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December 14, 2016

Bob Ferguson  
Washington Attorney General  
1125 Washington Street SE  
P.O. Box 40100  
Olympia, WA 98504-0100

Dear Messr. Ferguson,

Pursuant to RCW 42.17A.765(4), I write to report violations of the Public Disclosure Act (“PDA”), RCW 42.17A, by Service Employees International Union Healthcare 775NW (hereinafter “SEIU 775” or “union”), and by David Rolf, Adam Glickman, and Sterling Harders in their respective capacities as President, Secretary-Treasurer, and Vice President of SEIU (“the SEIU officers”).

*Summary of violation.* SEIU 775 is a political committee pursuant to RCW 42.17A.005(37). The union both expects to receive contributions and make expenditures to support or oppose candidates or ballot propositions in elections. See *Utter v. Bldg. Indus. Ass’n of Washington*, 182 Wn.2d 398, 427, 341 P.3d 953 (2015). Thus, SEIU 775 has failed to file with the Public Disclosure Commission (“PDC”) a “statement of organization” required by RCW 42.17A.205(1). Additionally, SEIU 775 has failed to meet any of the reporting requirements for political committees set forth in RCW 42.17A.235 and RCW 42.17A.240.

**Violations of RCW 42.17A.205, RCW 42.17A.235, & RCW 42.17A.240.**

SEIU 775 is purportedly a labor organization. However, by its own admissions, it is **also** a political committee as defined by Washington law. RCW 42.17A.005(37) sets forth the definition of a political committee:

“Political committee” means any person (except a candidate or an individual dealing with his or her 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.

An organization may constitute a political committee under either the contributions prong or the expenditures prong. In *Utter*, 182 Wn.2d at 427, the Washington Supreme Court adopted an additional “purpose” test to the expenditures prong that an organization must satisfy to be a “political committee” for PDC reporting purposes. The Court held that an organization is a political committee under the expenditures prong and subject to the PDA’s reporting requirements if “a



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primary purpose” of the organization is “electioneering[.]” *Utter*, 182 Wn.2d at 426.<sup>1</sup>

SEIU 775 is a political committee under both the contributions prong and expenditures prong for the reasons detailed in the text below and the numerous exhibits.

If an organization meets the definition of a political committee under either the contributions prong or the expenditures prong, it must file a statement of organization with the PDC, RCW 42.17A.205, and file regular monthly reports with the PDC detailing each contribution it receives and each expenditure it makes, RCW 42.17A.235. RCW 42.17A.240. SEIU 775 has failed to do so.

**I. SEIU 775 is a political committee under the contributions prong.**

SEIU 775 is a labor organization and exclusive bargaining representative for approximately 40,000 individuals, the vast majority of which (approximately 34,000) are Washington Individual Providers who are public employees “solely for the purposes of collective bargaining.” RCW 74.39A.270. However, SEIU 775 is also a political committee.

The first test that must be met in order to prove an organization is a political committee is to show that an organization expects to receive contributions “in support of, or opposition to, any candidate or any ballot proposition.” RCW 42.17A.005(37). SEIU 775 does in fact receive contributions from various political, union, and other organizations with the expectation of supporting and/or opposing candidates and/or ballot propositions.

**A. SEIU 775 expects to receive contributions in support of or opposition to any candidate or a ballot proposition. (Independent Argument #1.)**

PDC records, United States Department of Labor LM-2 reports (“LM-2 reports”), and Internal Revenue Service Return of Organization Exempt from Income Tax forms (“990 forms”) indicate that from 2010 to 2015 SEIU 775 received approximately \$9,755,698 from Service Employees International Union (“SEIU International”), Working Washington, and SEIU 775’s own Political Action Committee (“SEIU 775 PAC”). See Exhibits A-C. Records from those various reports show that this money was given to SEIU 775 specifically for the purpose of engaging in political activity.

In 2010, SEIU International’s LM-2 records show it gave SEIU 775 \$634,647. This transaction is recorded in Schedule 16, which designates money give to groups or individuals for “Political Activities and Lobbying.” See Exhibit D. Similarly, in 2012, SEIU International’s Schedule 16 of its LM-2 report shows a donation to SEIU 775 in the amount of \$610,706. See

<sup>1</sup> “Political activity” and “electoral political activity” are also used in this letter. For the purposes of this letter, they are synonymous with “electioneering.”



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**Exhibit E.** Finally, between 2014 and 2015, SEIU International's Schedule 16 shows it gave another \$1,284,252 to SEIU 775. *See Exhibit F.* In total, between 2010 and 2015, SEIU International gave SEIU 775 \$2,529,605 *specifically for political activities and lobbying.*

In addition to receiving funds from SEIU International expressly for political activities, SEIU 775 also has the expectation of receiving contributions from politically motivated groups in Washington State. Working Washington, a political organization created and funded by SEIU 775, has as its mission to "build a powerful workers movement that can not only dramatically improve wages and working conditions, but can also change the local and national conversation about wealth, inequality, and the value of work." *See Exhibit G.* Working Washington accomplishes its mission by supporting and opposing candidates and ballot propositions. In its first 990 form from 2012, Working Washington states it works to "push corporations and politicians to invest in our communities and create good jobs." *See Exhibit H.* Between 2011-2015, Working Washington, also an explicitly political organization, gave SEIU 775 approximately \$3,632,335 to use for political activities. *See Exhibit I.* SEIU 775 designated Working Washington's contributions as "Cost Reimbursements for Labor/Community Coalition. *Id.*

Also, between 2012-2016, SEIU 775's own political action committee, SEIU 775 PAC, gave SEIU 775 \$95,016 as independent expenditures for political activities such as staff time doorbelling to support Jay Inslee, a gubernatorial candidate, and opposing Rob McKenna, Inslee's opponent. *See Exhibit J.* Further, SEIU 775 PAC's independent expenditures were given for staff time devoted to campaigning and running phone banks for Ed Murray, who was at the time running for a position as Seattle's mayor. *See Exhibit K.*

Finally, the SEIU 775's Membership Application given to members at SEIU trainings and orientations solicits funds from its members in addition to regular dues by asking them to give donations to the SEIU Committee on Political Education ("SEIU COPE"). The language reads:

Hold Politicians Accountable to Working Families. Yes! I want to hold politicians accountable to working families and I know we can only do that if we stand together. I hereby authorize my employer to withhold the indicated amount per month to forward to SEIU Healthcare 775NW as a contribution to SEIU Committee on Political Education (SEIU COPE).

#### **Exhibit L.**

Although these examples are not exhaustive, they clearly point to the fact that SEIU 775 expects to receive contributions for the purpose of engaging in political activity.



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**B. The membership dues collected by SEIU 775 also constitute contributions in support of or opposition to any candidate or ballot proposition. (Independent Argument #2.)**

SEIU 775 expects to receive such contributions as previously mentioned because union dues from Individual Providers constitute such contributions. Union dues constitute such contributions, "...if the members are called upon to make payments that are segregated for political purposes and the members know, or reasonably should know, of this political use." *State ex rel. Evergreen Freedom Found. v. Washington Educ. Ass'n*, 111 Wn. App. 586, 602-03, 49 P.3d 894 (2002) ("*Freedom Foundation*"). Union dues are political "contributions" under RCW 42.17A.005(37) "if the organization's members intend or expect their dues to be used for electoral political activity." *Id.* Union members need only "actual or constructive knowledge that their membership dues would be used for electoral political activity," *id.* at 603, and the organization must be "setting aside funds to support or oppose a candidate or ballot proposition." *Id.* at 602. The segregation of funds can occur in "any manner." *Id.* at 602-03. Further, "the ultimate disposition of the funds does not answer the contribution question; the expectation is what matters." *Utter*, 182 Wn. 2d at 416-17.

*1. SEIU 775 members possess actual and/or constructive knowledge that SEIU 775 spends union dues on electoral political activity.*

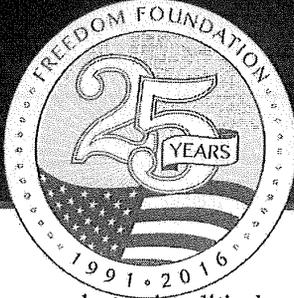
SEIU members must possess either actual or constructive notice that union dues are used for electoral political activity. Either will suffice. SEIU members possess both.

*a. SEIU members possess actual knowledge SEIU spends union dues on electoral political activity.*

A short survey of SEIU members will easily reveal that they have knowledge that SEIU spends union dues on electoral political activity. The evidence above and below regarding contributions and expenditures shows this. SEIU members receive SEIU mailers, emails, phone calls, and advertisements which portray electoral political activity on a regular basis, many of which are documented in this letter. Further, many SEIU members attend SEIU's yearly convention where SEIU officers speak on electoral political activities and SEIU's extensive involvement in electoral political activities. Many of these speeches are documented in this letter. Clearly, SEIU members possess actual knowledge that SEIU spends union dues on electoral political activities.

*b. Alternatively, SEIU members possess constructive knowledge SEIU spends union dues on electoral political activity.*

SEIU 775 gives its members constructive knowledge that union dues will be spent on



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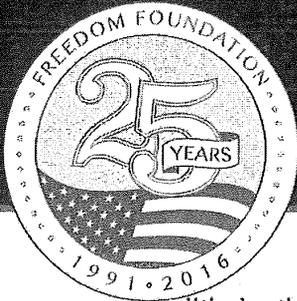
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electoral political activities. As detailed in Exhibits L-Y below, SEIU 775 does so through documents such as SEIU 775's constitution, bylaws, and membership packets, as well as activities such as orientations, trainings, speeches, mailers, public relations activities, news interviews, speeches at its conventions, and door-to-door campaigns. As the exhibits show, SEIU 775 members know or should know that SEIU 775 spends union dues on electoral political activity.

SEIU 775's own words give SEIU 775 members constructive knowledge union dues are spent on electoral political activities. Union dues go towards funding SEIU 775's stated mission, which is to "unite the strength of all working people and our families, to improve our lives and lead the way to a more just and humane world." See Exhibit M. Further, in its bylaws, SEIU 775 states its mission is to "lift caregivers out of poverty," "build worker organizations that are powerful, sustainable, and scalable," "transform health and long-term care to ensure quality and access for all," and "increase prosperity and reduce inequality for working people." See Art. 1.5 of SEIU 775's Constitution and Bylaws, 3-4 (Exhibit N). Two of its primary strategies to achieve the previously stated goals are to "[h]old politicians accountable" and "[a]dvance pro-worker policy through influencing government..." See SEIU 775 Bylaws, Art. 1.6(.). Additionally, SEIU 775's bylaws mandate that it is the responsibility of every SEIU member to "help build a political voice for working people..." See SEIU 775 Bylaws, Art. 2.10 (*Id.*). The purpose of the entire organization is inherently political.

Further, a membership packet dated December of 2014 indicates SEIU 775 does give members actual or constructive knowledge their union dues will go to support SEIU 775's political activities. The packet delineates how SEIU 775 spends union dues, which are divided into two distinct categories, chargeable and non-chargeable, which constitute approximately 60% and 40% of union dues respectively. Those activities that pertain to collective bargaining are considered chargeable and those that are not germane to collective bargaining are non-chargeable. Prior to the Supreme Court ruling *Harris v. Quinn*, 134 S.Ct. 2618 (2014), and in some cases after *Harris*, SEIU 775 members have the option to become agency fee payers, meaning they can choose not to pay the "non-chargeable" portion of membership dues.

Although some members of SEIU 775 can now refuse full payment of union dues without losing their jobs, the chargeable and non-chargeable portions of union dues remain for many, especially those paying full dues. Approximately 40% of activities union dues are spent on activities which have nothing to do with collective bargaining, many of which constitute electoral political activities. According to a document entitled "Notice to SEIU Healthcare 775NW Represented Employees in Home Care and Adult Day Health Bargaining Units Subject to Union Security Obligations", some of those non-chargeable activities include, "(1) Voter registration, get-out-the-vote efforts, and political campaigning; (2) supporting and contributing to not-for-profit or charitable organizations; (3) supporting and contributing to political organizations and candidates for public office; (4) supporting and contributing to ideological causes and committees, including ballot measures." See Exhibit O. The above-stated quote from a portion of an SEIU 775 member packet clearly shows that members have constructive knowledge their dues go to



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support political activity.

SEIU 775's LM-2 forms from 2010-2015 further indicates to its members and the public in general that it spends union dues on electoral political activity. From 2010-2015 respectively, SEIU 775 gave \$2,398,634, \$3,280,404, \$3,027,063, \$2,652,097, \$2,654,218, and \$4,450,038 in cash disbursements specifically for "Political Activities and Lobbying." See **Exhibit P**. In total, SEIU 775 used \$18,462,454 in member dues for the specific purpose of engaging in electoral political activity.

SEIU 775's website, which is frequented by members and non-members alike, states on its "Join SEIU 775 Today" page, "As an SEIU 775 member, you're part of one of the most influential organizations lobbying in Olympia today." See **Exhibit Q**. Further, SEIU 775's "About Us" page brags, "We represent more than 40,000 long-term care workers providing quality in-home care, nursing home care and adult day health services in Washington State and Montana. We have successfully held politicians accountable and have become one of the most powerful advocacy organizations in the region." See **Exhibit R**.

SEIU 775 also publically endorses candidates and ballot initiatives, indicating to its members and the wider public that it spends union dues on electoral political activities. Public endorsement is further proof that members possess constructive knowledge SEIU 775 engages in political activities.

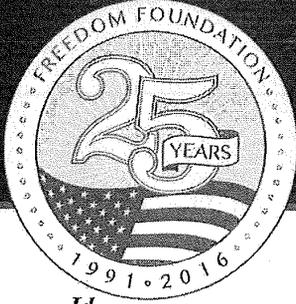
Examples of the specific candidates and ballot initiatives SEIU 775 supports abound. In an e-mail to members in 2015, SEIU 775 states:

Caregivers' voices are a critical part of our democracy. It's how we elected candidates who funded our [Independent Provider] contract, passed a nursing home staffing law, and supported healthcare access for all. Your voice is your vote. Click here to see who SEIU 775 members have endorsed in your area. Please mail in your ballot today, and vote for candidates and policies that will help caregivers and all working families! Adam Glickman.

#### **Exhibit S.**

In an advertisement within the e-mail, SEIU 775 continues:

No on Tim Eyman's I-1366! Tim Eyman wants to dismantle state funding for vital services. He and his wealthy friends designated initiative 1366 to force lawmakers to either allow a handful of extreme legislators to dictate the agenda for the whole state, or face \$8 billion in harmful cuts to essential services over six years in our state budget. Vote and mail in you ballot by Tuesday, November 3!



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*Id.*

SEIU 775 also encourages members on its website to support a comprehensive list of candidates and ballot initiatives approved by SEIU 775. The 2012 endorsement list includes national commendations for President, U.S. Senate, and House of Representatives. It also includes endorsements for Washington State Governor, Attorney General, Supreme Court, and state legislative races to name a few. The 2016 list includes many of the same endorsements mentioned previously, but adds specific ballot initiatives SEIU 775 believes members should vote on. *See Exhibit T-U.*

Perhaps the most glaring example that SEIU 775 gives supporters constructive knowledge their union dues are supporting SEIU 775's larger electoral political agenda comes from the President of SEIU 775, David Rolf. Every year, SEIU 775 hosts a convention for its members to gather and hear from leadership regarding the progress of the union in the previous year. At the September 5, 2014 Convention, Rolf states:

We said we were going to get the ability to win ballot measures and take on and hold politicians accountable. We even stopped the state of Washington from giving a \$300 million dollar subsidy to the NBA to build a new stadium, we forced the state to adopt the training program we'd envisioned all via ballot measures. We elected in the two states, uh, we elected governors that would not have held office without the strength and political power of our union.<sup>2</sup>

**Exhibit NNN.**

Rolf continues,

That's not all we did. Our union, with others, in the community and with other unions, our union played a leadership role, perhaps the leadership role, in many ways, in winning a \$15 wage for workers in SeaTac, uh, SeaTac airport and hotels and rental cars, uh, parking lots, the transportation and hospitality industry in SeaTac. Now the last time I checked, there were no nursing homes operating in SeaTac airport, so why did we, why did we take the leadership on this? You will remember a couple years ago when we were down in SeaTac, with DoubleTree marching with airport workers and a big protest at the airport. But, we did it because someone had to do it because it is the right thing to do. And, we're not a union that is just about us, we're a union that is about justice for all, and those airport workers, those airport workers who made good union jobs with benefits back in the 1970's, but today make minimum wage...But, that's not all we did. We actually had this

<sup>2</sup> Available on attached CD.



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other little project, where getting in late 2012, we started committing some of our resources to organizing fast-food workers. Not into a traditional union, but to stand up for themselves and demand \$15 and right to organize and we saw the first strike on May 29, 2013. We had a summer of action; candidate forms, boycotts, sit-ins, marches, rallies, and turned, in many ways, turned the election in Seattle, in many ways to a referendum on a \$15 an hour minimum wage. And, our union, not in our own name, because we're long-term caregivers, through our allies with Working Washington and working in coalition with others, played the most decisive leadership role in building that fast-food workers' campaign and then joined with our new mayor, Ed Murray, and a coalition of other unions and progressive organizations, progressive-minded businesses, and negotiated over four months, a new minimum wage policy for the City of Seattle, that, once complete, will get every to \$15 and then escalate on inflation and by the year 2025, every worker in Seattle will be making \$18.13 and get a raise every year thereafter.<sup>3</sup>

*Id.*

As the president of SEIU 775, Rolf holds all authority over the direction and mission of the union and how it designates resources and membership dues. According to SEIU 775 Bylaws, David Rolf has full authority to “decide, determine, and take charge of all legislative, public policy and political positions and actions of the Union, without limitation, and to establish, maintain, direct, and administer all political funds, political action committees, and other political or legislative accounts.” *See* SEIU 775 Bylaws, Art. 4.5 (**Exhibit V**).

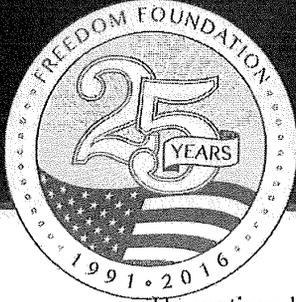
Rolf is only able to achieve this mission by spending significant amounts of union time, energy, and membership dues on electoral political activity—which is exactly what a political committee does. At SEIU 775's 2014 Convention, in referencing efforts to unionize airport workers in SeaTac, which were ultimately rejected, and SEIU 775's work to enact the \$15 minimum wage, Rolf stated:

[Y]ou don't want to recognize our union, you don't want to negotiate a fair contract, we have a better idea, we'll just write the union contract into the city law. And, we'll do \$15 an hour, we'll do paid sick-leave, we will make sure you have to offer full time work instead of part time work and we're gonna make sure that servers in the hotels get to keep their tips and if you break the law, we can sue you in court.<sup>4</sup>

*Id.*

<sup>3</sup> Available on CD.

<sup>4</sup> Available on CD.



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He continued:

We were backed into the initiative by [Alaskan Airline's] and the [Port of Seattle's] intransigence... We put 400 professional union organizers on the doorsteps that day and for the next five days—eight-hour shifts. We targeted people who never voted or only voted in presidential elections, but who had family, friends, someone they knew who worked at the airport. The organizers each had a list of 25 voters; they went back to each initiative supporter's house repeatedly until they saw they actually mailed the ballot.<sup>5</sup>

*Id.*

At SEIU 775's 2015 Convention, Rolf gave more examples of the union's involvement in political activities:

There are some more victories. The same week that happened, a different court, the Washington State Supreme Court, unfroze the long awaited \$15 for SeaTac airport workers that we [SEIU 775] helped lead the fight for back in 2011, 12, and 13. And, meanwhile, here in Seattle, we [SEIU 775] are on a march for \$15 for everybody over the next few years as a result of the work this union did in passing the nation's first true \$15 minimum wage... We have now led the campaign to bring a \$15 minimum wage to Seattle and SeaTac and the airport industry... So, if anyone says to me, 'Why are you out fighting for airport workers, why are you putting our union resources behind the fast food worker strikes?' Someone did it for us. And we are gonna do it for someone else.<sup>6</sup>

**Exhibit OOO.**

David Rolf isn't the only figure in SEIU 775 leadership that gives members constructive knowledge their dues support the union's larger electoral political agenda. Mary Kay Henry, President of the National SEIU, attended SEIU 775's 2014 Convention as a guest speaker and stated in front of SEIU 775 members:

And you [SEIU 775] fought for the right politicians here in Washington and I heard from one of them [the "right" politicians] this morning and that Gov. Jay Inslee could deliver the same talk [that I am]... We have this greater organization [SEIU 775] to thank for being a catalyst and making sure everybody in the progressive movement in this state got behind his [Governor Inslee's] election... You [SEIU 775] stood with workers in SeaTac to fight for Prop 1, and you helped raise the

<sup>5</sup> Available on CD.

<sup>6</sup> Available on CD.



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minimum wage to \$15, yeah! for airport workers in a race that was decided by 100 votes.<sup>7</sup>

#### **Exhibit PPP.**

Jay Inslee, Washington State Governor, elected largely through the efforts of SEIU 775, also attended SEIU 775's 2014 Annual Convention and Leadership Conference. In speaking of the benefits of individual providers in Washington State, Inslee stated:

You have helped us [Washington State] financially as well. You know, the savings that you have created because of your efficiency goes right back to the care. And, because we've used our funding wisely, AARP ranks us as one of the most generous states in the nation in providing personal care, and we're able to do that because of your dedication and your efficiency. For these reasons, I am very glad that in my first term as governor, I've been able to fully support your new contract and agency parody, which led to your first wage increase since 2008...As these negotiations are complete, I hope you'll stand with me to make sure that this contract is indeed funded by the legislature in the next year.<sup>8</sup>

#### **Exhibit QQQ.**

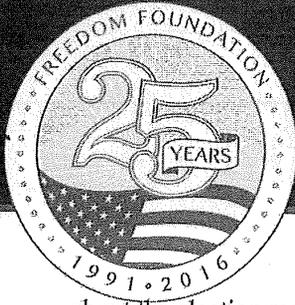
Each year, SEIU 775 holds conventions in which it brags about accomplishments made for caregivers and the State of Washington, including electoral political activities funded by union member dues. Speeches made by David Rolf and guests clearly indicate SEIU 775 spends money obtained from monthly union deductions to support SEIU's larger electoral political agenda, and further supports the claim that members have constructive knowledge their dues are used for such activities. Additionally, videos of all these speeches are, or have been, available on SEIU 775's website.

SEIU 775's public endorsements of candidates and ballot initiatives also give union members actual or constructive knowledge their dues go to support political activities. In a mailer sent to members this last fall, SEIU 775 recommends Washington State candidates such as Patty Murray, Jay Inslee, and Cyrus Habib. *See Exhibit W.* In a separate flyer, SEIU 775 endorses statewide initiatives it has a hand in financially and publically supporting, such as Initiative 1433, a ballot proposition to increase the minimum wage, and Initiative 1501, an act designed to stop the Freedom Foundation from contacting state-paid public employees about their constitutional rights. *See Exhibit X.*

After the election in November 2016, SEIU 775 sent an e-mail to members updating them

<sup>7</sup> Available on CD.

<sup>8</sup> Available on CD.



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about the election results. Of importance, the e-mail states:

Overall, caregivers and working families won big here in Washington State. We are on track to protect caregiver privacy, raise the minimum wage, re-elect our pro-worker Governor and elect new pro-worker legislators who will support lifting caregivers out of poverty and support quality care.

#### **Exhibit Y.**

In reference to Governor Inslee's re-election and the passage of I-1501 and I-1433, the e-mail also declares, "In Washington State, we [SEIU 775] wanted to elect candidates who fight for caregivers. And we did that." *Id.*

In an October 22, 2011 Seattle Times article entitled "Initiative 1163 latest dispute between Services Employees Union, legislators," Adam Glickman, Secretary-Treasurer of SEIU 775, states, "if the union was as powerful as some people say, *we* [SEIU 775] wouldn't have had to do this initiative." Available at <http://www.seattletimes.com/seattle-news/initiative-1163-latest-dispute-between-services-employees-union-legislators/> (last visited October 26, 2016). (Emphasis added.) In claiming that Initiative 1163 was a way to bargain more effectively for higher wages and better benefits, he stated, "We are not ashamed of saying that at all." *Id.* Finally, in speaking on "holding politicians accountable," Glickman said SEIU 775 helped unseat two senators in Snohomish County and stated that SEIU 775 would have targeted State Senator Ken Jacobson in a re-election campaign because Jacobson was "a reliable vote against long-term care workers." *Id.*

PDC reports indicate between 2010 to the present, SEIU 775 gave approximately \$4,667,425 in contributions to candidates, ballot initiatives, and other political action committees. The fact that these donations are publicly recorded and publically accessible adds further proof that union members have constructive knowledge their dues support electoral political causes.

As the above exhibits show, SEIU 775 receives contributions for the purpose of supporting and/or opposing candidates and/or ballot propositions, members have actual or constructive knowledge SEIU is spending dues to support and/or oppose those candidates and ballot initiatives, and SEIU makes frequent and clear endorsements to its members and the wider public of candidates and ballot propositions it supports. Finally, SEIU engages in electoral political activities using funds acquired from the union dues of its members, and openly boasts of the achievements that came as a result of supporting and/or opposing candidates and/or ballot initiatives. These activities are clear indications that SEIU expects to receive contributions in order to engage in political activities, and is a political committee under the contributions prong.

2. SEIU 775 members also intend and/or expect their dues to be used for electoral political activity.



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The preceding analysis has been of one of the two tests for a “contribution”—that union members have “actual or constructive knowledge that their membership dues would be used for electoral political activity[.]” *Freedom Foundation*, 111 Wn. App. at 603. An alternate test<sup>9</sup> is “if the organization’s members intend or expect their dues to be used for electoral political activity.” *Id.*

For all the same reasons described above that SEIU 775 members have actual or constructive knowledge that their dues are used for electoral political activity (**Exhibits L-X**), those members similarly intend or expect their dues to be used for such purposes. They have repeatedly been told this by SEIU 775. *See Exhibits L-Y* and provided links. It would be unreasonable for a member of SEIU 775 to expect otherwise.

3. SEIU 775 sets aside funds to support or oppose a candidate or ballot proposition.

Political activity requires money. Given all of SEIU 775’s statements about how it spends money on electoral political activity, SEIU 775 must set aside funds to spend on such activity. The segregation of funds can occur in “any manner.” *Freedom Foundation*, 111 Wn. App. at 602-03. There is reason to believe SEIU 775 sets aside funds for electoral political activities.<sup>10</sup>

SEIU 775 sets aside funds for electoral political activities. Each year, SEIU 775 spends millions of dollars specifically on political activities. LM-2 reports from 2010 to 2015 clearly show the trend of devoting financial resources of between \$2 million and \$4.5 million to use for its political agenda in Washington State. *See Exhibit Z*. PDC reports further indicate SEIU 775’s yearly commitment to financially supporting partisan candidates and initiatives such as Governor Inslee and Initiative 1501. *See Exhibit AA-BB*. A *Seattle Times* article, written by Jim Brunner, also recognizes SEIU 775’s long-time history of dedication to spending its resources to elect partisan candidates. Brunner states:

The influential union, pivotal in the push for Seattle’s \$15 minimum wage...has poured more than \$1 million into Democrats’ campaign committees...It’s another measure of clout for SEIU 775, which has turned the combined dues of thousands of lower-wage workers into a political powerhouse in state politics over the past 15 years.

**Exhibit CC.** LM-2 reports from 2010 to 2015 show that SEIU 775 was stockpiling millions of dollars in cash in preparation for the 2016 election. *See Statement A, Assets*

<sup>9</sup> This test is an alternate argument to the argument in § I(B)(1). Thus, it is not an additional requirement.

<sup>10</sup> Additionally, RCW 42.17A.270 requires a political committee receiving a contribution earmarked for the benefit of a candidate or another political committee to report the contribution as outlined in RCW 42.17A.235 and 42.17A.240.



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and Liabilities, of SEIU 775's 2010 LM-2 report which shows it had saved \$1,282,303 in cash by the end of the year (**Exhibit DD**). At the end of next four years respectively, SEIU 775 had merely \$126,097, \$35,219, \$2,029,278, and \$5,524,839. *See Exhibits EE-HH*. After a steady increase for four years, SEIU 775 managed to save an astounding \$11,459,372 by the end of 2015. *See Exhibit II*. Not only did SEIU 775 set-aside money each year for electoral political activities, SEIU 775 especially did so in anticipation of the 2016 election cycle.

Finally, further discovery and inquiries will reveal that documents, correspondence, records, statements, budgets, meeting minutes and notes, and bank accounts show SEIU 775 sets aside funds in "any manner" for electoral political activity.

## **II. SEIU 775 is a political committee under the expenditures prong.**

An alternative means to determine if an organization is a political committee is if it expects to make expenditures in support of and/or opposition to candidates and/or ballot propositions, RCW 42.17A.005(37), and has electoral political activity as a primary purpose.

### **A. SEIU 775 expects to make expenditures in support of and/or opposition to candidates and/or ballot propositions.**

Between 2010 to the present, SEIU 775 has given approximately \$4,667,425 to support candidates, initiatives, and other political committees. *See Exhibit JJ*. In addition, SEIU 775 has donated \$921,036 in in-kind contributions to many of those same groups. *See Exhibit KK*. To its own political action committee, SEIU 775 has given a combined total of \$1,567,188 in cash and in-kind contributions. *See Exhibit LL-MM*. These expenditures constitute political activity and direct support of candidates and/or ballot initiatives, further indicating SEIU 775 is a political committee and needs to submit required reports to the PDC. *See RCW 42.17A.235 & .240*.

PDC reports show SEIU 775 makes expenditures in support of candidates, political action committees, and initiatives. *See Exhibits JJ-MM*. Over the years, SEIU 775 has financially supported legislative candidates such as Tami Green, Mike Sells, and Seattle City Council candidate Tim Burgess to name a few. *See Exhibit NN-PP*. In 2010, SEIU 775 gave \$160,000 to Washingtonians for Education, Health, and Tax Relief. *See Exhibit QQ*. Further, in 2012, SEIU 775 donated \$25,000 to the Harry Truman Fund, which is a Washington State legislative PAC. *See Exhibit RR*. SEIU 775 also gives to partisan groups such as the 5<sup>th</sup> District Democrats Non Exempt, as well as the Washington State Democratic Committee. *See Exhibit SS-TT*. Finally, in 2016 alone, SEIU 775 gave \$1,575,00 in cash to the Campaign to Prevent Fraud and Protect Seniors, which was the campaign in support of Initiative 1501. *See Exhibit UU*.

Examples of in-kind contributions further indicate SEIU 775 makes expenditures in



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support of candidates, political action committees, and ballot propositions. In 2013, SEIU 775 gave an estimated total of \$302,000 in staff time, payments for meals, lodging, and other services for the YES! for SeaTac Campaign. *See Exhibit VV.* SEIU 775 also gave a \$13,562 in-kind contribution to the Raise Up WA campaign for staff services. *See Exhibit WW.* Finally, SEIU 775 donated approximately \$56,300 in in-kind contributions to the Campaign to Prevent Fraud and Protect Seniors campaign for staff time devoted to activities such as signature gathering in support of Initiative 1501. *See Exhibit XX.*

Finally, SEIU 775 regularly gives money to its own political action committee, SEIU 775 PAC. Cash contributions to its PAC equal approximately \$1,500,000 from 2010 to present. *See Exhibit YY.* In-kind contributions to SEIU 775 PAC total \$35,000 for services such as doorbelling, phone-banking, and staff overhead for activities related to supporting campaigns and political action committees. *See Exhibit ZZ.*

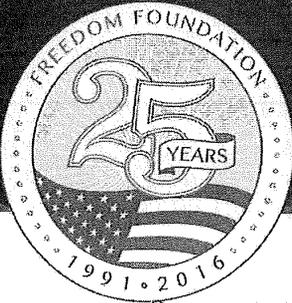
SEIU 775 has clearly established a pattern of conduct wherein it makes expenditures in support of, or opposition to, candidates and/or ballot initiatives. It is clear, not only from its own words (cited elsewhere in this letter), but also from its own expenditures that SEIU 775 expects to consistently and continually expend funds in support of, or opposition to, candidates and/or ballot initiatives.

#### **B. SEIU 775 has electoral political activity as a primary purpose.**

As previously noted, to be a political committee, “The organization making expenditures must have as its “primary or one of its primary purposes ... to affect, directly or indirectly, governmental decision making by supporting or opposing candidates or ballot propositions ...” *Freedom Foundation*, 111 Wn. App. at 599 (citation omitted). Courts consider the following nonexclusive factors when determining the primary purpose of an organization (no single factor is necessarily required, and other factors are considered):

- 1) the content of the stated goals and mission of the organization;
- 2) whether the organization’s actions further its stated goals and mission;
- 3) whether the stated goals and mission of the organization would be substantially achieved by a favorable outcome in an upcoming election;
- 4) whether the organization uses means other than that electoral political activity to achieve its stated goals and mission.

*Id.*, at 600. In addition to the evidence cited below, the evidence cited above and the “contributions prong” section of this letter also serves as evidence to support the fact that SEIU 775 has electoral political activity as a primary purpose.



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One way to test if a primary purpose of SEIU 775 is to affect governmental decisions by supporting and/or opposing candidates and/or ballot propositions is to examine its own words. If the stated goals and mission are achieved by a favorable outcome in elections, SEIU 775's own words can serve as evidence to prove it is a political committee.

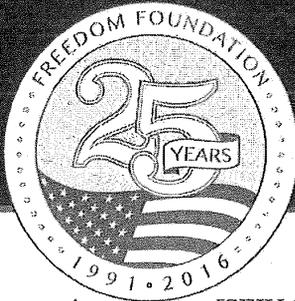
Collective bargaining is only one way SEIU 775 accomplishes its goals and, as shown above, electoral political activity is also a primary means to increase collective bargaining leverage and bargain more effectively. SEIU 775 consistently resorts to the support of and opposition of candidates and/or ballot initiatives to achieve its stated mission, which is to "unite the strength of all working people and our families, to improve our lives and lead the way to a more just and humane world." **Exhibit L.** Further, in its bylaws, SEIU 775 states a goal is to "lift caregivers out of poverty," "build worker organizations that are powerful, sustainable, and scalable," "transform health and long-term care to ensure quality and access for all," and "increase prosperity and reduce any quality for working people." See Art. 1.5 of SEIU 775's Constitution and Bylaws, 3-4 (*Id.*). Two of its primary strategies to achieve the previously stated goals are to "[h]old politicians accountable" and "[a]dvance pro-worker policy through influencing government..." See SEIU 775 Bylaws, Art. 1.6 (*Id.*). Additionally, SEIU 775's bylaws mandate that it is the responsibility of every SEIU member to "help build a political voice for working people..." See SEIU Bylaws, Art. 2.10 (*Id.*). This is an inherently political purpose. Evidence also indicates SEIU 775 engages in electoral political activities for the purpose of establishing leverage in its collective bargaining.

Perhaps the strongest evidence that one of the primary purposes of SEIU 775 is political is the 2013 Collective Bargaining Agreement between SEIU 775 and the SEIU Staff Union. Section 23.2 unabashedly states:

Because state, federal, and local legislative activity affects the wages, benefits, and rights of all workers, and because the long term care industry specifically is funded in principal part by public dollars, the outcome of elections for many public offices is very important to the Employer [SEIU 775]. [SEIU 775] regularly makes endorsements and participates actively in elections. All employees are required to do political work for candidates and member political education as a part of their job with [SEIU 775].

#### **Exhibit AAA.**

An organization whose employees are contractually obligated "to do political work for candidates" and conduct "political education" is an organization who has politics as one of its primary purposes. This is not even debatable. Further, SEIU 775's own statement that "[b]ecause state, federal, and local legislative activity affects the wages, benefits, and rights of all workers and because the long term care industry specifically is funded in principal part by public dollars, the outcome of elections for many public offices is very



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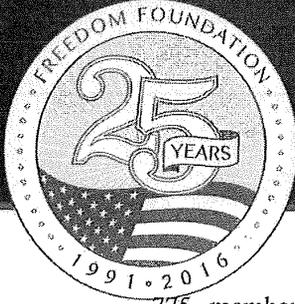
important to [SEIU 775]” blatantly admits that electoral political activity is a, if not the, primary way it accomplishes its goals not only for the labor movement in general, *but also for collective bargaining itself*. Obviously, SEIU 775’s actions further its mission, which would be substantially achieved by favorable election outcomes. Electoral political activity is obviously, blatantly, and pervasively one of SEIU 775’s primary purposes. No reasonable person could conclude otherwise.

As mentioned above, SEIU 775’s “Join SEIU 775 Today” page reflects that its political influence does in fact achieve its goals. Speaking to its members, SEIU 775 states, “As an SEIU 775 member, you’re part of one of the most influential organizations lobbying in Olympia today. By standing together, we’ve gone from a minimum wage workforce with no benefits to one with a wage scale to \$15/hour, health insurance and paid time off.” See **Exhibit BBB**. SEIU further touts its accomplishments by claiming to be “one of the most powerful advocacy organizations in the region.” See **Exhibit CCC**.

In addition to clearly stating its organizational purpose to be a politically powerful organization so as to achieve desired outcomes in elections, SEIU 775 has as part of its canvassing requirements to increase awareness among union members of the importance of giving to SEIU 775’s Political Accountability Fund. On its website, SEIU 775 advertises for a Mobilization Canvass Organizing Internship. In the job description, it states one of the goals is to “Engage members to be part of the movement. Increase membership participation by [Individual Provider] and [other union-member] homecare workers. Expand Political Accountability Fund Membership.” See **Exhibit DDD**. It later states, “For house visits you will be provided with all materials which will allow you to locate their homes easily. You will share your story and listen to members’ stories, encourage them to get involved, and to join the Political Accountability Fund.” *Id.*

In a letter sent to SEIU 775 members dated June 29, 2015, Adam Glickman, SEIU 775 Secretary-Treasurer, states:

Make no mistake about it: *our political action* combined with the contributions we make to [SEIU] COPE – our political accountability fund – *are the keys to our success*. By uniting and *flexing our political muscle*, we hold politicians accountable for our clients and for ourselves. Every year, thousands of caregivers join together, knock on doors, pass petitions, make phone calls, send letters and emails, and donate money to elect politicians who support the work we do and the clients we serve. And to un-elect politicians who don’t. We’ve come a long way, but there’s so much more to do – including creating a pathway to \$15 for all long-term caregivers, securing a meaningful retirement and expanding access to quality, affordable healthcare. This doesn’t come cheap. Every year thousands of members volunteer to lobby their legislators, make weekly trips to Olympia during legislative sessions and to work on political campaigns. And every year thousands of SEIU



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775 members like you and me donate to [SEIU] COPE – our Political Accountability Fund – because your contribution helps us win elections and be a strong lobbying force. Your contribution to our Political Accountability Fund went a long way toward convincing politicians that they need to improve our wages and benefits, fund our training, and improve nursing home staffing. This is all possible because caregivers like you contribute to [SEIU] COPE.

**Exhibit EEE** (emphasis added).

Another letter to members dated August 4, 2015 states:

Unlike wealthy corporations and CEOs, home care workers can't write big checks to buy politicians. But when hundreds of thousands of us join *together we can have the resources to win and hold politicians accountable* to working families, not just the wealthy. Member participation in our union's political action program is what makes this work possible. *Because of our union's political strength, we've been successful at stopping or delaying proposals to cut funding for home care and nursing homes in the past.* Our clients and residents are counting on us, and that's why we've needed every member to do their part. If we want to have elected leaders who prioritize quality care for seniors and people with disabilities, we need to make our voices heard – and that's what your contribution helped do.

**Exhibit FFF** (emphasis added).

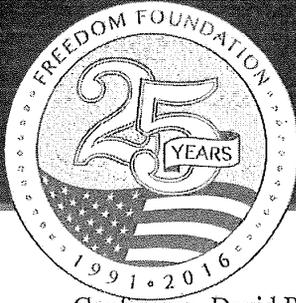
In an e-mail sent to members on January 4, 2016, SEIU 775 encourages caregivers to participate in political activities, noting, "Legislators need to hear our stories and our clients' stories...Every raise we have ever received, our new retirement plan, and restoration of hours that were cut...those all happened because caregivers like you and me went to Olympia and made it happen." **Exhibit GGG.**

Another e-mail sent by SEIU 775 states:

We need to keep up the pressure on our legislators! These negotiations take a long time, and we cannot let ourselves become invisible. Don't let Senate Republicans and anti-union extremist groups like the Freedom Foundation take away your right to retire. Even if you've already sent your legislators an email, send another one. Keep it up; we can make a difference together. In solidarity, Adam Glickman.

**Exhibit HHH.**

Finally, at the 2013 Annual SEIU Healthcare 775NW Convention and Leadership



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Conference, David Rolf, SEIU 775's president, states:

...None of it would've been possible were it not for our biggest victories of last year. Holding politicians accountable to caregivers and electing pro-worker governors in Washington State and Montana. ... No other union did as much to help elect Governor Jay Inslee and Governor Steve Bullock as SEIU 775. We made nearly half a million phone calls – half a million volunteer phone calls – knocked on tens of thousands of doors, and delivered hundreds of thousands of votes.<sup>11</sup>

The above-mentioned examples clearly indicate SEIU 775 achieves its stated missions and goals through electoral political activity, proving that a primary purpose of SEIU 775 is electioneering.<sup>12</sup> SEIU 775's own stated goals and mission is clearly achieved by favorable outcomes in elections, as evidenced by the emphasis it places on encouraging members to give to its Political Accountability Fund and to engage in political activities generally, as well as taking credit for major political victories such as the election of candidates and ballot measures.

Further proof SEIU 775 has as a primary purpose electoral political activity, as mentioned earlier, comes in the form of public endorsements for particular candidates and ballot propositions. SEIU 775 encourages members to vote for particular recommended individuals and ballot propositions and endorses candidates and ballot initiatives publically.

SEIU 775 openly advises its supporters and members how to vote regarding elections for candidates and/or ballot propositions. On its website, SEIU 775 asks members to vote for candidates ranging from Presidential nominees to local Senators. *See Exhibit III.*

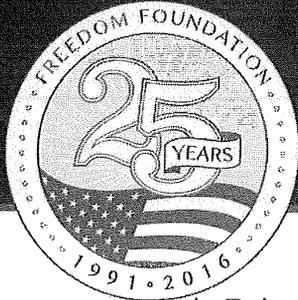
SEIU 775 also writes articles which it posts on its website endorsing candidates in various elections. In a 2012 article, Adam Glickman states Senator Bill Finkbeiner and Greg Nickels, running for Lieutenant Governor and Secretary of State respectively, are "the kinds of leaders we need to fight for the middle class and the 99% in Olympia."<sup>13</sup> The article goes on to state, "SEIU 775 has also endorsed a bi-partisan slate of legislative candidates..." SEIU 775 also endorsed Ed Murray for Seattle Mayor in 2013.<sup>14</sup>

<sup>11</sup> Available at <https://www.youtube.com/watch?v=xqqr833PICQ> (last visited October 26, 2016).

<sup>12</sup> Notice that the Foundation states that "a" primary purpose of SEIU 775 is electioneering; we are not claiming the entire purpose of the organization is electioneering (nor do we need prove such a claim).

<sup>13</sup> Available at <http://seiu775.org/seiu-healthcare-775nw-endorses-nickels-finkbeiner-in-statewide-races/> (last visited October 26, 2016).

<sup>14</sup> Available at <http://seiu775.org/seattles-largest-healthcare-unions-endorse-sen-ed-murray-for-seattle-mayor/> (last visited October 26, 2016).



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On its Twitter account, SEIU 775 voices its excitement for a Kshama Sawant political rally, and encourages members to attend.<sup>15</sup> SEIU also directly solicits support for Initiative 1501, stating, “Initiative 1501 is good for caregivers and great for those we care for. Vote YES when you get your ballot!”<sup>16</sup> In an e-mail sent by SEIU 775 to members, it states, “Vote for our SEIU 775 sister Monique Taylor-Swan for Renton City Council!”<sup>17</sup> In the same e-mail, SEIU 775 further encourages members to vote for Zack Hudgins running for King County Elections Director, and to vote no on I-1366.

SEIU 775’s public endorsements for specific candidates and ballot initiatives also makes the news. SEIU 775 was listed as an endorser of Initiative 735.<sup>18</sup> Additionally, SEIU 775 is reported to have given quite an impactful amount of support to the SeaTac minimum wage campaign. Josh Feit of Seattle Met reports:

SEIU 775NW’s latest cause has been championing a higher minimum wage; it provided over \$400,000 in cash and support for research and organizing staff for the successful SeaTac minimum wage campaign. The union-backed registration drive netted about 1,000 new voters and is credited with passing the ballot measure by a slim margin of 71 votes out of only around 6,000. ...Kshama Sawant also credits SEIU 775 with playing ‘an absolutely spearheading role’ in SeaTac, ‘getting out on the street and organizing.’<sup>19</sup>

Additionally, candidates such as Burgess,<sup>20</sup> Hill,<sup>21</sup> and Habib<sup>22</sup> claim endorsements by SEIU 775.

Interestingly, media sources also indicate SEIU 775’s support for various candidates has a significant effect on the outcome of certain elections. Josh Feit of the Seattle Met writes:

Murray, who’d pledged to raise the minimum wage to \$15 by the end of his first term, and Sawant, who’d won a surprise victory to the city council thanks to her own fiery stump speech about increasing the minimum wage to \$15, were both

<sup>15</sup> Available at <https://twitter.com/seiu775/status/606579042867912704?lang=en> (last visited October 26, 2016).

<sup>16</sup> Available at <https://mobile.twitter.com/seiu775/status/786242031970496513> (last visited October 26, 2016).

<sup>17</sup> Available at <http://hub.seiu775.org/webmail/71442/77317379/13c238aab02d0ac7113be13ca9a46f5c> (last visited October 26, 2016).

<sup>18</sup> Available at [http://www.wamend.org/endorsements\\_by\\_organizations](http://www.wamend.org/endorsements_by_organizations) (last visited October 26, 2016).

<sup>19</sup> Available at <http://www.seattlemet.com/articles/2014/2/11/david-rolf-man-in-the-middle-february-2014> (last visited October 26, 2016).

<sup>20</sup> Available at <http://electimburgess.com/news.html> (last visited October 26, 2016).

<sup>21</sup> Available at <http://hillyes.com/news/2014/7/25/andy-hill-secures-endorsement-of-home-healthcare-workers> (last visited October 26, 2016).

<sup>22</sup> Available at <https://shifftwa.org/fairness-isnt-enough-for-democrat-running-for-lt-gov-wants-to-be-force-for-progressive-change/> (last visited October 26, 2016).



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staking out their ground. And they were also, evidently, both counting on [SEIU 775's David] Rolf, whose support they each needed to make good on their agendas. ...And just like Mayor Murray's team, which was eager to keep Rolf in its camp during the dueling minimum wage press conferences last December, Sawant also needs Rolf's support. Without SEIU [775]'s backing, her threat of introducing a populist ballot measure if city hall negotiations fail to meet her bottom line, lacks teeth. To successfully go forward with a ballot initiative, she'll need SEIU [775]'s dollars and doorbelling troops.<sup>23</sup>

Another article by Harold Meyerson of the American Prospect, dated October 30, 2014, shares David Rolf's own take on the 2013 minimum wage campaign in SeaTac:

The leader of the largest local union in Washington state—SEIU Local 775, which represents home care and nursing home workers—had not planned to wage a campaign last year to raise the minimum wage in SeaTac. But when the Port of Seattle, which runs the airport, and Alaska Airlines, the airport's dominant airline, spurned the efforts of SEIU [775]'s organizers to unionize the baggage handlers and fry cooks who worked at the airport at or near minimum wage, 'we needed a big piece of leverage to bring them to the table,' Rolf says.

The leverage was an initiative the unions said they'd place on SeaTac's November 2013 ballot—an initiative so radical it would surely push Alaska Airlines and the Port to the table. The initiative would increase the local minimum wage from Washington state's minimum of \$9.32 to \$15.00 at both the airport and its surrounding hotels. The phase-in period between election and implementation would be a mere seven weeks.

Still, Alaska Airlines and the Port refused to bargain. SeaTac voters would never approve such a measure, they believed; SeaTac wasn't that kind of town.

Seated in his neat, sparsely decorated corner office in the downtown Seattle headquarters of Local 775, Rolf recounts how his union, the fast-food organizing campaign it guided, and the coalition it assembled proved them wrong.

...

'There were 11,000 registered voters in SeaTac, and we figured the only way we could win was to expand the electorate.' The coalition's canvassers registered 1,000 new voters, mainly immigrants.

...

Speaking rapidly, warming to the topic, Rolf continues: 'In the normal Washington-

<sup>23</sup> Available at <http://www.seattletimes.com/articles/2014/2/1/david-rolf-man-in-the-middle-february-2014> (last visited October 26, 2016).



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state model, your peak communication with voters is the Friday before election day. But we peaked when the ballot hit, well before the final weekend. [All voting in Washington is done by mail ballot.] We put 400 professional union organizers on the doorsteps that day and for the next five days—eight-hour shifts. We targeted people who never voted or only voted in presidential elections, but who had family, friends, someone they knew who worked at the airport. The organizers each had a list of 25 voters; they went back to each initiative supporter's house repeatedly until they saw they actually mailed the ballot.' The initiative passed by 77 votes.

... he [Rolf] made SEIU [775] instrumental in the election of friendly legislators; he had the union inspect and rehabilitate 723 ballots during the protracted recounts in the 2004 governor's race (Democrat Christine Gregoire ultimately won by 130 votes.)<sup>24</sup>

As previously mentioned, SEIU 775 also spends a significant amount of money to influence elections and support/oppose candidates and ballot propositions, giving further support to the argument that electoral political activities is a primary purpose of SEIU. In 2016 alone, SEIU 775 gave approximately \$1,750,000 to Initiative 1501. See **Exhibit JJJ**.

SEIU 775 also spends a significant amount of time and money (which is collected through an exorbitant union dues charge of 3.2% of wages of its members) on non-representational activities. Before the U.S. Supreme Court's decision in *Harris v. Quinn*, 134 S.Ct. 2618 (2014), Individual Providers who were nonmembers of SEIU 775 were forced to pay a reduced union fee that contributed only to chargeable/representational services that the union performed. See *Abood v. Detroit Bd. of Ed.*, 431 U.S. 209 (1977). To protect nonmember fee payers' rights, the unions must annually provide them, inter alia, an audited financial report detailing how the union calculated its agency fee. See *Chicago Teachers Union v. Hudson*, 475 U.S. 292 (1986). Essentially, these reports, or *Hudson* reports, explain the percentage of union dues that are chargeable and must be paid by nonmembers in the form of agency fees. SEIU's 2012-2014 *Hudson* reports explain that 40% of the union's activities are non-chargeable. See **Exhibit KKK** at 9., SEIU 775's Secretary-Treasurer and Director of Public Affairs, Adam Glickman, corroborated this in a letter to members. "Forty-one percent of the Union's funds were spent in its most recently-audited accounting year for activities not germane to collective bargaining, and fifty-nine percent were spent for activities germane to collective bargaining." See **Exhibit LLL**. A very large portion of the 40 percent of the union's funds are devoted to election-influencing activities; 40 percent—or even significantly smaller percentages—certainly qualifies as evidence of "a primary purpose" within the meaning of RCW 42.17A.005(37). See *Utter*, 182 Wn.2d at 427. Additionally, much of the 60% allegedly spent on representational activities is also spent to

<sup>24</sup> Available at <http://prospect.org/article/labor-crossroads-seeds-new-movement> (last visited October 26, 2016).



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influence elections, which means much more than 40% of the union's activities are election-oriented. That makes electioneering a primary purpose of SEIU 775.

Although not all "nonrepresentational activity" constitutes electoral political activity, much of it does and further inquiry will show SEIU 775 spends much of the other 60% of union dues on electoral political activity as well. Further, according to SEIU 775's LM-2 report from 2014, David Rolf, SEIU 775's president, spent zero percent of his time on representational activities and forty percent of his time on political activities and lobbying. *See Exhibit MMM.* These facts supplement the already convincing evidence cited in this letter.

Finally, all the evidence cited above clearly indicates that SEIU 775's stated goals and mission include electoral political activity, SEIU 775's conduct (and millions of its dollars) further its stated goals and mission, and SEIU 775's stated goals and mission are substantially achieved by favorable outcomes in elections.

Although the aforementioned activities by SEIU 775 are by no means exhaustive, they are informative and prove that SEIU 775 has as a primary purpose electoral political activity. SEIU 775 obviously engages in electoral political activities in order to advance its own agenda, and by SEIU 775's own admission, a substantial way it achieves its stated goals and mission is through favorable outcomes in elections. SEIU 775 also spends a significant amount of money and time supporting and/or opposing candidates and/or ballot initiatives.

#### **A. Conclusion.**

The evidence, as well as a great deal more evidence discoverable upon inquiry, supports the fact SEIU 775 is a political committee pursuant the contributions prong and expenditures prong of RCW 42.17A.005(37). Accordingly, SEIU 775 failed to file a statement of organization with the PDC pursuant to RCW 42.17A.205 and has failed to make the numerous detailed PDC filings required by RCW 42.17A.235 and RCW 42.17A.240, as well as numerous other provisions in RCW 42.17A including, but not limited to, contribution limits and RCW 42.17A's prohibition on deceptive campaign practices. The Attorney General should investigate SEIU 775, and prosecute the union's failure to identify itself as a political committee and fulfill the PDA's obligations.

SEIU 775's conduct constitutes previous, ongoing, and pervasive violations of the PDA. We respectfully request that the Washington Attorney General's Office perform an investigation into these allegations as expeditiously and efficiently as possible. Please do not hesitate to contact me at 360.956.3482 or [JAbernathy@freedomfoundation.com](mailto:JAbernathy@freedomfoundation.com) if I can be of assistance. Thank you for your time and consideration.



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Sincerely,

A handwritten signature in black ink, appearing to read "James G. Abernathy".

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Jonathan Meyer, Lewis County Prosecuting Attorney  
Jeffrey S. Barkdull, Lincoln County Prosecuting Attorney  
Daniel T. Satterberg, King County Prosecuting Attorney  
Jon Tunheim, Thurston County Prosecuting Attorney

