



July 27, 2023

Washington Public Disclosure Commission  
711 Capitol Way S.  
Olympia, WA 98504-0908

RE: Comment on July 27, 2023 Commission agenda and reporting of surplus campaign contributors

Dear Commissioners,

As an elected official, I want to thank the commissioners and commission staff for your work and commitment to our campaign finance laws. Washington has some of the country's most robust campaign finance and transparency laws, thanks in no small part to your work and a commitment to honest and fair elections. It is an excellent source of pride for our state.

I am writing today to share my perspective on recent rulings of this body and the upcoming decision on surplus campaign contributions, and your formal interpretation from April 27, 2023. This body clarified that 'the law is the law' concerning the use of surplus funds and donor reporting requirements.

As someone who has utilized the tool of transferring surplus funds from one campaign cycle to the next, I agree with your quick action on May 11 in issuing your formal interpretation to clarify that campaigns must disclose donors behind transferred surplus funds and that those contributions count towards donor maxes. While we have always had to get permission to transfer these funds, disclosing donor names is critical to creating a fair and equitable campaign field.

The potential for unintended institutionalization of inequity in this process if campaigns that transferred before your ruling can double and triple the contribution limits from their donors because of non-disclosure of that surplus donor list, while other campaigns running for the same office subject to the disclosure ruling can only count a donor until their maximum limit, would have long-lasting ramifications. This inherently creates a structural advantage to one campaign over the others that is impossible to remedy and tips our democratic process out of the realm of fairness and equality. At a time when the public is already convinced there is "dark money" in politics, not forcing the disclosure of all campaigns' donors through a surplus process erodes the public's ability to believe there is transparency and fairness in the process.

The only way to ensure our laws are followed and that active candidates and campaigns are treated equally is to require amended reports listing contributors and their contribution amounts from all active campaigns.

The PDC should require that any campaign that made surplus transfers after April 27 amend reports to disclose donors behind those transferred surplus funds. This will not create an administrative burden, as

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campaigns already have a list of donor names and transferred amounts by receiving the required written permission to initiate the transfer in the first place.

Integrity in our process matters, and I appreciate your time and commitment to ensuring fair and transparent elections. Suppose it is at all helpful to have additional clarifying language codified, I'd be happy to work with the Commission to ensure moving forward that the law is made even more clear to candidates as well as donors but ask in the meantime that you find in favor of applying the law equally to all who are running active campaigns for public office.

Respectfully,



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