

Respondent Names
Ted Cummings
Complainant Name
Glen Morgan
Complaint Description
<p>Glen Morgan</p> <p>Mon, 21 Aug 2023 at 11:44 PM</p> <p>To whom it may concern,</p> <p>It has come to my attention, that Ted Cummings, during his repeat failures as a political candidate for the Washington State Legislature in the 4th LD, and as a Spokane County Commissioner candidate , unfortunately, appears to have violated Washington State’s campaign finance laws (RCW 42.17A), the specific violations are detailed below:</p> <p>1) Attempting to conceal the truth about political activity from the public by waiting weeks, months, or more to report what they did or who funded them (Violation RCW 42.17A.235, RCW 42.17A.240)</p> <p>First, let’s just review the late reporting, which is essentially an effort by this serial political candidate to conceal the truth from the public for as long as he (I might be misgendering him, but I’ll presume a male pronoun unless this guy specifies otherwise) believes he can. Even a casual review of this guy’s campaigns reveals something is wrong here.</p> <p>As usual, I try to provide the specific examples of lawbreaking in a very easy-to-read and simpler to understand spreadsheet format. This is both for PDC staff convenience, but it also helps the lawbreakers use the list as a reference sheet so that they can go back and try to explain, justify, or excuse their repetitive lawbreaking activities. I’ve attached this both as an Excel file and a PDF so that everyone involved can get the optimal value from the effort. Please note that the original report referenced in the spreadsheet can be linked by clicking on the far-right column. I believe this makes it easier for everyone.</p> <p>A quick note again on how this report is organized. I’ve organized it by latest report first. You’ll note that the latest report filed by this guy was 773 days late (three of this guy’s reports tied for this distinction) – which is almost two years late. There is always something wrong when a candidate is filing many reports almost two years later.</p> <p>I’ve color coded the most extreme late reports red, as usual, of which there are 59. I’ve color coded the problematically late orange, and there are only 5 of those 14-7 days late. Illegal, but not as egregious as most of his reports. Even just these reports alone might justify notice to the PDC, but they are overwhelmed by the more egregious volume of super late reporting</p>

color coded red in the attached spreadsheets. I've color coded the sloppily late reports yellow, and there are only 16 of those. So, it appears that when this guy want to break the law, he just goes for months and conceals everything. The attached spreadsheet and PDF file of this information should be adequate to verify this allegation. I'm sure every one of these violations has a story behind it – and it would be good to get a complete picture of the stories and yarns he will spin this time.

By the way, this extensive and exhaustive list of violations clearly indicates that it is highly likely the reports being filed and not yet refiled are inaccurate, and it would not a bad idea for PDC staff to subpoena the bank records and see how far off the C4 reports have been when filed on behalf of this politician.

2) Total failure to report expenditures (Violation of RCW 42.17A.240)

I'm a little surprised I didn't catch this last year or earlier just because it is so obvious, but better now than never, I guess. Anyway, it is very clear that something went off the rails with this politician during his failed 2022 campaign for the 4th LD State Representative seat. He literally reported zero expenditures, which is just not accurate.

Here is an example of some expenditures he did not report (just to name a few):

A filing fee with the Secretary of State. This is a required campaign expense, and I've attached the original AGO from 1974 which clarifies this fact (see attached).

Website costs

Signs

Just to name a few.

Now, this guy knows how to properly report expenses – during his failed 2020 campaign for the Spokane County Commissioner race, he was able to do this adequately. However, there wasn't even an effort in the failed 2022 campaign.

For clarification, I've attached a screenshot of this candidate's voter's guide statement, in which he includes a statement by which he claims to live "I won't lie, cheat, or steal..." However, it appears he frequently lied on his campaign finance reports – as evidenced by the reports filed almost two years later, and who knows what is accurate with the reports sitting with the PDC right now? It appears that the failure to report any expenditures during the 2022 campaign also indicates deception and lying.

Worse than that is the fact that this guy raised \$3,338.81. Where did that money go? Was it stolen? Who stole it?

I don't need to go down this rabbit hole of a series of political campaigns any deeper to know that this one is just a mess. This politician needs professional help to sort this out, and the PDC staff might just want to save themselves and everyone else some time and subpoena the bank records here so that they can at least figure out where the money went, how much was in these accounts, and just what the heck happened here. We can't have perennial political candidates who only get worse with each election and who can't file any of their reports correctly and simply conceal everything from the public.

Let me know if you need anything else on this guy.

Best Regards,

Glen Morgan

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

Serial political candidates who lose every campaign are certainly part of the scene in the political world - nothing wrong with that, but they still need to follow the law. They can't conceal the truth about their campaigns from the public for years. They can't make their campaign money disappear into who knows where. They have to report the truth eventually, and this is particularly true if they pretend to claim they won't lie or steal in their voter's guide statement.

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

All clearly detailed and provided as evidence

List of potential witnesses with contact information to reach them

The candidate and his treasurer for sure. Probably just save the time and subpoena his bank records.

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.

expenditures. First, § 8 (now codified as RCW 42.17.080) provides that when a campaign treasurer is designated by a candidate or political committee there must be filed a "report of all contributions received and expenditures made in the election campaign prior to that date." (Emphasis supplied.) Then, RCW 42.17.090 (codifying § 9) sets out the general requirements for the reporting of such expenditures. Among the items of information that must be reported pursuant to this section are "the name and address of each person to whom an expenditure was made in the aggregate amount of \$25.00 or more, and the amount, date and purpose of each such expenditure." (RCW 42.17.090(1) (f).) Further, subsection (1)(g) of RCW 42.17.090 requires the continual reporting of the total sum of a candidate's campaign expenditures.

The term "expenditure" itself is defined in § 2 of the act (RCW 42.17.020(12)) as meaning:

". . . a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, [[Orig. Op. Page 3]] whether or not legally enforceable, to make an expenditure. The term 'expenditure' also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign."

In other words, an expenditure, for the purposes of the act, includes any transfer or payment of anything of value which is made for the purpose of assisting a public official or candidate in furthering his election campaign. This leads us to your present question; i.e., whether the statutory filing fee provided for in RCW 29.18.050 constitutes such an "expenditure."

Insofar as is here material, this statute provides as follows:

"A fee of one dollar must accompany each declaration of candidacy for a precinct office without salary; a fee of ten dollars for any office with a compensation attached of one thousand dollars per annum or less; a fee equal to one percent of the annual compensation for any office with a compensation attached of more than one thousand dollars per annum."

The significance of this filing fee will readily be seen when the foregoing statute is read in conjunction with RCW 29.18.030, which provides that:

"The name of no candidate shall be printed upon the official ballot used at a state primary, unless not earlier than the last Monday of July nor later than the next succeeding Friday, a declaration of candidacy is filed in the form hereinafter set forth . . ."

Although situated in a chapter of the election code dealing with partisan primaries and elections, these two statutes (RCW 29.18.030 and 29.18.050) apply not only to elections for partisan offices but, as well, to elections for nonpartisan offices under chapter 29.21 RCW. Se

declaration of candidacy. From this it follows, in our opinion, that the filing fee does constitute an "expenditure," for the purposes of Initiative No. 276, in view of the definition contained in § 2 (RCW 42.17.020(12)),supra.

In simplest terms, this payment (in those cases in which it is required) is a necessary part of the candidate's financial outlay if he is to have his name appear on the ballot and, in that manner, become eligible to be elected to the office he is seeking. Moreover, the payment is very clearly a transfer of something of value and it cannot be doubted that it is for the purpose of assisting the candidate and furthering his election campaign. Payment of the filing fee is thus precisely within the broad definition of "expenditure" as set forth above. We must therefore answer your question, as above paraphrased, in the affirmative.

We trust the foregoing will be of assistance to you.

Very truly yours,

SLADE GORTON
Attorney General

JAMES VACHE
Assistant Attorney General

***** FOOTNOTES *****

1/The terms "candidate" and "political committee" are defined in RCW 42.17.020(5) and (22), respectively, as follows:

"(5) 'Candidate' means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

"(a) Receives contribution or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

"(b) Announces publicly or files for office.

". . .

"(22) 'Political committee' means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition."