



**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: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

October 30, 2020

Delivered electronically to Stephen Pidgeon on behalf of Timothy Eyman at
"spidgeon007@gmail.com"

Subject: Complaint filed by Elliott Grace Harvey, PDC Case 74923

Dear Mr. Pidgeon:

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

As noted in the letter to Grace Harvey, 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.

PDC staff is reminding your client about the importance of the timely registration and disclosure of all contribution and expenditure activities, including those specifically related to a recall effort. PDC staff expects in the future that Mr. Eyman will review the reporting requirements carefully to ensure timely and accurate disclosure in accordance with PDC laws and rules.

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

Electronically signed

Jennifer Hansen
Compliance Officer

Electronically signed

Peter Lavalley
Executive Director



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October 30, 2020

Delivered electronically to Elliott Grace Harvey at “grace@firethemayor.org”

Subject: Complaint regarding Timothy Eyman, PDC Case 74923

Dear Grace Harvey:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 4, 2020. The complaint alleged that Timothy Eyman, a gubernatorial candidate in the August 4, 2020 primary, may have violated: (1) RCW 42.17A.205 for failing to submit a Committee Registration (C-1pc report) registering, as a political committee, his effort to recall Seattle Mayor Jenny Durkan; and (2) RCW 42.17A.235 & .240 for failing to timely & accurately file Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports), disclosing contributions and expenditures undertaken by the recall Campaign.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; and the response provided by Stephen Pidgeon on behalf of Mr. Eyman (the “Respondent”), to determine whether the record supports a finding of one or more violations.

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

- On November 25, 2019, Timothy Eyman filed a Candidate Registration (C-1 report) declaring his candidacy for Washington State Governor in the 2020 election and choosing the “Full Reporting” option.
- In June 2020, an effort to recall Seattle Mayor Jenny Durkan was brought forward by Elliott Grace Harvey, Alan L. Meekins Jr., Courtney Scott, Leah Solomon, and Charlie Stone. The effort was officially called “Recall Durkan” and included the tagline “Fire the Mayor!” on the organization’s website, social media accounts and other written materials.
- RCW 42.17A.205 requires that every political committee shall file a statement of organization with the commission. The statement must be filed within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier.
- RCW 42.17A.235 & .240 require political committees to timely file accurate reports of contributions and expenditures.
- The complaint alleged that on July 23, 2020, Mr. Eyman announced his involvement in the recall Mayor Durkan effort and began soliciting signatures and general support for the

recall but did not register with the PDC as a political committee or report any of the funds raised or spent for the recall effort.

- The petitions circulated by Mr. Eyman, his oral statements made in video recordings and in-person events, and other written materials produced by Mr. Eyman, including posts on social media, consistently utilized an almost identical name and tagline as the original recall effort.
- In his August 26, 2020 response, Mr. Pidgeon stated that his client had: (1) not incurred any expenses for the recall effort; and (2) not solicited or collected any contributions for the recall effort. He further stated that the language included on the Eyman petitions showed that there was no recall effort website, email address or phone number and that petition gatherers were directed to return petitions to the Seattle City Clerk's Office.
- Mr. Pidgeon further stated that Wayne Barnett, Executive Director of the Seattle Ethics and Elections Commission (SEEC), was consulted on August 12, 2020 and confirmed that there was no reporting obligation.
- Mr. Pidgeon also stated that, under the First Amendment, his client has the right to speak in favor of recalling Jenny Durkan, and since his client did not incur expenses or solicit donations for the effort, there was no reporting obligation.
- On August 27, 2020, Mr. Pidgeon submitted an amended response to the complaint, adding the fact that entries and posts regarding the recall effort, previously available online, had been removed.
- During staff's review, no evidence showed that the petitions circulated by Mr. Eyman to recall Seattle Mayor Jenny Durkan amounted to any action other than bringing attention to the existing recall effort and to Mr. Eyman's 2020 gubernatorial campaign.
- Staff found that Mr. Eyman likely spent some funds, albeit a nominal amount, for the portion of his paid videos, written materials and petitions, that were related to his support of the recall effort.

It appears that during July and August 2020, the recall effort Mr. Eyman engaged in was conducted simultaneously with his 2020 campaign for governor, and consequently any associated (possibly de minimis) expenditures were likely part of the costs connected to advertisement expenses in general. (That campaign is not the subject of this matter but is under separate review by the PDC.)

Based on our findings staff has determined that, in this instance, failure to timely register and report the limited campaign activities undertaken by the Respondent's efforts to recall Seattle Mayor Jenny Durkan does not amount to a finding of a violation that warrants further investigation.

PDC staff is reminding Mr. Eyman about the importance of the timely registration and disclosure of all contribution and expenditure activities, including those specifically related to a recall effort in all future PDC reports in accordance with the statutes and 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 Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed

Peter Lavalley
Executive Director

cc: Stephen Pidgeon, Attorney for Timothy Eyman