

Executive Summary and Staff Analysis

Tim Eyman, Jack Fagan, Mike Fagan, Barbara Smith, and *Bring Back Our \$30 Car Tabs – VWMC – 2016*

(45-Day Citizen Action Complaint)

PDC Case No. 5729

This summary highlights staff's findings, conclusions, and recommendations regarding the allegations contained in PDC Case No. 5729, a 45-Day Citizen Action Complaint (Complaint) filed on May 25, 2016 by Washingtonians for Ethical Government against the *Bring Back Our \$30 Car Tabs – VWMC – 2016* committee and its officers, Tim Eyman, Jack Fagan, Mike Fagan, and Barbara Smith.

Background

The Attorney General's Office referred the Complaint to the PDC on June 7, 2016 for investigation and possible action. On June 8, 2016, PDC staff sent a letter to *Bring Back Our \$30 Car Tabs – VWMC – 2016*, informing the respondents that staff had opened a formal investigation, and requesting a written response. On June 24, 2016, Mark Lamb, counsel to the respondents, provided a response to the allegations.

Allegations

The Complaint alleged that the respondents failed to properly disclose expenses incurred to sponsor 21 independent expenditure Web videos opposing 54 candidates for legislative office, alleged violations of RCW 42.17A.235 and RCW 42.17A.240. The notice further alleged that the communications at issue failed to comply with the sponsor identification requirement for independent expenditure political advertising under RCW 42.17A.320. Finally, the notice alluded to the C-6 independent expenditure disclosure requirement of RCW 42.17A.255, but did not contain a clear allegation regarding C-6 filing.

Investigative Findings and Conclusion

Based on the factors identified in the investigation, staff found and concluded as follows:

Bring Back Our \$30 Car Tabs – VMWC – 2016 filed a C-4 Summary, Full Report of Receipts and Expenditures on April 11, 2016, disclosing more than \$45,000 in expenditures paid in March of 2016 to sponsor 21 Web videos that opposed 49 candidates for state legislative office. The initial C-4 did not disclose that the purpose of the expenditures was to oppose a candidate for office, as required by RCW 42.17A.240(6) and WAC 390-16-037(1), and did not describe the expenses as independent expenditures. That purpose and description was first disclosed 44 days late, on an amended C-4 report filed on May 25, 2016.

Based on the pro-rated value of these communications per candidate, it appears that ten of the 21 videos at issue met the statutory definition of "independent expenditure." Per RCW 42.17A.320(4) these ten videos were required to include the "No candidate authorized this ad" disclaimer; the sponsor's name, city and state; and accurate "Top 5 contributors" information. The sponsor ID statement in the videos contained an abbreviated version of the sponsor's name ("Voters Want More Choices") but did not

contain the committee's city or state. The videos also did not include the statement "No candidate authorized this ad." Finally, the videos listed incorrect "Top 5 Contributors" information.

C-1pc Political Committee Registrations currently on file for *Bring Back Our \$30 Car Tabs – VMWC – 2016* indicate the committee's sole purpose is to support Initiative 1421 in the 2016 general election. The committee's C-1pc registrations do not identify any candidate that the committee will support or oppose. Although the issue was not raised in the Citizen Action Notice, within ten days of sponsoring the committee's March 28, 2016 expenditures to oppose a candidate, or to support a ballot proposition other than I-1421, *Bring Back Our \$30 Car Tabs – VMWC – 2016* was required under RCW 42.17A.205(4) to file an amended C-1pc indicating the committee's updated purpose. This amendment, due no later than April 7, 2016, is 89 days late as of the date of this executive summary.

Finally, in their Citizen Action Notice, the complainants did not make a specific allegation concerning any alleged failure by *Bring Back Our \$30 Car Tabs – VMWC – 2016* to file C-6 Independent Expenditure reports. Nevertheless, PDC staff reviewed a possible C-6 filing requirement for the political committee, and found no such requirement under any of the relevant statutory provisions: RCW 42.17A.255, RCW 42.17A.260, and RCW 42.17A.305.

Recommendation

For the reasons described above, staff recommends that the Commission find multiple apparent violations of RCW 42.17A.205, RCW 42.17A.240, and RCW 42.17A.320, and recommend to the Washington Attorney General that that office take appropriate action concerning the apparent failure of *Bring Back Our \$30 Car Tabs – VMWC – 2016* and its officers Tim Eyman, Jack Fagan, Mike Fagan, and Barbara Smith to supplement the committee's political committee registration by disclosing updated information, its failure to disclose expenses incurred to oppose candidates for legislative office in a complete and timely manner, and its failure to include complete and accurate sponsor identification and contributor information in the committee's independent expenditure political advertising.



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: 5729
WITH RCW 42.17A)	
)	
Tim Eyman, Jack Fagan, Mike Fagan,)	
Barbara Smith, and <i>Bring Back Our</i>)	
<i>\$30 Car Tabs – VWMC – 2016</i>)	
)	
)	REPORT OF INVESTIGATION
Respondents.)	
)	
)	

I. BACKGROUND

- 1.1 *Bring Back Our \$30 Car Tabs – VWMC – 2016* is a political committee formed to promote Initiative 1421 in the 2016 general election. I-1421, which concerned motor vehicle taxes and fees, was filed with the Washington Secretary of State on January 8, 2016.
- 1.2 *Bring Back Our \$30 Car Tabs – VWMC – 2016* registered with the Public Disclosure Commission by filing a C-1pc Political Committee Registration on February 10, 2016. **(Exhibit 1.)** The registration listed Jack Fagan as the committee’s campaign manager, Tim Eyman as its “media contact” and as a general officer, Barbara Smith as the committee’s treasurer, and Mike Fagan as an additional officer.
- 1.3 News reports in early June 2016 indicated that Tim Eyman, the sponsor of I-1421, had abandoned efforts to qualify the initiative for the 2016 ballot. As the Everett *Herald* reported:

“That one never took off,” [Mr. Eyman] said. He raised nearly \$200,000 for that campaign and has about two-thirds left unspent, according to online records of the state Public Disclosure Commission. Eyman said he will use those leftover dollars on this new initiative. [I-869, an initiative to the 2017 Washington Legislature that concerns motor vehicle taxes, fees, tolls, charges, and registration.]

(Exhibit 2.)

1.4 On May 25, 2016, the Washington State Attorney General received a Citizen Action Notice from Washingtonians for Ethical Government through their attorney Knoll Lowney, alleging that Tim Eyman, Jack Fagan, Mike Fagan, Barbara Smith, and the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee had violated RCW 42.17A. On June 7, 2016, the Washington State Attorney General’s office forwarded the complaint to the Public Disclosure Commission to review and investigate. **(Exhibit 3.)**

II. ALLEGATIONS IN COMPLAINT

2.1 The Citizen Action Notice alleged that Tim Eyman, Jack Fagan, Mike Fagan, Barbara Smith, and *Bring Back Our \$30 Car Tabs – VMWC – 2016* failed to properly disclose expenses incurred to sponsor 21 Independent Expenditure Web videos opposing 54 candidates for legislative office, alleged violations of RCW 42.17A.235 and .240. The notice further alleged that the communications at issue failed to comply with the sponsor identification requirement for Independent Expenditure political advertising under RCW 42.17A.320. Finally, the notice alluded to the C-6 independent expenditure disclosure requirement of RCW 42.17A.255, but did not contain a clear allegation regarding C-6 filing.

III. FINDINGS

3.1 **Content of Video Advertisements:** As discussed above, the Citizen Action Notice concerned 21 Web-only videos sponsored by *Bring Back Our \$30 Car Tabs – VMWC – 2016*. The notice described the videos as opposing 54 candidates for office. However, the notice only identified 52 candidates as the subject of those videos.

3.2 The *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee disclosed sponsorship of these 21 videos and the majority of related distribution expenses on a C-4 Summary, Full Report of Receipts and Expenditures filed with the PDC on April 11, 2016. The report listed the expenses as paid on March 28, 2016. **(Exhibit 4, p 3.)** In this initial C-4 report, the committee described the purpose of the March 2016 expenditures as “Banner Advertising,” “Campaign Computer Advertising,” and “Advertising Promotion for Initiative 1366.” (Initiative 1366 was a 2015 statewide initiative that provided for a 2/3 majority requirement for legislative tax increases. It was approved by Washington voters in the November 3, 2015 general election, and subsequently ruled unconstitutional.) The report did not answer “yes” to the question on the C-4 cover sheet, “*During the report period, did the committee make an independent expenditure (i.e., an expenses not considered a contribution) supporting or opposing a state or local candidate?”*

- 3.3 On an amended C-4 filed on May 25, 2016, *Bring Back Our \$30 Car Tabs – VMWC – 2016* disclosed that the video ads opposed 52 candidates, and listed those candidates. **(Exhibit 5, pp 3 - 4.)** As with the original C-4 report, the amended report listed the relevant expenditures as paid on March 28, 2016. Also like the original C-4, the amended report did not answer “yes” to the question on the C-4 cover sheet concerning independent expenditures (though the detailed expenditure listing did classify the expenses as independent expenditures).¹
- 3.4 As of June 7, 2016, the date that PDC staff received the Citizen Action Notice from the Washington Attorney General, the videos at issue were no longer available for viewing online. PDC staff requested and received copies of the videos from *Bring Back Our \$30 Car Tabs – VMWC – 2016*. **(Exhibit 6.)** Staff also received a selection of the videos from Andrew Villeneuve of the Northwest Progressive Institute. **(Exhibit 7.)** Staff reviewed the videos received from the two sources and found them to be the same.
- 3.5 Staff’s review indicated that of the 52 individual officials identified in the 21 videos, only 49 were candidates for any office as of March 28, 2016, the date of the relevant expenditures by *Bring Back Our \$30 Car Tabs – VMWC – 2016*. State Senator Marko Liias, now a candidate for State Treasurer, had not announced or registered his campaign as of March 28, 2016. State Senator Jim Hargrove was previously a registered candidate for re-election, but announced withdrawal from his race on March 10, 2016, before the Web videos were sponsored. State Senator John McCoy was not yet a candidate for re-election as of March 28, 2016.
- 3.6 The Web videos criticized the identified legislators and candidates for failing to support a 2/3 majority requirement for tax increases. The videos displayed the printed statement, “Vote Them Out!” and ended with the printed statement, “Paid for by Voters Want More Choices... Top 5 Contributors: Kenneth Fisher, Clyde Holland, Tim Eyman, Mark Needham, and Suzanne Burke.” **(Exhibit 3, pp 7 – 8.)**
- 3.7 **C-4 Disclosure (Purpose of Video Advertisements):** As discussed above, the initial C-4 that *Bring Back Our \$30 Car Tabs – VMWC – 2016* filed on April 11, 2016 to report expenditures connected with its Web videos did not disclose that the purpose of the expenditures was to oppose any candidate

¹ PDC Filer Assistance staff report that classifying an individual expense as an independent expenditure in the PDC’s ORCA electronic filing software automatically populates the question concerning independent expenditures on the C-4 cover sheet with a “yes” answer. However, due to the workings of the software, staff believe that failing to properly classify expenses in this manner on an original C-4 report may foreclose the opportunity for the filer to affirmatively answer the cover sheet question in an amended report, even when the amendment properly classifies the expenses as independent expenditures.

for office. **(Exhibit 4, p 3.)** That purpose was first disclosed 44 days late, on the amended C-4 report filed on May 25, 2016. **(Exhibit 5, pp 3 – 4.)**

- 3.8 **Sponsor Identification and Disclaimer:** PDC filings and invoices provided by the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee, as well as information provided by the committee’s counsel, Mark Lamb, indicate that the total value of the videos was as follows:

Video production: \$2,438
Online advertising copy: \$780
Targeting and online distribution: \$42,000
Web site: \$100
Emails: \$0 (no cost)
TOTAL: \$45,318

(Exhibit 8, pp 3 – 6, Exhibit 9, p 2.) The above expenditures paid for 21 videos and related online advertising to promote or distribute the videos. The value of each video communication was thus \$2,158.

- 3.9 In 11 cases the video advertisement opposed three candidates, a pro-rata share of \$719.33 per candidate. Because the value of these advertisements was less than \$1,000 per candidate, under WAC 390-16-063(1) it appears these 11 videos did not meet the definition of “independent expenditure” for the purposes of the sponsor identification requirement of RCW 42.17A.320(4).
- 3.10 The remaining ten videos opposed either one or two candidates. Because these videos were valued at \$1,079 - \$2,158 per candidate, it appears they met the definition of “independent expenditure” and were required to comply with the sponsor identification requirement of RCW 42.17A.320(4), including the “*No candidate authorized this ad*” disclaimer, and accurate “Top 5 contributors” information. As discussed above, the sponsor ID statement in the videos contained an abbreviated version of the sponsor’s name (“Voters Want More Choices”) but did not contain the committee’s city or state. The videos also did not include the statement “*No candidate authorized this ad.*” **(Exhibit 3, p 8.)**
- 3.11 In addition, while Kenneth Fisher, Clyde Holland, and Suzanne Burke were among the top contributors to the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee, as of the date of its March 28, 2016 expenditures, that committee had disclosed no contributions from Mark Needham or from Tim Eyman. **(Exhibit 10.)** In light of this, the “Top 5 Contributors” information in the Web videos appears to be inaccurate.
- 3.12 In response to PDC staff’s request for an explanation of the committee’s choice of contributors to identify in its advertising, Mark Lamb stated that the

committee identified the largest contributors to committees with the “VWMC” moniker during 2016, i.e., *Bring Back Our \$30 Car Tabs – VMWC – 2016* and *Tougher to Raise Taxes VWMC*. **(Exhibit 11.)**

- 3.13 **C-1pc Registration / Purpose of Committee:** As noted above, C-1pc Political Committee Registrations currently on file for *Bring Back Our \$30 Car Tabs – VMWC – 2016* indicate the committee’s sole purpose is to support Initiative 1421 in the 2016 general election. I-1421 concerns motor vehicle taxes and fees. The committee’s C-1pc registrations do not identify any candidate that the committee will support or oppose.
- 3.14 On June 28, 2016 and June 29, 2016, Mark Lamb provided copies of draft C-1pc amendments meant to indicate candidates or ballot propositions the committee has supported or opposed. **(Exhibit 9, pp 5 – 7, Exhibit 11, pp 7 - 8.)** On June 30, 2016, Jack Fagan transmitted an email to PDC staff, stating that the committee’s final amended C-1pc had been mailed. **(Exhibit 12.)**
- 3.15 Although the issue was not raised in the Citizen Action Notice, within ten days of sponsoring the committee’s March 28, 2016 expenditures to oppose a candidate, or to support a ballot proposition other than I-1421, *Bring Back Our \$30 Car Tabs – VMWC – 2016* was required to file an amended C-1pc indicating the committee’s updated purpose. This amendment, due no later than April 7, 2016, is 89 days late as of the date of this report.
- 3.16 In response to PDC staff’s question about why *Bring Back Our \$30 Car Tabs – VMWC – 2016* sponsored expenditures for a purpose unrelated to supporting I-1421, Mark Lamb stated the following:

“VWMC did not have the intention of making any expenditures that referenced elected officials when it was formed. After the legislature failed to act on the 2/3 amendment to the Washington Constitution the officers of the committee felt it was important that the voters of the state understand this and be informed about how their elected representatives voted...they did not understand the PDC’s position that the committee would need to amend the C1PC to permit the committee to comment on such issues. The committee generally opposes higher taxes that are not approved by either the voters or a supermajority of their elected representatives. As such, VWMC supports a return to \$30 tabs and a 2/3 majority requirement.”

(Exhibit 9, p 2.)

- 3.17 **Independent Expenditure (C-6) Disclosure:** As noted above, in their Citizen Action Notice, the complainants did not make a specific allegation concerning any alleged failure by *Bring Back Our \$30 Car Tabs – VMWC – 2016* to file C-6 Independent Expenditure reports. Nevertheless, PDC staff

reviewed a possible C-6 filing requirement for the political committee, and found no such requirement under any of the relevant statutory provisions:

- The C-6 filing requirement of **RCW 42.17A.255** for independent expenditures valued at \$100 or more does not apply to expenditures that are required to be disclosed by a political committee under RCW 42.17A.235 and RCW 42.17A.240. *Bring Back Our \$30 Car Tabs – VMWC – 2016* is a political committee reporting under .235 and .240.
- The C-6 filing requirement of **RCW 42.17A.260** applies to independent expenditure political advertising valued at \$1,000 or more and presented to the public within 21 days of an election. The nearest election to the ads at issue in this complaint is the upcoming August 2, 2016 primary election. The Web ads were discontinued more than 21 days before that election.
- The C-6 filing requirement of **RCW 42.17A.305** applies only to electioneering communications as defined by RCW 42.17A.005(19). That definition requires that an electioneering communication be presented in one of several specified media, which exclude online advertising.

IV. SCOPE

4.1 PDC staff reviewed the following documents:

1. A Citizen Action Notice filed with the Washington Attorney General on May 25, 2016 by Washingtonians for Ethical Government through counsel Knoll Lowney, alleging violations of RCW 42.17A by Tim Eyman, Jack Fagan, Mike Fagan, Barbara Smith, and *Bring Back Our \$30 Car Tabs – VMWC – 2016*;
2. C-1pc Political Committee registrations, C-3 Monetary Contributions reports, and C-4 Summary, Full Reports of Receipts and Expenditures filed by the *Bring Back Our \$30 Car Tabs – VMWC - 2016* committee;
3. Results of queries of the PDC contribution and expenditure database;
4. Copies of political advertisement videos received on June 24, 2016 from the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee;
5. Copies of selected political advertisement videos sponsored by the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee, received on June 24, 2016 from Andrew Villeneuve of the Northwest Progressive Institute;

6. PDC candidate registration filings, Secretary of State candidate registration data, and news reports concerning Washington legislative and executive office campaigns in the 2016 and 2018 elections;
7. News reports concerning the Initiative 1421 and Initiative 869 campaigns;
8. Responses from counsel Mark Lamb on behalf of the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee and its officers, received on June 22, 2016, June 24, 2016, June 28, 2016, and June 29, 2016; and
9. An email received from Jack Fagan on June 30, 2016.

V. LAW

Under **RCW 42.17A.320(4)**, the sponsor of an independent expenditure political advertisement that contains a visual image is required to include the statement “*No candidate authorized this ad. Paid for by (name, city, state)*” in the advertisement. If the sponsor is a political committee, the sponsor is also required to include the statement “Top Five Contributors,” followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars during the twelve-month period before the date the advertisement was initially presented to the public.

RCW 42.17A.005(26) provides the definition of an “independent expenditure” for the purpose of the sponsor identification and disclaimer requirements of RCW 42.17A.320. Under the definition, the value of an independent expenditure must be \$1,000 for at least one candidate supported or opposed, on a pro rata basis. (See **WAC 390-05-400** for changes in dollar amounts for “independent expenditures,” and **WAC 390-16-063** for the prorating and attributing independent expenditures that support or oppose multiple candidates or ballot measures.)

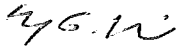
Under **RCW 42.17A.205(2)**, on the C-1pc Political Committee registration, a political committee is required to disclose:

- ...(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party; [and]
- (g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition[.]

Per **RCW 42.17A.205(4)**, any material change to the information on a previous registration is required to be disclosed on an amended C-1pc registration filed within ten days of the change.

Per **RCW 42.17A.240(6)** and **WAC 390-16-037(1)**, the C-4 Summary, Full Report of Receipts and Expenditures must disclose the purpose of each expenditure being reported, including by identifying the candidate(s) or ballot proposition(s) that are supported or opposed by the expenditure, unless the candidates or ballot propositions have been previously identified in a statement of organization filed under RCW 42.17A.205.


Respectfully submitted this 5th day of July, 2016.



Tony Perkins
Compliance Officer

EXHIBIT LIST

- Exhibit 1** Original and amended C-1pc Political Committee Registrations filed by the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee on February 10, 2016.
- Exhibit 2** “*Tim Eyman’s New Ballot Measure Targets Tolls and Transit Taxes,*” article published June 7, 2016 in the *Everett Herald*.
- Exhibit 3** Citizen Action Notice filed on May 25, 2016 with Washington State Attorney General by Washingtonians for Ethical Government, alleging violations of RCW 42.17A by Tim Eyman, Jack Fagan, Mike Fagan, Barbara Smith, and the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee.
- Exhibit 4** C-4 Summary, Full Report of Receipts and Expenditures filed by the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee on April 11, 2016.
- Exhibit 5** Amended C-4 Summary, Full Report of Receipts and Expenditures filed by the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee on May 25, 2016.
- Exhibit 6** Copies of 21 Web videos sponsored by *Bring Back Our \$30 Car Tabs – VMWC – 2016*, received from the committee on June 24, 2016.
- Exhibit 7** Copies of selected Web videos sponsored by the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee, received on June 24, 2016 from Andrew Villeneuve of the Northwest Progressive Institute.
- Exhibit 8** Formal response to the Citizen Action Notice, received on June 24, 2016 from Mark Lamb on behalf of *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee.
- Exhibit 9** Email received June 28, 2016 from Mark Lamb, with attachments.
- Exhibit 10** Result of PDC contribution database query for *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee (top contributors only, \$200 - \$22,500 range).
- Exhibit 11** Email received June 29, 2016 from Mark Lamb, with attachments.
- Exhibit 12** Email received from Jack Fagan on June 30, 2016.

 PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 Toll Free 1-877-601-2828		Political Committee Registration		C1PC (1/12)		100678026 02-10-2016					
Committee Name (Include sponsor in committee name. See next page for definition of "sponsor." Show entire official name. Do not use abbreviations or acronyms in this box.) BRING BACK OUR \$30 CAR TABS - VWMC - 2016				Acronym: \$30 TABS		Telephone: 509-991-5295					
Mailing Address PO BOX 18250				Fax: 509-467-4323							
City SPOKANE		County SPOKANE		Zip + 4 99228		E-mail: JAKATAK@COMCAST.NET					
NEW OR AMENDED REGISTRATION? <input checked="" type="checkbox"/> NEW. Complete entire form. <input type="checkbox"/> AMENDS previous report. Complete entire form.			COMMITTEE STATUS <input type="checkbox"/> Continuing (On-going; not established in anticipation of any particular campaign election.) <input checked="" type="checkbox"/> 2016 election year only. Date of general or special election: <u>11/08/2016</u> (Year)								
1. What is the purpose or description of the committee? <input type="checkbox"/> Bona Fide Political Party Committee - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list of the names of the candidates you support.											
<input checked="" type="checkbox"/> Ballot Committee - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure: BRING BACK OUR \$30 CAR TABS						Ballot Number <u>1421</u>	FOR <input checked="" type="checkbox"/>	AGAINST <input type="checkbox"/>			
<input type="checkbox"/> Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:											
For single election-year only committees (not continuing committees): Is the committee supporting or opposing (a) one or more candidates? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach a list of each candidate's name, office sought and political party affiliation. (b) the entire ticket of a political party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, identify the party:											
2. Related or affiliated committees. List name, address and relationship. <u>VOTERS WANT MORE CHOICES, AFFILIATED, PO BOX 18250, SPOKANE WA 99228</u> <input type="checkbox"/> Continued on attached sheet.											
3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.) If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options. <input type="checkbox"/> MINI REPORTING Mini Reporting is selected. No more than \$5,000 will be raised or spent and no more than \$500 in the aggregate will be accepted from any one contributor.								<input checked="" type="checkbox"/> FULL REPORTING Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.			
4. Campaign Manager's or Media Contact's Name and Address JACK FAGAN MANAGER - TIM EYMAN MEDIA CONTACT PO BOX 18250, SPOKANE WA 99228						Telephone Number: 509-991-5295					
5. Treasurer's Name and Address. Does treasurer perform <u>only</u> ministerial functions? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> . See WAC 390-05-243 and next page for details. List deputy treasurers on attached sheet. BARBARA SMITH PO BOX 1093, MEAD WA 99021						<input type="checkbox"/> Continued on attached sheet. Daytime Telephone Number: 509-435-2160					
6. Persons who perform only ministerial functions on behalf of this committee and on behalf of candidates or other political committees. List name, title, and address of these persons. See WAC 390-05-243 and next page for details. <input type="checkbox"/> Continued on attached sheet.											
7. Committee Officers and other persons who authorize expenditures or make decisions for committee. List name, title, and address. See next page for definition of "officer." <input type="checkbox"/> Continued on attached sheet. TIM EYMAN, OFFICER, 11913 59TH AVE W, MUKILTEO WA 98275 JACK FAGAN, OFFICER, 7020 N WALL ST, SPOKANE WA 99208 MIKE FAGAN, OFFICER, 1523 E DALTON ST, SPOKANE WA 99207											
8. Campaign Bank or Depository BANK OF AMERICA			Branch 30 E WELLESLEY			City SPOKANE					
9. Campaign books must be open to the public by appointment between 8 a.m. and 8 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays. In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post office box or an out-of-area address. Street Address, Room Number, City where campaign books will be available for inspection 7020 N WALL ST, SPOKANE In order to make an appointment, contact the campaign at (telephone, fax, e-mail): (509) 991-4762 (509) 467-4323 JAKATAK@COMCAST.NET											
10. Eligibility to Give to Political Committees and State Office Candidates: A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered voters. <input checked="" type="checkbox"/> A check here indicates your awareness of and pledge to comply with these provisions. Absence of a check mark means your committee does not qualify to give to Washington State political committees and/or state office candidates.					11. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge. <table border="0"> <tr> <td style="text-align: center;">Committee Treasurer's Signature</td> <td style="text-align: center;">Date</td> </tr> <tr> <td style="text-align: center;">BARBARA SMITH</td> <td style="text-align: center;">02-10-2016</td> </tr> </table>			Committee Treasurer's Signature	Date	BARBARA SMITH	02-10-2016
Committee Treasurer's Signature	Date										
BARBARA SMITH	02-10-2016										

 PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 Toll Free 1-877-801-2828	Political Committee Registration	C1PC (1/2)	FEB 10 2016

Committee Name (include sponsor in committee name. See next page for definition of "sponsor." Show entire official name. Do not use abbreviations or acronyms in this box.)

BRING BACK OUR \$30 CAR TABS - VWMC - 2016

Acronym: **\$30 TABS**

Telephone: **509-991-5295**

Mailing Address

PO BOX 18250

City: **SPOKANE** County: **SPOKANE** Zip +4: **99228**

Fax: **509-467-4323**

E-mail: **JAKATAK@COMCAST.NET**

NEW OR AMENDED REGISTRATION? <input type="checkbox"/> NEW. Complete entire form. <input checked="" type="checkbox"/> AMENDS previous report. Complete entire form.	COMMITTEE STATUS <input type="checkbox"/> Continuing (On-going; not established in anticipation of any particular campaign election.) <input checked="" type="checkbox"/> 2016 election year only. Date of general or special election: 11/08/2016 (Year)
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1. What is the purpose or description of the committee?

Bona Fide Political Party Committee - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, attach a list of the names of the candidates you support.

Ballot Committee - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure:

BRING BACK OUR \$30 CAR TABS

Ballot Number	FOR	AGAINST
1421	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name:

For single election year only committees (not continuing committees): Is the committee supporting or opposing

(a) one or more candidates? Yes No If yes, attach a list of each candidate's name, office sought and political party affiliation.

(b) the entire ticket of a political party? Yes No If yes, identify the party

2. Related or affiliated committees. List name, address and relationship.

VOTERS WANT MORE CHOICES, PO BOX 18250, SPOKANE WA 99228, AFFILIATED Continued on attached sheet

3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)

If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.

MINI REPORTING
Mini Reporting is selected. No more than \$5,000 will be raised or spent and no more than \$500 in the aggregate will be accepted from any one contributor.

FULL REPORTING
Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.

4. Campaign Manager's or Media Contact's Name and Address

JACK FAGAN MANAGER - TIM EYMAN MEDIA CONTACT

PO BOX 18250, SPOKANE WA 99228

Telephone Number: **509-991-5295**

5. Treasurer's Name and Address. Does treasurer perform only ministerial functions? Yes No See WAC 390-05-243 and next page for details. List deputy treasurers on attached sheet.

BARBARA SMITH

PO BOX 1093, MEAD WA 99021

Daytime Telephone Number: **509-435-2160**

6. Persons who perform only ministerial functions on behalf of this committee and on behalf of candidates or other political committees. List name, title, and address of these persons. See WAC 390-05-243 and next page for details.

Continued on attached sheet.

7. Committee Officers and other persons who authorize expenditures or make decisions for committee. List name, title, and address. See next page for definition of "officer."

TIM EYMAN, OFFICER, 11913 59TH AVE W, MUKILTEO WA 98275

JACK FAGAN, OFFICER, 7020 N WALL ST, SPOKANE WA 99208

MIKE FAGAN, OFFICER, 1523 E DALTON ST, SPOKANE WA 99207

Continued on attached sheet.

8. Campaign Bank or Depository

BANK OF AMERICA

Branch: **30 E WELLESLEY** City: **SPOKANE**

9. Campaign books must be open to the public by appointment between 8 a.m. and 8 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays. In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post office box or an out-of-area address.

Street Address, Room Number, City where campaign books will be available for inspection

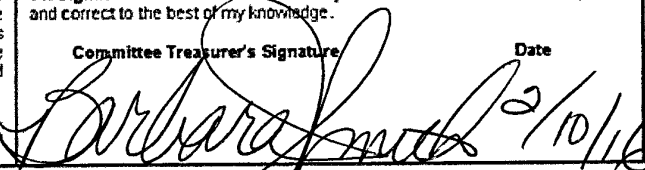
7020 N WALL ST, SPOKANE

In order to make an appointment, contact the campaign at (telephone, fax, e-mail) **(509) 991-4762 (509) 467-4323 JAKATAK@COMCAST.NET**

10. Eligibility to Give to Political Committees and State Office Candidates: A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered voters.

A check here indicates your awareness of and pledge to comply with these provisions. Absence of a check mark means your committee does not qualify to give to Washington State political committees and/or state office candidates.

11. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.

Committee Treasurer's Signature: 

Date: **2/10/16**

HeraldNet

Everett, Washington

[NEWS01](#)

Published: Tuesday, June 7, 2016, 1:00 a.m.

Tim Eyman's new ballot measure targets tolls and transit taxes

By [Jerry Cornfield](#)

Herald Writer

MUKILTEO — The [newest ballot measure](#) conceived by Mukilteo's Tim Eyman would end tolling on I-405 and could crimp Sound Transit's ability to bring light rail service to Everett.

[As proposed, Initiative 869](#) also would repeal car tab fees imposed by cities to pay for local road projects and ax weight fees charged by the state to defray costs of highway improvements.

“It doesn't matter what the level of government, these taxes, fees, tolls and other charges don't have the consent of the governed,” Eyman said.

Signature-gathering for the measure dubbed “We Love Our Cars” began Thursday, he said. It is an initiative to the Legislature, which means Eyman has until Dec. 31 to turn in at least 246,372 signatures of registered voters to ensure a spot on the November 2017 ballot.

If enough signatures are collected, the measure will first be sent to the Legislature for possible adoption. If it isn't, it would appear on the ballot.

In the meantime Eyman said he has abandoned efforts to qualify Initiative 1421 for the ballot this fall. The measure, launched with much fanfare early in the year, sought to bring back \$30 car tabs.

“That one never took off,” he said.

He [raised nearly \\$200,000 for that campaign](#) and has about two-thirds left unspent, according to online records of the state Public Disclosure Commission. Eyman said he will use those leftover dollars on this new initiative.

Meanwhile, one of Eyman's staunchest critics said the new measure would eviscerate funding for roads and transit at both the state and regional levels.

Andrew Villeneuve, founder of the Northwest Progressive Institute and Permanent Defense, also suggested [Eyman might fail](#) to get this measure to the ballot.

“Time will tell if I-869 is for real or not,” Villeneuve said. “Remember, Eyman printed up petitions for I-1421, too — and even made a big show of being the first to sign one in front of television cameras — but I-1421 has now been abandoned. I-869 won't make it either unless Eyman has commitments from his wealthy

benefactors to fund a signature drive. The gears of his initiative factory simply cannot turn without big money.”

Villeneuve vowed that if I-869 gets in front of voters, there will be an alliance of groups opposing it.

Two elements of Eyman's new measure are certain to attract a lot of interest.

One aims to repeal any increase in the motor vehicle excise tax secured by Sound Transit to pay for the expansion plan known as ST3. This fall, Sound Transit is expected to seek voter approval for an increase in that tax along with hikes in the sales tax and local property tax to cover the \$54 billion expansion that would bring light rail to Everett.

Eyman said his measure, if it makes the ballot and is passed next year, would repeal any vehicle excise tax increase passed by voters as part of ST3.

The other notable piece would end tolling on I-405 and Highway 167. However, it would allow tolling in express lanes and high occupancy vehicle lanes on bridges and in tunnels.

Eyman said his measure seeks to help vehicle owners who are being overtaxed by all levels of government. “There is a war on cars and it's time for the people to fight back,” he said in a statement. “Vehicle owners already pay a huge sales tax when they buy a vehicle and a huge gas tax when they use a vehicle. It's simply not fair to be triple- and quadruple-taxed for our vehicles.”

Villeneuve said voters know money is required to maintain and improve the state's transportation system and measures such as this could make the roads they drive on worse.

“Voters have repeatedly said no to right wing initiatives that would mess with our transportation system, but Eyman refuses to listen,” Villeneuve said. “The investments we've made to strengthen mobility in Washington must be protected.”

Jerry Cornfield: 360-352-8623; jcornfield@heraldnet.com.

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SMITH & LOWNEY, P.L.L.C.
2317 E. JOHN ST.
SEATTLE, WASHINGTON 98122
(206) 860-2976, FAX (206) 860-4187

May 23rd, 2016

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

Daniel Satterberg
King County Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Re: 1st Notice of Intent to Sue for Violations of RCW 42.17A

Dear Attorney General Ferguson and Prosecuting Attorney Satterberg:

We represent Washingtonians for Ethical Government (“Washingtonians”) in submitting this statutory notice of intent to sue.

Washingtonians have reason to believe that Tim Eyman, Jack Fagan, Mike Fagan, Barbara Smith, and Bring Back Our \$30 Car Tabs – VMWC – 2016 (collectively “Eyman”) have violated RCW Chapter 42.17A.

Washingtonians intend to bring a citizens’ action against Eyman under RCW 42.17A.765(4) if you do not commence an action against Eyman within the following notice periods specified by statute. At the expiration of 45 days from the date of this letter, a second notice of intent to sue will be sent to you if you have not yet filed suit against Eyman. If, after 10 days following receipt of the second notice you still have not filed suit against Eyman, Washingtonians will bring an action in Superior Court.

I. Violations of RCW 42.17A.

The basis for Washingtonians’ belief that Eyman violated certain sections of RCW Chapter 42.17A is described in the attached complaint and incorporated herein by reference. Indisputable evidence shows Eyman intentionally violated our public disclosure laws.

II. Tim Eyman is a Serial Violator of RCW 42.17A.

Eyman’s latest violations are part of a long history of Tim Eyman’s disregard for our state’s public disclosure laws. Eyman already has three strikes against him, and the current violations are the fourth. He should not be given another pass.

Strike One: In 2002, Eyman was required to pay \$50,000 in penalties and was barred from serving as a treasurer or having control over a political committee’s financial accounts, based upon evidence tending to show that Eyman deceived contributors, embezzled funds from his campaign organization, and failed to properly report the committee’s expenditures. For specific evidence and details, see PDC Case No. 02-281.

Strike Two: In 2005, following the completion of an investigation begun in 2004, fines were assessed against three of Tim Eyman’s political committees in a brief enforcement hearing. See PDC Cases No. 05-066 and 05-068.

Strike Three: Most recently, the PDC again concluded that Eyman pocketed campaign funds for personal use and illegally used funds raised for one initiative to support a different initiative. The PDC found evidence of illegal concealment because the “expenditures were described in the committee’s report as paying for I-1185 signatures, but were intended in part to result in compensation for Mr. Eyman.” The PDC found multiple violations of the law and the matter is currently being prosecuted by the Attorney General, as described in the meeting minutes attached hereto.

Tim Eyman has repeatedly shown a complete and utter disregard for our public disclosure laws, and must be prosecuted to the full extent of the law.

All of the persons and entities described in this letter should pay a penalty for their part in this concealment.

Washingtonians intend to sue for all violations, including those yet to be uncovered and those committed subsequent to the date of this notice of intent to sue. Washingtonians believe that this Notice sufficiently states grounds for filing suit. We intend, at the close of the notice periods, or shortly thereafter, to file a citizen's action against the above-named persons and entities under RCW 42.17A.765(4) for violations of the Fair Campaign Practices Act, RCW Chapter 42.17A. If you have any questions or concerns regarding this Notice, please contact the undersigned attorney.

Very Truly Yours,

SMITH & LOWNEY, PLLC

By:  _____

Knoll Lowney
2317 E. John, Seattle, WA 98112
Attorneys for Washingtonians for Ethical Government

Complaint Against Tim Eyman and “Bring Back Our \$30 Car Tabs – VMWC – 2016” for Violations of RCW 42.17A

I. Respondents

Bring Back Our \$30 Car Tabs – VMWC – 2016
PO Box 18250, Spokane, WA 99228
Phone: 509-991-5295

Tim Eyman, Officer/Media Contact
11913 59th Ave W, Mukilteo, WA 98275
Phone: 425-493-9127; email: tim_eyman@comcast.net

Jack Fagan, Officer/Manager
7020 N Wall Street, Spokane, WA 99208
Phone: 509-991-4762; email: jakatak@comcast.net

Mike Fagan, Officer
1523 E Dalton Street, Spokane, WA 99207

Barbara Smith, Treasurer
PO Box 1093, Mead, WA 99021
Phone: 509-435-2160

II. Alleged Violations

On April 12th, 2016, Tim Eyman, who serves as the designated media contact for “Bring Back Our \$30 Car Tabs – VMWC – 2016” (ostensibly a ballot measure committee formed to promote I-1421, a 2016 initiative to the people) announced the launch of an online ad campaign targeted at fifty-four incumbent Democratic state legislators from twenty-one different legislative districts.

The campaign consists principally of a series of video advertisements which identify lawmakers from a given district by name and photograph, and subsequently urge viewers to “Vote Them Out”, after having assailed them for refusing to implement Respondents' previous initiative from 2015 (Initiative 1366, [struck down in January 2016 as unconstitutional in King County Superior Court](#)). The entire collection of ads was published to a website created for and dedicated to the ad campaign by a vendor, Campaign Grid.

The apparent costs of this ad campaign were disclosed in a C4 filing on April 11th, 2016 by “Bring Back Our \$30 Car Tabs – VMWC – 2016”, which states that Campaign Grid of Fort Washington, Pennsylvania, was paid \$42,000 on March 28th, 2016, for “Advertising Promotion for Initiative 1366”. On the same day, Anne Norwood of Gresham, Oregon was paid \$780.00 for “banner advertising”, while Mark Dodd of Vancouver, Washington was paid \$2,438 for “campaign computer advertising”.

RCW 42.17A.255 stipulates that a person or entity that makes an independent expenditure of more than one hundred dollars has five days to file an initial report with the Public Disclosure Commission documenting “all independent expenditures made during the campaign prior to and including such date”.

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An independent expenditure is defined as “any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW [42.17A.220](#), [42.17A.235](#), and [42.17A.240](#).” [Guidelines published by the Public Disclosure Commission](#) define an independent expenditure as having five elements:

1. the ad supports or opposes a candidate for state, local, or judicial office;
2. the ad is paid for by someone other than a candidate, a candidate's committee or agent;
3. the sponsor does the advertising completely independently of any candidate support in the ad (or the opponent of the candidate opposed), or a candidate's committee or agent;
4. the sponsor did not received the candidate's encouragement or approval to produce the ad; and
5. the ad costs at least \$1,000, or the cost of the latest ad when combined with the cost of earlier ads supporting or opposing the candidate, totals \$1,000 or more.

The ads created by Campaign Grid for “Bring Back Our \$30 Car Tabs – VMWC – 2016” meet the definition of an independent expenditure. The ads oppose candidates for state House and Senate, were financed by a committee unaffiliated with a candidate, were produced without the approval or encouragement of a candidate, and collectively cost more than forty times more than the threshold of \$1,000.

Because the ads meet the definition of independent expenditures, they should contain the required statement “No candidate authorized this ad. It is paid for by (name, address, city, state)”. The PDC's guidelines unequivocally state that this statement “must be part of the ad”. For broadcast ads, the PDC's guidance states that the required disclosures “must be clearly spoken”. However, the ads in question do not contain this statement as the law requires. Nor were the ads properly reported as an independent expenditure as required by law. The PDC instructs makers of independent expenditures to “electronically file or otherwise deliver C-6 to the PDC within 5 days of spending \$100 or more”, unless they are political committees, in which case they are instructed to report their independent expenditures “only on the C-4 report”.

The instructions provided by the PDC that accompany the C-4 form state: “The question posted near the top of the first page of this form regarding independent expenditures applies to ALL POLITICAL COMMITTEES required to file C-4 reports, except ballot issue committees that neither contribute to candidates nor make independent expenditures regarding them and candidate committees (because they are prohibited from making expenditures that are not directly related to their own campaigns).”

“Bring Back Our \$30 Car Tabs – VMWC – 2016” is registered as a ballot issue committee, but its treasurer should nevertheless have answered “Yes” to the question “During this report period, did the committee make an independent expenditure (i.e., an expense not considered a contribution) supporting or opposing a state or local candidate?” because it **did** make independent expenditures opposing numerous candidates seeking reelection to the Washington State Legislature. The committee's treasurer then should have documented the independent expenditures as required using Schedule A or Part 3 of Schedule B to show:

- the date of the expense;
- the name and address of the vendor or recipient of the funds;
- if using Schedule A, an “I” in the Code column;
- the name and office sought of the candidate supported or opposed;
- an indication of support or opposition; and
- a brief description of the expense (e.g brochure mailed to absentee voters).

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Election Totals ▼ **Candidates ▼** Committees ▼ Independent Expenditures ▼ Lobbying ▼ Advanced ▼ PDC Home

Statewide | **Legislative** | Judicial | Local | Surplus |

- Cash Contributions
- In-kind Contributions
- Expenditures
- Independent Expenditures

Independent Expenditures for/against: ORTIZ-SELF LILLIAN

Total Raised: \$15,305.00 Total Spent: \$11,102.26
Total IE Supporting: \$0.00 Total IE Opposing: \$0.00

NOTE: Click on a column header to sort by that column, or click on the icon to filter your results

Drag a column header and drop it here to group by that column

REPORT	SPONSOR	DATE	AMOUNT	S/O	CITY	STATE	ZIP
No records to display.							

Displaying items 0 - 0 of 0

None of this information was provided as part of the C4 filed on April 11th, 2016, nor has it been provided since. The committee's failure to report this independent expenditure is an act of concealment. It constitutes an egregious violation of Washington's public disclosure law. Journalists, voters, candidates and observers rely on the Public Disclosure Commission's website to track independent expenditures, but because these ads have not been reported as required, only those who actually see the website, videos, or emails generated by respondents will be aware of their existence.

Figure 1: The Public Disclosure Commission website as seen on May 20th, 2016. No independent expenditures are listed for or against Lillian Ortiz-Self, one of the targets of the ads.

III. Evidence

Website

Each one of the ads created as part of the campaign may be viewed at this NationBuilder website set up by the vendor (URL: <http://www.two-thirds-to-raise-taxes.info>).

Let The People Vote...
Two Thirds To Raise Taxes
Constitutional Amendment

HOME ABOUT GET CONNECTED ▼ CHOOSE A LEGISLATIVE DISTRICT ▼

Choose a targeted Legislative District below:

LD 01	LD 03	LD 05	LD 19	LD 21	LD 23	LD 24	LD 27	LD 28	LD 29
LD 31	LD 32	LD 33	LD 38	LD 40	LD 41	LD 44	LD 45	LD 47	LD 48
LD 49									

Or Click Here to Lookup Your District Number

Do you like this page?

Paid for by Voters Want More Choices
PO BOX 18250, SPOKANE, WA 99228
Top 5 contributors: Kenneth Fisher, Clyde Holland,
Tim Eymann, Mark Needham, Suzanne Burke

Sign in with Facebook, Twitter or email. Created with NationBuilder

Figure 2: The front page of the NationBuilder website.

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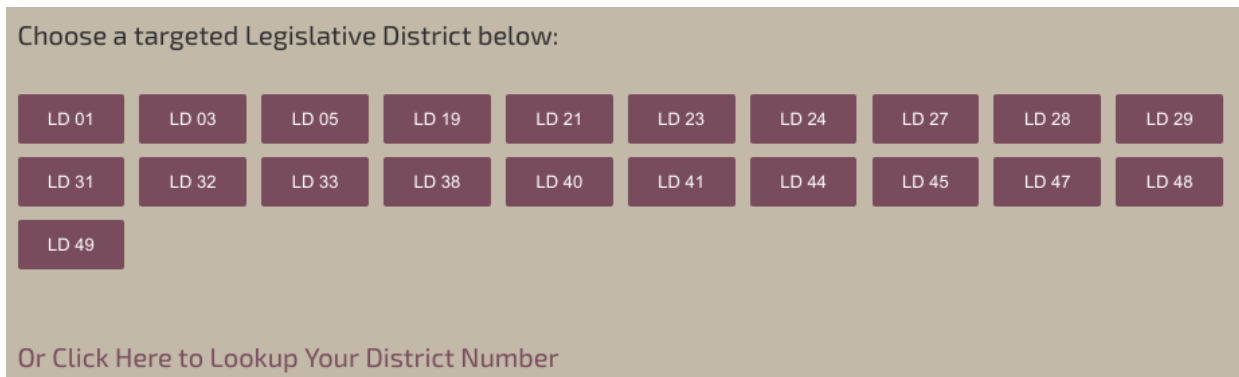


Figure 3: The legislative district selector on the NationBuilder website.

Video Advertisements

Alternatively, the videos can be viewed on Vimeo, the platform on which they were originally published. The specific web address for each video is listed below:

1. LD-01: Ad targeting Rosemary McAulifee, Derek Stanford, Luis Moscoso: <https://vimeo.com/160574845>
2. LD-03: Ad targeting Andy Billig, Timm Ormsby, Marcus Riccelli: <https://vimeo.com/160574846>
3. LD-05: Ad targeting Mark Mullet: <https://vimeo.com/161429482>
4. LD-19: Ad targeting Dean Takko, Brian Blake, and JD Rossetti: <https://vimeo.com/160574851>
5. LD-21: Ad targeting Marko Liias, Strom Peterson, Lillian Ortiz-Self: <https://vimeo.com/160574847>
6. LD-23: Ad targeting Christine Rolfes, Sherry Appleton, Drew Hansen: <https://vimeo.com/160574850>
7. LD-24: Ad targeting Jim Hargrove, Kevin Van De Wege, Steve Tharinger: <https://vimeo.com/160574849>
8. LD-27: Ad targeting Jeannie Darneille, Laurie Jenkins, and Jake Fey: <https://vimeo.com/160574853>
9. LD-28: Ad targeting Christine Kilduff: <https://vimeo.com/160574848>
10. LD-29: Ad targeting Steve Conway, David Sawyer, Steve Kirby: <https://vimeo.com/160574859>
11. LD-31: Ad targeting Christopher Hurst: <https://vimeo.com/160574860>
12. LD-32: Ad targeting Maralyn Chase, Cindy Ryu, and Ruth Kagi: <https://vimeo.com/160574862>
13. LD-33: Ad targeting Karen Keiser, Tina Orwall, and Mia Gregersen: <https://vimeo.com/160574863>
14. LD-38: Ad targeting John McCoy, June Robinson, Mike Sells: <https://vimeo.com/160574872>
15. LD-40: Ad targeting Kevin Ranker, Kristine Lytton, Jeff Morris: <https://vimeo.com/160574866>
16. LD-41: Ad targeting Judy Clibborn, Tana Senn: <https://vimeo.com/160574864>
17. LD-44: Ad targeting Steve Hobbs, Hans Dunshee: <https://vimeo.com/160574871>
18. LD-45: Ad targeting Larry Springer, Roger Goodman: <https://vimeo.com/160574867>
19. LD-47: Ad targeting Pat Sullivan: <https://vimeo.com/161429483>
20. LD-48: Ad targeting Cyrus Habib, Joan McBride, Patty Kuderer: <https://vimeo.com/160574869>
21. LD-49: Ad targeting Annette Cleveland, Jim Moeller, Sharon Wylie: <https://vimeo.com/160574868>

As of May 20th, 2016, most of the individuals named above filed to run for reelection with the Secretary of State and have active campaigns, according to reports filed with the Public Disclosure Commission.

Stills from the videos

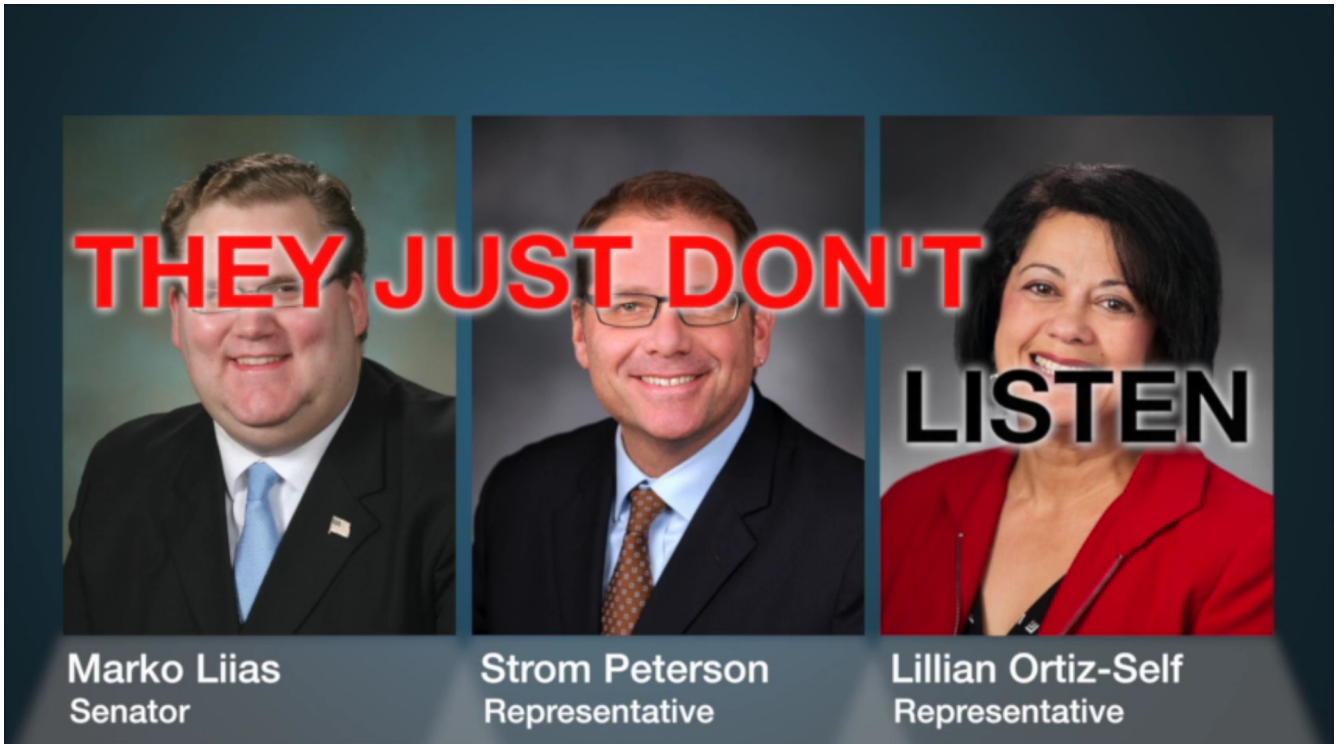


Figure 4: The still above is a scene from one of the ads (the 21st Legislative District version) identifying candidates by name and photograph.

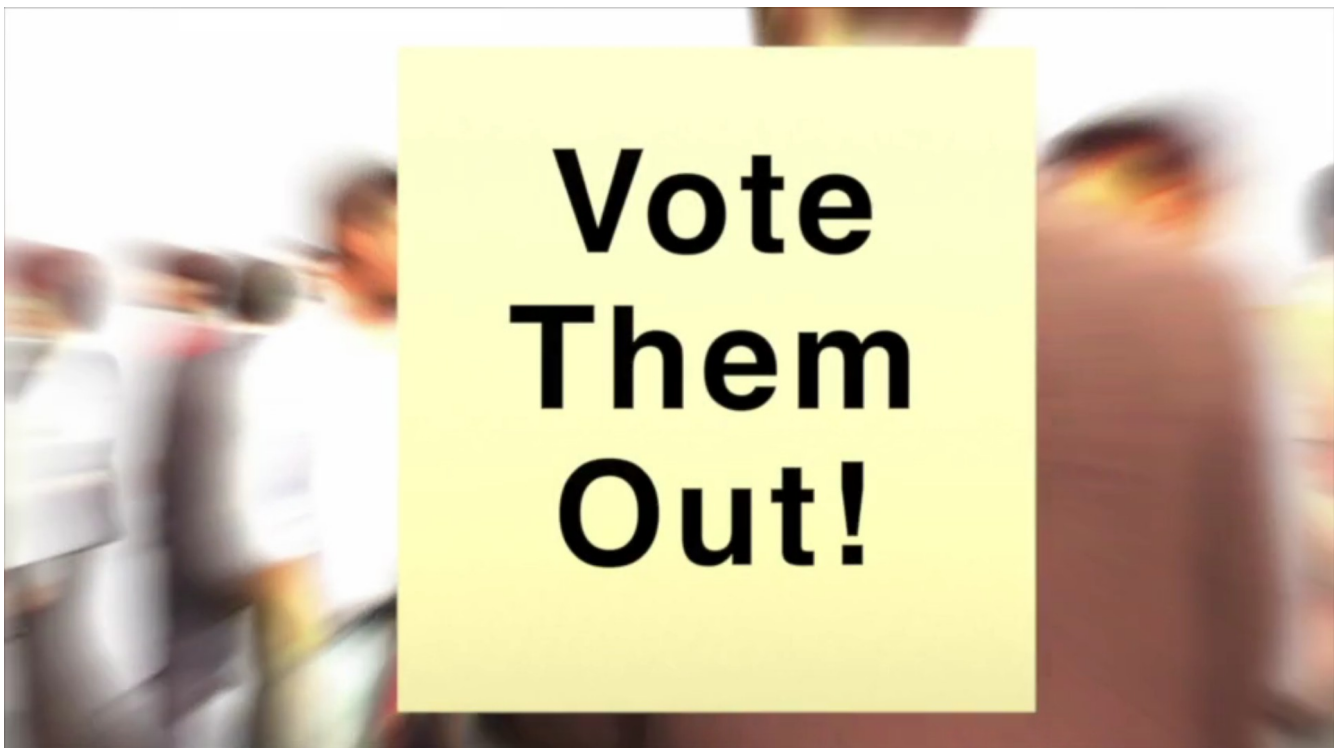


Figure 5: This still depicts the scene from the ads where viewers are urged to "Vote Them Out!" This scene is the same in every one of the twenty-one ads. As the words above appear on screen, the ad's voiceover intones: "Tell them you're going to hold them accountable at the next election."

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Figure 6: Immediately following the “Vote Them Out” scene, the names and faces of the ad’s targets are shown a second and final time, prior to the final scene in the ad. The above is an example – again from the 21st District ad.

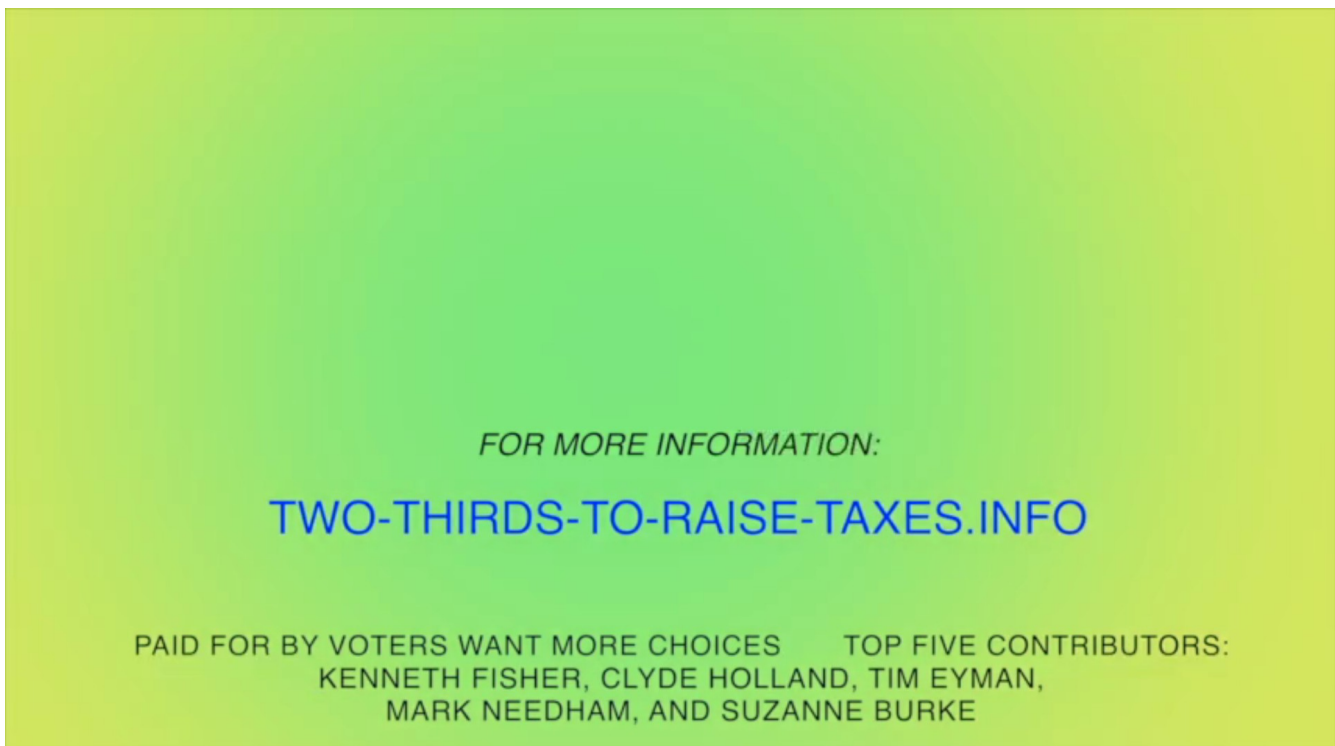


Figure 7: The final scene from the ads states who is responsible for the ad, including the top five contributors, but fails to include the required disclosure “No candidate authorized this ad...”

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Screenshot of one of the web ads created to promote the videos

The screenshot shows the top portion of a web page from The New Yorker. The navigation bar includes links for NEWS, CULTURE, BOOKS, SCIENCE & TECH, BUSINESS, HUMOR, CARTOONS, MAGAZINE, AUDIO, VIDEO, ARCHIVE, and SUBSCRIBE. The article title is "ARIZONA CONFRONTING AWKWARD REALIZATION THAT GAY PEOPLE HAVE MONEY, BUY STUFF" by Andy Borowitz. A video player is visible, showing a woman with blonde hair and red glasses speaking at a podium. An advertisement is overlaid on the right side of the video player, featuring a blue background with white and yellow text. The ad text reads: "ADVERTISMENT", "Politicians in Olympia IGNORED YOU & a Majority of Washington Voters!", "Push Back NOW! >", and "2/3's to Raise Taxes!". The ad also includes an image of US dollar bills.

Figure 8: A web ad promoting the video ads documented above, running on the website of The New Yorker

Email Messages

Communications sent by Tim Eyman promoting the videos listed above and urging the defeat of the candidates targeted by the illegal independent expenditure may be viewed here in reverse chronological order:

- 05/02/2016 - [We scored a scalp! For weeks we've been bashing Democrats -- one of them "retired" last week](#)
- 04/26/2016 - [On taxes, all Democrat legislators are Seattle-centric clones](#)
- 04/20/2016 - [It's the House and Senate Democrats fault that I-1366 wasn't implemented](#)
- 04/15/2016 - [Most overwhelming response we've ever had -- our ads against Dems are YUGE!](#)
- 04/12/2016 - [Powerful video and ads calling out undemocratic Democrats who disrespected voters](#)

Reports filed with the Public Disclosure Commission

Enclosed with this complaint is the C1-PC and most recent C4s for "Bring Back Our \$30 Car Tabs – VMWC – 2016", which document that these independent expenditures were made but not correctly reported.

IV. Witnesses

Persons or entities with knowledge of the creation of this independent expenditure include the following:

- Officers of "Bring Back Our \$30 Car Tabs – VMWC – 2016": Tim Eyman, Jack Fagan, Mike Fagan, and Barbara Smith (Treasurer) – addresses listed in Part 1
- Mark Dodd, vendor (PO Box 953, Vancouver, WA 98666)
- Anne Norwood, vendor (1312 SW 15th Court, Gresham, OR 97080)
- Campaign Grid, vendor (414 Commerce Drive Suite 100, Fort Washington, PA 19034)



SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURES

C4 <small>(3/97)</small>	PDC OFFICE USE
	100689767
	04-11-2016

Candidate or Committee Name (Do not abbreviate. Include full name)
BRING BACK OUR \$30 CAR TABS - VWMC - 2016

Mailing Address
PO BOX 18250
City
SPOKANE, WA

Zip + 4 99228	Office Sought (Candidates)	Election Date 2016
Report Period Covered 03/01/16	From (last C-4) 03/01/16	To (end of period) 03/31/16
	Final Report? Yes No X	

***For PACs, Parties & Caucus Committees:** During this report period, did the committee make an **independent expenditure** (i.e., an expense not considered a contribution supporting or opposing a state or local candidate)?

RECEIPTS

*See next page Yes No

1. Previous total cash and in kind contributions (From line 8, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)	\$	121,423.12
2. Cash received (From line 2, Schedule A)	\$	69,762.33
3. In kind contributions received (From line 1, Schedule B).....		0.00
4. Total cash and in kind contributions received this period (Line 2 plus 3).....		69,762.33
5. Loan principal repayments made (From line 2, Schedule L).....		0.00
6. Corrections (From line 1 or 3, Schedule C)..... Show + or (-)		0.00
7. Net adjustments this period (Combine line 5 & 6)..... Show + or (-)		0.00
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)		191,185.45
9. Total pledge payments due (From line 2, Schedule B).....		0.00

EXPENDITURES

10. Previous total cash and in kind expenditures (From line 17, last C-4) (If beginning a new campaign or calendar year, see instruction booklet)	3,085.29
11. Total cash expenditures (From line 4, Schedule A)	48,439.28
12. In kind expenditures (goods & services) (From line 1, Schedule B)	0.00
13. Total cash and in kind expenditures made this period (Line 11 plus line 12).....	48,439.28
14. Loan principal repayments made (From line 2, Schedule L).....	0.00
15. Corrections (From line 2 or 3, Schedule C)..... Show + or (-)	0.00
16. Net adjustments this period (Combine lines 14 & 15)..... Show + or (-)	0.00
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16).....	51,524.57

CANDIDATES ONLY

	Won	Lost	Unopposed	Name not on ballot
Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Treasurer's Daytime Telephone No.:
(509) 435-2160

CASH SUMMARY

18. Cash on hand (Line 8 minus line 17)	139,660.88
[Line 18 should equal your bank account balance(s) plus your petty cash balance.]	
19. Liabilities: (Sum of loans and debts owed)	0.00
20. Balance (Surplus or deficit) (Line 18 minus line 19)	139,660.88

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.

Candidate's Signature	Date	Treasurer's Signature	Date
		BARBARA SMITH	

CASH RECEIPTS AND EXPENDITURE

SCHEDULE A
 to C4
(11/93)

2

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

03/01/16 03/31/16

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total deposits
03/15/2016	110.00	03/27/2016	410.00			
03/15/2016	50,014.00	03/28/2016	18,410.00			
03/21/2016	818.33					

2. TOTAL CASH RECEIPTS Enter also on line 2 of C4 \$ 69,762.33

CODES FOR CLASSIFYING EXPENDITURES: If one of the following codes is used to describe an expenditure, no other description is generally needed. The exceptions are:

- 1) If expenditures are in-kind or earmarked contributions to a candidate or committee or independent expenditures that benefit a candidate or committee, identify the candidate or committee in the Description block;
- 2) When reporting payments to vendors for travel expenses, identify the traveler and travel purpose in the Description block; and
- 3) If expenditures are made directly or indirectly to compensate a person or entity for soliciting signatures on a statewide initiative or referendum petition, use code "V" and provide the following information on an attached sheet: name and address of each person/entity compensated, amount paid each during the reporting period, and cumulative total paid all persons to date to gather signatures.

CODE DEFINITIONS ON NEXT PAGE	C - Contributions (monetary, in-kind & transfers) I - Independent Expenditures L - Literature, Brochures, Printing B - Broadcast Advertising (Radio, TV) N - Newspaper and Periodical Advertising O - Other Advertising (yard signs, buttons, etc.) V - Voter Signature Gathering	P - Postage, Mailing Permits S - Surveys and Polls F - Fundraising Event Expenses T - Travel, Accommodations, Meals M - Management/Consulting Services W - Wages, Salaries, Benefits G - General Operation and Overhead
-------------------------------------	---	---

3. EXPENDITURES

- a) Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up these expenditures and show the total in the amount column on the first line below.
- b) Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount.
- c) For each payment to a candidate, campaign worker, PR firm, advertising agency or credit card company, attach a list of detailed expenses or copies of receipts/invoices supporting the payment.

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
N/A	Expenses of \$50 or less	N/A	N/A	112.59
03/14/16	JANET FAGAN 2402 N ADDISON STREET SPOKANE, WA 99207		DATA ENTRY	1,290.00
03/17/16	WORLD TOUR ACTIVE WEAR 13331 247TH AVENUE SE MONROE, WA 98272		PRINTING OF SHIRTS FOR \$30 TABS	323.02
03/18/16	VERIZON P O BOX 4005 ACWORTH, GA 30101		TELEPHONE CHARGES	330.42
03/21/16	PAY PAL 2221 N 1ST STREET SAN JOSE, CA 95131		REVERSAL PAYMENT AND FEE	217.10
03/24/16	GEEKS ON WHEELS 1818 W FRANCIS # 134 SPOKANE, WA 99205		COMPUTER MAINTENANCE	103.27
03/28/16	US BANK P O BOX 790179 ST LOUIS, MO 63179		INTEREST PAYMENT ON TIM EYMAN LOAN	844.88

Total from attached pages \$ 45,218.00

4. TOTAL CASH EXPENDITURES Enter also on line 11 of C4 \$ 48,439.28



SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURES

C4 <small>(3/97)</small>	PDC OFFICE USE
	100696544
	AMENDS
	100689767
	05-25-2016

Candidate or Committee Name (Do not abbreviate. Include full name)
BRING BACK OUR \$30 CAR TABS - VWMC - 2016

Mailing Address
 PO BOX 18250

City
 SPOKANE, WA

Zip + 4 99228	Office Sought (Candidates)	Election Date 2016
Report Period Covered 03/01/16	From (last C-4) 03/01/16	To (end of period) 03/31/16
		Final Report? Yes No X

***For PACs, Parties & Caucus Committees:** During this report period, did the committee make an **independent expenditure** (i.e., an expense not considered a contribution supporting or opposing a state or local candidate)?

RECEIPTS

*See next page Yes No

1. Previous total cash and in kind contributions (From line 8, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)	\$	121,423.12
2. Cash received (From line 2, Schedule A)	\$	69,762.33
3. In kind contributions received (From line 1, Schedule B).....		0.00
4. Total cash and in kind contributions received this period (Line 2 plus 3).....		69,762.33
5. Loan principal repayments made (From line 2, Schedule L).....		0.00
6. Corrections (From line 1 or 3, Schedule C)..... Show + or (-)		0.00
7. Net adjustments this period (Combine line 5 & 6)..... Show + or (-)		0.00
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)		191,185.45
9. Total pledge payments due (From line 2, Schedule B).....		0.00

EXPENDITURES

10. Previous total cash and in kind expenditures (From line 17, last C-4) (If beginning a new campaign or calendar year, see instruction booklet)	3,085.29
11. Total cash expenditures (From line 4, Schedule A)	48,439.28
12. In kind expenditures (goods & services) (From line 1, Schedule B)	0.00
13. Total cash and in kind expenditures made this period (Line 11 plus line 12).....	48,439.28
14. Loan principal repayments made (From line 2, Schedule L).....	0.00
15. Corrections (From line 2 or 3, Schedule C)..... Show + or (-)	0.00
16. Net adjustments this period (Combine lines 14 & 15)..... Show + or (-)	0.00
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16).....	51,524.57

CANDIDATES ONLY			
Won	Lost	Unopposed	Name not on ballot
Primary election <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General election <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CASH SUMMARY	
18. Cash on hand (Line 8 minus line 17)	139,660.88
<small>[Line 18 should equal your bank account balance(s) plus your petty cash balance.]</small>	
19. Liabilities: (Sum of loans and debts owed)	0.00
20. Balance (Surplus or deficit) (Line 18 minus line 19)	139,660.88

Treasurer's Daytime Telephone No.:
 (509) 435-2160

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.

Candidate's Signature	Date	Treasurer's Signature	Date
		BARBARA SMITH	

CASH RECEIPTS AND EXPENDITURE

SCHEDULE to C4 A

(11/93)

2

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

03/01/16 03/31/16

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

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- 3) If expenditures are made directly or indirectly to compensate a person or entity for soliciting signatures on a statewide initiative or referendum petition, use code "V" and provide the following information on an attached sheet: name and address of each person/entity compensated, amount paid each during the reporting period, and cumulative total paid all persons to date to gather signatures.

CODE DEFINITIONS ON NEXT PAGE	C - Contributions (monetary, in-kind & transfers) I - Independent Expenditures L - Literature, Brochures, Printing B - Broadcast Advertising (Radio, TV) N - Newspaper and Periodical Advertising O - Other Advertising (yard signs, buttons, etc.) V - Voter Signature Gathering	P - Postage, Mailing Permits S - Surveys and Polls F - Fundraising Event Expenses T - Travel, Accommodations, Meals M - Management/Consulting Services W - Wages, Salaries, Benefits G - General Operation and Overhead
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Total from attached pages \$ 45,218.00

4. TOTAL CASH EXPENDITURES Enter also on line 11 of C4 \$ 48,439.28

Text Page Attachment

Name

4

THESE LEGISLATORS DID NOT VOTE YES FOR A BILL ALLOWING 2/3'S-TO-RAISE-TAXES CONSTITUTIONAL AMENDMENT TO BE PLACED ON THE BALLOT FOR A VOTE OF THE CITIZENS.

THE AD RECOMMENDS THAT VOTERS OPPOSE WASHINGTON STATE SENATORS ANDY BILLIG, STEVE CONWAY, MARALYN CHASE, JEANNIE DARNEILLE, CYRUS HABIB, JIM HARGROVE, STEVE HOBBS, KAREN KEISER, MARK LIAS, ROSEMARY MC AULIFEE, JOHN MC COY, MARK MULLET, KEVIN RANKER, CHRISTINE ROLFES, DEAN TAKKO, AND MARYLYNE CLEVELAND.

THE AD RECOMMENDS THAT VOTERS OPPOSE WASHINGTON STATE HOUSE REPRESENTATIVES DEREK STANFORD, LUIS MOSCOSO, TIMM ORMSBY, MARCUS RICCELLI, BRIAN BLAKE, JD ROSSETTI, STROM PETERSON, LILLIAN ORTIZ-SELF, SHERRY APPLETON, DREW HANSEN, KEVIN VAN DE WEGE, STEVE THARINGER, LAURIE JINKINS, JAKE FEY, CHRISTINE KILDUFF, DAVID SAWYER, STEVE KIRBY, CHRISTOPHER HURST, CINDY RYU, RUTH KAGI, TINA ORWALL, MIA GREGERSEN, JUNE ROBINSON, MIKE SELLS, KRISTINE LYTON, JEFF MORRIS, JUDY CLIBBORN, TANA SENN, HANS DUNSHEE, LARRY SPRINGER, ROGER GOODMAN, PAT SULLIVAN, JOAN MC BRIDE, PATTY KUDERER, JIM MOELLER, AND SHARON WYLIE.

THE NORTH CREEK LAW FIRM
A PROFESSIONAL CORPORATION

Mark C. Lamb
mark@northcreeklaw.com

June 24, 2016

VIA ELECTRONIC MAIL & US MAIL

Mr. Tony Perkins
Compliance Officer
Public Disclosure Commission
711 Capitol Way Room 206
P.O. Box 40908
Olympia, WA 98507-0908

Re: **PDC Complaint - Case No. 5729**

Dear Tony,

Please consider this letter the response of my client Bring Back Our \$30 Car Tabs Voters Want More Choices ("VWMC") to the June 8, 2016 correspondence from your office concerning the complaint filed by Knoll Lowney (the "Lowney Complaint"). Thank you for agreeing to an extension of the original requested reply date.

As a preliminary matter, VWMC believes that all of the communications at issue in the Lowney Complaint were intended to inform voters of their elected representatives position on a 2/3 majority to raise taxes. VWMC is a longstanding supporter of the policy of requiring a 2/3 majority before the Legislature may raise taxes. VWMC reported the expenditures at issue in its PDC filings (specifically its March 2016 filings), which were then was amended twice to reflect concerns that were raised in the Lowney complaint and at the suggestion of PDC staff.¹ The materials at issue in the Lowney Complaint have not been available to the public since June 2nd (June 4th at the latest).

Your letter requested three specific pieces of information/documentation (in addition to inviting a response on any aspect of the complaint):

¹ Committee Treasurer Barbara Smith spoke with Jennifer Hansen of the PDC regarding these amendments on May 24/25, 2016 and corresponded with her in early June as well.

12900 NE 180th Street, Suite 235, Bothell, WA 98011
Tel: (425) 368-4238 • Fax: (425) 489-2824

June 24, 2016

1. The 21 Videos described in the Lowney complaint that are unavailable for viewing by the Public.

This office provided you with a link to the above referenced videos on June 22, 2016. You indicated in an email to me earlier today that you had difficulty accessing the videos, but when we spoke this afternoon your office had been able to access them. I believe my client's response to this query is complete but please let me know if you require any additional information.

2. Copies of all invoices and receipts documenting the cost of communications in the Lowney Complaint.


Attached please find the requested receipts, please advise if you have any questions or require additional information. I have also enclosed a copy of the March 2016 VWMC PDC filing disclosing the same.

3. As discussed above, VWMC believed the communications in question were to educate voters on the position of their legislators on the 2/3 majority for taxes. It is not a primary purpose of VWMC to support or oppose candidates for public office. That said, after conferring with PDC staff, VWMC amended its PDC reports as PDC staff suggested and later removed the material at issue from public access. PDC staff did not suggest that VWMC needed to amend its CIPC form. That said, at this point in time: 1.) the communications at issue in the Lowney Complaint are no longer publicly available, 2.) VWMC has taken all actions requested by PDC staff, and 3.) while it does not believe further amendments to its PDC filings are required, VWMC is more than happy to revisit this issue if PDC staff disagrees.

In conclusion, VWMC desires to fully cooperate with your agency and is willing to consider any additional requests you may have that will help you dispose of the Lowney Complaint. Please don't hesitate to contact this office directly if you would like to discuss this matter further.

Sincerely,

THE NORTH CREEK LAW FIRM



Mark C. Lamb



INVOICE #00116
3/31/16

Anne Norwood
1312 SW 15th Court
Gresham, OR 97080
503-492-0222

Client:
Voters Want More Choices
PO Box 18250
Spokane, WA 99228

Date	Hours	Project: Sets of 4 Individualized District Banner Ads	Hourly Rate	Total
2/21/16	.75	Start on 2 ideas for the 2/3rds Law banner ads.	\$60.00	\$45.00
2/26/16	.75	Adjusting copy and creating 3 more matching ads for 3 of the 4 other main sizes (300x600; 160 x 600; & 728 x 90).		\$45.00
2/27/16	.25	Changing 'Click for Details' to Push Back NOW!' & adjusting design to fit.		\$15.00
3/12/16	.25	Final text/layout change to include 'Politician' and 'Voters'.		\$15.00
3/13/16	5	Adding type & photos & creating final jpgs.		\$300.00
3/14/16	3.5	Adding type & photos & creating final jpgs for remaining politicians. changes from local dev. to live site.		\$210.00
3/19/16	.5	Completing 2 more banner sets for the 45th district.		\$30.00
3/25/16	.5	Creating a generic set of banner ads.		\$30.00
Total	11.5			\$690.00

Please remit payment to: Anne Norwood



INVOICE #00117
3/31/16

Anne Norwood
1312 SW 15th Court
Gresham, OR 97080
503-492-0222

Client:
Voters Want More Choices
PO Box 18250
Spokane, WA 99228

Date	Hours	Project: 4 Image Rotating Header for www.two-thirds-to-raise-taxes.info	Hourly Rate	Total
3/21/16	.5	Getting started collecting imagery, colors & fonts for the four images.		\$30.00
3/22/16	1	Completing design & layout of initial 4 images.		\$60.00
Total	1.5			\$90.00

Please remit payment to: Anne Norwood

Customer Voters Want More Choices

Bill To:

Ship To:

Voters Want More Choices
PO Box 18250
Spokane, WA 99228

N/A

Customer ID: Choices001

Date	Our Order No.	Sales Rep.	FOB	Ship Via	Terms	Tax ID
03/25/16	49111	MD	N/A	N/A	Net 10 day	536647625

Quantity	Item	Description	Discount	Taxable	Unit Price	Total
1	:30 web spot i-1366	Design Master and Edit 21 variations of :30 sec web spot	10%		\$2200.00	\$1980.00
1	½ day Field Audio	Set up and Record V.O. for i-1366	10%		\$450.00	\$405.00
2	Stock Footage	Maps and Crowds	N/A		\$49.00	\$98.00

Subtotal: \$2483.00

Tax: N/A

Shipping: N/A

Miscellaneous: N/A

Balance Due: \$2438.00

Net 10 days

Please Remit Payment To

Mark Dodd PO Box 956 Vancouver, WA 98666

(OR BY PHONE TO PAY WITH CREDIT CARD) (360-607-7946)

PO Box 956 Vancouver, WA 98666

Phone: 360-607-7946

mwdodd@me.com



Insertion Order Number: 141188A
Insertion Order Date: 03/25/2016

Insertion Order/Invoice

Client Contact

Name & Address: Tread-Not, LLC

Campaign Grid Contact

Contact: Jordan Lieberman
Telephone: (202) 544-5471
Email: Jordan@CampaignGrid.com

Campaign Information

Name: Voters Want More Choices 2016
Start Date: Tuesday, March 29, 2016
End Date: Tuesday, April 19, 2016
Terms: Due upon receipt

AD CAMPAIGN DETAILS

	<u>IMPRESSIONS</u>	<u>PRICE</u>	<u>TOTAL</u>
Pre-roll Companion Banners	80,012	\$0.00	\$0.00
Re-targeting	178,420	\$11.77	\$2,100.00
Display (data)	765,027	\$16.47	\$12,600.00
Video - In stream (data)	800,117	\$34.12	\$27,300.00

141188A

ORDER TOTAL: \$42,000.00
LESS PAYMENT: \$0.00
BALANCE DUE: \$42,000.00

Tony Perkins

From: Mark Lamb <mark@northcreeklaw.com>
Sent: Tuesday, June 28, 2016 3:33 PM
To: Tony Perkins
Cc: William Lemp; Mark Lamb
Subject: RE: Response to PDC Complaint No. 5729
Attachments: CCE06272016_0001.pdf; Attached page for amended C1PC for Bring Back.doc

Importance: High

Tony,

Thanks for your message. In the interest of time I will dispense with formalities and simply address the questions below **in bold**. That said, as a general comment, I think the record clearly reflects my client made no effort to conceal their involvement in the expenditures at issue or the costs associated with them (indeed they heavily disclosed their affiliation in all communications to the public and press). Thank you and please don't hesitate to contact me if you have difficulty opening the attachments.

Best,

Mark



Mark Lamb

The North Creek Law Firm
A Professional Corporation

12900 NE 180th Street
Suite #235
Bothell, WA 98011

(425) 368-4238
(425) 489-2824 (FAX)

www.northcreeklaw.com

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From: Tony Perkins [<mailto:tony.perkins@pdc.wa.gov>]
Sent: Monday, June 27, 2016 9:53 AM
To: Mark Lamb
Cc: William Lemp
Subject: RE: Response to PDC Complaint No. 5729

Mark,

Thank you for your letter, responding to the Citizen Action Notice regarding the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee (PDC Case 5729). Having reviewed your response, I have additional questions and requests. Please see below.

As you know, in investigating PDC Case 5729, our staff is operating within the time constraints imposed by RCW 42.17A.765(4). We believe that the complainant in this citizen action notice may file a “10-day notice” on July 9, 2016 and go to court in the name of the state ten days later, on July 19, 2016. Staff hopes to complete our investigation and put the Public Disclosure Commission in a position to recommend any AGO action it deems necessary before July 9, 2016. Accordingly, a response to our questions as soon as is practicable would be appreciated.

1. Please identify the expenditures by *Bring Back Our \$30 Car Tabs – VMWC – 2016* that paid for the following:
 - o the emails documented in the attached file (for your reference, the emails are bookmarked by the date of transmission); and
 - o the web site www.two-thirds-to-raise-taxes.info.

If your client has not yet provided copies of receipts or invoices documenting the cost of the above expenses, please ask them to do so.

There was no cost to my client to send out the emails in question. The website is on auto-pay from MailChimp which was a flat fee of \$50 a month, so \$100 for the two months the materials were available.

2. Your response states that “VWMC believed the communications in question were to educate voters on the position of their legislators on the 2/3 majority for tax increases.” However, the committee that sponsored these communications, *Bring Back Our \$30 Car Tabs – VMWC – 2016*, was not registered in its campaign filings to support an initiative related to a 2/3 majority for tax increases. As previously noted, the committee was also not registered to support or oppose any candidates. Rather, the committee was registered to support I-1421, an initiative concerning motor vehicle taxes and fees. Please explain why the committee sponsored expenditures for a purpose unrelated to supporting I-1421. (We do not feel we have received a complete answer to this question, and so we are asking again in an attempt to put together a complete record for the Commission to consider.)

VWMC did not have the intention of making any expenditures that referenced elected officials when it was formed. After the legislature failed to act on the 2/3 amendment to the Washington Constitution the officers of the committee felt it was important that the voters of the state understand this and be informed about how their elected representatives voted. Because none of the officers had any experience as part of a committee had made expenditures such as this they did not understand the PDC’s position that the committee would need to amend the C1PC to permit the committee to comment on such issues. The committee generally opposes higher taxes that are not approved by either the voters or a supermajority of their elected representatives. As such, VWMC supports a return to \$30 tabs and a 2/3 majority requirement. Although all expenditures were timely reported and disclosures were made on the communications, VWMC will amend its C1PC to reflect the concerns you have expressed below. Attached is a proposed amended C1PC for your approval.

3. Finally, because *Bring Back Our \$30 Car Tabs – VMWC – 2016* sponsored expenditures unrelated to the purpose for which it registered with the PDC, I recommend that the committee file an amended [C-1pc registration](#) indicating its updated purpose. Please identify any candidates or ballot propositions supported or opposed, in addition to I-1421. (If the committee will file an updated registration, PDC staff will report to the Commission that the registration was amended, albeit late. Otherwise, staff will have to report that the committee failed to amend its registration.)

Now that VWMC understands the PDC staff would like the committee to amend its C1PC, VWMC will prepare an file an amended C1PC registration form. VWMC has attached a draft amended C1PC for your review and approval. Please feel free to call or email with any specific guidance on how your office believes that report should be amended further prior to filing.

Thank you for your attention to this. Please let me know if you have questions prior to responding.

Sincerely,

Tony Perkins | PDC Compliance & Enforcement

711 Capitol Way, Room 206 | PO Box 40908, Olympia, WA 98504-0908
(direct) 360.586.1042 | (toll free) 1.877.601.2828
tony.perkins@pdc.wa.gov

-----Original Message-----

From: Mark Lamb [<mailto:mark@northcreeklaw.com>]
Sent: Friday, June 24, 2016 5:56 PM
To: Tony Perkins <tony.perkins@pdc.wa.gov>
Cc: Mark Lamb <mark@northcreeklaw.com>
Subject: Response to PDC Complaint No. 5729

Tony,

Attached please find the response of Voters Want More Choices. Let me know if you have any questions or difficulty in opening the attachments.

Best,

Mark

Mark Lamb
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A Professional Corporation

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www.avast.com

 PUBLIC DISCLOSURE COMMISSION 715 CAPITOL WAY RM 208 PO BOX 80908 OLYMPIA WA 98504-0908 (360) 780-3711 Toll Free 1-877-801-2828		Political Committee Registration		C1PC (104)	
Committee Name (Include sponsor or committee name. See next page for definition of "sponsor". Show entire official name. Do not use an abbreviation or acronym in this box.) BRING BACK OUR \$30 CAR TABS - VWMC - 2016				Acronym \$30 TABS	
Making Address PO BOX 18250 City SPOKANE County SPOKANE Zip +4 99228				Telephone 509-991-5295	
E-mail JAKATAK@COMCAST.NET				Fax 509-467-4323	
NEW OR AMENDED REGISTRATION?		COMMITTEE STATUS			
<input type="checkbox"/> NEW Complete entire form		<input type="checkbox"/> Continuing (On-going, not established in anticipation of any particular campaign election)			
<input checked="" type="checkbox"/> AMENDS previous report. Complete entire form.		<input checked="" type="checkbox"/> 2016 election year only. Date of general or special election: 11/08/2016 (Year)			
1. What is the purpose or description of the committee?					
<input type="checkbox"/> Bona Fide Political Party Committee - of that state or county central committee or legislative district committee. If you are not supporting the write party ticket, attach a list of the names of the candidates you support.					
<input checked="" type="checkbox"/> Ballot Committee - Initiative, Bond, Levy, Refer, etc. Name or description of ballot measure: BRING BACK OUR \$30 CAR TABS				Ballot Number 1421 FOR <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>	
<input type="checkbox"/> Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, specify name.					
For single election year only committees (not continuing committees): Is the committee supporting or opposing					
(a) one or more candidates? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. If yes, attach a list of each candidate's name, office sought and political party affiliation.					
(b) the entire ticket of a political party? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, identify the party.					
2. Related or affiliated committees: List name, address and relationship.					
VOTERS WANT MORE CHOICES, PO BOX 18250, SPOKANE WA 99228, AFFILIATED <input type="checkbox"/> Continue on attached sheet					
3. How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, check one of the reporting options below. (If your committee status is continuing, estimate spending on a calendar year basis.)					
If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting options.					
<input type="checkbox"/> MINI REPORTING Mini Reporting is selected. No more than \$5,000 will be raised or spent and no more than \$500 in the aggregate will be accepted from any one contributor.			<input checked="" type="checkbox"/> FULL REPORTING Full Reporting is selected. The frequent, detailed campaign reports mandated by law will be filed as required.		
4. Campaign Manager's or Media Contact's Name and Address JACK FAGAN MANAGER - TIM EYMAN MEDIA CONTACT PO BOX 18250, SPOKANE WA 99228				Telephone Number 509-991-5295	
5. Treasurer's Name and Address. Does the treasurer perform only ministerial functions? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> See MAC 360-06-040 and next page for details. <input type="checkbox"/> deputy treasurer on attached sheet.				Daytime Telephone Number 509-435-2160	
BARBARA SMITH PO BOX 1093, MEAD WA 99021				<input type="checkbox"/> Continue on attached sheet	
6. Persons who perform only ministerial functions on behalf of this committee and on behalf of candidates or other political committees. List name, title, and address of these persons. See MAC 360-06-040 and next page for details.					
<input type="checkbox"/> Continue on attached sheet					
7. Committee Officers and other persons who authorize expenditures or make decisions for committee. List name, title, and address. See next page for definition of "officer".					
<input type="checkbox"/> Continue on attached sheet TIM EYMAN, OFFICER, 11913 59TH AVE W, MUKILTEO WA 98275 JACK FAGAN, OFFICER, 7020 N WALL ST, SPOKANE WA 99208 MIKE FAGAN, OFFICER, 1523 E DALTON ST, SPOKANE WA 99207					
8. Campaign Bank or Depository BANK OF AMERICA		Branch 30 E WELLESLEY		City SPOKANE	
9. Campaign books must be open to the public by appointment between 9 a.m. and 6 p.m. during the eight days before the election, except Saturdays, Sundays, and legal holidays. In the space below, provide contact information for scheduling an appointment and the address where the inspection will take place. It is not acceptable to provide a post office box or an out-of-area address.					
Street Address, Room Number, City where campaign books will be available for inspection 7020 N WALL ST, SPOKANE					
In order to make an appointment, contact the campaign at (telephone, fax, e-mail) (509) 991-4762 (509) 467-4323 JAKATAK@COMCAST.NET					
10. Eligibility to Give to Political Committees and State Office Candidates: A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered voters.				11. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.	
<input checked="" type="checkbox"/> A check here indicates your awareness of and pledge to comply with these provisions. Absence of a check mark means your committee does not qualify to give to Washington State political committees, candidates for office and states.				Committee Treasurer's Signature _____ Date _____	

Below is a list of state senators and state representatives who did not vote yes for a bill allowing 2/3's-For-Taxes Constitutional Amendment to be placed on the ballot for a vote of the citizens -- a web video/ad for each legislative district was created and broadcast during the months of April and May, 2016.

LD 01 -- Rosemary McAuliffe (decided to retire), was a state senator, Democrat
Derek Stanford, state rep, Democrat
and Luis Moscoso, state rep now running for senate, Democrat

LD 03 -- Andy Billig, state senator, Democrat
Marcus Riccelli, state rep, Democrat
and Timm Ormsby, state rep, Democrat

LD 05 -- Mark Mullett, state senator, Democrat

LD 19 -- Dean Takko, state senator, Democrat
JD Rossetti, state rep, Democrat
and Brian Blake, state rep, Democrat

LD 21 -- Marko Lias, state senator, Democrat
Strom Peterson, state rep, Democrat
and Lillian Ortiz-Self, state rep, Democrat

LD 23 -- Christine Rolfes, state senator, Democrat
Sherry Appleton, state rep, Democrat
and Drew Hansen, state rep, Democrat

LD 24 -- Jim Hargrove (decided to retire), was a state senator, Democrat
Kevin Van De Wege, state rep, Democrat
and Steve Tharinger, state rep, Democrat

LD 27 -- Jeannie Darneille, state senator, Democrat
Laurie Jinkins, state rep, Democrat
and Jake Fey, state rep, Democrat

LD 28 -- Christine Kilduff, state rep, Democrat

LD 29 -- Steve Conway, state senator, Democrat
David Sawyer, state rep, Democrat
and Steve Kirby, state rep, Democrat

LD 31 -- Chris Hurst (chose to retire), was a state rep, Democrat

LD 32 -- Maralyn Chase, state senator, Democrat
Cindy Ryu, state rep, Democrat
and Ruth Kagi, state rep, Democrat

- LD 33 -- Karen Keiser, state senator, Democrat
Tina Orwall, state rep, Democrat
and Mia Gregerson, state rep, Democrat
- LD 38 -- John McCoy, state senator, Democrat
June Robinson, state rep, Democrat
and Mike Sells, state rep, Democrat
- LD 40 -- Kevin Ranker, state senator, Democrat
Kristine Lytton, state rep, Democrat
and Jeff Morris, state rep, Democrat
- LD 41 -- Tana Senn, state rep, Democrat
and Judy Clibborn (chose to retire), was a state rep, Democrat
- LD 44 -- Steve Hobbs, state senator, Democrat
and Hans Dunshee (resigned), was a state rep, Democrat
- LD 45 -- Roger Goodman, state rep, Democrat
and Larry Springer, state rep, Democrat
- LD 47 -- Pat Sullivan, state rep, Democrat
- LD 48 -- Cyrus Habib (running for different office), was a state senator, Democrat
Patty Kuderer, state rep, Democrat
and Joan McBride, state rep, Democrat
- LD 49 -- Annette Cleveland, state senator, Democrat
Sharon Wylie, state rep, Democrat
and Jim Moeller (running for different office), was a state rep, Democrat

BRING BACK OUR \$30 CAR TABS-VWMC-2016 - 2016 - contributions - Tuesday, July 05, 2016

Total Raised			Total Spent		
\$207,530.78			\$63,583.17		
Cash Contributions	Inkind Contributions	Anonymous Contributions	Loans	Miscellaneous Income	Small Contributions
\$93,246.66	0.00	\$0.00	\$0.00	\$0.00	\$4,727.33
Name	Date	Amount	P/G	Employer	Occupation
FISHER KENNETH L	2016-03-15	\$22,500.00	N	FISHER INVESTMENTS	SELF EMPLOYED
HOLLAND CLYDE	2016-03-15	\$22,500.00	N	HOLLAND PARTNER GROUP	CEO
MONSON JON	2016-03-28	\$7,500.00	N		RETIRED
BURKE SUZANNE M	2016-03-28	\$5,000.00	N	FREMONT DOCK	PROPERTY MANAGER
PIGOTT CHARLES M	2016-02-22	\$5,000.00	N	SELF EMPLOYED	FINANCE
PUGET SOUND SECURITY	2016-03-15	\$1,666.00	N		
PUGET SOUND SECURITY	2016-03-15	\$833.00	N		
PUGET SOUND SECURITY	2016-04-18	\$833.00	N		
PUGET SOUND SECURITY	2016-05-09	\$833.00	N		
BRADBURY JAMES A	2016-03-28	\$750.00	N		RETIRED
EVANS JOHN P	2016-05-09	\$500.00	N	CONN SOLUTIONS	CONSULTANT

BRING BACK OUR \$30 CAR TABS-VWMC-2016 - 2016 - contributions - Tuesday, July 05, 2016

Name	Date	Amount	P/G	Employer	Occupation
GRISSET JOHN R	2016-05-09	\$500.00	N		RETIRED
JENSEN JAMES W	2016-03-28	\$500.00	N		RETIRED
PIGOTT CHARLES M	2016-05-09	\$500.00	N	SELF EMPLOYED	FINANCE
POULSEN KRISTIAN E	2016-04-18	\$500.00	N		RETIRED
BREWER EZMA K	2016-05-09	\$400.00	N		RETIRED
BREWER EZMA K	2016-03-28	\$400.00	N		RETIRED
BREWER EZMA K	2016-03-15	\$400.00	N		RETIRED
DRENNAN BOYD G	2016-03-28	\$300.00	N		RETIRED
DRENNAN BOYD G	2016-02-22	\$300.00	N		RETIRED
SCHROEDER CLIFFORD F	2016-03-28	\$300.00	N		RETIRED
WYRSCH GEORGE	2016-05-23	\$300.00	N	SELF EMPLOYED	CONSULTANT
BANG STEVEN	2016-03-21	\$250.00	N		RETIRED
MARKS GARY	2016-03-15	\$250.00	N		RETIRED
WIESEN ALLEN E	2016-03-28	\$250.00	N		RETIRED
APPLEMAN KAREN I	2016-02-22	\$200.00	N		RETIRED
DEBEAUMONT RICHARD	2016-04-18	\$200.00	N	SELF EMPLOYED	CATTLE MAN

Tony Perkins

From: Mark Lamb <mark@northcreeklaw.com>
Sent: Wednesday, June 29, 2016 4:46 PM
To: Tony Perkins
Cc: William Lemp; Mark Lamb
Subject: RE: Response to PDC Complaint No. 5729
Attachments: Attached page for amended C1PC for Bring Back updated2.docx

Tony,

Attached please find a revised proposed amended C1PC per your email below, please review and let me know if this addresses your concerns. If so, then I will have them sign it and mail it in.

My email below was referring to the copies of emails that Voters Want More Choices emailed out, which is what my email was referring to. As for Campaign Grid, they distributed the videos themselves (and this expense was reported at the time). The emails by Voters Want More Choices (the ones attached to your email) are the ones I was referring to in my email.

The top 5 contributors were the largest contributors to PACs with the VWMC moniker in 2016 (BRING BACK OUR \$30 CAR TABS-VWMC-2016 and TOUGHER TO RAISE TAXES VWMC). The Committee was attempting to disclose the largest donors to VWMC PACs to the public. Indeed Tim Eyman and Mark Needham gave substantially more to Tougher To Raise Taxes VWMC than other top donors contributed to BRING BACK OUR \$30 CAR TABS-VWMC-2016. The officers felt they were providing the five largest donors at the time the videos were created. If this was in error the committee sincerely regrets this, but the officers do not believe amending the disclaimers at this time is useful or practical since the videos are no longer available to the public.

I understand and appreciate the time constraints you and your agency are operating under a tight timeline and have endeavored to respond quickly and directly.

Best,

Mark



Mark Lamb

The North Creek Law Firm
A Professional Corporation

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Suite #235
Bothell, WA 98011

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From: Tony Perkins [mailto:tony.perkins@pdc.wa.gov]
Sent: Tuesday, June 28, 2016 5:00 PM
To: Mark Lamb
Cc: William Lemp
Subject: RE: Response to PDC Complaint No. 5729

Mark,

Thanks for your email and voice message. Regarding your client's amended C-1pc report, I have noted that the attachment does not discuss any ballot propositions your client's online video expenditures may have supported. I note that at the time of the expenditures in question, Tim Eyman had at least one 2016 initiative related to a 2/3 vote requirement for tax increases filed with the Secretary of State, and (together with Jack and Mike Fagan and Barbara Smith) at least one political committee registered with the PDC to support a 2016 initiative providing for a 2/3 vote requirement for tax increases. Given that the 2/3 vote requirement was a major theme of the videos at issue, if the videos supported any 2/3 supermajority ballot proposition, that ballot proposition should also be identified on the committee's amended C-1pc registration. Once the registration reflects all candidates and ballot propositions supported and opposed by the *Bring Back Our \$30 Car Tabs – VMWC – 2016*, please ask your clients to sign and place the amended registration in the mail.

On a separate topic, having reviewed your responses in bold below, I will need clarification on one point. You state that your client incurred no cost to send out the emails that transmitted the candidate videos. I assumed that the services of Campaign Grid, for which your client paid \$42,000, were involved in sending the emails. If this assumption is incorrect, please describe what Campaign Grid did for its \$42,000 payment. (Note that the purpose of this payment was described in your client's original reports as "Advertising Promotion for Initiative 1366" and in your client's amended reports as "Educational video regarding legislators votes.")

Finally (and I apologize for raising a new question at this juncture), I have noted that the "Top 5 Contributors" information displayed in your client's candidate videos appears to be inaccurate. The top five contributors are listed in the video as Kenneth Fisher, Clyde Holland, Tim Eyman, Mark Needham, and Suzanne Burke. Mr. Fisher, Mr. Holland, and Ms. Burke were indeed among the top contributors to the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee, however that committee has disclosed no contributions from Mark Needham or from Mr. Eyman. Can you explain the committee's choice of contributors to identify in its videos?

As to the question left in your voice message, a political committee registered and reporting under RCW 42.17A.235 and .240 would file a C-6 report only in two circumstances. The first is for independent expenditure political advertising valued at \$1,000 or more and presented to the public within 21 days of an election. [RCW 42.17A.260](#). The other instance is if the committee sponsors electioneering communications as defined in our chapter of law. [RCW 42.17A.005\(19\)](#), and [RCW 42.17A.305](#). The remaining C-6 requirement for independent expenditures valued at \$100 or more does not apply to expenditures required to be disclosed by a political committee. [RCW 42.17A.255](#). Let me know if you have any questions about this.

Thank you for your continued assistance. I believe I am nearly ready to write up my findings and move this matter closer to resolution.

Sincerely,

Tony Perkins | PDC Compliance & Enforcement

Washington State Public Disclosure Commission
711 Capitol Way, Room 206 | PO Box 40908, Olympia, WA 98504-0908

(direct) 360.586.1042 | (toll free) 1.877.601.2828
tony.perkins@pdc.wa.gov

From: Mark Lamb [<mailto:mark@northcreeklaw.com>]
Sent: Tuesday, June 28, 2016 3:33 PM
To: Tony Perkins <tony.perkins@pdc.wa.gov>
Cc: William Lemp <william.lemp@pdc.wa.gov>; Mark Lamb <mark@northcreeklaw.com>
Subject: RE: Response to PDC Complaint No. 5729
Importance: High

Tony,

Thanks for your message. In the interest of time I will dispense with formalities and simply address the questions below **in bold**. That said, as a general comment, I think the record clearly reflects my client made no effort to conceal their involvement in the expenditures at issue or the costs associated with them (indeed they heavily disclosed their affiliation in all communications to the public and press). Thank you and please don't hesitate to contact me if you have difficulty opening the attachments.

Best,

Mark



Mark Lamb

The North Creek Law Firm
A Professional Corporation

12900 NE 180th Street
Suite #235
Bothell, WA 98011

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From: Tony Perkins [<mailto:tony.perkins@pdc.wa.gov>]
Sent: Monday, June 27, 2016 9:53 AM
To: Mark Lamb
Cc: William Lemp
Subject: RE: Response to PDC Complaint No. 5729

Mark,

Thank you for your letter, responding to the Citizen Action Notice regarding the *Bring Back Our \$30 Car Tabs – VMWC – 2016* committee (PDC Case 5729). Having reviewed your response, I have additional questions and requests. Please see below.

As you know, in investigating PDC Case 5729, our staff is operating within the time constraints imposed by RCW 42.17A.765(4). We believe that the complainant in this citizen action notice may file a "10-day notice" on July 9, 2016 and go to court in the name of the state ten days later, on July 19, 2016. Staff hopes to complete our investigation and put the Public Disclosure Commission in a position to recommend any AGO action it deems necessary before July 9, 2016. Accordingly, a response to our questions as soon as is practicable would be appreciated.

1. Please identify the expenditures by *Bring Back Our \$30 Car Tabs – VMWC – 2016* that paid for the following:
 - o the emails documented in the attached file (for your reference, the emails are bookmarked by the date of transmission); and
 - o the web site www.two-thirds-to-raise-taxes.info.

If your client has not yet provided copies of receipts or invoices documenting the cost of the above expenses, please ask them to do so.

There was no cost to my client to send out the emails in question. The website is on auto-pay from MailChimp which was a flat fee of \$50 a month, so \$100 for the two months the materials were available.

2. Your response states that "VWMC believed the communications in question were to educate voters on the position of their legislators on the 2/3 majority for tax increases." However, the committee that sponsored these communications, *Bring Back Our \$30 Car Tabs – VMWC – 2016*, was not registered in its campaign filings to support an initiative related to a 2/3 majority for tax increases. As previously noted, the committee was also not registered to support or oppose any candidates. Rather, the committee was registered to support I-1421, an initiative concerning motor vehicle taxes and fees. Please explain why the committee sponsored expenditures for a purpose unrelated to supporting I-1421. (We do not feel we have received a complete answer to this question, and so we are asking again in an attempt to put together a complete record for the Commission to consider.)

VWMC did not have the intention of making any expenditures that referenced elected officials when it was formed. After the legislature failed to act on the 2/3 amendment to the Washington Constitution the officers of the committee felt it was important that the voters of the state understand this and be informed about how their elected representatives voted. Because none of the officers had any experience as part of a committee had made expenditures such as this they did not understand the PDC's position that the committee would need to amend the C1PC to permit the committee to comment on such issues. The committee generally opposes higher taxes that are not approved by either the voters or a supermajority of their elected representatives. As such, VWMC supports a return to \$30 tabs and a 2/3 majority requirement. Although all expenditures were timely reported and disclosures were made on the communications, VWMC will amend its C1PC to reflect the concerns you have expressed below. Attached is a proposed amended C1PC for your approval.

3. Finally, because *Bring Back Our \$30 Car Tabs – VMWC – 2016* sponsored expenditures unrelated to the purpose for which it registered with the PDC, I recommend that the committee file an amended [C-1pc registration](#) indicating its updated purpose. Please identify any candidates or ballot propositions supported or opposed, in addition to I-1421. (If the committee will file an updated registration, PDC staff will report to the Commission that the registration was amended, albeit late. Otherwise, staff will have to report that the committee failed to amend its registration.)

Now that VWMC understands the PDC staff would like the committee to amend its C1PC, VWMC will prepare an file an amended C1PC registration form. VWMC has attached a draft amended C1PC for your review and approval. Please feel free to call or email with any specific guidance on how your office believes that report should be amended further prior to filing.

Thank you for your attention to this. Please let me know if you have questions prior to responding.

Sincerely,

Tony Perkins | PDC Compliance & Enforcement

711 Capitol Way, Room 206 | PO Box 40908, Olympia, WA 98504-0908
(direct) 360.586.1042 | (toll free) 1.877.601.2828
tony.perkins@pdc.wa.gov

-----Original Message-----

From: Mark Lamb [<mailto:mark@northcreeklaw.com>]
Sent: Friday, June 24, 2016 5:56 PM
To: Tony Perkins <tony.perkins@pdc.wa.gov>
Cc: Mark Lamb <mark@northcreeklaw.com>
Subject: Response to PDC Complaint No. 5729

Tony,

Attached please find the response of Voters Want More Choices. Let me know if you have any questions or difficulty in opening the attachments.

Best,

Mark

Mark Lamb
The North Creek Law Firm
A Professional Corporation

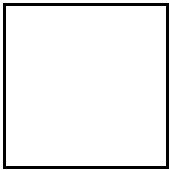
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Below is a list of state senators and state representatives who did not vote yes for a bill allowing 2/3's-For-Taxes Constitutional Amendment to be placed on the ballot for a vote of the citizens -- a web video/ad for each legislative district was created and broadcast during the months of April and May, 2016.

LD 01 -- Rosemary McAuliffe (decided to retire), was a state senator, Democrat
Derek Stanford, state rep, Democrat
and Luis Moscoso, state rep now running for senate, Democrat

LD 03 -- Andy Billig, state senator, Democrat
Marcus Riccelli, state rep, Democrat
and Timm Ormsby, state rep, Democrat

LD 05 -- Mark Mullett, state senator, Democrat

LD 19 -- Dean Takko, state senator, Democrat
JD Rossetti, state rep, Democrat
and Brian Blake, state rep, Democrat

LD 21 -- Marko Liias, state senator, Democrat
Strom Peterson, state rep, Democrat
and Lillian Ortiz-Self, state rep, Democrat

LD 23 -- Christine Rolfes, state senator, Democrat
Sherry Appleton, state rep, Democrat
and Drew Hansen, state rep, Democrat

LD 24 -- Jim Hargrove (decided to retire), was a state senator, Democrat
Kevin Van De Wege, state rep, Democrat
and Steve Tharinger, state rep, Democrat

LD 27 -- Jeannie Darneille, state senator, Democrat
Laurie Jinkins, state rep, Democrat
and Jake Fey, state rep, Democrat

LD 28 -- Christine Kilduff, state rep, Democrat

LD 29 -- Steve Conway, state senator, Democrat
David Sawyer, state rep, Democrat
and Steve Kirby, state rep, Democrat

LD 31 -- Chris Hurst (chose to retire), was a state rep, Democrat

LD 32 -- Maralyn Chase, state senator, Democrat
Cindy Ryu, state rep, Democrat
and Ruth Kagi, state rep, Democrat

LD 33 -- Karen Keiser, state senator, Democrat
Tina Orwall, state rep, Democrat
and Mia Gregerson, state rep, Democrat

LD 38 -- John McCoy, state senator, Democrat
June Robinson, state rep, Democrat
and Mike Sells, state rep, Democrat

LD 40 -- Kevin Ranker, state senator, Democrat
Kristine Lytton, state rep, Democrat
and Jeff Morris, state rep, Democrat

LD 41 -- Tana Senn, state rep, Democrat
and Judy Clibborn (chose to retire), was a state rep, Democrat

LD 44 -- Steve Hobbs, state senator, Democrat
and Hans Dunshee (resigned), was a state rep, Democrat

LD 45 -- Roger Goodman, state rep, Democrat
and Larry Springer, state rep, Democrat

LD 47 -- Pat Sullivan, state rep, Democrat

LD 48 -- Cyrus Habib (running for different office), was a state senator, Democrat
Patty Kuderer, state rep, Democrat
and Joan McBride, state rep, Democrat

LD 49 -- Annette Cleveland, state senator, Democrat
Sharon Wylie, state rep, Democrat
and Jim Moeller (running for different office), was a state rep, Democrat

The committee also supports the implementation of Initiative 1366 which the voters approved in 2015 which pushed for the 2016 legislature to refer a 2/3-for-taxes constitutional amendment to the November, 2016 ballot.

Tony Perkins

From: Jack Fagan <jakatak@comcast.net>
Sent: Thursday, June 30, 2016 5:18 PM
To: Tony Perkins
Cc: mark@northcreeklaw.com
Subject: Mailing of amended C1pc

Tony,
Notifying you that I mailed the C1pc this afternoon as requested.
Regards
Jack Fagan

THE NORTH CREEK LAW FIRM
A PROFESSIONAL CORPORATION

Mark C. Lamb
mark@northcreeklaw.com

July 7, 2016

VIA ELECTRONIC MAIL

Mr. Tony Perkins
Compliance Officer
Public Disclosure Commission
711 Capitol Way Room 206
P.O. Box 40908
Olympia, WA 98507-0908

Re: **PDC Complaint - Case No. 5729**

Dear Tony,

Please consider this letter the response of my client Bring Back Our \$30 Car Tabs Voters Want More Choices ("VWMC") to the July 5, 2016 correspondence from your office announcing that the Public Disclosure Commission will meet tomorrow to receive staff's report concerning the complaint filed by Knoll Lowney (the "Lowney Complaint"). I am unable to attend the hearing on Friday but would offer the following for the Commissioners consideration and I would accept your offer to provide an audio tape of the proceedings.

After reviewing the Report of Investigation and Executive Summary, my clients would like to make the Commission aware of the following before it makes a recommendation to the Attorney General. I believe the record before it does not adequately reflect the following points:

1. In the past 17 years, this was the first time my clients had ever made expenditures referencing individual elected officials and their positions on issues. Although they have extensive experience in initiative matters they do not have any in expenditures that mention legislators by name.

2. The web videos that were the subject of the underlying complaint were first aired on April 12th, 2016 and were sent directly to the media, to supporters, and to legislators. My clients' sponsorship and advocacy for these web videos were prominently disclosed. They

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July 7, 2016

didn't hide their involvement, and at no time was the public deprived of the knowledge of who sponsored the advertisement.

3. The three expenditures to three vendors paid to create and air the ads were reported on my clients' March PDC reports uploaded on April 10th, 2016 (the date, amount, and vendor name were all disclosed).

4. Shortly after the Lowney Complaint was filed, my client's treasurer Barbara Smith contacted PDC staff and asked what changes needed to be made to address the Lowney Complaint's concerns. By May 24th, 2016 all changes suggested by PDC staff were made and amended C4 and Schedule A forms were uploaded. The complaint did not reference any changes were needed to the C1PC form nor did PDC staff until late June.

5. In late June, investigator Tony Perkins first raised the issue of changes to the C1PC form. Within a few days of receiving this information, my clients' sent Mr. Perkins proposed changes to the C1PC. On June 30th, 2016 a final signed amended C1PC form was mailed in and on July 5, 2016 my clients received notice of this hearing.

In summary, my clients believed their initial filings accurately conveyed to the public the sponsorship and spending associated with these videos. When alerted on two occasions that changes were needed to PDC forms, my clients made them without hesitation. At no time did my clients seek to hide their sponsorship and involvement with these web videos, nor the funds that were used to pay for them. The web videos were designed to express displeasure at the votes elected representatives had taken on an issue of great concern to my clients. These web videos were aired from mid-April through mid-May, before any of the legislators referenced had filed with their county auditor for re-election. At no time was the public, the press, or legislators deprived of their right to know who was sponsoring and paying for these web videos. My clients sought advice from PDC staff and, once advice was given, in both instances amended forms were filed soon after.

In conclusion, my clients would ask that the Commission address the allegations in light of the above and without prejudice with respect to other matters that have come before the Commission and its staff.

Sincerely,

THE NORTH CREEK LAW FIRM



Mark C. Lamb