

Respondent Names
Tateasha Davis
Complainant Name
Glen Morgan
Complaint Description
<p>Glen Morgan reported via the portal <i>10 days ago (Tue, 2 Jul 2024 at 1:55 PM)</i></p> <p>To whom it may concern,</p> <p>It has recently come to my attention that Pierce County Superior Court Judge Tateasha Davis has violated Washington State’s campaign finance laws (RCW 42.17A) in her current campaign for Pierce County Superior Court Judge and also violated the same law in her 2023 campaign. The details of these legal violation are as follows:</p> <p>1) Failure to report filing fee as campaign expenditure (Violation of RCW 42.17A.240(7), 42.17A.235)</p> <p>As I was reviewing the campaign filing document from various political candidates from around Washington State, I was surprised to discover that Pierce County Superior Court Judge Tateasha Davis has willfully violated Washington State’s campaign finance laws by concealing a sizeable expenditure related to her campaign. Specifically, this illegal concealment involved hiding the true cost of the filing fees from the public and failing to report these expenditures to the Public Disclosure Commission on the appropriate C4 report (See RCW 42.17A.235 and RCW 42.17A.240(7)). She committed the same violation last year during her successful 2023 campaign for this same position after Governor Inslee appointed her. This is a clear pattern of behavior.</p> <p>Again, lest there be any confusion about the absolute clarity of the statute and the clear legal responsibility for every candidate running for office to report these expenditures, I have attached a helpful Attorney General Opinion (AGO 1974 no. 16, attached for reference) on this subject as additional support for the need to comply with the law, even if the candidate in question is a judge. This has been clear black letter law requirements for many decades now and it is stunning that a practicing judge would fail to follow this clear and simple law.</p> <p>This filing fee for this office should probably be around \$2, 173.91, if the other judges who have complied with the law are accurate in their reports, and I should point out this would be a substantial adjustment to the costs associated with this campaign, and would appear to indicate expenditures that exceed the contributions received by this judicial candidate, so concealing expenditures like this from the public paints a substantially different image of the financial viability of this political campaign than it might at first appear to a casual observer of this campaign.</p> <p>If the law means anything anymore, and we depressingly appear to be living in an era of a two-tiered legal system – one tier is for political insiders and favored special interests who get a free pass, and the rest of us peasants who get abused with the full force of the law in all its fury and abuse. However, to counter this apparent trend in the abuse of the rule of law, perhaps the law needs to be applied to our judges just like they apply the laws unequally against the people who have the misfortune to be in their courtroom.</p>

I am semi-optimistic that this complaint will help this Superior Court judge change her lawbreaking ways and perhaps get back into some type of compliance with Washington State's awesome, simple, and easy to follow campaign finance laws. Obviously, she needs to go back and correct her currently illegal filings with the PDC.

Please let me know if you need any more details about this sad and disappointing violation of the law by one of our state's superior court judges. I had higher expectations for our judges to at least try to follow the law the rest of us peasants are expected to follow.

Best Regards,

Glen Morgan

What impact does the alleged violation(s) have on the public?

Judges should still have to follow the law and not be exempt from following the law just because they are judges. They enforce the law every day in their courts on the unfortunate souls who are unfortunate enough to be assigned to their courtrooms for the unequal treatment they will receive. This is a real problem for the rule of law in our state.

List of attached evidence or contact information where evidence may be found

See AGO 1974 no. 16 attached for educational purposes

List of potential witnesses with contact information to reach them

Everyone associated with both the 2023 and this current campaign

Certification (Complainant)

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.



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Attorney General Slade Gorton

**ELECTIONS -- INITIATIVE NO. 276 -- FILING FEES AS REPORTABLE EXPENDITURES
UNDER INITIATIVE NO. 276**

A candidate for elective office who is required to pay a filing fee under RCW 29.18.050 must treat that fee as an expenditure under the campaign expenditure reporting requirements of Initiative No. 276.

July 29, 1974

Honorable Kenneth Kennedy
Chairman, Washington Public
Disclosure Commission
Insurance Building
Olympia, Washington 98504

Cite as: AGO 1974 No. 16

Dear Sir:

By letter previously acknowledged the commission has requested our opinion on a question which we paraphrase as follows:

Must a candidate for elective office who is required to pay a filing fee under RCW 29.18.050 treat that fee as an expenditure under the campaign expenditure reporting requirements of Initiative No. 276?

We answer this question in the affirmative for the reasons set forth in our analysis.

ANALYSIS

Your question involves the campaign financing provisions of Initiative No. 276 (now codified as chapter 42.17 RCW), insofar as they relate to expenditures by candidates or [[Orig. Op. Page 2]] political committees.^{1/}

This new disclosure law, which was approved by the voters at the November, 1972, state general election, contains several provisions relating to the reporting of political campaign

expenditures. First, § 8 (now codified as RCW 42.17.080) provides that when a campaign treasurer is designated by a candidate or political committee there must be filed a "report of all contributions received and expenditures made in the election campaign prior to that date." (Emphasis supplied.) Then, RCW 42.17.090 (codifying § 9) sets out the general requirements for the reporting of such expenditures. Among the items of information that must be reported pursuant to this section are "the name and address of each person to whom an expenditure was made in the aggregate amount of \$25.00 or more, and the amount, date and purpose of each such expenditure." (RCW 42.17.090(1)(f).) Further, subsection (1)(g) of RCW 42.17.090 requires the continual reporting of the total sum of a candidate's campaign expenditures.

The term "expenditure" itself is defined in § 2 of the act (RCW 42.17.020(12)) as meaning:

" . . . a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, [[Orig. Op. Page 3]] whether or not legally enforceable, to make an expenditure. The term 'expenditure' also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign."

In other words, an expenditure, for the purposes of the act, includes any transfer or payment of anything of value which is made for the purpose of assisting a public official or candidate in furthering his election campaign. This leads us to your present question; i.e., whether the statutory filing fee provided for in RCW 29.18.050 constitutes such an "expenditure."

Insofar as is here material, this statute provides as follows:

"A fee of one dollar must accompany each declaration of candidacy for a precinct office without salary; a fee of ten dollars for any office with a compensation attached of one thousand dollars per annum or less; a fee equal to one percent of the annual compensation for any office with a compensation attached of more than one thousand dollars per annum."

The significance of this filing fee will readily be seen when the foregoing statute is read in conjunction with RCW 29.18.030, which provides that:

"The name of no candidate shall be printed upon the official ballot used at a state primary, unless not earlier than the last Monday of July nor later than the next succeeding Friday, a declaration of candidacy is filed in the form hereinafter set forth . . ."

Although situated in a chapter of the election code dealing with partisan primaries and elections, these two statutes (RCW 29.18.030 and 29.18.050) apply not only to elections for partisan offices but, as well, to elections for nonpartisan offices under chapter 29.21 RCW. See, RCW 29.21.020. In [[Orig. Op. Page 4]] AGO 1974 No. 12 [[to A. Ludlow Kramer, Secretary of State on June 28, 1974]], copy enclosed, however, we recently advised that the filing fee requirement of RCW 29.18.050 is no longer constitutionally enforceable, in view of a recent United States Supreme Court decision, in the case of indigent persons who are financially unable to pay the fee required for the particular office they are seeking.

With this exception, however, it is readily to be seen that for the purposes of the election law, a person seeking election to a particular office for which a filing fee is prescribed may not become an official candidate unless he has paid the required filing fee in conjunction with the filing of his

declaration of candidacy. From this it follows, in our opinion, that the filing fee does constitute an "expenditure," for the purposes of Initiative No. 276, in view of the definition contained in § 2 (RCW 42.17.020(12)),supra.

In simplest terms, this payment (in those cases in which it is required) is a necessary part of the candidate's financial outlay if he is to have his name appear on the ballot and, in that manner, become eligible to be elected to the office he is seeking. Moreover, the payment is very clearly a transfer of something of value and it cannot be doubted that it is for the purpose of assisting the candidate and furthering his election campaign. Payment of the filing fee is thus precisely within the broad definition of "expenditure" as set forth above. We must therefore answer your question, as above paraphrased, in the affirmative.

We trust the foregoing will be of assistance to you.

Very truly yours,

SLADE GORTON
Attorney General

JAMES VACHE
Assistant Attorney General

***** FOOTNOTES *****

1/The terms "candidate" and "political committee" are defined in RCW 42.17.020(5) and (22), respectively, as follows:

"(5) 'Candidate' means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

"(a) Receives contribution or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

"(b) Announces publicly or files for office.

". . .

"(22) 'Political committee' means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition."