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Fox Blackhorn
Compliance Coordinator 2
Public Disclosure Commission
P.O. Box 40908
Olympia, WA 98504-0908

November 4, 2019

RE: Citizens for Liberty and Labor (2): Alleged violations of Chapter 42.17A RCW for making over-limit coordinated expenditures

Dear Mx. Blackhorn:

On behalf of Citizens for Liberty and Labor (“the Committee”), I am hereby responding to the allegations raised by Mr. Bruce Thomson in the above-referenced matter.

Mr. Thomson’s allegations are unfounded, as described herein. His allegations are either based on a fundamental misunderstanding of campaign finance law or are a deliberate attempt to misdirect tax-payer dollars in the investigation of what, in my opinion, amounts to a nuisance claim.

Without conceding to any allegations, the Committee welcomes the continued efforts of the PDC to ensure that any errors, if found, are corrected in a way which satisfies the law. The violations alleged by Mr. Thomson are wholly unmeritorious.

1. *“Violations of RCW 42.17A.405 and WAC 390-05-210 for making over-limit coordinated expenditures in support of Candidate Stuckart.”*

Mr. Thomson’s allegation stems from his interpretation of campaign finance law which defines the parameters of an independent expenditure as being made “independently of any candidate’s support...or agent.” Critical to Mr. Thomson’s argument is the broad interpretation of “agent” as being any person (or, in the case of this complaint, organization) who, “during the twelve months preceding the expenditure, is or has been receiving any form of campaign-related compensation or reimbursement from the candidate, the candidate’s authorized committee or agent.” Here, however, Mr. Thomson makes the interpretive leap to conclude that Hamilton Studios and Lawton Printing are “agents” of Mr. Stuckart’s campaign because they have received what he classifies as “campaign related compensation.”

It seems that, based on his broad interpretation, Mr. Thomson is conflating authorized agents and vendors. Hamilton Studios is a vendor which provides photography, videography, and editing, among other services, to both campaigns and the general public. Lawton Printing is a vendor which provides printing services to both campaigns and the general public. The relationship between these organizations and any committee or candidate is confined to the context of isolated business interactions. Both the Committee and Mr. Stuckart’s campaign entered into separate, individual, and unrelated business relationships with the aforementioned vendors. The Committee and Mr. Stuckart’s campaign also both purchased postage from the United States Postal Service. Are we to assume that this constitutes a coordinated expenditure? Under Mr. Thomson’s

interpretation, these expenditures would be considered “coordinated” despite the fact that they were separate and unrelated business transactions with an independent vendor. To claim that the mere accepting of funds from a candidate constitutes an authorized relationship as an agent of the candidate is therefore absurd.

2. “Violations of RCW 42.17A.235 and .240 for failure to timely and accurately report coordinated expenditures in support of Candidate Stuckart.”

Per our response to the above alleged violation, this allegation is unfounded.

3. “Violations of RCW 42.17A.255, .260, and .305 for certifying independent expenditures or electioneering communications as independent, when they may have been coordinated”

Per our response to the above alleged violation, this allegation is unfounded.

Conclusion

The Committee entered into separate, individual, and unrelated relationships with Hamilton Studios and Lawton Printing to procure services which are within the day-to-day scope of their respective businesses. At no time was there a sharing of information or coordination with Mr. Stuckart’s campaign. While it is apparently true that Mr. Stuckart’s campaign also utilized these same vendors to procure similar services, this correlation alone is insufficient to constitute a coordinated expenditure under campaign finance law.

The Committee has consistently made every effort to comply with Washington State campaign finance law, as evidenced by its timely and accurate filing of reports to the PDC.

For the foregoing reasons, I believe that it would be appropriate for the PDC to dismiss these allegations outright.

If you have any questions, or if there is anything else I can do to be of assistance to you, please do not hesitate to contact me.

Sincerely,
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CC: Randy Marler (via email)