

Respondent Names
Ted Cummings
Complainant Name
Glen Morgan
Complaint Description
<p>Glen Morgan</p> <p>Mon, 21 Aug 2023 at 11:44 PM</p> <p>To whom it may concern,</p> <p>It has come to my attention, that Ted Cummings, during his repeat failures as a political candidate for the Washington State Legislature in the 4th LD, and as a Spokane County Commissioner candidate , unfortunately, appears to have violated Washington State’s campaign finance laws (RCW 42.17A), the specific violations are detailed below:</p> <p>1) Attempting to conceal the truth about political activity from the public by waiting weeks, months, or more to report what they did or who funded them (Violation RCW 42.17A.235, RCW 42.17A.240)</p> <p>First, let’s just review the late reporting, which is essentially an effort by this serial political candidate to conceal the truth from the public for as long as he (I might be misgendering him, but I’ll presume a male pronoun unless this guy specifies otherwise) believes he can. Even a casual review of this guy’s campaigns reveals something is wrong here.</p> <p>As usual, I try to provide the specific examples of lawbreaking in a very easy-to-read and simpler to understand spreadsheet format. This is both for PDC staff convenience, but it also helps the lawbreakers use the list as a reference sheet so that they can go back and try to explain, justify, or excuse their repetitive lawbreaking activities. I’ve attached this both as an Excel file and a PDF so that everyone involved can get the optimal value from the effort. Please note that the original report referenced in the spreadsheet can be linked by clicking on the far-right column. I believe this makes it easier for everyone.</p> <p>A quick note again on how this report is organized. I’ve organized it by latest report first. You’ll note that the latest report filed by this guy was 773 days late (three of this guy’s reports tied for this distinction) – which is almost two years late. There is always something wrong when a candidate is filing many reports almost two years later.</p> <p>I’ve color coded the most extreme late reports red, as usual, of which there are 59. I’ve color coded the problematically late orange, and there are only 5 of those 14-7 days late. Illegal, but not as egregious as most of his reports. Even just these reports alone might justify notice to the PDC, but they are overwhelmed by the more egregious volume of super late reporting</p>

color coded red in the attached spreadsheets. I've color coded the sloppily late reports yellow, and there are only 16 of those. So, it appears that when this guy wants to break the law, he just goes for months and conceals everything. The attached spreadsheet and PDF file of this information should be adequate to verify this allegation. I'm sure every one of these violations has a story behind it – and it would be good to get a complete picture of the stories and yarns he will spin this time.

By the way, this extensive and exhaustive list of violations clearly indicates that it is highly likely the reports being filed and not yet refiled are inaccurate, and it would not be a bad idea for PDC staff to subpoena the bank records and see how far off the C4 reports have been when filed on behalf of this politician.

2) Total failure to report expenditures (Violation of RCW 42.17A.240)

I'm a little surprised I didn't catch this last year or earlier just because it is so obvious, but better now than never, I guess. Anyway, it is very clear that something went off the rails with this politician during his failed 2022 campaign for the 4th LD State Representative seat. He literally reported zero expenditures, which is just not accurate.

Here is an example of some expenditures he did not report (just to name a few):

A filing fee with the Secretary of State. This is a required campaign expense, and I've attached the original AGO from 1974 which clarifies this fact (see attached).

Website costs

Signs

Just to name a few.

Now, this guy knows how to properly report expenses – during his failed 2020 campaign for the Spokane County Commissioner race, he was able to do this adequately. However, there wasn't even an effort in the failed 2022 campaign.

For clarification, I've attached a screenshot of this candidate's voter's guide statement, in which he includes a statement by which he claims to live "I won't lie, cheat, or steal..." However, it appears he frequently lied on his campaign finance reports – as evidenced by the reports filed almost two years later, and who knows what is accurate with the reports sitting with the PDC right now? It appears that the failure to report any expenditures during the 2022 campaign also indicates deception and lying.

Worse than that is the fact that this guy raised \$3,338.81. Where did that money go? Was it stolen? Who stole it?

I don't need to go down this rabbit hole of a series of political campaigns any deeper to know that this one is just a mess. This politician needs professional help to sort this out, and the PDC staff might just want to save themselves and everyone else some time and subpoena the bank records here so that they can at least figure out where the money went, how much was in these accounts, and just what the heck happened here. We can't have perennial political candidates who only get worse with each election and who can't file any of their reports correctly and simply conceal everything from the public.

Let me know if you need anything else on this guy.

Best Regards,

Glen Morgan

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

Serial political candidates who lose every campaign are certainly part of the scene in the political world - nothing wrong with that, but they still need to follow the law. They can't conceal the truth about their campaigns from the public for years. They can't make their campaign money disappear into who knows where. They have to report the truth eventually, and this is particularly true if they pretend to claim they won't lie or steal in their voter's guide statement.

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

All clearly detailed and provided as evidence

List of potential witnesses with contact information to reach them

The candidate and his treasurer for sure. Probably just save the time and subpoena his bank records.

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.



Ted Cummings

(Prefers Democratic Party)

(509) 280-8700
cummitf@msn.com

Elected Experience

Financial Secretary for United Steel Workers Local 338. Executive Board Member of the Spokane Regional Labor Council. Vice President of the Washington State Labor Council.

Other Professional Experience

Employed at Kaiser Aluminum since 1988. Currently a Mechanical Lab Technician in the Kaiser Trentwood Physical Testing Lab. Co-Owner of Pell Creek Land & Livestock, where we raise certified angus cattle, and grow hay and timber.

Education

Gonzaga Prep 1979, Spokane Community College AA 1997.

Community Service

Married to Denise Cummings with two sons and one granddaughter. I serve on several committees dealing with developing manufacturing, clean energy and environmental issues. Democratic PCO for 4004.

Statement

I want to continue working to develop manufacturing jobs with living wages and benefits and new clean energy sources to power our changing economy. I support education and science and know that using both we can solve every social, and economical challenge we face. We must work together because "a house divided cannot stand", I will seek consensus but never compromise on justice for all. I want to start with my vow to follow the West Point Cadet pledge: "I won't lie, cheat or steal and I won't tolerate those who do". I would be honored to receive your vote.

Ted Cummings - Every campaign he tries to hide something - illegally late reports concealing the truth from the public

Report #	Type	Amends	Deposit Date	From	Through	Projected Due Date	Date Submitted	Projected Days Late	Est. Total Activity	Filer	Hyperlink
101000890	C3	0	8/10/2018			8/13/2018	9/24/2020	773	\$75.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903962
101000889	C3	100852688	8/7/2018			8/13/2018	9/24/2020	773	\$500.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903961
101000887	C3	0	8/7/2018			8/13/2018	9/24/2020	773	\$105.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903959
101000895	C3	100853776	8/17/2018			8/20/2018	9/24/2020	766	\$275.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903967
101000893	C3	0	8/16/2018			8/20/2018	9/24/2020	766	\$100.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903965
101000892	C3	0	8/15/2018			8/20/2018	9/24/2020	766	\$600.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903964
101000891	C3	0	8/13/2018			8/20/2018	9/24/2020	766	\$200.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903963
101000898	C3	0	8/22/2018			8/27/2018	9/24/2020	759	\$295.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903970
101000897	C3	0	8/20/2018			8/27/2018	9/24/2020	759	\$150.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903969
101000896	C3	100854715	8/23/2018			8/27/2018	9/24/2020	759	\$77.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903968
101000903	C3	0	8/29/2018			9/3/2018	9/24/2020	752	\$60.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903975
101000902	C3	100855735	8/28/2018			9/3/2018	9/24/2020	752	\$100.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903974
101001017	C4	100858398		7/31/2018	8/31/2018	9/10/2018	9/25/2020	746	\$1,579.30	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904092
101000907	C3	0	9/6/2018			9/10/2018	9/24/2020	745	\$50.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903979
101000906	C3	0	9/5/2018			9/10/2018	9/24/2020	745	\$550.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903978
101000905	C3	100858386	9/4/2018			9/10/2018	9/24/2020	745	\$350.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903977
101001010	C3	0	9/14/2018			9/17/2018	9/25/2020	739	\$250.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904085
101000915	C3	0	9/16/2018			9/17/2018	9/24/2020	738	\$100.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903987
101000914	C3	0	9/14/2018			9/17/2018	9/24/2020	738	\$675.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903986
101000913	C3	0	9/13/2018			9/17/2018	9/24/2020	738	\$50.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903985
101000911	C3	100859644	9/11/2018			9/17/2018	9/24/2020	738	\$200.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903983
101000912	C3	100861883	9/27/2018			10/1/2018	9/24/2020	724	\$25.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903984
101000923	C3	100863468	10/2/2018			10/8/2018	9/24/2020	717	\$1,500.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903995
101000922	C3	100863453	10/1/2018			10/8/2018	9/24/2020	717	\$175.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903994
101001018	C4	100866250		9/1/2018	10/15/2018	10/16/2018	9/25/2020	710	\$6,425.80	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904093
101000929	C3	100865116	10/12/2018			10/15/2018	9/24/2020	710	\$375.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904001
101000925	C3	100863504	10/11/2018			10/15/2018	9/24/2020	710	\$75.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4903997
101001021	C3	100868013	10/19/2018			10/22/2018	9/25/2020	704	\$1,620.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904096
101001020	C3	100868008	10/16/2018			10/22/2018	9/25/2020	704	\$1,000.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904095
101001019	C3	100868005	10/16/2018			10/22/2018	9/25/2020	704	\$500.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904094
101001011	C3	0	10/15/2018			10/22/2018	9/25/2020	704	\$200.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904086
101000933	C3	100865137	10/17/2018			10/22/2018	9/24/2020	703	\$25.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904005
101000932	C3	100865136	10/17/2018			10/22/2018	9/24/2020	703	\$300.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904004
101000931	C3	100865134	10/17/2018			10/22/2018	9/24/2020	703	\$85.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904003
101000930	C3	100865120	10/17/2018			10/22/2018	9/24/2020	703	\$50.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904002
101000928	C3	100865107	10/15/2018			10/22/2018	9/24/2020	703	\$300.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904000
101001026	C3	100870123	10/26/2018			10/29/2018	9/25/2020	697	\$1,000.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904101
101001023	C3	100872588	10/23/2018			10/29/2018	9/25/2020	697	\$465.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904098
101001033	C4	100871209		10/16/2018	10/29/2018	10/30/2018	9/25/2020	696	\$9,528.88	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904108
101002174	C3	0	11/2/2018			11/5/2018	9/29/2020	694	\$250.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4905266
101001061	C3	100872726	11/3/2018			11/5/2018	9/25/2020	690	\$265.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904144

101001044 C3	100872718	11/2/2018			11/5/2018	9/25/2020	690	\$1,383.24	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904119
101001043 C3	100872712	11/1/2018			11/5/2018	9/25/2020	690	\$1,243.20	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904118
101001027 C3	0	10/30/2018			11/5/2018	9/25/2020	690	\$50.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904102
101001025 C3	100870112	10/29/2018			11/5/2018	9/25/2020	690	\$100.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904100
101002176 C4	100876574		10/30/2018	11/30/2018	12/10/2018	9/29/2020	659	\$4,346.72	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4905267
101001066 C3	100873752	11/10/2018			12/10/2018	9/25/2020	655	\$25.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904150
101001065 C3	100873751	11/6/2018			12/10/2018	9/25/2020	655	\$220.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904149
101001053 C3	100872720	11/7/2018			12/10/2018	9/25/2020	655	\$1,303.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904128
101001034 C3	100872728	11/5/2018			12/10/2018	9/25/2020	655	\$750.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904109
101001031 C3	100872709	11/5/2018			12/10/2018	9/25/2020	655	\$480.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4904106
101002179 C4	100881098		12/1/2018	12/31/2018	1/10/2019	9/29/2020	628	\$0.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4905271
101002181 C4	0		1/1/2019	5/31/2020	2/11/2019	9/29/2020	596	\$4,006.40	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4905275
101002180 C3	0	5/1/2020			6/10/2020	9/29/2020	111	\$4.59	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4905273
101002778 C4	0		6/1/2020	10/2/2020	7/10/2020	10/3/2020	85	\$220.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4905887
110119800 C3	0	7/26/2022			8/1/2022	10/17/2022	77	\$1,588.81	Ted Cummings	https://apollo.pdc.wa.gov/public/registrations/campaign-finance-report/110119800
110004956 C4	0		10/27/2020	11/30/2020	12/10/2020	1/6/2021	27	\$25.43	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4923581
110004955 C3	0	11/4/2020			12/10/2020	1/6/2021	27	\$125.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4923580
110004954 C3	0	11/3/2020			12/10/2020	1/6/2021	27	\$5.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4923579
100987174 C4	100983328		6/1/2020	7/13/2020	7/14/2020	7/28/2020	14	\$10.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4890126
110119799 C3	0	10/8/2022			10/10/2022	10/17/2022	7	\$1,750.00	Ted Cummings	https://apollo.pdc.wa.gov/public/registrations/campaign-finance-report/110119799
100998718 C3	0	9/4/2020			9/7/2020	9/14/2020	7	\$10.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4901736
100998717 C3	0	9/2/2020			9/7/2020	9/14/2020	7	\$70.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4901735
100872588 C3	100870033	10/23/2018			10/29/2018	11/5/2018	7	\$0.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4767168
100998360 C4	100997506		7/28/2020	8/31/2020	9/10/2020	9/13/2020	3	\$1,556.31	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4901386
110009904 C4	0		1/1/2021	1/31/2021	2/10/2021	2/12/2021	2	\$221.47	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4928786
101006173 C3	0	10/9/2020			10/12/2020	10/13/2020	1	\$1,100.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4909306
101006172 C3	0	10/8/2020			10/12/2020	10/13/2020	1	\$100.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4909305
101006171 C3	0	10/7/2020			10/12/2020	10/13/2020	1	\$70.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4909304
101006170 C3	0	10/6/2020			10/12/2020	10/13/2020	1	\$1,010.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4909303
101003881 C3	0	10/2/2020			10/5/2020	10/6/2020	1	\$50.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4906974
101003880 C3	0	9/30/2020			10/5/2020	10/6/2020	1	\$91.44	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4906973
101003879 C3	0	9/29/2020			10/5/2020	10/6/2020	1	\$1,110.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4906972
101003878 C3	0	9/28/2020			10/5/2020	10/6/2020	1	\$100.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4906971
101002148 C3	0	9/25/2020			9/28/2020	9/29/2020	1	\$78.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4905240
101002147 C3	0	9/23/2020			9/28/2020	9/29/2020	1	\$28.57	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4905239
101002146 C3	0	9/22/2020			9/28/2020	9/29/2020	1	\$125.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4905238
100987176 C3	0	7/25/2020			7/27/2020	7/28/2020	1	\$500.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4890128
100987175 C3	0	7/24/2020			7/27/2020	7/28/2020	1	\$5.00	Ted Cummings	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4890127
100881098 C4	0		12/1/2018	12/31/2018	1/10/2019	1/11/2019	1	\$0.00	Ted Cummings (TED CUMMINGS)	https://web.pdc.wa.gov/rptimg/default.aspx?docid=4776277



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[Home](#) > ELECTIONS -- INITIATIVE NO. 276 -- FILING FEES AS REPORTABLE EXPENDITURES UNDER INITIATIVE NO. 276

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."