City of Seattle
Ethics and Elections Commission

December 17, 2013

Ms. Karen L. Strickland, Treasurer
High-Quality Education for All,
American Federation of Teachers
625 Andover Park West, Suite 111
Tukwila, WA 98188

Re: Late-Filing Penalties

Dear Ms. Strickland:

High-Quality Education for All, AFT (the "Committee") failed to timely file two C-3s and two C-4s in the weeks leading up to the General Election.[1] The reports included information on an Independent Expenditure made in support of Mayor McGinn's re-election.

FACTS

On November 12, 2013, Rosalinda Aguirre of the American Federation of Teachers called to let Commission staff know that the AFT had made an independent expenditure under the name High-Quality Childcare for All. Ms. Aguirre explained that the independent expenditure for $10,000 was made in conjunction with the SEIU 925 Public Service PAC.

On November 13, the Committee filed two C-3s reporting deposits of $100 on October 9, and $10,000 on October 11[2]. Each C-3 was filed 30 days late. On November 14, the Committee filed the 21- and 7-day C-4s. The C-4s were filed 30 and 15 days late respectively.

LATE FILING PENALTIES

The Seattle Elections Code authorizes the Executive Director to impose late filing penalties of $10 per day for each day that each report is due and not filed, and $50 per day for each day a report is due and not filed within seven days of an election. (SMC 2.04.330 B-D). The Committee's reports, cited above, were filed a total of 105 days late. Twenty-eight of those days were subject to a penalty of $50 per day. The Committee faces a maximum late filing penalty of $2,170.

In determining a suitable penalty, I took into account the fact that you self-reported your failure to timely file the reports, and that you immediately filed reports

[1] Aguirre filed Special Reports under the name High-Quality Childcare for All, but filed a C-1, C-3s and C-4s under the name High-Quality Education for All, AFT.
[2] This expenditure should have been reported as an obligation on the 21-day C-4.

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when requested to by SEEC staff. On the other hand, the public was not aware of your involvement in the Seattle mayoral election until after the election.[3] The failure to make required disclosures in the days immediately prior to an election frustrates the very purpose of our Elections Code. Balancing these factors, I am levying a fine of $500.

RIGHT TO APPEAL

You may appeal the Executive director's assessments to the Commission by **4:00 PM, Tuesday, December 31, 2013**, pursuant to 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.

D. A request for review shall state the grounds therefor, and shall be no longer than twelve 8 ½" x 11" double-spaced pages in length with margins of at least 1" on every side, and no more than 12 characters per inch.

ACTION TO TAKE

Deliver to the Commission office a check in the amount of $500 payable to the City Seattle, or an appeal, no later than **4:00 PM on Tuesday, December 31, 2013**.

CONCLUSION

A major purpose of the Seattle Elections Code is to give the public timely access to the campaign finances of each political committee. Any delay in reporting inhibits this purpose and prevents the opportunity for scrutiny, to which the public is entitled.

If you have any questions, or have information that we have not considered in this letter, please call me at 684-8577.

Very truly yours,

Wayne Barnett
Executive Director

cc: Seattle Ethics and Elections Commission

[3] HQCC also did not file reports with the PDC until Election Day, and those were not properly reported as IEs.