

From: Larry McDonough 5377 Smith Ridge Drive.  
Bellingham, WA 98226

December 4th, 2023

email: Larry\_LJM@protonmail.com

RE: PDC Complaint  
Case #145194

To: Tabatha Blacksmith  
Compliance Officer, Public Disclosure Commission  
711 Capitol Way Room 206 P.O. Box 40908  
Olympia WA, 98504

Dear Ms. Blacksmith,

I received your letter regarding alleged PDC violations that complainant Nancy Lindsey has filed against me. I would like to respond as follows:

1. First of all, it is important to know that I mailed out post cards only to the people residing in my Precinct 136, County Council District 4. I mailed those post cards only to people whom I viewed as my conservative neighbors in Precinct 136, and whom in my personal view would support the candidates that I believed would best serve us. The PDC rules were reviewed to see if there were any guidelines or laws that would pertain to this. Information on the PDC website leads me to believe that I would be well within the guidelines of identifying and reporting requirements of the PDC, not in violation of them. Independent expenditures and electioneering communications are important because they are a constitutionally protected form of speech and, unlike contributions, not subject to limit. My post card mailing actions were not a contribution to the campaigns of Dan Purdy or Mark Stremler.

As long as an expenditure does not constitute a contribution as defined in RCW 42.17A.005(16)(a) and WAC 390-05-210, the person making it is free to spend as much or as little as he or she likes.

I did this on my own. I did not consult with or coordinate with Candidates Dan Purdy or Mark Stremler about my intention to mail these post cards. PDC rules state that Individuals and organizations that make independent expenditures – defined as an expense that advocates the election or defeat of a candidate and is not done in coordination or consultation with that candidate – must report such expenses of \$2,000 or more. With a reportable amount limit of \$2,000, I did not come close to that. Altogether with the printing and postage I spent \$125.

2. With regards to the alleged violation of RCW 42.17A.255, 260, or 305 *failing to timely report an independent expenditure or electioneering communication on a C-6 Report*, does not apply to me as I am not a member of their campaigns or part of a group or organization campaigning for them. I sent these postcards out as a private citizen, viewing this as no different than writing a

private letter to my neighbors and did not represent myself on them as any group, organization, or political affiliation. Making a C-6 report is not applicable to me in this situation.

3. Because I live in Whatcom County District 4, Precinct 136, I view my fellow residents within my Precinct as my neighbors. The training conducted by the Whatcom County Republican Party (WCRP) for incoming newly elected or appointed PCO's, includes the mantra "Your Precinct, your neighbors" That mantra is also directed to all members of the Party in our formal meetings, not just the PCO's, to encourage them to engage their neighbors within their Precinct. I believe that I am an individual (not an organization) that has the right to engage my precinct neighbors with a personal postcard that lets them know who I think are worthy candidates and remind them of the importance of voting. In this case it was Dan Purdy candidate for Whatcom County Executive, (a position that has authority and influence over District 4) and Mark Stremmler candidate for Whatcom County Council District 4. Both of which would have representative authority for the Precinct that I reside in and I as a citizen am acutely tuned into the affects that their decisions would have on my neighbors and I.

4. Regarding the complaint that a violation occurred under the category of *"Paid for identification name or address is missing, therefore not allowing the recipient/voter knowledge"* is flatly false, and Ms. Lindsey's complaint implies that she does not know who I am or my affiliation. My name and address are right there on the front of the postcard. I believe that Nancy Lindsey knows exactly who I am. The question to ask is how did Ms. Lindsey come into possession of this photograph of this post card and the other mailer? What would motivate someone who does not live anywhere near my District and therefore can not vote in my District, to file a complaint? That post card was not mailed to her nor was any communique mailed to her by me. Nancy Lindsey is a past Whatcom County Republican Party (WCRP) Officers Board member along with Kathy Kershner, who was a candidate for re-election this year to County Council District 4. From December 2022 until July 2023 I was the Chairman of the Whatcom County Republican Party however I had to step down from the position due to a heart attack that I incurred in June 2023. In the course of my duties as WCRP Chairman, I have had direct meetings with County Council District 4 member and opposing candidate Kathy Kershner. Ms. Kershner and complainant Nancy Lindsey know each other well. Back in 2018 Kathy Kershner was elected Chairman of the Whatcom County Republican Party and Nancy Lindsey was elected Treasurer. They served together in that capacity for two years. In the past they have worked together to form a Montessori School in Bellingham. They have at least a lengthy working relationship if not a friendship. They both know who I am.

Complainant Nancy Lindsey submitted a photo of the postcard in question which is addressed to Misty Flowers of Bellingham, Flowers is the leader of the political activist group "Be Brave" (Ms. Flowers was a candidate this year for Whatcom County Executive running against Dan Purdy in the Primary which she lost). Misty Flowers knows who I am. Misty Flowers has been in my home, to participate in a Be Brave organization's meeting. My wife has attended public Be Brave meetings with Misty Flowers on multiple occasions in the past 2 years, as have I on at least 2 occasions. Misty Flowers and my wife have had cordial debates on the merits of Kathy Kershner or Mark Stremmler for a County Council position.

Misty Flowers was a supporter of Kathy Kershner's candidacy for re-election. For Nancy Lindsey to claim that she or Misty Flowers would not be "*allowed voter knowledge*" without knowing *who distributed the postcard* is ludicrous. I do not know how that photo of a postcard addressed to Misty Flowers who resides in my Precinct 136 in District 4, ended up in the possession of Nancy Lindsey who lives in Council District 5 Precinct 120. I did not mail anything to the residence of Nancy Lindsey, yet she filed a complaint using a photo of a post card mailed to someone else who lives 17 miles away from her residence in a different District. On the postcard in question, where I introduced myself "as your neighbor" it clearly has ONLY my name, my home address and is signed by me. I did not electioneer on this postcard for these candidates as a political figure, or candidate staff member, but just as what I am now, a neighbor.

5. Finally, regarding the complaint about the flyer with the introduction: "*As your Precinct Committee Officer*" (PCO)

- a) In the first place, I am not a PCO and therefore could not make this statement.
- b) Secondly and most importantly, I did not send this flyer out. I had never seen it until it was mailed from you to me in this complaint action.
- c). The document provided by Ms. Lindsey which has the introductory statement on it: "*As your Precinct Committee Officer...*" it is a non-identified document, it does not have any addressee name on it or sender name information on it. What proves that this piece of "evidence" is a flyer sent out via the mail? Where did they locate it?

Because I did not send that purported flyer document to anyone, it is unsubstantiated speculation by Nancy Lindsey and is inappropriate to direct this complaint at me.

In the comments section regarding the question: "*What impact does the alleged violation (s) have on the Public?*" Throughout the complaint filing statements, Complainant Nancy Lindsey speaks in the first person, but then shifts to plural identification of complainants. Her response states in the second paragraph: "It is our understanding..." which grammatically and necessarily leads me to believe that Ms. Lindsey colluded with other unnamed complainants to formulate and file this complaint against me. It is my view that these unnamed person(s) would most likely be Kathy Kershner, the opposing candidate for the Whatcom County Council District 4 position running against Mark Stremmer, and Whatcom County Executive opposing candidate Misty Flowers, who ran against Dan Purdy in the Primary, which she lost. I mailed out this post card after the August Primary, after I had stepped down as WCRP Chairman, to individuals in my Precinct only, as a neighbor encouraging them to vote.

If this complaint does move forward I believe that it is necessary to discover what the candidates Kershner and Flowers involvements are in this baseless complaint. Did Nancy Lindsey even receive the postcard she is so sternly objecting to? She has only shown a photo of the post card that I mailed to Misty Flowers and not provided any evidence that she received any postcard herself from me, as I believe should be required from a complainant to prove that they have a legal residential voting right complaint. As I stated, my post card was mailed only to selected conservative residents of my Precinct. Nancy Lindsey does not live in my Precinct, let alone my County Council District 4. She resides in District 5 Precinct 120. I have not received one complaint or comment from anyone residing in my Precinct about this post card mailing. That Nancy Lindsey can not vote for a County Council District 4 position makes this complaint a moot point.

Finally, when I was Chairman of the WCRP, I did not give my public support to Kathy Kershner's candidacy for re-election and she did not hesitate to express her profanity laced and vitriolic anger about that. She believed that I owed that to her. Additionally, I did not give my public support to Misty Flowers' candidacy for Whatcom County Executive, that decision was not personal, I just did not believe that she was a viable candidate. These circumstances lead me to believe that Ms. Kershner and Ms. Flowers could be the motivations behind this complaint filing from Ms. Lindsey. This entire action appears to me to be an attack on me personally, with unsubstantiated frivolous claims and has no basis in merit.

Therefore, in my estimation I exercised my right of free speech without any violation of PDC reporting requirements or revelation of sponsorship and complainant Nancy Lindsey does not have voting rights in the District and Precinct where this post card was mailed out. I respectfully submit that there is no actionable complaint and it should be dismissed. I look forward to your response.

Sincerely,

Larry McDonough