

[Drew](#) (Mon, 19 Mar at 11:39 AM)

to : pdc@pdc.wa.gov , cc : mark@northcreeklaw.com

Dear Fox,

I must admit, I am a bit baffled by this complaint. While a large number of PDC complaints involve campaign finance reports filed too late (thereby denying the public timely access to information), this complaint alleges the exact opposite—that I have filed campaign finance reports too early. This makes complainant's remark that my "disregard for [campaign finance] laws show an unacceptable lack of commitment to the principles our campaign finance laws uphold" particularly laughable. Nonetheless, I am happy to answer any specific questions the PDC has.

As a threshold legal matter, I fail to find any RCW or WAC that prohibits C-3 reports from being filed before the deposit date (or inversely, requiring C-3 reports to be filed after the deposit date).

And while the reported deposit dates in question are accurate, I must point out that there does not appear to be any statutory or regulatory authority requiring the date of deposit be reported at all (WAC 390-16-031 does designate the "C-3" as the "official form for statement of contributions deposit," but unlike the other details reported on a C-3, such as name and address of contributor, amount of contribution, etc., there is no separate authority mandating disclosure of the date of deposit). Thus, even an incorrectly-reported date of deposit would not violate campaign finance laws (provided of course the actual date of deposit still occurred within five business days of receipt of the contribution).

The 45-day notice filed by complainant Washington State Democratic Party alleges that my campaign has "repeatedly failed to adhere to the filing requirements set forth in RCW 42.17A.220." That statute includes four subsections:

1. "All monetary contributions received by a candidate or political committee shall be deposited by the treasurer or deputy treasurer in a depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution." *All contributions received were indeed deposited into the designated bank account, and deposit occurred within five business days of receipt of the contribution. Complainant has not alleged that contributions weren't deposited, nor has it alleged that deposits were untimely.*
2. "Political committees that support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts" in certain circumstances. *Complainant makes no allegations about improper use of multiple bank accounts.*
3. Political committees may "invest[] funds on hand in a depository in bonds, certificates, or tax-exempt securities, or in savings accounts or other similar instruments in financial institutions, or in mutual funds other than the depository" in certain circumstances. *Complainant makes no allegations about improper investment of campaign funds.*
4. "Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's treasurer pursuant to RCW 42.17A.240(1)(b), in excess of one percent of the total accumulated contributions received in the current calendar year, or three hundred dollars, whichever is more, may not be deposited, used, or expended, but shall be returned to the donor if his or her identity can be ascertained." *Complainant makes no allegations about receipt of excess unidentified contributions.*

Simply put, RCW 42.17A.220 does not address the timing of when C-3 reports must be filed, nor does complainant allege any facts that would constitute violate of RCW 42.17A.220 (or any other provision of campaign finance law). In a judicial context, this complaint would be dismissed under Civil Rule 12(b)(6),

for failing to state a claim upon which relief can be granted. The PDC should likewise dismiss this case because complainant fails to allege any violation of law.

Again, please contact me if you have any specific questions.

Sincerely,

Drew Stokesbary  
State Representative  
Friends of Drew Stokesbary