

# Schwerin Campbell Barnard Iglitzin & Lavitt LLP

ATTORNEYS AT LAW

*Of Counsel* Lawrence Schwerin

LAURA EWAN  
ewan@workerlaw.com

*Original via electronic mail to:  
Jacob.Berkey@pdc.wa.gov*

December 15, 2016

Jacob Berkey  
Public Disclosure Commission  
711 Capitol Way, Rm. 206  
P. O. Box 40908  
Olympia, WA 98504-0908

Re: PDC Complaint #9995 (People for Thurston County)  
SCBIL File No. 6548-001

Dear Mr. Berkey:

We write to you today on behalf of our client, People for Thurston County (“the Committee”), in response to your request for a written response to the allegations in the complaint submitted by Glen Morgan on Monday, November 28. The complaint alleges that People for Thurston County failed to include party preference on advertisements, in violation of RCW 42.17A.320. As further explained herein, this allegation is part of the previous complaint filed by Mr. Morgan (#8981).

## ***Statement of Facts***

The Committee was formed in order to support two Thurston County Commissioner candidates in the November 2016 election.

As we previously explained in our response to Complaint # 8981, the Committee sought to hire an experienced consultant for assistance in these issues, as none of its officers had conducted such a campaign before. The Committee selected Northwest Passage Consulting (“NWP”) and their founder and consultant Christian Sinderman in order to assure quality campaign efforts and PDC compliance. The Committee placed a great deal of trust in NWP and its ability to assist the Committee with compliance issues.

The Committee planned for the first round of mailings to go out the first weekend after ballots were scheduled to be mailed. A series of regrettable errors occurred over the next few days. First, the final drafts of the first two mailers did not reflect several corrections requested by the Committee. Second, NWP failed to reflect party affiliation on the first mailers, and the Committee did not catch this error. Third, the mailers were sent out by NWP a week earlier than the Committee had requested. The Committee did not even know this had occurred until it learned of Mr. Morgan’s first complaint. As a result, the Committee’s first C6 was filed a few days late.

The Committee deeply regrets that these errors occurred. Ultimately, the errors were accidental, were minor in scope, and were in no way intended to mislead voters in any way. Furthermore, all of the subsequent actions taken by the Committee after this incident were completed in a proper and timely fashion, and none of the initial errors committed were repeated. Therefore, the purpose and intent of the Act would not be met by imposing any sort of severe punishment on the Committee.

### *The Allegation*

***According to the PDC's guide "Sponsor Identification Independent Expenditures & Electioneering Communications," the partisan affiliation of the candidates identified in the mailer must be identified.***

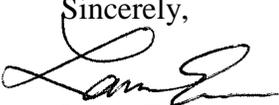
RCW 42.17A.320 ("Identification of sponsor—Exemptions") requires that, for all written political advertising relating to partisan offices, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.

It is true that these party identifiers were inadvertently left off the first round of mailings. It was not the intent of the Committee to do so. The Committee relied upon its hired consultants to ensure compliance with the laws of the State of Washington, and this requirement was not met. This was not intentional, and all subsequent mailings by the Committee followed this requirement.

### *Conclusion*

Setting aside Mr. Morgan's rhetoric about the Committee and its intentions, the Committee simply wishes it to be known that the Committee has attempted to follow the letter and intent of the law in every way. The Committee deeply regrets the minor errors committed in connection with its first mailing and wishes to rectify the situation however the PDC deems appropriate. But due to the limited scope of violations here, aggressive or punitive measures would not support the spirit or intent of the State of Washington's disclosure laws.

If you have any questions, or if there is anything we can do to be of assistance to you, please do not hesitate to contact us.

Sincerely,  
  
Laura Ewan

cc: Jay Manning (via email, [jmanning@cascadialaw.com](mailto:jmanning@cascadialaw.com))