

<b>Respondent Name</b>
WA Education Assn PAC
<b>Complainant Name</b>
Maxford Nelson
<b>Complaint Description</b>
<p><a href="#">Maxford Nelsen</a> (Tue, 1 Mar 2022 at 6:08 PM) See attached.</p> <hr/> <p><a href="#">Maxford Nelsen</a> (Mon, 7 Mar 2022 at 5:49 PM)</p> <p>Ms. Townsend,</p> <p>I included all of the potentially relevant information currently at my disposal in the complaint to the PDC. I do not possess evidence showing that any particular person(s) contributed more than \$25 to WEA-PAC in 2021 without being identified, and I am not aware of a mechanism that would allow me to obtain such evidence. While school districts process employee contributions to WEA-PAC via payroll deduction, information regarding individual employee "payroll deductions including the amount and identification of the deduction," is exempt from public disclosure under <a href="#">RCW 42.56.250</a>.</p> <p>Nonetheless, given that WEA-PAC's fundraising levels and practices appear to have remained unchanged in recent years and the minimum contribution amount remains at \$2.25 per month/\$27 per year, I am unaware of any explanation for the dramatic decline in 2021 in the number of contributors WEA-PAC itemized on its year-end C3 reports. Frankly, it may simply have been an administrative error. Nonetheless, I would contend the change in 2021 is a significant enough reversal from prior years to at least warrant additional inquiry.</p> <p>Best,</p> <p><b>Maxford Nelsen</b>  <a href="#">Director of Labor Policy</a>   Freedom Foundation  P.O. Box 552, Olympia, WA 98507  O: (360) 956-3482   C: (360) 362-3991  <a href="#">FreedomFoundation.com</a>   <a href="#">@MaxfordNelsen</a></p>
<b>What impact does the alleged violation(s) have on the public?</b>
See attached.
<b>List of attached evidence or contact information where evidence may be found</b>
See attached.
<b>List of potential witnesses</b>
See attached.
<b>Certification (Complainant)</b>
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.

March 1, 2022

Public Disclosure Commission  
711 Capitol Way S. #206  
P.O. Box 40908  
Olympia, WA 98504

Public Disclosure Commission Staff,

In accordance with RCW 42.17A.755(1) and RCW 42.17A.775, the Freedom Foundation submits the following complaint alleging that the Washington Education Association Political Action Committee (WEA-PAC) may have violated the Fair Campaign Practices Act (FCPA), Chapter 42.17A RCW, by failing to disclose the names and addresses of certain persons contributing more than \$25 in the aggregate to the political committee over the course of calendar year 2021 on C3 reports filed with the Public Disclosure Commission (PDC).

**Continuing political committees must disclose the name and address of persons contributing more than \$25 in the aggregate during the course of a calendar year.**

RCW 42.17A.235(5) requires political committees to regularly file reports disclosing “each bank deposit made,” including “the name of each person contributing the funds and the amount contributed by each person,” except that “persons who contribute no more than twenty-five dollars in the aggregate are not required to be identified in the report.”

Similarly, RCW 42.17A.240 provides:

“Each report required under RCW 42.17A.235 (1) through (4) must be certified as correct by the treasurer and the candidate and shall disclose the following...

(2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions...

(c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor...”

These requirements are also reflected in PDC regulations. WAC 390-16-043(6) provides,

“(6) The books of account, ledger and other supporting documentation must be maintained by the treasurer and kept current within one business day... The campaign or

committee is not required to provide the name and address of contributors who gave twenty-five dollars or less in the aggregate in total contributions.”

And finally, WAC 390-16-039(1) establishes that,

“A continuing political committee which is not organized to support or oppose a particular candidate or ballot proposition shall report total contributions and expenditures based on a calendar year...”

**WEA-PAC appears to have violated the FCPA by failing to disclose all contributors from whom it received more than \$25 in the aggregate during calendar year 2021.**

WEA-PAC is a continuing political committee operated by the Washington Education Association (WEA), a Federal Way-based labor union representing teachers and public-school employees in Washington state.<sup>1</sup> WEA-PAC is funded primarily by regular, monthly contributions from WEA members processed via payroll deduction by the employing school districts. The minimum contribution amount of these automatic, recurring contributions is, and has been for at least several years, \$2.25 per month.<sup>2</sup> Consequently, a person who remains a WEA-PAC contributor over the course of a calendar year would contribute an aggregate of at least \$27. In such cases, the threshold for disclosing the contributor’s name and address would be reached when the last contribution is made in the final month of the calendar year.

In prior years, WEA-PAC has filed an exceptionally lengthy C3 report with the PDC at the end of the calendar year disclosing, among other things, the names and addresses of the thousands of persons from whom it received an aggregate of \$27 in that calendar year.

The C3 report filed by WEA-PAC on December 31, 2018, was 2,015 pages long because of all the contributors who tripped the \$25 aggregate contribution threshold required for itemization. According to the report, WEA-PAC received \$11,830.87 from 4,932 persons who contributed less than \$25 in the aggregate.<sup>3</sup>

Similarly, the C3 report WEA-PAC filed on December 30, 2019, was 2,470 pages long and reported only \$11,522.08 in small contributions from 4,873 unidentified contributors.<sup>4</sup>

The C3 report filed by WEA-PAC on January 6, 2021, ran 2,368 pages and disclosed \$10,244.29 in unitemized small contributions from 4,446 contributors.<sup>5</sup>

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<sup>1</sup> WEA-PAC’s most recent C-1pc report is available online at:  
[https://apollo.pdc.wa.gov/public/registrations/registration?registration\\_id=48130](https://apollo.pdc.wa.gov/public/registrations/registration?registration_id=48130)

<sup>2</sup> Washington Education Association. “What is WEA-PAC?” Accessed March 1, 2022.  
<https://www.washingtonnea.org/advocacy/wea-pac/>

<sup>3</sup> WEA-PAC’s December 31, 2018, C3 report is available online at:  
<http://web.pdc.wa.gov/rptimg/default.aspx?repno=100878345>

<sup>4</sup> WEA-PAC’s December 30, 2019, C3 report is available online at:  
<http://web.pdc.wa.gov/rptimg/default.aspx?repno=100950881>

<sup>5</sup> WEA-PAC’s January 6, 2021, C3 report is available online at:  
<http://web.pdc.wa.gov/rptimg/default.aspx?repno=110004837>

However, the merely three-page C3 report filed by WEA-PAC on January 5, 2022, differed significantly from prior years, disclosing \$65,932.91 in small contributions from 26,698 unidentified contributors.<sup>6</sup>

WEA-PAC Year-End C3 Reports			
Year	Total Contributions	Small Contributions	Unidentified Contributors
2018	\$61,664.77	\$11,830.87	4,932
2019	\$72,640.73	\$11,522.08	4,873
2020	\$68,824.77	\$10,244.29	4,446
2021	\$66,055.91	\$65,932.91	26,698

I am aware of no obvious explanation for the dramatic increase in the number of unidentified small contributors on WEA-PAC's concluding C3 for calendar year 2021. As in prior years, the minimum monthly amount for WEA-PAC contributions remained at \$2.25 per month/\$27 per year. Presumably, payroll deduction continued to be the primary method by which contributions were received, which would make it likely that many WEA members continued the practice in prior years of leaving the automatic deductions in place throughout the calendar year.

If that were the case, then WEA-PAC may have failed to disclose as many as 20,000 contributors who gave more than \$25 in the aggregate in 2021.

At minimum, we believe the matter warrants additional investigation. Please don't hesitate to contact me if we can be of any further assistance in this matter.

Respectfully,



Maxford Nelsen  
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Freedom Foundation  
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(360) 956-3482  
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<sup>6</sup> WEA-PAC's January 5, 2022, C3 report is available online at:  
<http://web.pdc.wa.gov/rptimg/default.aspx?repno=110068137>