Committee, in early 2023, had new staff assigned specifically to the Committee's PDC filings and completed a reconciliation of reporting that resulted in filing and amending many reports. The Committee has consistently filed timely reports throughout 2023.
- RCW 42.17A.270 reads, in part, that political committees receiving a contribution earmarked for the benefit of a candidate or another political committee must report the contribution as required in RCW 42.17A.235 and .240; and identify the contribution as an "earmarked contribution," identifying the date and amount of the contribution, the name and address of the contributor, and the candidate or political committee for whose benefit the contribution is earmarked.
- In their response to the alleged violation of RCW 42.17A.270, the Committee said "contributions described as from 'NARAL PAC' are simply contributions from the

Committee. Prior to the end of the NARAL Pro-Choice national affiliate structure in fall 2021, the Committee ran under the name ‘NARAL Pro-Choice Washington PAC,’ reflected in the Committee’s C-1pc filings.” The C-1pc filings, available on the PDC website, supports the Committee’s statement. The Committee also stated that they have “at no time made earmarked contributions on behalf of another PAC.”

- The Committee previously received a Reminder Letter (PDC Case 34202) and a Warning Letter (PDC Case 59665) in response to other complaints alleging similar violations for failure to timely file C-3 and C-4 reports.

Based on our findings staff has decided that, in this instance, Pro Choice Washington PAC’s failure to timely and accurately disclose contributions and expenditures on reports in election years 2018 to 2022, and incomplete reporting of earmarked contributions in 2020 does not amount to a finding of a violation that calls for further investigation.

Per WAC 390-37-060(1)(d), however, Pro Choice Washington PAC will receive a formal written warning concerning their failure to follow filing requirements for RCW 42.17A.235 and .240 when reporting in years 2020, 2021, and 2022. Staff expects Pro Choice Washington PAC to file all required reports of contributions and expenditures in future years timely and accurately. Regarding the alleged violation of RCW 42.17A.270, incomplete reporting of earmarked contributions in 2020, the PDC has dismissed this matter per RCW 42.17A.755(1) and WAC 390-37-060(1)(a) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter. If violations of PDC laws or rules occur in the future, the Commission will consider this formal written warning in deciding on further Commission action.

Based on this information, the PDC finds that no further action necessary and has dismissed this matter per RCW 42.17A.755(1).

If you have questions, you may contact Tanya Mercier toll-free at 1-877-601-2828, or by e-mail at pdcc@pdc.wa.gov.

Sincerely,

/s/ Electronically signed

Tanya Mercier
Compliance Officer

Endorsed by,

/s/ Electronically signed

Peter Frey Lavalley
Executive Director

cc: Pro Choice Washington PAC