

PDC Case Number 33374

[Iglitzin](#) reported (Tue, 24 Apr at 3:02 PM) via Email

To: pdc@pdc.wa.gov

Micaiah Titus Ragins

Compliance Coordinator

Public Disclosure Commission

Dear Ms. Ragins:

De-Escalate Washington I-940 Committee ("the I-940 Committee" or "the Committee") has had the opportunity to review the complaint filed against it by Glen Morgan on or about March 27, 2018, that you forwarded to us on March 29, 2018. Mr. Morgan alleges that although the I-940 Committee indicated on its C1pc Statement of Organization form that it is "for" Initiative I-940, as of March 8, 2018, the day I-940 was enacted into law by the Legislature, the Committee had *stopped* supporting the Initiative, and as of March 23, 2018, the Committee had taken a position "opposed to I-940." Thus, Mr. Morgan contends, the Committee acted wrongfully in not amending its Political Committee Registration form accordingly. Review of Mr. Morgan's complaint and documents in the public record reveals that the complaint is without merit.

That is because at all times, starting from the date of its organization as a political committee, through the present time, the Committee has in fact supported (been "for") I-940, as indicated on the Committee's C1pc form. Mr. Morgan does not dispute that this was true up until March 8, 2018; however, Mr. Morgan seems not to understand that the Committee's actions on that date, and thereafter, continued to be in support of I-940, and that the Committee in fact was successful in that support, in that it accomplished its goal of having the State Legislature enact the full text of I-940 into law.

It is true that at around the same time that I-940 was passed into law by the Legislature, in order to clarify and fully and best effectuate the goals of I-940, the Committee also supported ESHB 3003, a separate law that was designed to come into effect after I-940 went into effect. That is not in any way inconsistent, and certainly not materially inconsistent, with the Committee's continued posture as supportive of I-940.

Subsequently, after the Legislature had enacted both I-940 and ESHB 3003, a lawsuit was brought by Tim Eyman alleging, in pertinent part, that I-940 had *not* been validly enacted by the Legislature. Mr. Eyman subsequently brought a Motion for Summary Judgment (attached), in which he argued specifically that I-940 had not been validly enacted. In the Conclusion portion of that motion, for example, at page 10, Mr. Eyman contended that "the legislature rejected I-940 and proposed an alternative," and that, as a result, I-940 could not become law "unless first approved by a vote of the people."

In direct opposition to this contention, and in clear and unambiguous *support* of I-940, the Committee, through counsel, argued that the Legislature had acted *properly* in enacting both I-940 and ESHB 3003. *See* the Committee's Cross-Motion for Summary Judgment and Response to Plaintiff's Motion for Summary Judgment (attached). Indeed, the Committee argued, "there is no dispute that the Legislature in fact enacted I-940." (Numbered page 2.) The Committee

argued further that even if the court concluded that ESHB 3003 had *not* been properly enacted, or otherwise was invalid, “the proper remedy is to uphold I-940 as an enacted initiative and to void ESHB 3003.” (*Id.*)

In other words, the Committee at all times has supported I-940, consistent with what it wrote on its C1pc form; passage of I-940 was accomplished on March 8, 2018, and subsequent to that date, the Committee has continued to support and defend I-940, and in particular the legality of the process used by the Legislature to enact it, in the face of both political and legal challenges. While Mr. Morgan may have a philosophical difference with the strategic and tactical decisions made by the Committee in pursuit of its goal of seeing the language of I-940 turned into law, and may also think (with Tim Eyman) that the Legislature’s decision to enact both I-940 and ESHB 3003 was legally impermissible, the facts and record, as set forth herein, clearly establish that all times the Committee’s actions were intended to support I-940, get its language enacted into law, and (once that happened) defend that law against subsequent legal challenge.

In no way, therefore, can it be plausibly argued that the Committee ever stopped “supporting” I-940, nor that the Committee’s position towards I-940 changed materially such that it should have amended its C1pc form to indicate that the Committee now *opposed* I-940, which of course it did not. Mr. Morgan’s complaint should be dismissed forthwith for lack of merit.

Sincerely,

Dmitri Iglitzin
Counsel for the I-940 Committee