

January 20, 2022

VIA EMAIL

Ms. Tabatha Townsend  
Compliance Coordinator  
Public Disclosure Commission  
711 Capitol Way S. # 206  
Olympia, WA 98504-0908

Re: Case Number 102195

Dear Ms. Townsend:

I write on behalf of Washington Conservation Voters Action Fund (“WCVAF”), a Washington State political action committee, to respond to the complaint Mr. Glen Morgan filed with the Commission on December 30, 2021 alleging wrongdoing by WCVAF (the “Complaint”).

WCVAF takes seriously its compliance responsibilities as a registered state political action committee and strives to follow all applicable reporting requirements. WCVAF is diligent about completing its filings in a timely and compliant manner. As outlined below, WCVAF’s filings complied with the PDC requirements in all material respects. For that reason, we request that the PDC dismiss the Complaint and close this matter without taking further action. Moreover, to the extent that the PDC’s online filing system presents challenges to WCVAF in our effort to comply with state campaign-finance requirements, I seek your suggestions on how to overcome the obstacles built into the PDC filing system.

In his Complaint, Mr. Morgan claims certain Forms C6 and C4 lacked sufficient detail regarding expenditures WCVAF made in 2021. As you will see when you review the 2021 WCVAF Forms C6 and C4 attached to the Complaint<sup>1</sup>, the forms provide the purpose of each expenditure in a manner that complies with RCW 42.17A.240, RCW 42.17A.255, RCW 42.17A.305, WAC 390-16-037, the instructions on Schedule A to Form C4, and the instructions for Form C6. As required by the statute and regulations, WCVAF’s reports included the name and address of each person to whom expenditures aggregating more than \$50 during the report period were made, the amount, the date, and the “purpose of the expenditure,” as well as the total sum of all expenditures.

The challenge facing WCVAF (and other filers) is that for each of the separately listed expenditures on Form C6, the “Description of Expenditure” field allows only 28 characters in the online filing system. I

---

<sup>1</sup> See Complaint pp. 32-64. Nearly half of the materials attached to the Complaint relate either to: A) Previous complaints filed by Mr. Morgan; or B) Irrelevant filings such as a copy of a Form C6 filed by OneAmerica Votes Justice Fund, which is not related to or relevant to WCVAF.

have spent hours attempting to provide the clearest description of each expense and its purpose, without tripping over the 28-character limit. For example, “Digital Ad-Support R. Lewis” is exactly 27 characters, including spaces. *See* WCVAF Form C6, Oct. 18, 2021. WCVAF’s reports include the most detailed possible descriptions of expenditures, within the severe constraint of 28 characters. As the attachments to the Complaint itself demonstrate, WCVAF carefully reported its activities in compliance with state law and the PDC rules. In certain instances, WCVAF reported estimated expenditure amounts and then amended the form when final amounts became available.

Substantively, the Complaint is deficient. It applies the wrong PDC regulation to WCVAF’s filings. Mr. Morgan complains of activities WCVAF conducted as independent expenditures and which it reported on Form C6. Such activities are covered by WAC 390-16-037(1), which requires that the purpose of an expenditure identify the candidate supported or opposed by the expenditure – as is the case on WCVAF’s 2021 reports. *See* Complaint at 32-64.

Yet the Complaint asks “how many texts did they send out?” and claims “The ad buys are also lacking in details.” Complaint at 1. It appears Mr. Morgan is looking to a separate provision, WAC 390-16-037(2) when he makes these statements. That second provision requires: “Whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, the report must describe in detail that agreement or understanding and the goods and/or services to be provided.” WAC 390-16-037(2). That second provision includes two examples: How to report an expenditure to a vendor for get-out-the-vote calls<sup>2</sup> and how to report an expenditure to a vendor for printing. It appears Mr. Morgan thinks these provisions apply to WCVAF’s reporting obligations. But because WCVAF did not make an expenditure to a candidate or political committee pursuant to an agreement regarding how the recipient will use the expenditure, WAC 390-16-037(2) does not apply. Only WAC 390-16-037(1) applies, and WCVAF complied with its requirements.

In the Complaint, in each instance where Mr. Morgan circled an entry on one of WCVAF’s Form C6s, the referenced field “Description of Expenditure” is subject to the 28-character limit. WCVAF’s made its best effort to provide information regarding the each expenditure’s purpose, within the 28-character limit. After receiving the Complaint, I reached out to the PDC to seek help from a Filer Assistance Specialist to determine whether any further amendments to the filings would be appropriate. WCVAF is willing to amend reports if necessary, and as is feasible given the 28-character limit on PDC Form C6 for the field “Description of Expenditure.”

WCVAF and its officers and staff strive to stay up to date with the filing and reporting requirements of Washington State campaign finance law, and we attend trainings to continually improve our compliance efforts. As part of our commitment to compliance, WCVAF has taken steps to educate and cross-train all staff regarding political activity reporting, so that if a staff member is out of the office or unavailable for any reason, WCVAF remains able to meet deadlines and provide required detail regarding its

---

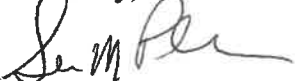
<sup>2</sup> Note that Example A of WAC 390-16-037(2) is 51 characters, far too long to be accepted by the PDC online filing system, further evidence that the PDC does not expect this type of reporting regarding independent expenditures.

expenditures in its periodic and other reports to the PDC. WCVAF takes care to file its reports in a timely and compliant manner. WCVAF submits that the Form C6 and C4 filings referenced in the Complaint comply with the requirements of Washington state law and regulations by describing in each instance the purpose of the expenditure.

Given its good-faith compliance efforts within the limitations of the PDC filing system, WCVAF requests that the PDC conclude that organization did not violate any PDC requirements, and that the Commission dismiss the Complaint and close the matter without further action.

If you have any questions, or for additional information, please call me at 206-374-0760.

Sincerely,



Sean Pender

Treasurer

Washington Conservation Voters Action Fund