

August 23, 2017

Fox Blackhorn  
Compliance Coordinator  
Public Disclosure Commission  
711 Capitol Way S, Suite 2016  
Olympia, WA 98501

Subject: Re: PDC - Friends of the Port: Alleged violation of RCW 42.17A.320 for failure to list group using general treasury funds for independent expenditures and RCW 42.17A.435 for improper identification of source of expenditure (August 2017)

Dear Mr. Blackhorn:

Thank you for the opportunity to respond to the alleged violations from October 2015. The Thurston County Chamber of Commerce and International Longshoreman Workers Union (ILWU) 47 share a common interest in support for the mission of the Port of Olympia. The two organizations joined together on a joint project and created the Friends of the Port (FOP) coalition in 2015 to help educate the public about the key role the Port plays in creating jobs and economic activity and protecting public resources to benefit all of Thurston County. The project was initiated in early 2015 and conducted its activities throughout the year without any intention of being an independent expenditure committee related to fall 2015 Port elections.

To inform and guide its public information efforts, the FOP completed public opinion research on various port economic and environmental issues. The group also worked with the Thurston Chamber communications staff on a cover story for the May-June 2015 issue of the Chamber's *Voice* magazine, submitted an opinion column to *The Olympian* (7.21.15), and developed and delivered a PowerPoint presentation to numerous civic organizations throughout Thurston County during 2015. Copies of these materials can be provided if they would be helpful in your understanding of the activities of the FOP. However, it is worth noting that none of these materials included any endorsement of or opposition to any candidate for Port Commission.

As part of its outreach effort, the FOP also planned, produced and distributed one mail piece to members of the public with a condensed version of the message presented in its other communications efforts. An electronic copy of that mailing is enclosed with this response. Since the mailing was going to occur during the fall election season that included Port Commission races, we proactively contacted the PDC to inquire whether there were any necessary disclosure requirements.

Our discussion with PDC staff included the fact that our mailing would not refer to any individual Port Commissioner or candidate for Port Commission, did not encourage recipients to vote in the fall Port election, or even reference those elections. Thus, we were informed that our mailing would not trigger any Independent Expenditure Committee reporting requirement.

Further, during our discussion, we were advised of the following:

1. Because our mailing would be sent out within 60 days of an election, there was the potential that someone could challenge the mailing as "electioneering" – there was essentially nothing we could do to eliminate the chance of a challenge.
2. PDC staff can't "pre-approve" or "guarantee" the compliance of any mailing in the case of a challenge, but we were advised that we would have a strong case to present in the event of a challenge, based on the following facts:

- a. The mailing did not name any individuals or refer to "candidates" and all references are to the Commission as a body
  - b. The mailing did not mention voting or ask voters to support or oppose any specific candidate or type of individuals
  - c. The mailing was part of a broader community education campaign that had been underway for some time, including other media and public presentations
  - d. The *Voice* cover story and *Olympian* op-ed had already publicly made the same points that were made in the mailing
  - e. The mailing, along with all previous outreach efforts, had clearly stated that the FOP effort was a joint Chamber-Longshoremen project.
3. The PDC staff recommended a specific reporting action to further protect ourselves in the event of any potential challenge. They suggested filing a C-6 form to officially identify the entities sponsoring FOP effort as the Chamber and Longshoremen – information also provided on the mailing itself. It was suggested that on this form, we then identify all four finalist Port candidates, indicating that the mailing was both "for" and "against" all of them. This was the direction we received to clearly indicate that the mailing was not intended to benefit any individual candidate.

Specifically, regarding the alleged violations:

1. Based on the guidance we received, FOP completed Form C-6 and listed all final candidates for Port Commission elections and checked both "support" and "oppose" to indicate there was not any benefit intended for any individual candidate (distributing the total cost for the mailing evenly among the "support" and "oppose" categories for all candidates). The form was submitted under the signature of Robert Rose from the ILWU, one of the group's co-sponsors.
2. On the C-6 form, under Item 4, we selected option "C," describing the source of funding as "a business, union, group, association, organization, or other person using only general treasury funds" as the expenditure in question (the mailing) was part of a broader community communications program. According to the form, there is no further requirement to list sources of funds if option "C" is selected.
3. Once we submitted the C-6 form, we were not advised of any omission or that any additional information or follow-up would be required.

The FOP effort was completed nearly two years ago. No one involved in the Friends of the Port effort ever received any contact or complaint about the contents of the mailing or any questions as to the funding of the effort, as it clearly states it was paid for by the ILWU 47 and Thurston County Chamber of Commerce. To now claim that the FOP mailing was an "independent expenditure" when its only relation to the actual Port Commission elections was timing is a serious mischaracterization.

We request that these complaints be dismissed upon review, and are available for further clarification as needed. We appreciate the work of the PDC and thank you contacting us regarding this matter.

Sincerely,



Robert Rose,  
ILWU 47

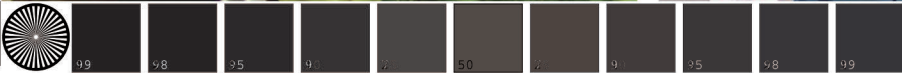
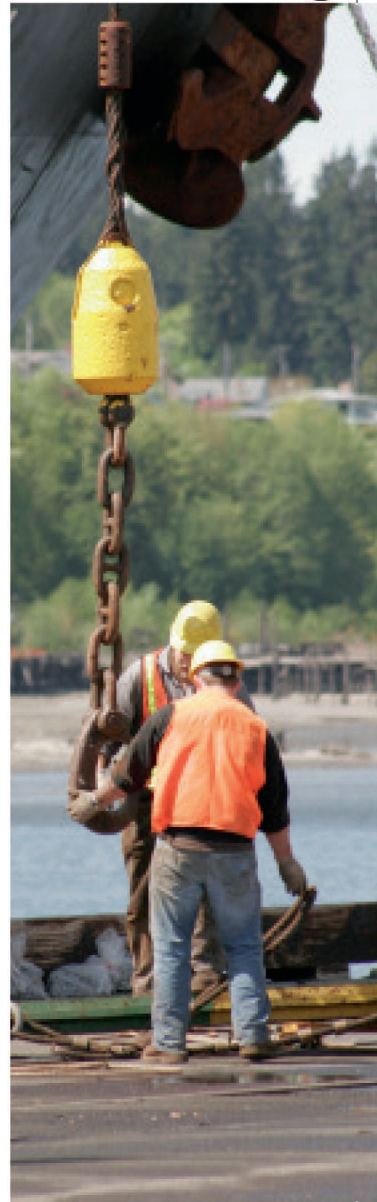


David Schaffert,  
Thurston County Chamber of Commerce





# JOB 1 FOR THE PORT OF OLYMPIA COMMISSION: Protecting the Jobs of Our Hard-Working Neighbors







## The Port of Olympia is one of our most-important economic engines, creating more than 7200 jobs throughout Thurston County.

Eight in ten local residents say that these Port-created jobs are important for our local economy. And they say that economic impacts should be the #1 consideration in setting Port strategies.

We need a Port Commission that understands and embraces the key economic role the Port plays. That will work to protect existing jobs and create new ones. That will focus public resources on the Port's mission to benefit all Thurston County residents.

Jobs and economic activity are the public's priority. We need a Port Commission that respects that priority.

### Friends of the Port

PO Box 1427 • Olympia, WA 98507



Paid for by Friends of the Port, an ILWU Local 47 and Thurston County Chamber of Commerce coalition dedicated to supporting the Port of Olympia's mission to contribute to the economic, environmental and cultural health of Thurston County. For more information, go to: <http://www.slideshare.net/ThurstonChamber/friends-of-the-port-of-olympia>



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