

10/5/18

Hello Mr. Blackhorn,

This is my official response to the allegations filed against the ballot committee "Secure School Choice for Washington." As suggested by you, I have provided a line-by-line detailed response to each allegation. I have done this by inserting my responses in bold font immediately below each allegation, in some cases responding to specific points, and in others responding to a group. For the sake of clarity and ease I have omitted the original graphics that were imbedded into the text of the complaint.

I wish to stress that although I provide what I believe to be reasonable defenses below, it is my supreme intent to do what is necessary and capable to bring any assessed violations into compliance. The ballot initiative, I-1621, for which Secure School Choice for Washington was formed to promote failed to obtain the requisite signatures to advance to the general ballot. We filed our final C-4 report in July and officially closed that campaign. If remedial action is determined to be necessary to correct any assessed violations I will require further guidance as to how to proceed.

I ask that in all considerations it is kept in mind that I am a novice political participant, this being my first and only venture into official political action in Washington State. I am not arguing that ignorance of the law is an acceptable defense, merely that the complexity of the laws often challenges the seasoned and experienced political participants, and that any determined violation by my committee was done without any malicious or ill intent.

Thank you.

This is a formal Public Disclosure Commission complaint, filed due to violations of Chapter 42.17A of the Revised Code of Washington. The ballot committee "Secure School Choice for Washington," organized under RCW 42.17A.205 as a committee in support of Initiative 1621, is accused of violating the following statutes:

RCW 42.17A.205(2)(g) RCW 42.17A.240(2) RCW 42.17A.320

Additionally, the committee is accused of repeat violations despite awareness by the committee's manager and treasurer, Tyler Miller of Bremerton, of the relevant portions of the RCW. At least some of the violations were not merely accidental or a result of ignorance of the law; they were a matter of considered choices and blatant disregard for the standards and practices established by statute and enforced by the Public Disclosure Commission.

Violations and Evidence

Allegations of violations of RCW 42.17A.205(2)(g): Secure School Choice for Washington stated on their C1 filing (PDC Report 100821894) that they were a committee organized in support of Initiative 1621. They have offered no further amendments to that report and remain registered as only a committee in support of Initiative 1621. The committee has, however regularly and consistently used an official and verified campaign social media account (available at <http://www.facebook.com/i1621> and linked to

from their campaign website, available at <http://carry1621.org>) to encourage Washingtonians to oppose another initiative: Initiative 1639.

On at least 15 occasions, Secure School Choice for Washington has posted content encouraging opposition to Initiative 1639 on their campaign Facebook page. A sample of these posts is included below:

Additionally, the campaign has posted multiple videos in which campaign manager and treasurer Tyler Miller speaks about Initiative 1639 and encourages voters to oppose the measure, or to otherwise take action involving 1639. These videos are available at:

<https://www.facebook.com/i1621/videos/419603245225136/>

<https://www.facebook.com/i1621/videos/424392538079540/>

<https://www.facebook.com/i1621/videos/420635258455268/>

There may be additional videos available on the Secure School Choice for Washington Facebook page which further discuss opposition to Initiative 1639.

Secure School Choice for Washington has also, on at least one occasion, used the campaign's Twitter account to make accusations Initiative 1639; this tweet is clearly a disparaging attempt to impact voters' perceptions of Initiative 1639 (and an elected official). An image is included below.

**RESPONSE: Nothing within RCW 42.17A, WAC 390, or any PDC Instruction limits the activity of a Political Committee based on its C1pc filing. The provision of RCW 42.17A.205(2)(g) at most can be construed as a statement pertaining to the "primary" or "substantial" activity of a Committee's activity, but in no way limits it to only that activity. Furthermore, the clear intent inherent to the entire RCW 42.17A as well as WAC 390 is to account for and provide transparency to the finances of a Committee. Any activity which is neither a Contribution – monetary or in-kind – nor an Expenditure is, by its very nature, not subject to the rules or restrictions under which the PDC administrates.**

**In none of the examples cited by Ms. Pigott, nor at any other time, were any financial expenditures made by Secure School Choice for Washington for the content that appeared on any of its online mediums; in this case, Facebook, Twitter, and the campaign website, [www.carry1621.org](http://www.carry1621.org). Content was either internally created by the Sponsor at no cost (no fair market value), was a Voluntary Service to the Campaign pursuant to PDC Interpretation 17-04, or were voluntarily and independently shared social media posts – often reposts of other social media content itself – and therefore not considered political advertising pursuant to PDC Interpretation 16-01.**

**However, should the PDC find that the public interest is best served by providing an amended C-1pc I will be happy to do so, but will require additional guidance as to how to do this given the closed status of the campaign.**

Other campaign resources and platforms, including email and phone contact lists, may also have been used to oppose Initiative 1639.

**RESPONSE:** This concern is immaterial for the reasons already cited and would in any instance be entirely exempted as Internal Political Communication.

Allegation of violations of RCW 42.17A.240(2): At least five C3 reports filed by Secure School Choice for Washington do not include address information for at least one contributor. These reports are PDC Report numbers 100827242, 100827244, 100836934, 100836935, and 100836936.

The contributions which do not include full address information total at least \$1800, or 62% of the total cash contributions received by Secure School Choice for Washington.

**RESPONSE:** Secure School Choice for Washington acknowledges its error in this regard. As a first-time participant in political campaign financing, and as a part-time and sole administrator of the campaign, I simply did not fully understand the reporting requirements in this regard. Nearly all the contributions made to the Committee were via a web-based system (PayPal or GoFundMe.com), and my inexperience with operating these mediums led to the missing required information. I was further misled when entering my reporting information in the ORCA system. Although a warning appeared informing me of the missing information when entering contributions, the ability to successfully file the C-3 and C-4 reports without these errors corrected left me with the impression that the reporting was in fact correct. I now understand this error.

I request that this be treated as a Remedial Violation as it meets all the criteria for such a determination pursuant to RCW 42.17A.005(45) and 42.17A.755. However, I am in the process of attempting to gather this information from all donors for whom this information is missing. This is a difficult and time-consuming process, especially given the amount of time that has elapsed. Additionally, since the campaign has already closed, should the PDC find that updated C-3 reports are necessary to serve the public interest I will require additional instruction as to how to properly provide this information.

Allegation of violation of RCW 42.17A.320: The website of Secure School Choice for Washington (<http://carry1621.org>) does not include required committee address information. Additionally, it does not include a list of the campaigns top contributors as required. Images of the website as of June 26, 2018 is included below.

**RESPONSE:** I do not know why the image provided by Ms. Pigott is missing the address information for Secure School Choice for Washington. At that time our website was undergoing near-daily updates and it is possible that this image was captured during one of those updates with errors. As the sole administrator of the website I took every effort to ensure that any mistakes or flaws were remedied as soon as they were brought to my attention. I can only state that the website did in fact have the required information for the duration of the Committee's functioning.

I can find no requirement to list contributors on the campaign website.

Additional allegation of violation of RCW 42.17A.320: Online video created and posted by Secure School Choice for Washington do not include required sponsorship and paid for by information. These videos, also described above, are available at:

<https://www.facebook.com/i1621/videos/419603245225136/>

<https://www.facebook.com/l1621/videos/424392538079540/>

<https://www.facebook.com/l1621/videos/420635258455268/>

**RESPONSE: None of the videos listed here, nor any others which appear on any medium controlled by Secure School Choice for Washington are political advertising as defined within RCW 42.17A or WAC 390. Two of the three videos listed in this complaint take the same format as most of the videos on the campaign Facebook page – that of an internal political communication to members. Although the Facebook page for Secure School Choice for Washington is an open one, its membership is controlled (people have been banned from the page) and unless you voluntarily “like” or “follow” the Page, you are not likely to see the content posted there. The content of the videos is in the format of a conversation between known-persons, as exemplified in the typical salutation, “Hey guys.” The entire tone of the videos is conversational and personally directed, discussing strategy amongst like-minded persons, not making appeals or persuasive argument. The third video is one of public interest and makes no commentary regarding the support of opposition of any ballot measure. Its content is directed at the methods of deceit and fraud practiced by the signature gatherers of numerous petitions, including 1639.**

**In all cases, absolutely no money was used to either create or disseminate these videos. They were recorded with my personal cell phone and uploaded to a free Facebook page. Only videos which contained a public interest we “boosted” utilizing Facebook advertising algorithms. They contained no advocacy for or against any election campaign.**

Miller’s awareness that his actions may be in violation of the law: Tyler Miller, manager and treasurer of Secure School Choice for Washington, makes it clear in a Facebook video that he is aware of state campaign finance laws, including the rules in RCW 42.17A.205(2)(g) about ballot committees and disclosure of measures they support or oppose. His actions in violation of the statute are not a result of ignorance, but purposeful disregard for the standards and rules established by the people of Washington, the law of our state, and the Public Disclosure Commission.

The video in which Miller makes his awareness clear is available at:

<https://www.facebook.com/l1621/videos/413028299215964/>

**RESPONSE: I stand by the awareness I state in this video and contend that I have not in fact violated any portion of the statute other than what I have acknowledged here. I will reiterate that absolutely no contributions were made or solicited to be made to Secure School Choice for Washington with the express intention of any other action than in support of Initiative 1621. Likewise, absolutely no expenditure has been made by this Committee which has not been reported as required, and ALL expenditures which have been made have been in support of Initiative 1621. Sponsoring and running a legitimate political campaign does not abrogate an individual’s right to free expression. The only question at issue here is whether I attempted to utilize the finances of my Committee in a manner inconsistent with state law. The answer to that question is an emphatic no. There was never any**

intent, malicious or otherwise, to defraud any person, institution, or the people of the State of Washington. Further, Ms. Piggot has failed to cite or even allude to any way in which any of these allegations either harmed the public or benefitted me personally.

I will restate my willingness to make any and all possible corrections if the PDC requests it of me, provided the addition guidance to do so properly, but feel much more that it serves the public interest the most if this matter were closed. Enough resources have already been expended on these remedial and trivial accusations.

Thank you.

Respectfully,

Tyler G. Miller

Secure School Choice for Washington