

April 23, 2024

Greetings Commissioners:

The complaint for Case #115649 was submitted at the end of December in 2022.

<https://www.pdc.wa.gov/rules-enforcement/enforcement/enforcement-cases/115649>

The complaint notes that the group requesting a recount has not registered as a political action committee and argues that the Commissioners should determine if registration is required because there is little in the law to suggest that this group would be required to disclose the names of those who contributed to the recount effort.

The response acknowledged that the group is not registered as a political committee. The group Chairman does not believe the group fits the “political committee” definition of RCW 2.17A.005(41) because the group had no expectation of receiving contributions or making expenditures either supporting or opposing any candidate on the ballot. Therefore, RCW 42.17A.205 requirements to register as a political committee should not apply to the group.

Both the complaint and the response expound at length upon these summaries.

I appeared before the Commission 15 months ago at the January 2023 meeting, briefly summarizing my response to the complaint and noting that I did not file because I cannot find the requirement in the law or in published PDC guidance. I also pointed out that the group was formed more than three weeks after election day, so it is not possible for us to have any influence on the election and therefore we are not a political committee. A staff assessment of facts was in progress at that time.

To learn the process and better understand the purpose of the PDC, I have physically attended several PDC Commission meetings as well as reviewing meeting notes and watching the meeting recordings when not able to attend in person.

When the time period allotted for the staff assessment expired, I was informed that staff remained firm in the belief that I should register as a political action committee and file various financial disclosure reports. If I did not follow the staff recommendation, then an investigation of a possible violation would be opened. The investigator was not able to provide an explanation of how the written statute clearly applied in this case. From my perspective, the only path forward to have the commissioners make the final determination was to proceed with the investigation.

I have been generally cooperative and compliant with the investigation. I have continued to resist staff recommendations to register as a political committee, file various reports, or specifically disclose the information that will be in the reports if they are required. I do not understand how this specific information is relevant to answering the question of whether or not the group that requested the recount is a political committee.

From my perspective, the following points seem relevant to the commissioners decision:

1. The recount was requested in accordance with RCW 29A.064.011 where it says:  
Any group of five or more registered voters may file a written application for a recount of the votes or a portion of the votes cast upon any question or issue.  
(<https://app.leg.wa.gov/rcw/default.aspx?cite=29A.64.011>)
2. Election transparency is the issue addressed by the recount. The community needs a method to validate the electronic tabulator results of an election. This issue is independent of the candidates and questions/policies on the ballot.
  - a. Black's Law Dictionary, 4<sup>th</sup> Edition definition of Ballot: A slip of paper bearing the names of the offices to be filled at the particular election and the names of the candidates for whom the elector desires to vote, or containing a particular question of administration or public policy on which the voter is asked to express his views. It may be printed, or written, or partly printed and partly written, and is deposited by the voter in a "ballot box" which is in the custody of the officers holding the election. Denny v. Pratt, 104 Conn. 396, 133 A. 107, 108.
  - b. RCW Chapter 29A.64 governs election recounts. The recount group worked with the Kitsap County Elections Department to request and conduct the recount in accordance with this chapter. Timelines, deposits, and fees are established in this chapter.  
(<https://app.leg.wa.gov/rcw/default.aspx?cite=29A.64>)
3. RCW 42.17A.005(41) defines a political committee to mean any person (except a candidate or an individual dealing with the candidate's or individual's own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.  
(<https://app.leg.wa.gov/rcw/default.aspx?cite=42.17A.005> )

4. The only expenditure of the recount group was for the Kitsap County Elections Department to count the physical ballots more than a month after the election. The recount group formed after the election for the sole purpose of counting the votes that were certified to have been cast in that election, and pooled funds for the sole purpose of paying the neutral county election department to perform the recount is neither in support of, nor opposed to anything on the ballot.
5. The PDC website in December 2022 stated: According to the disclosure law, your organization becomes a political committee when you first have the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(The current website has the same information in a different format  
<https://www.pdc.wa.gov/registration-reporting/candidates-committees>)

6. The recount group was established more than three weeks *after* the election.

7. The PDC website in December 2022 stated:

A political committee that organizes within the last three weeks before an election in which it will participate must file a C-1pc within three business days of organization or when the committee first has the expectation of receiving contributions or making expenditures in the election campaign.

A political committee that organizes more than three weeks before the election registers within two weeks of forming a committee or expecting to receive or spend funds (whichever occurs first), every political committee must file a **registration statement (C-1pc)** with the PDC.

(The current website has the same information in a different format  
<https://www.pdc.wa.gov/registration-reporting/candidates-committees> )

If the Commissioners rule that the recount group is a political committee the guidance on the website should be revised to reflect the new definition and timeline for registration.

Thank You,

William B Campbell