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Delivered via electronic mail

April 10, 2017

Glen Morgan
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Rep. Kristine Lytton
Kris Lytton Campaign
1004 Commercial Ave PMB 349
Anacortes, WA 98221
mrlytton@fidalgo.net

**RE: Citizen Action Notice: State Representative Kristine Lytton
Notice of Results**

Dear Mr. Morgan and Rep. Lytton:

I am writing to advise you of the decision of the Attorney General's Office regarding the citizen action notice submitted against Rep. Lytton by Mr. Morgan. The notice makes multiple allegations against Rep. Lytton and her campaign concerning alleged violations of the state campaign finance and disclosure laws.

The Attorney General's Office reviewed the allegations, Rep. Lytton's response, and filings with the Public Disclosure Commission. The review revealed the following:

- 1) The allegation that Rep. Lytton was required to breakdown sub-vendor information for the expenditure to Blue Utopia for domain renewal is not supported by the law.
- 2) An inquiry with Rep. Lytton determined that she handled the investigation of contributions her campaign received from companies that may have been connected. While she was originally assured the companies were separate, her campaign reviewed the matter further and determined that the companies were sufficiently connected so as to share a contribution limit. At that point, the campaign refunded the \$2,000 it received. The campaign did not spend the contributions in the interim. The notice alleges improper reporting of refunds,

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however, the specific manner of entering refunds into PDC filing software is an administrative matter not specified in law or rule. This allegation could not be supported by the evidence.

- 3) The campaign's payment of \$1,000 to the Skagit County Democrats for setup, printing, and distribution of a sample ballot, and for other campaign related expenses is authorized under RCW 42.17A.430(3).
- 4) As to the photography expenses, Rep. Lytton's campaign used photos from the 2014 and 2012 campaigns so no expense was incurred by the 2016 campaign.
- 5) As to claims that the campaign failed to timely report last minute contributions, AGO review of the contributions indicates they were timely reported.
- 6) Lytton timely reported four contributions, and then amended that report 78 days later, changing the date of receipt for the four contributions by two days. Lytton described the discrepancy as a mistake, one that she corrected as soon as it was discovered.

The remaining issues involve disclosure of a \$75 expense thirty days late, and a candidate registration form filed 19 days in February 2015 for the 2016 election. These allegations are matters typically handled through administrative proceedings at the Public Disclosure Commission, and not through superior court action. As such and given the fact that Mr. Morgan previously filed a complaint with the Public Disclosure Commission on this issue, the Attorney General's Office is exercising its prosecutorial discretion to leave any remaining allegations to the Public Disclosure Commission to address as it deems appropriate under its rules.

For the reasons given above, the Attorney General's Office does not intend to bring a judicial enforcement action for the allegations in the Morgan notice. Our office's decision is based upon the facts addressed in your notice, and this letter does not express an opinion as to the application of campaign finance and disclosure laws except to the specific situation at issue in this letter. This brings to a completion the State's review and action. If there are any questions, please contact the undersigned.

Sincerely,


LINDA A. DALTON
Senior Assistant Attorney General

LAD:kj

cc: Darwin Roberts, Deputy Attorney General
State Representative Kristine Lytton, Respondent
Elizabeth Petrich, Thurston County Prosecuting Attorney's Office
Randall Gaylord, San Juan County Prosecuting Attorney's Office
Evelyn Fielding Lopez, Public Disclosure Commission