



**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.pdcca.wa.gov

May 23, 2024

Delivered electronically to glen@wethegoverned.com

Subject: Complaint regarding Eastern Washington Voters, PDC Case 141455

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 17, 2023. The complaint alleged that Eastern Washington Voters, a continuing committee, may have violated RCW 42.17A.205, .235 and .240 by failing to timely update its *Committee Registration* (C-1pc report) to include the name of its sponsor in 2020, and timely and accurately file *Cash Receipts Monetary Contributions* reports (C-3 reports) and *Campaign Summary Receipts & Expenditures* reports (C-4 reports) disclosing contributions and expenditures for election years 2018-2023.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the response provided by Eastern Washington Voters (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.

Applicable Laws & Rules

- [RCW 42.17A.205](#) requires every political committee to register with the PDC by filing a *Committee Registration* (C-1pc report). Among other things, a committee is required to report the name and contact information for all related or affiliated committees and the nature of the relationship or affiliation. A committee that selects the Full Reporting option on its C-1pc report is required to report contributions and expenditures to the PDC on *Cash Receipts Monetary Contributions* reports (C-3 reports) and *Campaign Summary Receipts & Expenditures* reports (C-4 reports) pursuant to [RCW 42.17A.235](#) & [RCW 42.17A.240](#). The due dates for these reports are based upon the election cycle, the committee’s election participation, and their financial activity.
- If a committee is sponsored pursuant to [WAC 390-16-011A](#), the sponsor’s name shall be included in the name of the sponsored committee on the C-1pc report.
- Pursuant to RCW 42.17A.205 and [WAC 390-16-011A](#), a committee that is not organized to support or oppose a particular candidate or ballot proposition is required to amend their C-1pc report within 60 days of an election in which they participate to include the name of their sponsor if the committee received 80% or more of their contributions from a

person¹ or the person's members, officers, employees or shareholders during the twelve months previous to 60 days before the election.

- [RCW 42.17A.005\(38\)](#) defines “participate” to mean that, with respect to a particular election, an entity engages in one or more of the following activities: 1) makes a monetary or in-kind contribution to a candidate; 2) makes an independent expenditure or electioneering communication supporting or opposing a candidate; or 3) engages in an activity described in .005(38)(c), (d) or (e).
- Pursuant to RCW 42.17A.235(10), amended C-3 and C-4 reports should be submitted within 21 days of filing the original report. If there is no pending complaint about the report being amended and it meets the conditions set forth in .235(10)(a) through (d), it is not evidence of a violation to submit an amended report within 21 days of the original report.
- Per [RCW 42.17A.770](#), any action brought under Chapter 42.17A must be commenced within five years after the date the violation occurred.

Background & Findings

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

- The Respondent committee first registered with the PDC in 2012. Prior to this complaint being filed, the Respondent's most recent C-1pc amendment was filed on April 27, 2023. The committee selected the Full Reporting option on the April 27, 2023 report and did not list any affiliated committees or identify a sponsor in its name.
- On September 15, 2023, the committee responded to the complaint and thanked you and the PDC for reminding them about the importance of filing timely reports and educating them about the requirements for sponsored committees. The Respondent acknowledged their late reports but said their tardiness was not intentional. The Respondent also said they were not aware of the need to disclose a sponsoring committee on their C-1pc report and never considered Eastern Washington Voters (Federal) PAC to be a sponsor. The committee indicated that Eastern Washington Voters (Federal) PAC is run by Eastern Washington Voters and funded by the same individual donors. The committee said their practice has been to deposit contributions into the federal PAC because this gives them the option of funding federal races, and contributions deposited into the federal PAC can later be transferred to the state PAC, but not vice-versa. The Respondent stated that most of their state PAC funds have been expended in Washington State for voter registration and generic voter turnout activities that are not regulated by the PDC, and they used the state PAC as an auxiliary source of funding for this purpose.
- In a supplemental response sent the same day (9/15/23), the Respondent said your characterization of their federal PAC as being a “professional, well-funded PAC” is subjective. They clarified their Treasurer is not an accountant or bookkeeper and their federal PAC receives approximately \$15,000-\$30,000 per year.

¹ Person" includes “an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.”
[RCW 42.17A.005\(39\)](#)

- A Case Status Review (Initial Hearing) was held for this case on November 15, 2023. Bryan Burke, Treasurer, attended the hearing remotely.
- The Respondent does not have previous PDC warnings/violations that occurred within the past five years (statute of limitations).

Allegation: Failure to Identify Sponsor in Committee Name (2020)

Your complaint specifically alleged that the Respondent failed to amend the name on their C-1pc report to include the name of their sponsor in 2020, which you identified as Eastern Washington Voters (Federal) PAC.

To determine if the Respondent had a reportable sponsored name pursuant to WAC 390-16-011A, we reviewed the state committee's participation in the August 4, 2020 Primary Election and November 3, 2020 General Election, and the contributions received by the state committee during the twelve months preceding 60 days prior to each election (including day 60). Our findings are below:

August 4, 2020 Primary Election:

- According to its reports, the Respondent received a total of \$588.38 in contributions during the twelve months (6/6/2019 to 6/5/2020) preceding 60 days prior to the Primary election, all of which were contributed by "Eastern Washington Voters (Federal)." As a result, the Respondent received 80% or more of their contributions from the federal committee during the 12-month lookback period.
- The Respondent made a \$25 contribution to candidate Michael Pellicciotti in 2019 for the 2020 Primary election and was therefore participating in the Primary Election as of 60 days prior to the election (6/5/2020).
- Based on the above findings, the Respondent was required to amend its C-1pc report to include their sponsored name 60 days prior the 2020 Primary Election, which was June 5, 2020.

November 3, 2020 General Election:

- According to its reports, the Respondent received a total of \$588.38 in contributions during the twelve months (9/5/2019 to 9/4/2020) preceding 60 days prior to the General election, all of which were contributed by "Eastern Washington Voters (Federal)." As a result, the Respondent received 80% or more of their contributions from the federal committee during the 12-month lookback period.
- However, the Respondent was not participating in the General Election as of 60 days prior to the election (9/4/2020). Their reports indicate that they did not make any contributions to a candidate until October 23, 2020, and the Respondent confirmed that they did not engage in any other activities that constitute participation in an election as described in RCW 42.17A.005(38)(a)-(e).
- Based on the above findings, the Respondent was not required to amend their C-1pc report to include a sponsored name 60 days prior the 2020 General Election.

- On October 16, 2023, the Respondent amended its C-1pc report to disclose its affiliation with Eastern Washington Voters (Federal PAC). The committee did not amend its registered name.

Allegation: Late Reporting (2018-2023)

Your complaint alleged the Respondent filed late C-3 & C-4 reports that were due in years 2018²-2023. Our findings concerning original reports submitted during the above time periods that were filed late are as follows:

- Eleven C-4 reports for **2019** were filed 1-96 days late, including the committee's 21-day pre-Primary, 7-day pre-Primary, post-Primary, 21-day pre-General report, and post-General reports.
- Noncompliance was partially mitigated by the lack of financial activity disclosed on three of the late reports, including the January (monthly), 7-day pre-Primary, and post-Primary C-4 reports. Three other late reports disclosed either no expenditures or minimal expenditure activity of \$25 or less.
- On June 19, 2019, the committee contributed \$25 to candidate Michael Pellicciotti for the 2020 Primary election. This information was disclosed on Eastern Washington Voters' 21-day pre-Primary C-4 report for election year 2019, which was filed 96 days late. Noncompliance was partially mitigated by candidate Pellicciotti's disclosure of the \$25 contribution on a C-3 report that was filed before the 2019 Primary election, and the Respondent's disclosure of the contribution before the 2019 General election and before the 2020 Primary election to which it relates.
- The committee's participation in the 2019 General election appears to have consisted of multiple in-kind contributions benefitting candidates Ben Stuckart and Lance Gurel that were both timely and untimely disclosed. The in-kind contributions were disclosed on a 21-day pre-General C-4 report that was filed 5 days late but before the General Election, a 7-day pre-General C-4 report that was timely filed, and a post-General C-4 report that was filed 1 day late.
- Three C-3 reports for **2019** were filed 1-5 days late.
- Eleven C-4 reports for **2020** were filed 7-273 days late, including the committee's June, July and August monthly reports (covering pre- and post-Primary election periods), 21-day pre-General, and 7-day pre-General reports.
- Noncompliance was partially mitigated by the lack of financial activity disclosed on eight of the late reports, including pre- and post-Primary reports, and the 21-day pre-General C-4 report. One other late report disclosed minimal expenditure activity of less than \$14.
- The committee's participation in the Primary election appears to have consisted of a single \$25 contribution made to candidate Pellicciotti in 2019 for the 2020 Primary election, as previously mentioned.

² Reports from election year 2018 fall outside of the five-year statute of limitations set forth in RCW 42.17A.770 for enforcement.

- The committee's participation in the 2020 General election appears to have consisted of 1) a \$950 contribution, made to candidate Thomas McGarry on October 23, 2020 for the 2020 General election, which was disclosed on a 7-day pre-General C-4 report filed 7 days late and on the day of the General election (11/3/20); and 2) a \$44.68 in-kind contribution to candidate McGarry that was timely reported. Noncompliance concerning the late-reported \$950 candidate contribution was partially mitigated by candidate McGarry's disclosure of the \$950 contribution on a C-3 report that was filed before the 2020 General election.
- Three C-3 reports for **2020** were filed 8-267 days late.
- Nine C-4 reports for **2021** were filed 19-243 days late, including the committee's June, July and August monthly reports (covering pre- and post-Primary election periods).
- Noncompliance was partially mitigated by the lack of financial activity disclosed on six of the late reports, including one report that covered a pre-Primary election period. Three other late reports, including two that covered pre- and post-Primary periods, disclosed either no expenditures or minimal expenditures of less than \$29 and \$4 respectively.
- The committee does not appear to have participated in the 2021 Primary election.
- The committee's participation in the 2021 General election appears to have consisted of in-kind contributions made to candidates Zack Zappone and Naghmana Sherazi, which were timely disclosed on C-4 reports.
- Five C-3 reports for **2021** were filed 2-123 days late.
- Eleven C-4 reports for **2022** were filed 7-191 days late, including the committee's June and August monthly reports covering pre- and post-Primary election periods, 21-day pre-General, 7-day pre-General, and post-General reports.
- Noncompliance was partially mitigated by the lack of financial activity disclosed on eight of the late reports, including two reports that covered pre- and post-Primary periods and the 21-day pre-General, 7-day pre-General, and post-General C-4 reports.
- The committee's 2022 election participation appears to have consisted of a single \$30 contribution made to candidate Amber Waldref for the 2022 Primary election, which was disclosed on an April C-4 report filed 7 days late but before the Primary election.
- Three C-3 reports for **2022** were filed 96 days late.
- Two of the committee's monthly C-4 reports for January and February of **2023** were filed 48-76 days late.

You alleged an additional 13 amended C-3 and C-4 reports for election years 2019, 2021 and 2022 were late but did not indicate what changed on these amended reports that caused them to be late. Please be aware that the content and timing of amended reports determine whether they are late. For example, the lateness of an amended report might be mitigated if no substantive changes were made.

Other Late Reporting (2023)

A review of the remaining C-3 and C-4 reports filed by the Respondent for election year 2023 shows the following:

- An additional six C-4 reports from 2023 were filed 4-158 days late, including the committee's pre- and post-Primary reports.
- Noncompliance is partially mitigated by the lack of financial activity disclosed on two of the late reports, including the 21-day pre-Primary report. Two other late reports, including the 7-day pre-Primary report, disclosed minimal expenditures of less than \$23 and \$9 respectively.
- The committee's election participation in 2023 appears to have consisted of a single \$50 contribution, made to a candidate Lisa Brown on May 13, 2023 for the Primary election, which was disclosed by the Respondent on a May C-4 report filed 95 days late. This information was disclosed after the Primary election but before the General election.

Summary and Resolution

As indicated above, five of the late pre-election C-4 reports for 2019-2023 disclosed financial activity and therefore deprived the public of information during time-sensitive periods in those election cycles. Conversely, nine pre-election C-4 reports were filed late but did not deprive the public of critical information because no financial activity was disclosed.

Six late C-4 reports for 2019-2023 disclosed election-related expenditures (monetary and in-kind contributions made to candidates), three of which were filed on or after the date of the election. These include one late-reported contribution of \$950, which was disclosed on the date of the election, and two contributions of \$25 and \$50 respectively that were reported after the election.

The committee's late reporting is partially mitigated by its lack of participation in the 2019 and 2021 Primary elections, and the 2022 and 2023 General elections. Twenty-seven (27) late C-4 reports for election years 2019-2023 only minimally impacted the public because the committee had no financial activity to disclose. Other mitigating factors include the relatively small size and sophistication of the campaign, its relatively modest expenditures overall, and the disclosure of some of its activity by other parties' filings with the PDC.

The Respondent's failure to include its sponsored name on its C-1pc report in 2020 appears to be the result of a good-faith misunderstanding regarding the sponsored name requirements in .205(5) and WAC 390-16-011A(4)(a).

Based on our findings, staff has determined that, in this instance, failure to timely report contributions and expenditures on C-3 and C-4 reports for election years 2019-2023 and timely amend its C-1pc report to include its sponsored name within 60 days of the 2020 Primary election do not amount to violations that warrant further investigation.

Pursuant to [WAC 390-37-060\(1\)\(d\)](#), however, Eastern Washington Voters will receive a formal written warning concerning their failure to timely and accurately disclose contributions and expenditures on C-3 and C-4 reports in years 2019-2023 and timely amend their C-1pc report to include their sponsored name within 60 days of the 2020 Primary election. The formal written warning will include staff's expectation that, in the future, Eastern Washington Voters will do

the following in accordance with PDC laws and rules: 1) timely and accurately file all required C-3 and C-4 reports, especially during time-sensitive periods prior to elections; and 2) timely amend their C-1pc report to include sponsored name within 60 days of an election in which they participate if they receive 80% or more of their contributions from a sponsor during the twelve months preceding 60 days before the election. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

PDC staff is also reminding Eastern Washington Voters about the importance of timely amending C-3 and C-4 reports within 21 days of filing the original reports, whenever possible, in accordance with PDC laws and rules or guidance.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with [RCW 42.17A.755\(1\)](#).

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed Tabatha Blacksmith
Tabatha Blacksmith
Compliance Officer

Endorsed by,

Electronically signed Peter Frey Lavalley
Peter Frey Lavalley
Executive Director

cc: Eastern Washington Voters