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**VIA FIRST CLASS MAIL AND E-MAIL**  
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December 14, 2016

Jacob Berkey, PDC Compliance  
State of Washington  
Public Disclosure Commission  
711 Capitol Way, Rm. 206  
PO Box 40908  
Olympia, WA 98504-0908

**Re: PDC Complaint 10107**

Dear Mr. Berkey:

We represent Mike Miller, and we are responding to your December 2, 2016 letter regarding “PDC complaint 10107” on his behalf. You requested a written response to the allegations that Mr. Miller violated RCW 42.17A by not registering a political action committee (RCW 42.17A.205), and/or an independent expenditure report for political advertising (RCW 42.17A.305). Our response is below, explaining why Mr. Miller’s political speech is fully exempt from regulation.

**1. RCW 42.17A.205 does not apply because Mr. Miller is not a “political committee” within the meaning of RCW 42.17A.005(37).**

RCW 42.17A.005(37) defines “political committee” as “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 in opposition to, any candidate or ballot proposition [emphasis added]”. Mr. Miller falls within the exception for an individual dealing with his own funds.

Mr. Miller acted alone and did not solicit contributions. All of his actions were undertaken with his own funds or property. Therefore, Mr. Miller is not a “political committee” within the meaning of RCW 42.17A.005(37).

RCW 42.17A.205 applies only to “political committees” and since Mr. Miller is not a “political committee” he is not required to register as a political committee under RCW 42.17A.205.

Re: **PDC Complaint 10107**

Page 2

**2. The communication at issue does not constitute an “electioneering communication” and therefore no expenditure report is required under RCW 42.17A.305.**

Expenditure reports are required under RCW 42.17A.305 only for “electioneering communication” not for general political advertising. The term “electioneering communication” is defined in RCW 42.17A.005(19) and is limited to communication that “clearly identifies a candidate.” The communication at issue here involved a ballot measure, not a candidate, and therefore does not constitute “electioneering communication” within the meaning of RCW 42.17A.005(19).

Since the communication at issue does not constitute “electioneering communication” RCW 42.17A.305 does not apply. That section applies only to “electioneering communication,” which this was not.

The above fully responds to the issues outlined in your letter, but we are also asserting a First Amendment and Article I, Section 5 defense to any alleged violations.

For the reasons discussed above, we believe the complaint filed by Sally Newell on December 1, 2016 is without basis and should be dismissed.

Should you have any further questions regarding this matter, please contact the undersigned and I will be happy to provide you with any additional information you need.

Sincerely,

LANDERHOLM, P.S.



STEVE C. MORASCH  
Attorney at Law

SCM/jsd

cc: Client

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