

S T E F A N S H A R K A N S K Y

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November 12, 2010

Public Disclosure Commission

Mr. Phil Stutzman  
Director of Compliance  
Washington State Public Disclosure Commission  
711 Capitol Way, Room 206  
PO Box 40908  
Olympia, WA 98504-0908  
*By e-mail: Phil.Stutzman@pdc.wa.gov*  
cc: Attorney General Rob McKenna

Re: Complaint against "OneAmerica Votes", its Governing Persons and Pramila Jayapal, all of 1225 S. Weller St. Suite 200 Seattle, WA 98144, (206) 723-2203.

Dear Mr. Stutzman:

I am submitting this written complaint pursuant to WAC 390-37-040(2). I have reason to believe that "OneAmerica Votes" has committed multiple violations of RCW 42.17. I assert that it was openly acting as a political committee, soliciting and accepting donations and making expenditures in order to support or oppose state candidates and ballot measures in the 2010 election. Yet I believe it failed to register itself as a political committee with the PDC and also failed to report its political contributions and expenditures to the PDC.

Specific facts:

1. "OneAmerica Votes" ("OAV") is a non-profit corporation registered with the Washington Secretary of State as of August 31, 2009. It's Governing Persons are identified as Dana Laurent, Sudha Nandagopal, M. Lorena Gonzalez and Paul Ahern, Jr.

Ms. Gonzalez and Mr. Ahern are listed in the Washington State Bar Association directory as practicing attorneys and should be expected to be familiar with state campaign finance laws.

2. OAV appears to be closely affiliated with OneAmerica (formerly known as "Hate Free Zone"), separately registered as a Washington non-profit corporation. The two entities appear to share office space and staff. Two of OAV's governing persons are listed on OneAmerica's website (weareoneamerica.org) as members of the OneAmerica board. Recent news reports [attached as Exhibit A] identify Pramila Jayapal as the leader of both entities. One of these news articles describes OneAmerica as "a nonprofit with ... a \$2.1 million budget (mostly from

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foundations), 17 full-time employees and a political action committee". The latter presumably refers to OAV.

3. OAV's website (oavotes.org) describes its mission as:

OneAmerica Votes advocates for policies and works to elect candidates that promote democracy and justice in immigrant communities at the local, state and federal levels.

[I attach copies of several pages and other documents from the OAV website as Exhibit B]

4. The OAV website solicits donations. Its "Donate" page includes the text:

As an advocacy and political organization applying for 501(c)4 status under the IRS code, donations to OneAmerica Votes are not tax deductible.

5. The OAV website states its endorsements of several candidates for the state Legislature in 2010, and states its positions on all 6 Initiatives to the People on the 2010 ballot.
6. The OAV website also reports that it mailed "ballot guide" flyers to voters. [A copy of the "ballot guide", downloaded from the website is included in Exhibit B]. The "ballot guide" attempts to persuade the voter how to vote on each of the 6 statewide initiatives on the November 2010 ballot. The mail piece states that it was "Paid for by OneAmerica Votes".
7. OAV held a "New Americans Ballot Initiative Party" on October 18, 2010, which is described on the website as:

OneAmerica Votes is hosting a New Americans Ballot Initiative Party to share details about the ballot initiatives facing voters this fall and to highlight their impact on immigrant communities across the state. Free food, music and other entertainment will be provided as new Americans and their allies celebrate the democratic process by casting their ballots together.

A flyer for the "Ballot Initiative Party" states that it was "Sponsored by: Asian Counseling and Referral Service, Asian Pacific Islander Coalition of WA, El Centro de la Raza, Minority Executive Directors Coalition". This "party" was obviously intended not to provide objective information about the initiatives, but as a campaign event to persuade the attendees how to vote. Nevertheless, I could not find in the PDC database any reports of campaign contributions or independent expenditures by any of the "sponsors" relating to this event.

8. OAV's "2010 Civic Engagement Calendar", posted on the website, lists several Canvassing and Phone Bank events between September 7 and November 1

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9. An item on the OAV website, apparently posted a few days after the November 2 election, reports:

Over the course of the last few months, OneAmerica Votes had more than 160,000 contacts with registered voters in Washington State, including a group of more than 25,000 immigrant voters that received phone calls, door-to-door canvassing and four direct mail pieces. Within that universe of 25,000 immigrant voters there were more than 17,000 Latino voters OneAmerica Votes was working to turn out. Based on preliminary numbers, those efforts to mobilize Latino voters in support of Patty Murray, pro-immigrant federal and state candidates, and the ballot initiatives are paying off in votes.

10. "Protect Our Communities" ("POC"), the political committee formed to oppose Initiatives 1100 and 1105, made a \$50,000 payment to OAV on October 8 (reported as a code "C" expenditure and described as a "donation" on POC's amended C-4 filed October 26).
11. It seems clear from the foregoing that OAV is acting as an in-state political committee. Yet although I diligently searched the PDC's online campaign finance database, I was unable to find any filings by OAV. OAV does not appear to have filed a C1PC, in apparent violation of RCW 42.17.040. OAV does not appear to have reported any of its receipts or expenditures, nor any independent expenditures on behalf of the candidates or ballot measures for which OAV was obviously campaigning, in apparent violation of RCW 42.17.080 and/or RCW 42.17.100. I was unable to find any reports of any monetary or in-kind contributions made by OAV to any other registered political committee. Except for the aforementioned "donation" from POC, I was unable to find any other payments from registered political committees to OAV.

Sincerely,

Stefan Sharkansky

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