



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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July 31, 2015

The Honorable Robert Ferguson
Attorney General
1125 Washington St SE
PO Box 40100
Olympia, WA 98504-0100

RE: Washington State Public Disclosure Commission Recommendation Following Staff
Report of Investigation re: Jay Inslee for Washington – 2016 Campaign, PDC Case No.
15-065

Dear Attorney General Ferguson:

This letter concerns the matter that your office referred to the Public Disclosure Commission for review and possible investigation on June 2, 2015 in response to a 45-day Citizen Action Complaint (Complaint) filed with the Attorney General on May 27, 2015. The Complaint alleged that Respondent Jay Inslee for Washington – 2016 Campaign violated RCW 42.17A as follows:

- A. **Personal Use of Campaign Funds by Governor Inslee (RCW 42.17A.445).** The complaint alleged that the Inslee campaign spent funds to conduct a grass roots lobbying campaign on behalf of Governor Inslee, and that such use was a personal use of campaign funds not directly related to the governor's reelection campaign, an alleged violation of RCW 42.17A.445.
- B. **Failing to properly report grass roots lobbying expenses on PDC Form L-6 (RCW 42.17A.640).** The Complaint alleged that Governor Inslee failed to report his grass roots lobbying campaign on PDC form L-6, an alleged violation of RCW 42.17A.640.

Staff reviewed the complaint and prepared a Report of Investigation concerning the alleged violations by Jay Inslee for Washington – 2016 Campaign. The Commission considered the results of staff's investigation at the July 23, 2015 Commission meeting, where PDC staff presented its Report of Investigation and a recommendation regarding the allegations. Copies of the Report of Investigation and Executive Summary and Staff Analysis are enclosed with this letter.

The staff investigation concerned seven emails sent by the Inslee campaign, predominantly to Governor Inslee's email list, between December 2014 and May 2015. The emails described the governor's position on several issues under consideration by the 2015 legislature, including at least one piece of legislation identified by bill number. The emails urged the reader to support the legislation, and the governor's priorities for education, transportation, and the state budget. They directed the reader to click on links to visit pages on the Inslee campaign's Web site.

PDC staff found that the content of the Inslee campaign's emails and connected Web pages gave the appearance of grass roots lobbying. Staff looked for additional indications that the communications were sponsored primarily for the purpose of influencing the passage of legislation, and found the evidence less conclusive. As described in the Executive Summary and Staff Analysis, while all of the emails and Web pages concerned matters before the legislature, only one identified particular legislation. Further, in contrast with a typical grass roots lobbying campaign, none of the Inslee campaign's emails or connected Web pages facilitated direct contact with members of the legislature, for example, by providing the legislative hotline telephone number, or specific legislator contact information. Rather, the Web pages afforded the reader the opportunity to express the reader's views on issues of interest to the governor, by filling out a contact form that returned data to the Inslee campaign. Staff's review of the linked Web forms indicates that only the visitor's email address and zip code were required information on the Web forms; the visitor's first and last name were optional.

The campaign stated that the information provided through the Web forms was entered into the campaign's campaign contact database. The campaign stated that by soliciting action from its supporters, the campaign was able to gather information as to who on its email list replied or took action. They stated that gathering information about the accuracy of a campaign's email list is a critical piece of the preparation that goes into preparing for an election year.

The campaign stated that it did not use the responses to present a petition or similar message to Washington legislators, that none of the names of the responding individuals were presented to state legislative officials, and that state legislative officials were not informed of the responses in any other way. Despite the fact that petitions were mentioned in the emails, no evidence was found that petitions were created or delivered to any legislative members or their staff.

Staff found that all expenses associated with sending the emails and creating the related Web pages were sponsored by the Inslee campaign, and reported in the campaign's monthly PDC reports. The emails and the Inslee campaign's Web site identify the campaign as their sponsor.

Staff Conclusion

Staff's Executive Summary and Staff Analysis concluded that the Jay Inslee for Washington – 2016 Campaign's email and Web communications were directly related to the governor's reelection campaign, and that but for that campaign, the Inslee campaign would not have incurred the related expenses. Staff also concluded that the campaign reported the expenses on C-4 summary reports required under RCW 42.17A.235 and .240, and that by virtue of this reporting, no disclosure on form L-6 was required under RCW 42.17A.640. Staff concluded that there was insufficient evidence to establish a violation by Governor Inslee or his campaign of

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RCW 42.17A.445 or of RCW 42.17A.640, and recommended that the Commission recommend to the Attorney General that no further action be taken on the Citizen Action Complaint.

Commission Recommendation

The Commission voted unanimously to accept staff's recommendation, and to recommend that the Washington Attorney General take no further action concerning the allegations contained in the Citizen Action Complaint that: (1) the Jay Inslee for Washington – 2016 Campaign spent campaign funds for a personal grass roots lobbying campaign not directly related to the governor's reelection campaign, in violation of RCW 42.17A.445; and (2) Governor Inslee failed to report grass roots lobbying campaign expenses on PDC form L-6, in violation of RCW 42.17A.640.

If you have questions, please contact me at (360) 664-2735. Thank you.

Sincerely,


Frederick C. Kiga
Executive Director

c: Commissioners
Linda A. Dalton, Sr. Assistant Attorney General