



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 11-035
ACTION AGAINST)	
)	Notice of Administrative Charges
One America Votes)	
)	
Respondent.)	
_____)	

IT IS ALLEGED as follows:

I. Jurisdiction

1. The Public Disclosure Commission (PDC) has jurisdiction over this proceeding pursuant to Chapter 42.17 RCW, the Public Disclosure Act; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC. These charges incorporate the Report of Investigation and all related exhibits by reference.

II. Allegations

2. Staff alleges that One America Votes violated provisions of the state campaign finance disclosure laws as follows:
 - a. RCW 42.17.040 by failing to timely register as a political committee on PDC form C-1pc within two weeks of receiving contributions for the purpose of supporting candidates or ballot propositions;
 - b. RCW 42.17.080 and .090 by failing to timely file reports of contributions and expenditures on PDC forms C-3 and C-4 between August 13, 2010 and December 10, 2010; and
 - c. RCW 42.17.105(1) by failing to file special reports of large Last Minute Contributions made during the 21-day period before the 2010 general election (October 12, 2010 – November 1, 2010) for contributions in excess of \$1,000 in the aggregate in support of or in opposition to statewide initiatives campaigns.

III. Background and Facts

3. One America Votes (OAV) was established in 2010 by One America, a Seattle-based immigrants' rights advocacy organization. OAV states that its mission is, in part, to "*elect candidates that promote democracy and justice in immigrant communities at the local, state and federal levels.*" Of five stated "principles" that guide the organization's activity, all refer to electoral politics.

Alleged Failure to Timely Register as a Political Committee (RCW 42.17.040)

4. From July 2010 through December 31, 2010, OAV received contributions and made expenditures for the purpose of conducting postcard mailings, radio advertising, newsprint advertising, phone banking, and canvassing in support of and opposition to federal and state legislative candidates, and in support of and opposition to statewide initiatives.
5. On July 30, 2010, OAV received its earliest contributions, a total of \$12,500 from One America and the Tides Center. Two weeks later, or no later than August 13, 2010, OAV's political committee registration was due. On December 15, 2010, 124 days after it was required to register and begin reporting, OAV disclosed its activities to PDC staff.¹

Alleged Failure to Timely Report as a Political Committee (RCW 42.17.080 & .090)

6. From July 2010 through December 31, 2010, OAV received contributions totaling \$156,303. The contributions included the following major contributions:
 - Campaign for Community Change - \$46,000
 - One America - \$38,392
 - Protect Our Communities PAC - \$50,000
 - SEIU Healthcare 775NW - \$5,000
 - The Tides Center - \$5,000

¹ OAV formally registered as a political committee by filing a C-1pc on March 1, 2011. The delay from December 15, 2010 to March 1, 2011 occurred because of PDC staff advice to wait to register until it was clear that registration was required.

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- Tides Advocacy Fund - \$3,500
 - UFCW 21 PAC - \$5,000
7. OAV also received contributions totaling \$2,705 from individuals, some of whom contributed via a secure donation page on the OAV web site.
 8. OAV owed C-3 reports on at least five occasions between August 2, 2010 and the November 2, 2010 general election. The contributions were disclosed to PDC staff on December 17, 2010, between 7 and 137 days late.²
 9. From July 2010 through December 31, 2010, OAV made expenditures totaling \$134,143. This amount included \$76,441 that supported or opposed Washington State initiatives or state legislative candidates. The majority of this amount, approximately \$43,254, was spent to oppose Initiatives 1100 and 1105, competing proposals that would have privatized the distribution and sale of liquor in Washington State. An example of OAV's expenditures to support or oppose 2010 Washington State Initiatives is the creation of a multi-lingual ballot initiative guide.
 10. OAV was required to file an initial C-4 disclosing all contributions and expenditures prior to its registration, a post-primary C-4 due on September 10, 2010, the 21-day and 7-day pre-general election C-4 reports due on October 12 and October 26, 2010, and a post-general election C-4 due on December 10, 2010. The activity disclosed to PDC staff on December 15, 2010, between 5 and 124 days late, included contributions totaling \$156,303 and expenditures totaling \$112,555.³

² On March 4, 2011, OAV filed C-3 reports of monetary contributions, formally reporting the activity disclosed to PDC staff on December 17, 2010. The delay from December 17, 2010 to March 4, 2011 occurred because of PDC staff advice to wait to report until it was clear that reporting was required.

³ On March 4, 2011, OAV filed C-4 summary reports of contributions and expenditures, formally disclosing the activity disclosed to PDC staff on December 15, 2010. The delay from December 15, 2010 to March 4, 2011 occurred because of PDC staff advice to wait to report until it was clear that reporting was required.

**Alleged Failure to File Special Reports of Large Last Minute Contributions
[RCW 42.17.105(1)]**

11. OAV failed to file special reports of large Last Minute Contributions made during the 21-day period before the 2010 general election (October 12, 2010 – November 1, 2010). During this special reporting period, OAV made in-kind contributions to the committees formed to oppose Initiatives 1053, 1082 and 1107, and to the committee formed to support Initiative 1098, totaling approximately \$3,000 in the aggregate for each committee. During this special reporting period, contributions to each initiative committee first exceeded \$1,000 in the aggregate on October 15, 2010, making four special large Last Minute Contribution (LMC) reports due on October 18, 2010. The LMC reports were not filed. OAV continued to make in-kind contributions to the four committees throughout the special reporting period, and was required to file, but did not file, LMC reports on October 19, 2010, October 25, 2010, and November 1, 2010.

V. LAW

RCW 42.17.020(39) defines a “political committee” as “any person (except a candidate or an individual dealing with his or her 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.”

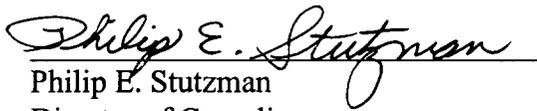
RCW 42.17.040 states, in part, “(1) Every political committee, within two weeks after its organization or, within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission.”

RCW 42.17.080 and .090 state, in part, that political committees are required to file timely, accurate reports of contributions and expenditures. The reports are due monthly if contribution or expenditure activity exceeds \$200, except that during the five months before the election, summary reports of receipts and expenditures are required to be filed

21 days and 7 days before each election in which the committee is participating. Any contributions received and expenditures made prior to the date of registration must be disclosed on the day the registration is filed.

RCW 42.17.105(1) states, in part, "(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution or aggregate of contributions which: Is one thousand dollars or more; is from a single person or entity; and is received during a special reporting period. Any political committee making a contribution or an aggregate of contributions to a single entity which is one thousand dollars or more shall also prepare and deliver to the commission the special report if the contribution or aggregate of contributions is made during a special reporting period. For the purposes of subsections (1) through (7) of this section: (a) Each of the following intervals is a special reporting period: ... (ii) the interval composed of the twenty-one days preceding a general election."

RESPECTFULLY SUBMITTED this 14th day of June, 2011.


Philip E. Stutzman
Director of Compliance