



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908

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

May 17, 2021

Sent electronically to Representative Steve Kirby

Subject: Complaint filed by Richard Hall, PDC Case 89676

Dear Representative Kirby:

Enclosed is a copy of an electronic letter sent to Richard Hall concerning a complaint filed on May 2, 2021, with the Public Disclosure Commission (PDC). The complaint alleged your 2020 Campaign violated RCW 42.17A.405 by accepting monetary contributions from Justin and Kayla Kerr and attributing \$2,000 of those contributions to the 2020 primary election, which exceeded the \$1,000 per election contribution limits.

As noted above in the letter sent to Mr. Hall, the PDC statute and rules only requires the contributor to make a contribution to a candidate by the date of the primary election, in order for that contribution to be designated for the primary election. PDC staff has determined that in this instance, the Campaign did not exceed contribution limits from Justin and Kayla Kerr since the contributions from the couple were made prior to the date of the August 4, 2020 primary election, and received by the Campaign on the August 4, 2020 primary election date.

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 any questions, please contact Mr. Young at (360) 664-8854, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

/s

Electronically Signed Kurt Young
Compliance Officer

/s

Electronically Signed BG Sandahl, Deputy Director for
Peter Lavalley, PDC Executive Director



Public Disclosure Commission
Shining Light on Washington Politics Since 1972



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May 17, 2021

Sent electronically to Richard Hall

Subject: Complaint filed against Steve Kirby, PDC Case 89676

Dear Mr. Hall:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on May 2, 2021. Your complaint alleged Steve Kirby, an incumbent State Representative and a candidate for re-election to that office in 2020 from the 29th Legislative District, violated RCW 42.17A.405 by accepting monetary contributions from a married couple and attributing those contributions to the 2020 primary election that exceeded the \$1,000 per election contribution limits.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements for a 2020 Legislative candidate; the Monetary Contributions reports (C-3 reports) filed with the PDC by the Campaign; and the response from Representative Kirby, to determine whether the record supports a finding of one or more violations. Based on staff's review, we found the following:

- On November 26, 2018, Steve Kirby filed a Candidate Registration declaring his candidacy for re-election to State Representative from the 29th Legislative District, Position #2 in the 2020 election cycle, selecting the Full Reporting Option and listing himself as Treasurer and the sole Officer. Representative Kirby was elected State Representative in 2000 and has been successfully re-elected to that office since that time.
- On August 6, 2020, the Steve Kirby Campaign timely filed a Monetary Contributions report (C-3 report) disclosing the receipt of \$4,000 in monetary contributions received from Justin and Kayla Kerr on August 6, 2020. The C-3 report disclosed that the \$4,000 in monetary contributions were designated with \$1,000 for the 2020 primary election and \$1,000 for the 2020 general election for both Justin and Kayla Kerr. The C-3 report disclosed the \$4,000 in monetary contributions received were deposited into the campaign bank account on August 6, 2020.
- RCW 42.17A.405 limits Legislative candidates to receiving \$1,000 in total contributions from any one person for the primary election and \$1,000 for the general election from a political action committee (PAC).

- In addition, .405(2) states in part “Contributions to candidates subject to the limits in this section made with respect to a primary may not be made after the date of the primary.”
- Representative Kirby stated that he received a \$4,000 monetary contribution from Justin and Kayla Kerr, a married couple from Puyallup, on Tuesday, August 4, 2020, the day of the 2020 primary election.
- Representative Kirby stated that he “assumed it was to be attributed to each of them making a \$1,000 contribution for the primary and general elections – but just in case, I called the next day and asked. Turns out I was right, so I deposited the check the day after that, August 6, 2020 and attributed it accordingly.” He added that he is “in the habit of depositing checks on the day I receive them whenever possible, so I’m not real diligent about differentiating between the date I receive a check and the day I deposit it on the C-3 form...”
- On May 5, 2021, the Steve Kirby Campaign filed an Amended C-3 report disclosing the date of receipt of the \$4,000 in monetary contributions from Justin and Kayla Kerr as being August 4, 2020, with \$1,000 designated for the 2020 primary election and \$1,000 for the 2020 general election for both.

As noted above, the PDC statute and rules only requires the contributor to have made a contribution to a candidate by the date of the primary election, in order for that contribution to be designated for the primary election. The recipient candidate may receive a contribution after the primary election has been held, provided the contribution was postmarked or otherwise made by the August 4, 2020 primary date or earlier.

Based on these findings, staff has determined that in this instance, the Campaign did not exceed contribution limits from Justin and Kayla Kerr since the contributions received from the couple were made by them prior to the date of the August 4, 2020 primary election, and the contributions were received by the Campaign on the primary election date.

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 any questions, please contact Mr. Young at (360) 664-8854, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Endorsed by,

/s/
Electronically Signed Kurt Young
Compliance Officer

/s/
Electronically Signed BG Sandahl, Deputy Director for
Peter Lavalley, PDC Executive Director



c: Steve Kirby Campaign