



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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January 31, 2017

Complainant: Mina Mercer, mina@hdcc.org

Respondent: Vicki Kraft, vicki@vickikraft.com

Contributor: House Republican Organizational Campaign Committee
Samantha Cotton, Treasurer, Info.hroc@gmail.com

SENT VIA E-MAIL

Subject: PDC Case 9050

Dear Ms. Mercer, Ms. Kraft, and Ms. Cotton:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint filed by Mina Mercer on October 19, 2016. The complaint alleged that Vicki Kraft, a first time candidate for the House of Representatives in the 17th Legislative District (LD), may have violated RCW 42.17A.405 by accepting an over limit contribution from the House Republican Organizational Committee (HROC), a caucus committee.

Pursuant to RCW 42.17A.405(4)(a)(i) and WAC 390-05-400, caucus committees like HROC, are limited to contributing \$1 per registered voter to a campaign. For the 2016 election cycle, the limit on caucus committee contributions for the 17th LD was \$78,168. The complaint alleged that the Kraft campaign received \$86,943.92 from HROC, which would be \$8,775.92 over the contribution limit.

PDC staff reviewed the allegations, and found the following:

- During the 2016 campaign, HROC gave a total of \$76,944 in in-kind contributions to the Vicki Kraft campaign, along with an additional \$10,000 in cash contributions. The combined total of these contributions amounted to \$86,944 which is \$8,776 over the limit for the 17th LD.

- Upon receipt of the complaint, the Kraft campaign checked their October 18, 2016, C4 report and verified there had been an overage. They they contacted PDC staff and inquired about how to address the situation. PDC staff suggested that they return the over limit amount and place a memo on file with the PDC in case anyone from the public was curious about the amounts on their October 18, 2016, C4 report. This information was available to the public 15 days before the General Election.
- The 21-day pre-election C4 reports were due on October 18, 2016. Based on the response provided from the Kraft campaign, it appears that there were some communication difficulties between the campaign and HROC. The campaign filed their reports on time – apparently unaware of the amounts that HROC had contributed as in-kind contributions during the reporting cycle.
- The Kraft campaign filed their next C4 report on November 1, 2016, indicating that \$8,776 had been returned to HROC on October 23, 2016. This report was available to the public 7-days before the 2016 General Election.
- The over limit contribution amounted to less than 3.5% of the Kraft campaign's overall \$251,109 fundraising activity for 2016.
- Vicki Kraft has no previous violations of PDC laws and rules

Based on these findings, it appears that there was confusion between the caucus committee contributor and the campaign over contributions that had been made. Once the campaign was made aware of the issue, it corrected the problem within five days. The public had corrected information regarding contributions before the election. Under the facts of this case, the erroneous acceptance of an over limit contribution, coupled with the prompt return of the amount and correction to the campaign finance reports, does not amount to a material violation warranting further investigation.

This letter is intended as an important reminder to both candidates and contributors to be mindful of contribution limits. It is particularly important for committees to inform campaigns about the value of in-kind contributions with enough lead time to allow for accurate reporting. The candidate depends on the contributor for this information—the value of in-kind contributions is generally not something a candidate would otherwise know.

The PDC has closed the matter, and will not be conducting a more formal investigation into this complaint or pursuing further enforcement action in this case.

Sincerely,


Evelyn Fielding Lopez
Executive Director