

Complaint Description

File a Formal Complaint - Conner Edwards

Conner Edwards (Wed, 19 Dec 2018 at 11:10 PM)

To Whom it May Concern –

It has come to my attention the political committee “Up For Thurston” has committed multiple violations of RCW 42.17A, our state’s campaign finance statute.

1) Violation of RCW 42.17A.320(2)(c). (Failure to list the name of controlling individual on political advertisement.)

The Committee failed to list the name of its sole controlling individual (Jason Bennett) on their political advertisement (mailer), in violation of RCW 42.17A.320(2)(c).

2) Violation of RCW 42.17A.205. (Failure to include sponsor name in the name of the political committee within 10 days of the contributor becoming a “sponsor” under RCW 42.17A.005.)

The PDC appears to acknowledge this violation.

PDC staff admit that: “...it does appear that Up for Thurston County initially received over 80% of its contributions on October 15, 2018, the date that it filed its C-1pc, and should have listed Puget Sound Energy as the sponsor in its committee name, and we missed that trying to reconcile the sponsoring officers and collaboration issues.”

Yet, PDC staff went on to write that: “as [Up For Thurston] properly listed PSE as their Top Contributor on their political advertising that would be a minor or ministerial correction on a required report, and would likely constitute another request for technical correction where the public was not deprived of critical information.”

The precedent set by this determination is: “we won’t enforce THAT law, it’s just not consequential”.

Including the name of the 80% sponsor in the name of the sponsoring committee AND in the Top 5 donor statement gives voters valuable information about the source of funds that pay for political advertisement. This law was written deliberately by the drafters of I-276 and the Washington State Legislature. It allows voters to see exactly who is funding the vast majority of the advertisement, differentiating sponsors who give a lopsided 80% of contributions, versus mere top five donors.

If the PDC decides to stick with their current interpretation (that sponsors do not need to be included in the committee name as required by state law), they will have nullified both the will of

the voters who passed I-276 and the elected officials who have made subsequent modifications to state campaign finance statutes.

3) Violation of RCW 42.17A.270, RCW 42.17A.405. (Failure to designate in-kind contribution in attempt to bypass applicable contribution limit.)

The Committee failed to properly report the \$13,000 contribution they had received from PSE as an ear-marked contribution, as required by law. This was intentionally not reported as an ear-marked contribution because it would have exceeded PSE's applicable contribution limit for this race.

According to WAC 390-16-245, the definition of an ear-marked contribution includes: "any contribution given to an intermediary or conduit, either a political committee, candidate or third party, with a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which is intended to result in or which does result in all or any part of the contribution being made to or for the promotion of a certain candidate, state official, or ballot proposition." This is an intentionally broad definition, which is met in the instant case.

PSE would have been perfectly within their right under applicable campaign finance law to engage in direct independent expenditures and file a form C-6. Instead, they made the deliberate decision to contribute to "Up For Thurston".

Puget Sound Energy contributed \$13,000 to the Committee in order to avoid the appearance that the effort to support Oosterman was overwhelmingly supported (over 80%) by their own corporate interest. There were only a few other individual contributions given to the committee to dilute this impression.

Given the size of this contribution, the PDC should at least ask PSE about the circumstances in which the contribution was made, to determine whether or not the contribution was earmarked. If the circumstances surrounding the contribution meet the definition of an ear-marked contribution, the PDC should enforce the statute.

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In the event that staff believe this complaint to be unfounded, I request that this issue be heard by the full Commission so that they may have the opportunity to reach a different conclusion if they so choose. When a decision has been made, I request a detailed explanation of how the decision was reached, including a point-by-point analysis of applicable statutes and rules.

Please don't hesitate to contact me if you have any questions.

Best,

Conner Edwards

(425) 533-1677 cell

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

See complaint.

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

See complaint.

List of potential witnesses with contact information to reach them.

See complaint.

Complaint Certification:

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.

Linda Oosterman

Active in our Community... A leader who gets results!

Linda Oosterman, a strong and effective leader!

- *Linda's work in management, policy, and dispute resolution have been valuable in her first term with the PUD.*
- *Oosterman has delivered on her commitment to clean and plentiful drinking water, cost-efficient service, and transparency on all PUD business.*
- *She works for adequate and stable supplies of water, for both residents and businesses, as our communities grows.*
- *She leads with respect, listens intently to all sides, and encourages dialogue.*
- *She is a leader who makes sure the PUD collaborates effectively with other public agencies and works to harmonize our need for a robust economy with our need for safe, clean water.*

Vote for Linda Oosterman
Thurston County PUD Commissioner, Position #1

Paid for by Up for Thurston County 120 State Ave NE #174 Olympia WA 98501

No candidate authorized this ad. It is paid for by Up for Thurston County, 120 State Ave NE Suite 174, Olympia WA 98501.

Top Contributors: National Women's Political Caucus of WA Campaign Fund and Puget Sound Energy.

Other Contributors include Danielle Westbrook, Jennifer Belcher, Christine Garst, Susan Herring, Katrina Wynkoop, Simmons Sarah Segal and Captain Ralph Chappell, SC USN Ret.

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