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Public Disclosure Commission  
711 Capitol Way S. #206  
Olympia, WA 98504-0908

Re: complaint against Washingtonians and the National Rifle Association for  
Freedom, 2018

Dear Commission Staff:

This letter responds to the complaint filed against Washingtonians and the National Rifle Association for Freedom, 2018. The complaint misstates the applicable law and the committee's obligations. It should be dismissed, as discussed below.

The PDC granted an extension of time to respond until October 17, 2018 for a preliminary response, with an extension to supplement the response until October 22, 2018. The committee expects to provide supplemental information on or before October 22.

### **DISCUSSION**

#### Allegation 1

**Claim:** The committee failed to adequately file required reports on August 10, 2018. As specified by RCW 42.17A.235(2)(c)(i), the committee was required to file a report on August 10, 2018 as they had raised funds in excess of two-hundred dollars in the prior calendar month (PDC report 100844981 shows a \$100,000 contribution from the National Rifle Association deposited on July 5, 2018).

**Response:** The committee was not required to file a report on August 10, 2018, under any of the versions of RCW 42.17A.235 adopted this year. Under the version of the statute adopted by Session Laws 2018 c 304 §7, a report on the tenth of a month is required only if “the

candidate or political committee is not participating in an election campaign.” The committee is participating in this election. The version of the statute, as amended for 2019 and later years, requires a report on the 10<sup>th</sup> of the month only for months “in which no other reports are required to be filed under this section.” RCW 42.17A.235(2)(c) (as amended by Session Laws, 2018 c 111 § 5). The committee did have (and met) a filing obligation in both July and August.

Further, per the PDC’s reporting calendar, a C-4 report was due on August 10 for committees that are not participating in the 2018 elections.<sup>1</sup> Since the committee is participating in this election, that due date was not applicable to it. The committee had a C-4 due on July 31, 2018, covering July 17 through July 30,<sup>2</sup> and another C-4 due on September 10, covering the period July 31 through August 31. The committee filed those reports on July 31<sup>3</sup> and September 7<sup>4</sup>, respectively.

The PDC should immediately dismiss Allegation 1. No further inquiry is warranted where the complaint is meritless on its face.

### Allegation 2

**Claim:** The committee additionally failed to file their C1 Political Committee Registration in a timely manner. RCW 42.17A.205(1) specifies that registration must be filed within two weeks of organization or a committee expecting to make expenditures or receive contributions. The committee filed their C1 on June 27, 2018.

- (1) However, the committee had been active since at least April 26, 2018, as evidenced by the Facebook post screenshotted below.
- (2) Additionally, the officers of “Washingtonians and the National Rifle Association for Freedom, 2018” have participated in active, organized, and organizational activities in opposition to Initiative 1639 since at least May 16, 2018, when the National Rifle Association (the organization bankrolling “Washingtonians and the National Rifle Association for Freedom, 2018” and which employs at least most staff and officers of “Washingtonians and the National Rifle Association for Freedom, 2018”) filed a legal challenge against the initiative’s ballot title.

### **Response:**

(1) The Facebook post cited by the complainant was created on July 13, 2018, some two weeks after the committee filed its C1-pc. That post shows the April 26 (not April 23) date of the source material. All other posts on the page that refer to I-1639, with dates before July 13, 2018,

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<sup>1</sup> <https://www.pdc.wa.gov/c-4-due-candidates-and-committees-not-participating-2018-election>

<sup>2</sup> <https://www.pdc.wa.gov/clone-c-4-due>

<sup>3</sup> <http://web.pdc.wa.gov/rptimg/default.aspx?batchnumber=100848550>

<sup>4</sup> <http://web.pdc.wa.gov/rptimg/default.aspx?batchnumber=100856587>

also use the date of the source material. The Facebook page on which that post appears was previously a page created to oppose I-594 in 2014. (The page was created on March 14, 2014, and still contains posts referring to I-594.) The page was recycled for use regarding I-1639, and the name changed accordingly, on July 13, 2018.<sup>5</sup> Changing the name also changed the title of all posts on the page. All of this took place after the committee had filed its C-1pc.

To confirm the foregoing, I have attached a copy of the Facebook page for the committee, as would be viewed by the page's administrator. This view is not publicly accessible. There are several redactions, none of which affect the information concerning its creation or administration. The redactions are:

- 1) The Facebook account name of the individual who originally posted these items;
- 2) The Facebook account name of a second individual who logged in to obtain these screenshots for submission to the PDC;
- 3) The names of the "People You May Know" suggestions in the right hand margin of each page. I believe those would be people that individual who logged in to obtain the screenshots may know;
- 4) The name of a person attached to a friend request that appeared in the right hand margin of a couple of the pages. Again, I believe that would have been a friend request to individual who accessed the page for submission to the PDC; and
- 5) In one case, the name of a Facebook "Suggested Page."

This allegation should also be dismissed as meritless, immediately.

(2) With respect to the litigation involving the title of I-1639, the complainant is correct that that litigation occurred prior to the filing of the committee's C-1pc. That litigation was initiated by the NRA, not the committee. The invoice for legal services was misdirected to the committee and paid in error. This response will be supplemented.

### Allegation 3

**Claim:** "[T]he address provided by the committee at which Washingtonians can inspect the committee's books is at the NRA's national headquarters in Fairfax, Virginia. This clearly does not a display respect for the transparency desired by Washingtonians and defended by the PDC. Nor does it signal a desire to provide Washington voters with full information about the committee's activities and funding. Their out-of-state address is also counter to the specific instruction provided to committees about out-of-area addresses on line 9 of Form C1PC. It is not particularly reasonable for a committee, working against a Washington specific measure, with activities confined to Washington, and in a way which only directly impacts Washingtonians to

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<sup>5</sup> These facts can be verified by viewing the page history at [https://www.facebook.com/pg/Initiative1639/ads/?ref=page\\_internal](https://www.facebook.com/pg/Initiative1639/ads/?ref=page_internal) (A printout of the page history is attached as Exhibit 1.)

expect voters to travel across the country to inspect the campaign's books, as Washingtonians are entitled to do under RCW 42.17A.235(4)(a)."

**Response:** There is no violation here, either. RCW 42.17A.235 does not require the listing of an in-state address for inspection of the committee's books, and in fact no longer requires the designation of a single location for that purpose at all. It now provides for the locations of inspections to be resolved on a case-by-case, mutual agreement basis. More to the point, Washington law now also permits a committee to provide its books in digital format as an alternative to in-person inspection.<sup>6</sup> The latter is the alternative that the committee may employ if the complainant or anyone else requests to inspect its books during the relevant period prior to the election. The PDC's published guidance follows this version of the statute:

An inspection may occur on weekdays beginning on the eighth day before the election — excluding legal holidays — by appointment between 9 a.m. and 5 p.m. at the location agreed up by both the treasurer and the requester or electronically in lieu of in-person inspection.

<https://www.pdc.wa.gov/learn/publications/political-committee-instructions/public-inspection-financial> (last visited October 15, 2018).

The version of RCW 42.17A.235 that will go into effect in 2019 contains language that might revive the single inspection site and abolish electronic provision of records, but it is not in effect at the present time.

This allegation is also facially meritless and should be summarily dismissed.

## CONCLUSION

For most of the allegations, the complainant does not appear to have bothered to check the law before claiming violations. The other allegations are factually meritless. Prompt dismissal of meritless complaints serves an important informational interest of the public, just as does reporting of campaign activity.

Very truly yours,

Livengood Alskog, PLLC

*Sent without signature to avoid delay*

John J. White

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<sup>6</sup> "The treasurer may provide digital access or copies of the books of account in lieu of scheduling an appointment at a designated place for inspection." RCW §42.17A.235(6)(a).

**Vote No Initiative 1639**

Added on Thursday, July 12, 2018 at 12:14 PM

Published by People You May Know

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I-1639 backers claim that this initiative is only about "assault weapons." The truth is I-1639 would classify every semi-automatic rifle, including the Ruger 10-22, Remington 597 and Marlin Model 60 as "semi-automatic assault rifles."



KOMONNEWS.COM  
**Gun safety initiative takes another step closer to qualifying for November ballot**

721 people reached

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Lane Bills and 23 others

2 Comments 12 Shares

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Casey Riendeau What about my 45 calibre? It's just a big pistol...

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**Vote No Initiative 1639**  
Published by

Added on Thursday, July 12, 2018 at 12:11 PM

Gun control Initiative 1639 has not yet made it to Washington state voters. It hasn't been approved by state officials. And it hasn't even been seen by the people charged with ensuring it is up to snuff. But it has already garnered considerable controversy in Washington state.



MYNORTHWEST.COM

**Fate of Initiative 1639 to be determined by secretary of state**

Washington Initiative 1639 has barely moved through the state process,...

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Sharon Castro, Kevin Henson and 7 others

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**George Poppas** And it's illegally obtained signatures, not to mention it makes practically every auto loader what they deem as an assault weapon, only time you can have anything out of

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**Vote No Initiative 1639** [?] · July 3 · 0 · 0

Published by  **Vote No Initiative 1639**

Added on Thursday, July 12, 2018 at 12:09 PM

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SEATTLETIMES.COM

**Group says it has 360,000 signatures to put gun-safety measure on Washington's November ballot**

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 James Hudson, Clayton Carr and 2 others

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 **Al Martell** Most of them likely attained fraudulently

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### Vote No Initiative 1639

Published by June 27 · June 27 · Added on Thursday July 12, 2018 at 12:07 PM

Some people in Snohomish County say the signature gatherers you often see outside grocery stories are being deceptive.

"Today we are trying to give folks the chance to choose whether they want their groceries taxed or not," Lorin Bishop told a potential voter outside the Haggen in Marysville.

But that is just one of three petitions for which he is gathering signatures on Friday.



**Snohomish County voters say petitioners are using misleading signs to get signatures**

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Kathy-Tim Reynolds and Richard Fredrick

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### Vote No Initiative 1639

Published by [?] · June 8 · 10 · 6

Added on Thursday, July 12, 2018 at 12:06 PM

On June 7, in a defeat for Attorney General Bob Ferguson and Initiative 1639 proponents, the Thurston County Superior Court sided in part with the NRA and found that certain parts of the ballot title were deceptive and misleading. As a result, they ordered amendments to several key provisions of the Initiative's ballot title. While the ballot title remains inadequate to inform voters of the real effects of the initiative, the outcome of yesterday's hearings did result in clarifying changes that more accurately describe the sweeping provisions of the Initiative's text. With the title for Initiative 1639 now finalized, proponents of this 22-page initiative will have until July 6th to get 259,622 valid signatures to place the initiative on the November ballot.



## NRA-ILA | Washington: Court Orders Amendments to Misleading Ballot Title

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Dan Stafford and Keely Hopkins

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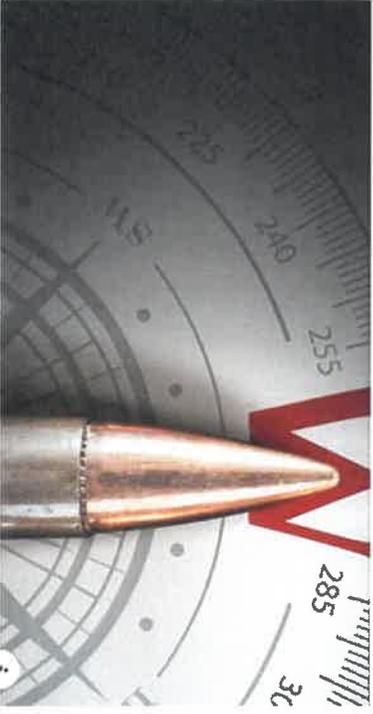


Vote No Initiative 1639 shared a link

Added on Thursday, July 12, 2018 at 12:05 PM

Published by

May 25



NRALA.ORG  
**NRA-ILA | West Coast Plutocrats Target Washington State Gun Owners... Again (Initiative 1639)**

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**Vote No Initiative 1639** Published by **Washington...** May 21 · 9 · 9

Added on Thursday, July 12, 2018 at 4:29 PM

Washington elites donate big to gun control initiative.  
 More than two-thirds of the money for the initiative comes from two men, Microsoft co-founder Paul Allen and venture capitalist/political activist Nick Hanauer. Each donated \$1 million.



KINGS.COM  
**Paul Allen, investors raise \$2 million for Washington gun safety initiative**

148 people reached

Lane Bills, José L. Vargas and 4 others

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### Vote No Initiative 1639

Added on Thursday, July 12, 2018 at 12:12 PM

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Proponents would have you believe that I-1639 is a "citizen initiative" with broad support. The truth is I-1639 is being bought and paid for by billionaires intent on taking away your right to self-defense.



OREGONLIVE.COM | BY THE OREGONIAN  
**Blazers owner Paul Allen donates \$1 million to Washington gun initiative**

769 people reached

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Richard Fredrick, Oscar Yarrito and 7 others 4 Comments 14 Shares

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**Dale Häggblund** Who cares what someone who has his sports franchises subsidized by taxpayers thinks.

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**Vote No Initiative 1639**

Added on Thursday, July 12, 2018 at 12:04 PM

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On Wednesday, May 16, NRA filed a legal challenge in the Thurston County Superior Court objecting to the misleading and inadequate ballot title for Initiative 1639, which seeks to further restrict the Second Amendment rights of Washington's law-abiding citizens. The Thurston County Superior Court will review all legal challenges before the ballot title and summary can be finalized for the initiative.



**NRA-ILA | Washington: NRA Files Legal Challenge Against Misleading Ballot Title for Gun Control Initiative**

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Richard Fredrick and Ruben-John Fred Gifford

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**Vote No Initiative 1639**

Published by  April 27 · 2 · 0

Added on Thursday, July 12, 2018 at 12:03 PM

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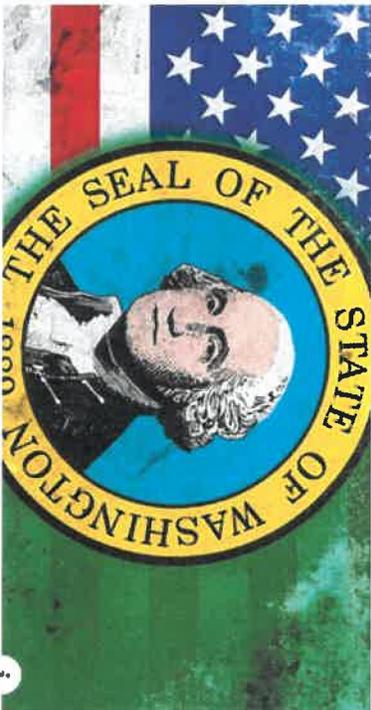
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**NRA-ILA | Washington State Gun Owners Targeted by Another Misguided Ballot Initiative**

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**Ruben--John Fred Gifford**

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**Vote No Initiative 1639**

Published by · April 26 ·

Added on Thursday, July 12, 2018 at 12:02 PM

On April 23rd, Michael Bloomberg's front group, the Alliance for Gun Responsibility, filed a ballot initiative in Washington to restrict the Second Amendment rights of law-abiding citizens. This egregious attack on your freedoms comes just months after failing to enact their gun ban agenda in Olympia. Proponents of the so-called "Gun Violence Prevention" initiative will have until July 6th to get 259,622 valid signatures to place the initiative on the November ballot.



**NRA-ILA | Washington: Anti-Gun Group Files Ballot Initiative After Failing in Legislature**

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Kyle Teitzel, Dawn Ragan and 6 others

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