



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

January 15, 2020

Delivered electronically to "katherine@prochoicewashington.org", "franco@workerlaw.com"
and "skahan@workerlaw.com"

Subject: Complaint filed by Glen Morgan, PDC Case 59665

Dear NARAL Pro-Choice Washington PAC:

Below is a copy of an electronic letter sent to Glen Morgan concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Glen Morgan, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure to comply with the filing requirements noted in the enclosed letter sent to Mr. Morgan. Failure to properly disclose expenditures may deprive the public of critical information, especially when noncompliance occurs during the time-sensitive period immediately preceding an election. PDC staff expects that, in future, you will timely and accurately file all required reports in accordance with PDC laws and rules. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdc@pdc.wa.gov

Sincerely,

Endorsed by,

/s

Tabatha Blacksmith
Compliance Coordinator

/s

Peter Lavalley
Executive Director



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January 15, 2020

Delivered electronically to "glen@wethegoverned.com"

Subject: Complaint regarding NARAL Pro-Choice Washington PAC, PDC Case 59665

Dear Glen Morgan:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 28, 2019. The complaint alleged that NARAL Pro-Choice Washington PAC, a continuing political committee, may have violated RCW 42.17A.235 & .240 for failure to timely and accurately file *Campaign Summary Receipts & Expenditures* reports (C-4 reports) disclosing expenditures (e.g. contributions to candidates) made by the campaign during election year 2019.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the response provided by NARAL Pro-Choice Washington PAC (the "Committee"); the applicable PDC reports filed by Respondent; and queried the Respondent's data in the PDC contribution & expenditure database, to determine whether they support a finding of one or more violations.

Based on staff's review, we found the following:

- The Committee filed a *Political Committee Registration* (C-1PC report) on February 19, 2019 and selected the full reporting option. The Committee has been registered and reporting as a continuing political committee dating back to at least 1996.
- Pursuant to RCW 42.17A.235, under the Full Reporting Option, the Committee was required to disclose contribution and expenditure information by submitting C-4 and C-3 reports to the PDC. The Committee's due dates for the C-3 and C-4 reports are determined by its activity and participation in the election cycle.
- During calendar year 2019, the Committee substantially complied with C-3 report filing requirements, including the accelerated weekly C-3 reports due after June 1, 2019. The Committee failed to timely file nine C-4 reports that were received between 2-107 days late, including five C-4 reports that were due immediately preceding or following the Primary and General Elections. In addition, the Committee filed seven amended C-4 reports and two amended C-3 reports.

- On October 31, 2019, the Committee filed the 21-Day Pre-General Election C-4 report disclosing seven expenditures made to seven 2019 local candidates for contributions totaling \$1,600.
- The Committee was required to file a 21-Day Pre-General Election C-4 report on October 15, 2019; the report was filed 16 days late and five days prior to the November 5, 2019 General Election.
- PDC staff noted that, on December 5, 2019, the Committee made two \$1,000 monetary contributions to the 2020 campaigns of Jay Inslee and Bob Ferguson respectively; the contributions were disclosed on the Committee's December 2019 C-4 report on December 9, 2019, which is 32 days early.
- On December 13, 2019, the Committee filed an amended December 2019 C-4 report disclosing for all of 2019; the Committee received \$30,340 in total contributions, and made \$7,268 in total expenditures, with a \$23,072 cash-on-hand balance.
- The Committee indicated that its late reports were due to the early 2019 resignation of its office manager, who had been tasked with producing and electronically filing the required PDC reports. The Committee subsequently enlisted the help of an outside accounting firm to manage its PDC reporting requirements until a replacement could be hired and trained, adding that noncompliance was the result of good-faith omissions that occurred while it "lacked trained staff to handle reporting."
- On October 31, 2019, the Committee's new office manager corrected its inadvertent failure to file the required C-4 reports with the PDC, bringing the Committee's reports into compliance five days before the General Election and four days before PDC staff notified the committee that a complaint had been filed.
- The Committee received a Reminder Letter from PDC staff in 2018 concerning another complaint you filed, alleging similar violations for failing to timely file C-3 and C-4 reports for calendar years 2015 through 2018 (PDC Case 34202).

Based on our findings, staff has determined that, in this instance, the NARAL Pro-Choice Washington PAC's failure to timely and accurately disclose contribution and expenditure activities does not amount to a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, the NARAL Pro-Choice Washington PAC will receive a formal written warning concerning its failure to timely and accurately disclose expenditures and contributions. The formal written warning will include staff's expectation that NARAL Pro-Choice Washington PAC timely and accurately file all required reports in the future. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdcc.wa.gov

Sincerely,

/s

Tabatha Blacksmith
Compliance Coordinator

Endorsed by,

/s

Peter Lavalley
Executive Director

cc: NARAL Pro-Choice Washington PAC