

Complaint Description

Glen Morgan (Thu, 19 Sep 2019 at 1:33 PM)

To whom it may concern,

It has come to my attention that Nancy Manos has violated Washington State's campaign finance laws (**RCW 42.17A**) in her current campaign for the Tukwila City Council, position 2.

1) Failure to report filing fee (Violation of RCW 42.17A.240, .235)

Despite the information provided very publicly by the King County Auditor's office about the requirement of candidates for office to pay a filing fee, and the information provided by the City of Tukwila (see attached), the payment of this filing fee of \$150 continues to be hidden from the public and remains unreported in the documents filed by the Manos campaign with the PDC.

It has been crystal clear to all candidates running for office in Washington State that this information must be reported to the PDC. Please see the attached AGO opinion on this very issue from 1974 and signed by Attorney General Slade Gorton, which further reiterated this well known fact.

Let me know if you need any additional information.

Best Regards,

Glen Morgan

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

The public has a right to know how politicians spend their campaign dollars...

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

See attached...

List of potential witnesses with contact information to reach them.

The candidate and the consultants who are helping

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.



City of Tukwila

6200 Southcenter Boulevard ♦ Tukwila, Washington 98188

Phone: (206) 433-1800 FAX: (206) 433-1833

2019 ELECTION AND CAMPAIGN FILING INFORMATION

Following is an overview of information for candidates interested in running for local election in Tukwila this year. If you have any questions regarding this information, please contact King County Elections at (206) 296-1565 or email to election.services@kingcounty.gov. Election information may also be found on King County's website at <http://www.kingcounty.gov/elections.aspx>.

Candidates must be registered voters in the jurisdiction they want to represent. Candidates in a Code City, such as Tukwila, must have lived within the Code City for one year before the date of the election (RCW 35A.12.030). The election officer with whom declarations are filed shall review each declaration for compliance with the law (RCW Chapter 29A.24).

Candidates wishing to file for an elected office must obtain a *Declaration of Candidacy* form from King County Elections at <http://www.kingcounty.gov/elections.aspx>. *Declaration of Candidacy* forms will be available online approximately 30 days prior to the candidate filing period.

Deadlines to file for office are shown in the box to the right. The courts have upheld that mail misdirected by error is not a valid excuse for late filing.

All candidates filing a *Declaration of Candidacy* form must pay the applicable (non-refundable) filing fee at the time of filing. The filing fee for City of Tukwila **Council Positions** is **\$150.00**, which is equal to 1% of the current annual salary.

The filing fee for the position of **Mayor** is **\$1,109.88**, which is equal to 1% of the current annual salary.

If a candidate lacks sufficient assets or income to pay the filing fee, they can contact King County Elections about the process to submit a filing fee petition in lieu of the fee.

2019 Candidate Filing Deadlines

MAIL:

Monday, April 29 through Friday, May 17,
4:30 p.m., regardless of postmark

IN PERSON:

Monday, May 13 from 8:30 a.m. through
Friday, May 17 at 4:30 p.m.

ONLINE:

Monday, May 13 from 9:00 a.m. through
Friday, May 17 at 4:00 p.m.

>>Deadline to Withdraw Candidacy

Monday, May 20 at 4:30 p.m.

NOTE: According to the Washington State disclosure law, *you become a candidate* when you do one of these things: accept a contribution or spend money for your campaign; reserve space or purchase advertising to promote your candidacy; authorize someone else to do any of these activities for you; state publicly that you are seeking office; or file a declaration of candidacy.

Within two (2) weeks of the date you become a candidate, you must file a Personal Financial Affairs Statement and a Candidate Registration with the PDC (Public Disclosure Commission). Please visit the PDC website at <http://www.pdc.wa.gov> for additional information.

For the full documentation regarding elections, please refer to the King County Elections website at <http://www.kingcounty.gov/elections.aspx> or contact King County Elections at (206) 296-1565 or via email to election.services@kingcounty.gov.

City of Tukwila Positions for 2019 Election

Mayor - currently held by Allan Ekberg
Position #2 - currently held by Kathy Hougardy
Position #4 - currently held by Dennis Robertson
Position #6 - currently held by Kate Kruller

1. Election dates are as follows:

Primary Election	August 6, 2019
General Election	November 5, 2019
2. Political campaign signs displayed in the City of Tukwila are regulated by Tukwila Municipal Code (TMC) Section 19.24, Temporary Signs.
3. City employees are prohibited from campaigning for candidates or issues during working hours, while in any City vehicles, when in a uniform that identifies them as a City employee, or by using City facilities, equipment, or supplies. (TMC Chapter 2.94)

Tukwila City Council Information / Duties / Responsibilities

<i>Term of Office</i>	January 1, 2020 to December 31, 2023
<i>Positions Open</i>	City Council Positions #2, #4, #6, which are full-term positions (4 years).
<i>Salary</i>	\$1,250 per month (2019), plus certain medical benefits.
<i>General Purpose</i>	City Councilmembers serve at large, representing the residents of Tukwila in decision-making about City policy and budget.
<i>Requirements</i>	The candidate must be a registered voter and a resident of Tukwila for at least one year.
<i>Duties</i>	<p>As the legislative body, the City Council enacts City ordinances, appropriates funds to conduct City business, and provides policy direction for City staff. Statutory duties of the Council are performed as a whole, and include the power to tax, borrow money, operate and supply utilities, set employee compensation, acquire, improve, maintain or vacate public property, and render local social, cultural or recreational services as they see fit.</p> <p>Council duties in Tukwila include reviewing, studying, discussing and deciding on policy and budget questions. Interaction with members of the community involves public and personal meetings, email or other written correspondence, and phone conversations. Councilmembers should have a working knowledge of the laws that regulate City government. Tukwila elected officials are bound by Tukwila Municipal Code Chapter 2.97, Code of Ethics for Elected Officials.</p>
<i>Time</i>	All Councilmembers attend Regular Council meetings on the first and third Monday of each month and Committee of the Whole meetings on the second and fourth Monday of each month. Both types of meetings begin at 7:00 p.m. and last between 1 and 4 hours.

Every Councilmember (except the annual Council President) serves on two standing committees, each of which meets twice monthly on Mondays or Tuesdays. Committee meetings begin between 5:00 and 5:30 p.m. and average one hour in length, although the duration can vary from 15 minutes to over two hours. Preparation for Council and Committee meetings involves weekly independent study of agenda materials.

Special meetings such as work sessions, ad-hoc committees, and joint meetings with other organizations such as the School Board are scheduled throughout the year. A weekend retreat is held annually in January. Service on the City Council includes opportunities for travel at various trainings and events both inside and outside the state.

Councilmembers typically serve on one or more intergovernmental advisory boards, committees or commissions.

***Selection
Process***

Three Council positions are open for election this year. Persons who are interested in running for office must file with King County Elections.



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Attorney General Slade Gorton

ELECTIONS -- INITIATIVE NO. 276 -- FILING FEES AS REPORTABLE EXPENDITURES
UNDER INITIATIVE NO. 276

A candidate for elective office who is required to pay a filing fee under RCW 29.18.050 must treat that fee as an expenditure under the campaign expenditure reporting requirements of Initiative No. 276.

July 29, 1974

Honorable Kenneth Kennedy
Chairman, Washington Public
Disclosure Commission
Insurance Building
Olympia, Washington 98504

Cite as: AGO 1974 No. 16

Dear Sir:

By letter previously acknowledged the commission has requested our opinion on a question which we paraphrase as follows:

Must a candidate for elective office who is required to pay a filing fee under RCW 29.18.050 treat that fee as an expenditure under the campaign expenditure reporting requirements of Initiative No. 276?

We answer this question in the affirmative for the reasons set forth in our analysis.

ANALYSIS

Your question involves the campaign financing provisions of Initiative No. 276 (now codified as chapter 42.17 RCW), insofar as they relate to expenditures by candidates or [[Orig. Op. Page 2]] political committees.^{1/}

This new disclosure law, which was approved by the voters at the November, 1972, state general election, contains several provisions relating to the reporting of political campaign

expenditures. First, § 8 (now codified as RCW 42.17.080) provides that when a campaign treasurer is designated by a candidate or political committee there must be filed a "report of all contributions received and expenditures made in the election campaign prior to that date." (Emphasis supplied.) Then, RCW 42.17.090 (codifying § 9) sets out the general requirements for the reporting of such expenditures. Among the items of information that must be reported pursuant to this section are "the name and address of each person to whom an expenditure was made in the aggregate amount of \$25.00 or more, and the amount, date and purpose of each such expenditure." (RCW 42.17.090(1) (f).) Further, subsection (1)(g) of RCW 42.17.090 requires the continual reporting of the total sum of a candidate's campaign expenditures.

The term "expenditure" itself is defined in § 2 of the act (RCW 42.17.020(12)) as meaning:

". . . a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, [[Orig. Op. Page 3]] whether or not legally enforceable, to make an expenditure. The term 'expenditure' also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign."

In other words, an expenditure, for the purposes of the act, includes any transfer or payment of anything of value which is made for the purpose of assisting a public official or candidate in furthering his election campaign. This leads us to your present question; i.e., whether the statutory filing fee provided for in RCW 29.18.050 constitutes such an "expenditure."

Insofar as is here material, this statute provides as follows:

"A fee of one dollar must accompany each declaration of candidacy for a precinct office without salary; a fee of ten dollars for any office with a compensation attached of one thousand dollars per annum or less; a fee equal to one percent of the annual compensation for any office with a compensation attached of more than one thousand dollars per annum."

The significance of this filing fee will readily be seen when the foregoing statute is read in conjunction with RCW 29.18.030, which provides that:

"The name of no candidate shall be printed upon the official ballot used at a state primary, unless not earlier than the last Monday of July nor later than the next succeeding Friday, a declaration of candidacy is filed in the form hereinafter set forth . . ."

Although situated in a chapter of the election code dealing with partisan primaries and elections, these two statutes (RCW 29.18.030 and 29.18.050) apply not only to elections for partisan offices but, as well, to elections for nonpartisan offices under chapter 29.21 RCW. See, RCW 29.21.020. In [[Orig. Op. Page 4]] AGO 1974 No. 12 [[to A. Ludlow Kramer, Secretary of State on June 28, 1974]], copy enclosed, however, we recently advised that the filing fee requirement of RCW 29.18.050 is no longer constitutionally enforceable, in view of a recent United States Supreme Court decision, in the case of indigent persons who are financially unable to pay the fee required for the particular office they are seeking.

With this exception, however, it is readily to be seen that for the purposes of the election law, a person seeking election to a particular office for which a filing fee is prescribed may not become an official candidate unless he has paid the required filing fee in conjunction with the filing of his

declaration of candidacy. From this it follows, in our opinion, that the filing fee does constitute an "expenditure," for the purposes of Initiative No. 276, in view of the definition contained in § 2 (RCW 42.17.020(12)),supra.

In simplest terms, this payment (in those cases in which it is required) is a necessary part of the candidate's financial outlay if he is to have his name appear on the ballot and, in that manner, become eligible to be elected to the office he is seeking. Moreover, the payment is very clearly a transfer of something of value and it cannot be doubted that it is for the purpose of assisting the candidate and furthering his election campaign. Payment of the filing fee is thus precisely within the broad definition of "expenditure" as set forth above. We must therefore answer your question, as above paraphrased, in the affirmative.

We trust the foregoing will be of assistance to you.

Very truly yours,

SLADE GORTON
Attorney General

JAMES VACHE
Assistant Attorney General

***** FOOTNOTES *****

1/The terms "candidate" and "political committee" are defined in RCW 42.17.020(5) and (22), respectively, as follows:

"(5) 'Candidate' means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

"(a) Receives contribution or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

"(b) Announces publicly or files for office.

". . .

"(22) 'Political committee' means any person (except a candidate or an individual dealing with his 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."