

Respondent Name
Cydney Moore
Complainant Name
Glen Morgan
Complaint Description
Glen Morgan reported via the portal (Thu, 3 Aug 2023 at 4:50 PM) To whom it may concern, It has come to my attention that Cydney Moore in her current 2023 campaign for Burien City Council has violated Washington State's campaign finance laws (RCW 42.17A). The details are as follows: 1) Attempt to conceal campaign expenditures from the public (Violation of RCW 42.17A.235, RCW 42.17A.240) I was driving through Burien yesterday and I saw some Cydney Moore campaign signs out on the street, and I wondered whether she had started to follow Washington State's campaign finance laws for a change this time or not. It turns out, old habits die hard, and she appears determined to continue to break the law. Specifically, some expenditures for the Moore current 2023 campaign for the Burien City Council continue to be concealed from the public. For example, nowhere in her C4 (expenditure) reports did she ever report the \$72 filing fee paid to the secretary of state back in May during filing week as required by law. There is no good reason to conceal this information from the public. Yet, she chose to conceal this information from the public. For clarification of the need to report this expenditure, I've attached the relevant AGO (AGO 1974:16 attached) which clearly spells this out as it applies in this specific example. For the record, only two C4s have been filed in the 2023 Moore campaign, and their total reported expenses are, based on these two limited reports, totaling \$47.67. No expenses for signs, in-kind contributions for list builder, no treasurer expenditures, no cost of the PO box used by this campaign as a mailing address (and which has an annual expenditure), no costs for keeping the .url address reserved, the website updated, or anything else. There may be additional secret expenditures by this political campaign which were also concealed from the public. Rarely is the lawbreaking restricted to just one violation. PDC staff may need to do a complete forensic audit of this campaign to see what else was concealed from the public. Cydney Moore – a consistent history of breaking the law every campaign cycle The PDC has consistently "reminded" Candidate Cydney Moore to follow the law when she has been caught breaking the law in the past (See PDC Enforcement cases #73338, #59642, and #57779). Obviously, this candidate requires more than just "reminders" to start following the law. This is a well-funded political campaign with a veteran politician with professional treasurer running as an incumbent politician. She can do better and follow the law – even if it is just once in her political career. Let me know if you need more information on this one. Best Regards, Glen Morgan

What impact does the alleged violation(s) have on the public?
The public has a right to know how incumbent, experienced politicians spend their campaign cash, even if those same politicians want to hide the truth from the public. Even if those same politicians always break the campaign finance laws when they run for office.
List of attached evidence or contact information where evidence may be found
Clearly provided information in complaint draft
List of potential witnesses
The treasurer and the candidate for sure.
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."