



January 7, 2016

**BY E-MAIL ONLY**

Dan DiLeva, Treasurer  
Vote Sawant  
P.O. Box 85862  
Seattle, WA 98145-1862

Dear Mr. DiLeva:

The Vote Sawant Committee (the "Committee") failed to timely report obligations totaling more than \$27,000 on its 21- and 7-day pre-General Election C-4 reports. Since the omissions occurred so close to the election, and since this is not the Committee's first material violation this election cycle, I am imposing a penalty of \$1,500.

**FACTS**

The Committee reported no obligations on its 21- and 7-day pre-election reports.

An audit of the Committee's records showed that the Committee had invoices dated during the 21- and 7-day reporting periods that the Elections Code required to be reported as obligations.

Between September 9 and October 12, the Committee incurred six obligations from five different vendors totaling \$12,424.22. Those obligations were required to be reported on the 21-day pre-General C-4 due October 13, 2015.

The Committee reported expenditures on its 7-day report filed on October 27, 2015 accounting for all but \$3,726.40 of the obligations incurred during the 21-day C-4 reporting period. The Committee has not amended the 21-day C-4 report to include the obligations.

Between October 15 and October 25, the Committee incurred another five obligations from four different vendors totaling \$15,150.84. Those obligations, along with the \$3,726.40 carried over from the prior reporting period, were required to be reported on the C-4 due seven days before the election.

The Committee reported expenditures on its post-election report filed on December 10, 2015 accounting for the obligations that were required to be reported on the 7-day C-4, a total of \$18,877.24. The Committee has not amended the 7-day C-4 report to report the obligations.

Information about obligations owed during the 21-day reporting period was not disclosed for fourteen days and only then as an expenditure, with one obligation not being disclosed for 58 days.

Information about obligations owed during the 7-day reporting period was not disclosed for 44 days, again, only after the obligation had been paid and it was reported only as an expenditure. In all, these transactions were reported a total of 116 days late.

## **RELEVANT LAW**

The Seattle Elections Code authorized the Commission's Executive Director to impose late filing penalties of up to \$150 per day for reports late-filed in the closing thirty days before an election. SMC 2.04.330 B through D.

## **LATE FILING PENALTIES**

This office consistently imposes penalties for material violations that occur at a time when people are voting their mail-in ballots. The fact that the Committee filed a 21-day C-4 report showing a balance of more than \$45,000 when the actual balance was less than \$30,000, and filed a 7-day C-4 report showing a balance of more than \$22,000 when the actual balance was less than \$8,000 dramatically overstated what your campaign had left to spend before Election Day. In addition, this is not the first penalty we have imposed on the Committee for a material violation this election cycle. I am therefore imposing a late-filing penalty of \$1,500.

## **RIGHT TO APPEAL**

You may appeal this decision by submitting to this office, by 4:00 p.m., January 21, 2016, a written request for appeal, pursuant to the Commission's Administrative Rule 4.<sup>1</sup>

---

<sup>1</sup> Rule 4 APPEALS

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 8-1/2" x 11" double-spaced pages in length with margins of at least 1" on every side...

## **ACTION TO TAKE**

1. Amend the 21- and 7-day pre-General C-4s to include any obligations that were incurred during the corresponding reporting period but not reported as obligations.
2. No later than January 21, 2016, deliver payment payable to the City of Seattle, to the Commission at 700 Fifth Avenue, Suite 4010, P.O. Box 94729, Seattle, WA 98124-4729, or your request for appeal.

## **CONCLUSION**

A successful campaign finance reporting regime requires that all campaigns abide by the same rules, and that campaigns act in good faith to comply with the law.

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

Very truly yours,



Wayne Barnett  
Executive Director

cc: Seattle Ethics and Elections Commission  
Tony Perkins, Public Disclosure Commission