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## PDC complaints becoming weapons in political wars

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Some 45 years ago, Washington voters got so tired of hidden money in questionable political campaigns that they overwhelmingly approved an initiative with rules on campaign giving and spending. They also set up a commission to make sure the rules were followed.

Now those rules are being used by citizen activists and political parties as weapons against their adversaries. Complaints are flooding both the Public Disclosure Commission and the Washington attorney general's office, which can also investigate and sanction candidates or campaigns for violations.

The number of complaints filed with the PDC in 2017 more than doubled from last year – up from 243 in 2016 to 525 by the beginning of December. As the number of complaints have gone up in recent years, the staff numbers at the agency have gone down, leading to delays in processing and investigating them.

“It provides an open door for people who want to use the PDC and the campaign finance laws as a political weapon,” Commission Chairwoman Anne Levinson said.

Complaints with the attorney general are up nearly seven-fold, from 52 in 2016 to more than 350 so far this year; in 2014, the office received just four. Attorney General Bob Ferguson created a Campaign Finance Unit – two attorneys, a legal assistant, a paralegal and an investigator – to enforce the transparency laws.

The office has filed more campaign enforcement actions than all the previous attorney generals combined, spokeswoman Brionna Aho said.

But complaints continue to pour in. Last month the Washington State Democratic Party filed 40 requests for actions by the attorney general's campaign unit against a list of Republican legislators and local GOP parties. The filings include complaints about late or incomplete reports from Spokane-area legislators Mike Baumgartner, Mary Dye, Jeff Holy, Joel Kretz and Bob McCaslin.

When they were filed last month, State Democratic Chairwoman Tina Podlodowski made no secret of the fact the complaints were a type of payback for actions filed against Democratic committees and candidates in the past.

“Republicans have weaponized our state's compliance laws by targeting local volunteer-run Democratic Party organizations for months,” she said in a press release announcing the complaints. “We're not going to take it any longer.”

But the bulk of complaints against Democratic organizations and committees – including those filed against the Spokane County Democratic Party and several local legislators – come not from a GOP organization but from a conservative citizen activist, Glen Morgan of Thurston County.

By the end of the year, he estimates he will have filed about 300 complaints against elected officials, candidates, party organizations and local and out-of-state political action committees with either the PDC or the attorney general.

Among them are complaints against Spokane legislators Andy Billig, Timm Ormsby and Marcus Riccelli.

His complaint against the Spokane County Democratic Party – for being as many as 440 days late for filing certain disclosure reports that gave the public details of more than \$100,000 in both contributions and expenditures – eventually went to the attorney general's office, which later filed suit in Thurston County Superior Court.

“I don't believe anyone is in total compliance (with PDC rules),” Morgan, the executive director for the Citizens Alliance for

Property Rights, said recently. “Very few are as out of compliance as the Spokane County Democrats were.”

The lawsuit is still pending. When it was filed in May, local party officials blamed the problems on changes in personnel – losing the treasurer and having the executive director pick up those duties, and then a change in the executive director post. Morgan responded that the party remained out of compliance even after the complaint was filed.

Morgan himself was fined for failing to file a required financial statement in 2014 as a member of a school board, after an investigation by the PDC staff. He said they were “completely correct in their finding.”

Attorneys for the state Democratic Party also filed a complaint against him for political action committees he managed in 2016, contending he tried to hide the source of contributions for an independent campaign against a Democratic candidate for Thurston County commissioner. Morgan responded that he had followed the law on disclosure and used the same system of moving money between committees that is common for PACs set up by unions and other groups in the state.

The PDC eventually ruled Morgan did not violate any laws and closed the case.

Morgan has filed three complaints against the state Democratic Party and one against Podlodowski, all of which are pending.

In the face of some of Morgan’s complaints that have been turned into lawsuits, the Island County Democratic Party and two Democratic Legislative District Committees in Western Washington have shut down their political action committees. The Seattle law firm that represents the state Democratic Party has sent letters to Morgan saying that should close those cases.

On Thursday, he told the PDC he doubted the courts would agree that is the end of it.

“After all, if this is an approved and legal path to avoid consequences for violating the state’s campaign finance laws, then why should anyone ever bother to file with the PDC in the first place,” he asked during the public comment part of the commission’s monthly meeting. “Anyone could just take a million dollars, run a political campaign for four months, and by the time the lawsuit is brought in court, the committee can finish their campaign, “dissolve”, pretend it is OK, then just start a new effort under a new name.”

Asked why he hasn’t filed any complaints against Republican organizations or candidates, Morgan replied: “I think they’re out of compliance, too...it’s not because they’re angels.”

His discussions with Republicans have convinced him that for years they filed very few complaints because they thought the commission was stacked against them. Democrats were more diligent and filing complaints against GOP candidates or groups and “it’s a complaint-driven process,” he said.

The reason he can file so many complaints, Morgan added, is because the system is “a labyrinth of very confusing rules” that almost no one can follow.

“I am a symptom, not the problem,” he said, adding he hoped the onslaught of complaints should wake legislators up to the fact the system needs reform.

Commission Chairwoman Levinson agrees the system needs reforms so political groups will stop “weaponizing the PDC.” The agency has seen its budget and staffing levels go down as the number of complaints went up. The state has collected record fines for some major campaign finance violations, but the money goes in the state’s general fund, not to the agency.

Having more staff would allow the agency to review more complaints before the 45-day clock runs out, allowing complainants to file with the courts. It would also make sense to have additional staff who could review reports that are filed and contact candidates or political committees about minor violations that could be corrected before complaints are filed.

Online forms could be improved to instruct filers how to complete them and flag items that are missing.

“It should not be as complicated as it is to comply with the law,” Levinson said.

The Legislature should also consider a change to current law that allows complainants to bypass the agency and go directly to the attorney general’s office.

That’s a good backup procedure but a duplication if a complainant can go to either one with an initial complaint, Levinson said. “This agency was expressly created to be separate and distinct from any elected office holder.”

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