



Washington State Republican Party

May 26, 2015

The Honorable Bob Ferguson
Attorney General of Washington State
1125 Washington Street SE
P.O. Box 40100
Olympia, WA 98504-100

RE: 45-Day Citizen Action Letter regarding RCW 42.17A violations by Jay Inslee for Washington

Dear Attorney General Ferguson:

Pursuant to RCW 42.17A.765, I am notifying you of possible multiple violations of Chapter 42.17A of the Revised Code of Washington by Jay Inslee for Washington.

Background

Jay Inslee for Washington is the campaign committee for Jay Inslee's 2016 campaign for Washington State Governor. See Attachment 1. On three occasions Jay Inslee for Washington sent emails to its list of supporters asking them to support legislation during the 2015 legislative session:

1. In an email dated January 27, 2015 with "Where will you be when Washington leads?" in the subject line, the recipient is asked on two occasions to support the Carbon Pollution Accountability Act by clicking any of three links in the email. See Attachment 2. A disclaimer on the email indicates that it is paid for by Jay Inslee for Washington.

Each link in the email goes to a web page identified at the top and bottom as being affiliated with Jay Inslee for Governor and the Washington Conservation Voters. See Attachment 3. The heading on the page is titled "Support the Carbon Pollution Accountability Act". There is no disclaimer describing who paid for the design, hosting, or management of the web site, whether it was either organization, only one, or neither.

2. In an email dated February 16, 2015 with "Yes, yes, yes." in the subject line, the recipient is asked on four occasions to support upcoming legislation in the state House of Representatives that would guarantee paid sick leave and increase the minimum wage by clicking any of five links in the email. See Attachment 4. A disclaimer on the email indicates that it is paid for by Jay Inslee for Washington.

Each link in the email goes to a web page identified at the top as "Jay Inslee for Governor" and also features a disclaimer at the bottom that says "Paid for by Jay Inslee for Washington." See Attachment 5. The heading is entitled "A Washington economy for all". The page asks supporters to sign up to support the paid sick leave and minimum wage legislation.

3. In an email dated March 5, 2015 with "What's the only thing left?" in the subject line, the recipient is asked to support the paid family leave and minimum wage legislation in the state Senate by clicking either of two links in the email. See Attachment 6.

Each link goes to a web page identified at the top as "Jay Inslee for Governor" and also features a disclaimer at the bottom that says "Paid for by Jay Inslee for Washington." See Attachment 7. The heading is entitled "Pass Paid Sick and Safe Leave and Minimum Wage!". The page asks supporters to sign a petition to urge the Washington Senate to pass paid sick and safe leave and minimum wage legislation.

Possible Violations

WAC 390-16-238 states:

- (1) Except as specifically allowed by chapter 42.17A RCW, any expenditure of a candidate's campaign funds that is not directly related to the candidate's election campaign is a personal use of campaign funds prohibited under RCW 42.17A.445.

Given the facts above, Jay Inslee for Washington has engaged in an unpermitted use of candidate campaign funds. In none of the emails or linked web pages is there any direct or even indirect relationship to Governors Inslee's campaign for re-election. There is no appeal to support the Governor's campaign in any way and there is no appeal for funds or other support. In fact the sole purpose of these communications appears to be influencing legislation. Lobbying or grassroots lobbying are not permitted uses of campaign funds.

In addition, regardless of whether these email communications and web pages are not permitted uses of campaign funds, Jay Inslee for Washington has engaged in an unreported grassroots lobbying campaign.

RCW 42.17A.640 states:

- (1) Any person who has made expenditures, not reported by a registered lobbyist under RCW 42.17A.615 or by a candidate or political committee under RCW 42.17A.225 or 42.17A.235, exceeding *one thousand dollars in the aggregate within any three-month period or exceeding *five hundred dollars in the aggregate within any one-month period in presenting a program to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign.

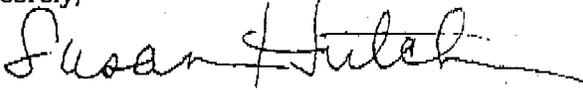
*Adjusted for inflation per WAC 390-20-150 to one thousand, four hundred dollars (\$1,400) in the aggregate within any three-month period or exceeding seven hundred dollars (\$700) in the aggregate within any one-month period.

In presenting the earlier referenced emails and webpages, Jay Inslee for Washington incurred a range of expenses including conceptualizing the grassroots lobbying campaign, creating the web pages and emails, writing and editing the content, hosting the web pages, and utilizing a service to send out mass emails. It is likely more than four vendors, consultants, and/or staff were involved in the conception, production, and approval of this campaign.

It seems certain that Jay Inslee for Washington spent well over \$700 a month and/or \$1,400 over 3 months in pursuit of this effort, thereby triggering the reporting requirements of 42.17A.615. However, Jay Inslee for Washington has filed no L-6 or other forms with the PDC reporting this campaign.

By way of this 45-day citizen action letter I am requesting the Attorney General's office to review and take action with regard to these violations as expeditiously as possible.

Sincerely,



Susan Hutchison, Chairman
Washington State Republican Party

Attachments

1. January 2, 2013 Inslee for Washington C1
2. January 27, 2015 Blast email from Inslee for Washington
3. Support the Carbon Pollution Accountability Act web page screenshot
4. February 16, 2015 Blast email from Inslee for Washington
5. A Washington economy for all web page screenshot
6. March 5, 2015 Blast email from Inslee for Washington
7. Pass Paid Sick and Safe Leave and Minimum Wage! Web page screen shot