City of Seattle

Ethics and Elections Commission

August 29, 2011

Jason Bennett, Treasurer
The People for Bobby Forch
PO Box 9100
Seattle, WA 98109

Dear Mr. Bennett:

The People for Bobby Forch (the "Committee") failed to accurately report obligations for mail pieces on the 21-day C-4 filed on July 26, 2011. The Committee first amended the C-4 on August 5, and filed a second amendment on August 12. Since the error occurred on the last C-4 filed before voting began, and since it had substantially affected the campaign's reported balance, I am imposing a $50 penalty.

FACTS

In the 21-day C-4 posted on July 26, the Committee reported a July 25 obligation of $7,000 for postage expenses associated with mailing to 35,000 households. Ten days later, the Committee amended the report to double the number of mailings and the amount of the obligation for postage.

The amended report showed the Committee with a balance of just $387 available, in contrast with the initial report that showed the Committee with a balance of $7,387. (The amendment filed on August 12 showed the Committee with a balance of $1,392.)

RELEVANT LAW

The Seattle Elections Code authorizes the Commission's Executive Director to impose late filing penalties of $10 per day for each day each report is late filed. During the final seven days before the election, those penalties increase to $50 per day. SMC 2.04.330.B through D.

The Commission's Elections Code Administrative Rule 4.B states that reports that contain "substantial omissions of fact" are not considered filed, and subject the committee to late filing penalties."

LATE FILING PENALTIES

The Committee filed a substantially accurate 21-day C-4 ten days late. At $10 per day, the Committee is subject to a $100 late-filing penalty.

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Balancing the importance of the 21-day C-4, with the limited amount of time in which a limited amount of obligations went unreported, I have decided to impose a penalty of $50.

RIGHT TO APPEAL

You may appeal this decision by submitting to this office, by 4:00 p.m., September 9, 2011, a written request for appeal, pursuant to the Commission's Administrative Rule 4, which provides in relevant part:

A. Upon the written request of a party aggrieved by the executive director's decision to…impose late-filing penalties under SMC 2.04.330, the action may be reviewed by the Commission.

C. An appeal of late-filing penalties shall be served at the Commission's office no later than 14 days after the date of mailing the decision of which review is sought.

ACTION TO TAKE

No later than September 9, deliver payment to the Commission at 700 Fifth Avenue, Suite 4010, P.O. Box 94729, Seattle, WA 98124-4729, or your request for appeal.

CONCLUSION

A major purpose of the Seattle Elections Code is to give the public timely access to information regarding all contributions and expenditures made supporting or opposing City candidates. The Committee's delay in reporting inhibited this purpose, and therefore I am compelled to impose these penalties.

If you have any questions, please call me at 684-8577.

Very truly yours,

Wayne Barnett
Executive Director

cc: Seattle Ethics and Elections Commission