

Respondent Name
Daniel Becker
Complainant Name
Glen Morgan
Complaint Description
<u>Glen Morgan</u> (Wed, 21 Jul 2021 at 10:07 PM) To whom it should concern, It has come to my attention that Daniel Becker has violated RCW 42.17A while running this year for the Mercer Island City Council. These violations are detailed as follows: 1) Attempt to conceal campaign expenditures from the public and not report these on financial disclosure documents (RCW 42.17A.240, .235) It appears Daniel Becker has chosen to avoid transparency and instead conceal from the public how he is spending the funds for his campaign. It appears he is concealing most of his expenditures from public disclosure, and he is obviously concealing the cost of his campaign website, including purchasing the domain name, web hosting, site design and creation, logo design and photography costs. This concealment has been in effect since he filed for office, as he proudly announced his website on his Facebook page in late May (see post screen capture attached). Of course, that is not all. He also has failed to report the filing fee for his office, which was disclosed by other candidates for Mercer Island City Council races. This is particularly egregious, because Washington State's Attorney General has weighed in on this issue (see AGO attached), and this candidate should be familiar with the law if he plans to be on a city council and imposing laws and rules on the people who live there. How can he do this if he refuses to follow the law himself? Of course, politicians like this guy usually don't believe the laws should apply to them, only to the rest of us when they impose the laws they pass on us. Perhaps he could be convinced to follow the law this time for a change of pace? Let me know if you need any further details on this one. I'm sure it won't be the last complaint filed in this case. Best Regards, Glen Morgan
What impact does the alleged violation(s) have on the public?
The public has a right to know if a politician is going to break the laws and ignore them while planning to impose his own laws on the people. The public has a right to know if this guy can follow the law himself. The public has a right to know how he spends his campaign dollars.
List of attached evidence or contact information where evidence may be found
The Attorney General Opinion is attached as well as a screen capture of his Facebook Page post

List of potential witnesses with contact information to reach them
Both the candidate and his treasurer should be contacted and interviewed. Possibly the vendors he has concealed in case they are attempting to conceal additional expenditures in this 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.



Daniel Becker for MI City Council

May 29 · 🌐



Thank you to everyone here for supporting my campaign.

If you have not already, please check out my campaign web site at <https://danielbecker.com/>.

My site mostly covers my bio, but I want to share some of the topics I'd focus on as a councilmember:... **See More**

DANIELBECKER.COM

Daniel Becker for Mercer Island City Council

Daniel grew up on the island, and then moved back as an adult because it's such a great place to live. With four generations of his family as...



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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."