



April 3, 2019

VIA EMAIL ONLY

Tabatha Blacksmith
Washington State Public Disclosure Commission
P.O. Box 40908
Olympia, WA 98504-0908

RE: PDC Case No. 47988, Our Olympic Communities PAC Enterprise Washington

Dear Ms. Blacksmith:

I am replying on behalf of the Our Olympic Communities PAC Enterprise Washington (the Committee) to your emails of March 6, March 12, and March 27, 2019 requesting a response to a complaint filed by Jeanne Martin (the Complainant) with the Public Disclosure Commission (PDC), alleging various violations of Chapter 42.17A RCW and/or Title 390 WAC by the Committee. The March 6, 2019 email from you forwards the initial complaint by the Complainant apparently sent to the PDC on or about February 28, 2019. The March 12, 2019 email from you forwards supplemental information from the Complainant apparently forwarded to the PDC on or about March 9, 2019. The final email sent from you March 27, 2019 narrows the scope of the PDC's inquiry in this case. The summary of these emails is that the PDC seeks a response to alleged violations of (in order presented to the Committee):

1. RCW 42.17A.320 and WAC 390-18
2. RCW 42.17A.335
3. RCW 42.17A.225, .260., or .305
4. RCW 42.17A.240

Alleged violations of RCW 42.17A.320 and WAC 390-18

Failure to Disclose Top Five Contributors on Political Advertising RCW 42.17A.320(b)

The Complainant's initial email of February 28, 2019 attached images of disclaimers from two different mail pieces sponsored by the Committee. In the email of March 9, 2019, the Complainant attached images of the same two mail pieces plus two additional mail pieces sponsored by the Committee. RCW 42.17A.320(b) requires disclosure of the top five contributors in excess of \$700 in any political advertising when the sponsor is a political committee. The Committee had three contributors at the time of the printing of the four mail pieces that met the threshold requiring disclosure. Unfortunately, three of the four mail pieces inadvertently do not list the Washington Association of Realtors PAC (the PAC) as one of the top contributors as they should. The fourth mailing does list the PAC as a top five contributor. The Committee regrets the oversight.

“Upside-down” disclosures on mailings RCW.17A.320 and WAC 390-18

The complaint notes that one “veterans” mail piece supporting Tim Sheldon features a disclaimer that is upside-down in relation to other text on the same page and alleges that this constitutes a violation. The Committee maintains that the disclaimer in this mail piece meets all the requirements for clarity, contrast and placement as required in Chapter 42.17A RCW and Title 390 WAC. There is no orientation requirement for text in a disclaimer and the Complainant notes herself in her March 9, 2019 email on page 3, section 2 that “the disclaimer is actually easy to read...”

In your email of March 27, 2019, you suggest that the disclaimer in the “headphones” mail piece might also be upside-down. This disclaimer is not upside down in relation to other text on the page and, in fact, the Complainant does not allege that the disclaimer on this or any other mail piece is oriented improperly. As with the previous mail piece, the Committee maintains that the disclaimer in this mail piece meets all the requirements for clarity, contrast and placement as required in Chapter 42.17A RCW and Title 390 WAC.

Alleged violations of RCW 42.17A.335

Voting with Her Party

The Complainant suggests that language in the mail pieces in question criticizing Ms. Bowling’s pledge “to vote straight down the party line” and stating that she has earned her “the strong support of Seattle establishment liberals and the State Democratic Party” are false statements of material fact.

It is a violation of RCW 42.17A when a person sponsors “with actual malice a statement constituting libel or defamation per se” for political advertising containing “a false statement of material fact about a candidate for public office.” [RCW 42.17A.335\(1\)\(a\)](#). A violation of this section “shall be proven by clear and convincing evidence.” [RCW 42.17A.335\(4\)](#).

The complaint notes and the mail pieces in question cite the “Washington State Progressive Caucus Questionnaire 2018” (the questionnaire) completed by Ms. Bowling. Attachment 1. The Washington State Progressive Caucus describes itself as “the largest constituency caucus in the Washington state Democratic Party”. Attachment 2. The Complainant notes that the questionnaire “references standard Democratic issues” and does not dispute the accuracy of the answers. In the questionnaire, Ms. Bowling commits to a number of positions on issues and legislation or potential legislation held by progressives and the Democratic Party.

In addition, during her 2018 campaign, the majority of Ms. Bowling’s campaign contributions were received from political committees formally affiliated with the Washington State Democratic Party and based in Seattle. She also received thousands of dollars from individuals living in Seattle. In fact, only a minority of her campaign’s contributions came from her own district.

Even without the evidence presented here by the Committee, it is important to note the statute does not require a respondent to establish the truth of any statement but rather requires clear and convincing evidence of a false statement of material fact.

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The complaint does not provide any evidence that the statements in the political advertising by the Committee are not true. Notably, this complaint is not brought by the candidate and no rebuttal from the candidate has been provided. The burden of proof in any jurisdiction for defamation or libel is high and the same is true with [RCW 42.17A.335\(4\)](#). The burden of proof is on the Complainant to show by clear and convincing evidence that the characterization presented in the mail pieces is a false statement of material fact. Instead, the Complainant has provided virtually no evidence of any kind.

The Committee maintains that the characterization of Ms. Bowling's legislative commitments and her affiliation with the Democratic party are accurate.

Presenting Candidate as an Incumbent

The Complainant suggests that language in one of the mail pieces stating "Our taxes pay her salary, her votes affect our lives" represents that Ms. Bowling is an incumbent. However, this language is meant to be prospective in nature and characterizes her impact should she be elected, and at no point does the Committee use the word "incumbent" or attach a title to her name or cite specific votes that have occurred in the legislature or anywhere else. As before, no false statement of material fact has been presented, and certainly no "clear and convincing evidence" has been presented by the Complainant that suggests otherwise.

Alleged violations of RCW 42.17A.225, .240, .260 and .305

The Committee reviewed its public disclosure filings for this race and has filed additional C-6 reports to ensure full disclosure. The online ad referred to on Page 3 Section 2 of the Complainant's email of March 9, 2019 is part of C-6 #8746.

I hope you find this information useful. Please contact me if I can provide further information, and I look forward to your response.

Sincerely,



Dan Brady, WSBA #33731

Attachments

1. Irene Bowling Washington State Progressive Caucus Questionnaire 2018
2. Washing State Progressive Caucus Home Page

Washington State Progressive Caucus Questionnaire 2018

Submission Note: The submission deadline for this questionnaire is September 5th 2018 12:01 PM PST. It must be submitted to waprogressives@gmail.com to be considered

Explanatory Note: Our endorsements (and sometimes donations) are generally made to people running for the state legislature, municipal and county offices, public utility commissioners, etc. If you are running for such an office, you may wonder why we are asking questions about state-wide or national issues. The reason is that local officeholders are tomorrow's senators, representatives and governors. Even if you have nothing of the sort in mind now, you may easily feel differently in a few years. We want to put people into the pipeline from, as Howard Dean once put it, "the Democratic wing of the party." We are old fashioned enough to think that the New Deal and the Great Society were good ideas and modern enough to be up to speed on all the latest organizing methods and apps. If you have reservations about answering any of these questions, please explain why.

Candidate Name: Irene Bowling

Position Sought: State Senator 35th L.D.

Campaign Manager: Sophia Blamey

Consultant: Engage Campaigns

Campaign Email: irene@irenebowling.com

Campaign Phone: 360-990-5302

Website: www.irenebowling.com

Campaign Address: P.O. Box 1182 Silverdale, WA 98383

Do you request the endorsement of the Progressive Caucus? Yes

Labor

Do you support raising state and federal minimum wages? To what level? Yes. Minimum 15 an hour

What legislation would you support to make organizing unions easier? Repeal the Janus decision. Fight for unions and the right for workers to unionize without employer penalty.

Education

What is your opinion of high stakes testing? How would you change the way students and teachers are evaluated? I do not agree with the exaggerated level of testing in our schools. It does not sufficiently take in to account the tremendous disparity in what schools and teachers fairly can offer in varied school districts and does not factor in economic injustices. Although more complicated, students and their schools must be evaluated case by case until our school systems comes up to par EQUALLY for all schools in the state.

What is your opinion of charter schools? Against charter schools. Public funding should go to public schools. Let's make sure their quality and resources are fully funded and supported.

Environment

How would you promote development of alternative energy and prevent privatization of natural resources? Work with government agencies and pass legislation that supports their research and missions first and foremost. My opponent is on the board of Energy Northwest and they are looking in to modular nuclear plants. I am against this.

Washington State Progressive Caucus Questionnaire 2018

What are your plans for increasing investments in renewable forms of energy production? What types of renewable energy do you favor most? For our state, hydro electric and wind.

Finance/Taxation

What would you do to facilitate implementation of public banking and monetary reform? The development of a state bank would be a major breakthrough. I would support it.

What solutions do you propose to fix WA State's highly regressive tax system? Capital Gains on individuals in upper income brackets. Close "loopholes" on over 800 businesses (at least look at it carefully and lower this list!) Pass legislation that forces companies given tax incentives to keep jobs in Washington State. Get rid of B. and O. tax for small businesses.

Health Care/Retirement

Explain your position (for or against) Medicare for All (aka single payer health care) in terms of the effect on local citizens, service providers, and government. I am totally in agreement for a single payer health system in this country. It is long overdue!

What policies do you oppose and what polices would you promote with respect to Social Security and Medicare? Hands off of Social Security and Medicare. If anything, they should be expanded.

Security/Public Safety

How would you act to stop the militarization of local police forces and establish civilian oversight of law enforcement? This could be done by passing carefully crafted legislation in conjunction with working closely with local law enforcement agencies, prosecutors and private citizens.

How would you preserve national security while protecting American's right to privacy? I am not sure I would have to know more about these issues.

General

Do you consider yourself a Democrat? Yes Do you consider yourself a progressive? Yes Why? During this campaign, I have shunned any association with PACS, corporate influence. The funding for this campaign has been almost exclusively from citizens in the 35th and beyond. My views of campaign financing, medicare for all, and free college tuition, are shared with like minded progressives.

What parts, if any, of the [Washington State Democratic Party Platform](#) (← click link to view) do you disagree with? Why? I agree with it. That is why I am a Democrat.

If this is not your first election, what other offices have you run for? If it is your first campaign, what other campaigns (candidate or issue) have you participated in? What did you learn from those

Washington State Progressive Caucus Questionnaire 2018

campaigns? I ran against Tim Sheldon in 2014 for state senate. I ran against Dan Griffey in 2016 for state house.

I learned that I must speak my mind freely and not be constrained by “party platitudes”. I have “grown up” a lot and feel that if elected, I will have the steel determination to carry through the progressive policies that we truly need in this region and country.

Have you ever been a precinct committee officer or held other Democratic organization offices?

Yes. I was PCO for Eagle Crest for several years. I was also state committee woman and later, chair of the 35th L.D. I have volunteered for many campaigns over the years.

What single issue is the most important motivator for your run for office? What proposals do you have for dealing with it? I am sick and tired of the lack of innovation, concern, and compassion by our present 35th L.D. legislators, in relation to supporting education, job growth, infrastructure investment (esp. in roads), and environmental degradation of our forests and waterways. I am 61 years old and have seen a lot. I have the energy and passion to support change, listen to our citizens, and try to repair the damage that has been done for too many years in the 35th.

Are there also important secondary issues? Describe your approach to implementing solutions? See above. As a state legislator I will fight for these issues (and so many more) and work with others to bring good changes to our district.

If you are running in a heavily Republican area, do you have a reasonable chance at winning? If not, how do you plan to use your candidacy to build ongoing connections among local people who share progressive values? The votes are there in the 35th for a TRUE democrat to win. Our strategy is to point out the difference between Sheldon and myself and urge people to vote for their own best interests and not for the corporations (which Sheldon is funded by and always supports). Any help you can give this campaign would be tremendously appreciated. Thank you!

WASHINGTON STATE PROGRESSIVE CAUCUS

Working together for a better future for everyone!

PRIMARY MENU

Welcome!

As the largest constituency caucus in the Washington State Democratic Party, we represent a diverse group of hundreds of people who share a common goal of advancing progressive issues, values and candidates. Together, our collective voice can influence the Democratic Party as well as local, state and federal legislation through action, education, community building and endorsements.

There are several ways to get involved with the Progressive Caucus. All around the state people are joining us and volunteering. You can:

- Get up-to-date information by [liking our Facebook page](#)
- Add your voice to the discussion by [joining our statewide Facebook group](#) or the Facebook group for your Congressional district
- [Become a dues paying member](#) for only \$20 per year, which will give you a voice and vote on Caucus endorsements, resolutions, and other key decisions used to promote our shared progressive values

We look forward to hearing from and working with you.
