

Complaint Description

File a Formal Complaint - E.J. Zita

[EJ Zita](#) reported (Tue, 23 Oct at 1:51 PM) via Portal Meta

The attached file, ZitaMenserGM.pdf, includes * my objections to Morgan's mailer and my support for Tye Menser * images of the fraudulent flier * Olympian article published the same day the mailers were received by voters. While my strongest statements of concern were not included in this article, it documents the immediate outcry against this election fraud.

What impact does the alleged violation(s) have on the public?

An election campaign flyer from Glen Morgan and his groups used my name and my image in a fraudulent way. The flyer (see attached) falsely names me as a write-in candidate against Thurston County Commissioner Candidate Tye Menser, I was not consulted, I did not approve, and I object to the use of my image, my name, and my endorsement statement on this fraudulent flier funded by the far right.

The mailer poses as progressive and attempts to steal votes by asking people to vote for me, though Morgan knows that I am not a registered candidate. Any votes cast for me in this election would not count.

This flyer defames me and damages my good name by falsely promoting me as a "spoiler" in this election.

This is a violation of RCW 42.17A. The person listed as Executive Director is Glen Morgan. The PAC listed is A Brighter Thurston County. The major contributor to A Brighter Thurston County is the Thurston Republican Party.

List of attached evidence or contact information where evidence may be found.

Please see attached letter and supporting documents, in ZitaMenserGM.pdf

List of potential witnesses with contact information to reach them.

League of Women Voters, Thurston County (a non-partisan organization for fair voting) is tracking this case. www.lwvthurston.org

FUSE Washington was also falsely represented in Morgan's mailer:
collin@fusewashington.org

Thurston County Auditor can verify that I am not a candidate in this race.
TCauditor@co.thurston.wa.us

Complaint Certification:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

To: Public Disclosure Commission
From: E.J. Zita and Zita for Port
Date: 23 Oct. 2018
RE: addendum to PDC complaint against Glen Morgan

Please add this document to my recently filed complaint. It addresses each section of RCW 42.17A.335 point by point.

Thank you. Sincerely, **Zita**

E.J. Zita, PhD
PO Box 1441, Olympia WA. 98507
Zitaport@gmail.com

RCW 42.17A.335

Political advertising or electioneering communication—Libel or defamation per se.

(1) Glen Morgan violates this chapter by sponsoring with actual malice a statement constituting libel or defamation per se under the following circumstances:

(a) Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office: * Glen Morgan's election flyer falsely advertises Zita as a write-in candidate for Thurston County Commissioner (instead of Tye Menser). Zita is not a write-in candidate, and Morgan did not seek her approval for this advertising. In fact, Zita is an active supporter of Tye Menser's candidacy for Thurston County Commissioner. Morgan's false advertising poses as progressive to steal votes from Tye Menser. Any vote cast for Zita is wasted.*

(b)

(c) Political advertising or an electioneering communication that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement. * Morgan's fraudulent flyer quotes Fuse (Washington Progressive Voter's Guide) endorsing Zita - for a different race in a different year. Morgan falsely positions this old statement as a current endorsement of Zita for Thurston County Commissioner in 2018. Any such endorsement is illegitimate, because Zita is not a candidate for this office.*

(2) The "libel or defamation per se" committed by Glen Morgan includes statements that tend (a) to expose a living person to hatred, contempt, ridicule, or obloquy, or to deprive him or her of the benefit of public confidence or social intercourse, or to injure him or her in his or her business or occupation, or (b) to injure any person, corporation, or association in his, her, or its business or occupation.

(a) Morgan's statements, including the unauthorized and fraudulent use of Zita's name, image, and past endorsement, exposes Zita to the damages in (2) by positioning her, without her consent or approval, as a "spoiler" write-in candidate against Tye Menser, a progressive whose candidate she actively supports.

(b) Morgan's fraudulent flyer injures Zita in her occupation as elected Port Commissioner, by damaging public trust.

(3) Neither Zita nor her agent made or authorized the statements in subsection (1).

(4) Any violation of this section shall be proven by clear and convincing evidence. If a violation is proven, damages are presumed and do not need to be proven.

TO: Washington Secretary of State, Elections Division, and PDC
FROM: E.J. Zita
Date: 22 Oct. 2018
RE: Fraudulent campaigning

To whom it may concern:

On Saturday 20, October 2018, I learned of a fraudulent campaign advertisement naming me as a write-in candidate for Thurston County Commissioner. (Att.1)

The flyer was created and funded by rightwing operatives (e.g. Glen Morgan). "Progressive" voters are encouraged to vote for me instead of Tye Menser for Thurston County Commissioner.

I am not a write-in candidate for this office, and I will not file as a write-in candidate for this office.

I do not authorize the use of my name or image in this fraudulent campaign.

I object to this use of my name and image:

- The flyer falsely represents me as an opponent to Tye Menser's candidacy.
- I have endorsed and continue to strongly support Tye Menser, Democratic candidate for Thurston County Commissioner.

My public objection to Glen Morgan's fraudulent campaign was published within hours by *The Olympian* on 20 Oct. (Att.2)

I have widely shared my objection to the fraudulent campaign flyer, and my support for Tye Menser, attempting to correct Morgan's misdirection.

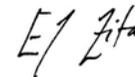
This fraudulent campaign flyer is a transparent attempt to split progressive votes and sow confusion and discord, in order to promote the candidacy of Menser's opponent (Bud Blake).

I would not accept the office of Thurston County Commissioner in 2018 even if I "won" due to this fraudulent write-in campaign, because:

- (1) I already hold office as Port Commissioner and
- (2) Tye Menser is the only legitimate progressive or Democratic candidate.

Please advise me on next steps to formally advance my complaint. Thank you – Zita

E.J. Zita, PhD
President, Port Commission, Port of Olympia (District 3)



PO Box 1441, Olympia WA 98507

zitaport@gmail.com (a personal address) 360.628.6969

Don't be fooled by fake Progressives like Tye Menser ("D"-Olympia)

Thurston County Commissioner
 Bud ~~Blake~~
 Tye ~~Menser ("D")~~
Write in:
EJ Zita

LET'S WRITE IN A REAL PROGRESSIVE:
EJ Zita

Tye Menser

EJ Zita
Thurston Co. Commissioner

EJ Zita - A Real Progressive

Standard US Postage PAID Spokane WA Permit #285
*****AUTO**SCH 5-DIGIT 98502
Postal Patron
12 20 1607Z
|||

The flyer features a purple header with the headline 'Don't be fooled by fake Progressives like Tye Menser ("D"-Olympia)'. Below this is a ballot form for Thurston County Commissioner with checkboxes for Bud Blake and Tye Menser, and a 'Write in' field containing 'EJ Zita'. A green arrow points to the 'Write in' field. To the right, an orange box says 'LET'S WRITE IN A REAL PROGRESSIVE: EJ Zita'. The center shows a photo of EJ Zita with her name and title 'Thurston Co. Commissioner' below it. On the left, a photo of Tye Menser is crossed out with a red circle and slash. At the bottom, a green box says 'EJ Zita - A Real Progressive'. On the right, there is a postage-paid stamp from Spokane, WA.

It's time to write in a real progressive.

"A faculty member at the Evergreen State College, Zita is a progressive who has worked hard to ensure that local taxes and economic investments at the port serve the whole community and enhance the environment. Throughout her tenure, Zita has prioritized providing sustainable economic opportunities for all, and holding the port to higher accountability standard that safeguard the interests of farms, residential areas, and schools." Fuse WA Progressive Voters Guide, (ProgressiveVoterGuide.org)

PROGRESSIVE VOTERS GUIDE

Write in:
EJ Zita

Menser is not diverse - no women serve on the Commission. Opposed Progressive Democrat Melissa Denton. Already lost to "Independent" Blake in primary.

Tye Menser

Remember to write-in EJ Zita by Tuesday November 6, 2018. NO CANDIDATE AUTHORIZED THIS AD. Paid for by Real Progressives in Thurston County (Sponsored by: A Brighter Thurston County) - Top Five Contributors: A Brighter Thurston County. View all campaign contribution information by going to: www.pdc.wa.gov. Contact: Glen Morgan, ExecutiveDirector@WAProgressiveVotersForChange.com, 1001 Cooper Point Road SW #140-222 Olympia, WA 98502.

The flyer has a green and orange background. The headline reads 'It's time to write in a real progressive.' Below is a quote from the 'Fuse WA Progressive Voters Guide' praising EJ Zita. To the right is a photo of EJ Zita with a green checkmark and the 'Fuse' logo. Below the quote is a yellow box with 'Write in: EJ Zita'. At the bottom, a black box contains the text 'Menser is not diverse - no women serve on the Commission. Opposed Progressive Democrat Melissa Denton. Already lost to "Independent" Blake in primary.' To the left is a photo of Tye Menser with a red circle and slash over it, and the name 'Tye Menser' below. A blue footer contains fine print about the ad's date (November 6, 2018) and contact information for Glen Morgan.

Attachment 2

Mailer in Thurston County commission race called misleading -- by the person it claims to support

By Abby Spegman aspegman@theolympian.com

October 20, 2018 04:57 PM

A Thurston County politician is denouncing a campaign mailer as misleading and the group behind it as anti-democratic.

E.J. Zita, who sits on the Port of Olympia commission, said she is supporting Tye Menser, a Democrat running for Thurston County commissioner against incumbent Bud Blake, an independent.

But a mailer that went out to voters recently tells people to write in Zita's name for county commissioner, saying: "Don't be fooled by fake Progressives like Tye Menser..."

"I do want to formally state that this flier is fake, that Tye Menser is the progressive candidate and I support Tye Menser," Zita told The Olympian on Saturday. "And I'm dismayed that the far right is doing this dishonest campaign.... This is anti-democratic."

Morgan told The Olympian Saturday he was not trying to mislead anyone but rather present options for progressive voters.

"I'm not a progressive, but for the real progressives, this is a choice," he said. "I don't think there's anything dirty about giving people more options."

Blake said Saturday he was not involved with the mailer and that people should "stick to the facts."

According to campaign disclosure records, Real Progressives in Thurston County is funded mostly by a political action committee called A Brighter Thurston County, which received \$10,000 from the Thurston County Republican Party.

Morgan is listed as the campaign manager for Real Progressives in Thurston County and A Brighter Thurston County.

Morgan, who lives near Tenino, also has created a PAC called Conscience of the Progressives. The [Seattle Times reported Friday](#) that group sent mailers supporting "progressive" candidates in close races in the 19th Legislative District in southwest Washington and the 6th Legislative District near Spokane.

In both cases, the mailers urged voters to write in names of people who are supporting the Democrat in the race.

Abby Spegman: 360-704-6869