

FILED

OCT 04 2016

Superior Court
Linda Myhre Enlow
Thurston County Clerk

**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

KIM WYMAN, and CITIZENS FOR
KIM WYMAN, a political committee,

Defendants.

NO. 16-2-03987-34

COMPLAINT FOR CIVIL
PENALTIES AND FOR INJUNCTIVE
RELIEF FOR VIOLATIONS OF
RCW 42.17A

I. NATURE OF ACTION

The State of Washington (State) brings this action to enforce the state's campaign finance disclosure law, RCW 42.17A. The State alleges that Defendants KIM WYMAN and CITIZENS FOR KIM WYMAN, a registered candidate political committee, violated provisions of RCW 42.17A by failing to timely file and properly report campaign contributions and expenditures related to Defendant Wyman's re-election campaign for Washington State Secretary of State. The State seeks relief under RCW 42.17A.750 and .765, including penalties, costs and fees, and injunctive relief.

II. PARTIES

1.1 Plaintiff is the State of Washington. Acting through the Washington State Public Disclosure Commission, Attorney General, or a local prosecuting attorney, the State

1 enforces the state campaign finance disclosure laws contained in RCW 42.17A and
2 RCW 42.17.

3 1.2 Defendant KIM WYMAN (Wyman) is a 2016 candidate for re-election to the
4 position of Washington State Secretary of State. As such, she is expected to comply with the
5 provisions of RCW 42.17A.

6 1.3 Defendant CITIZENS FOR KIM WYMAN (Campaign) is a political committee
7 registered by Wyman as her candidate committee on January 16, 2013. As such, the committee
8 is expected to comply with the provisions of RCW 42.17A.

9 **III. JURISDICTION AND VENUE**

10 2.1 This Court has subject matter jurisdiction over the Defendants, in accordance
11 with RCW 42.17A. The Attorney General has authority to bring this action pursuant to
12 RCW 42.17A.765.

13 2.2 Defendants' actions which form the basis for the violations alleged below
14 occurred, in whole or in part, in Thurston County, Washington.

15 2.3 Venue is proper in this Court pursuant to RCW 4.12.

16 **IV. FACTUAL ALLEGATIONS**

17 3.1 Pursuant to the provisions of RCW 42.17A, candidates seeking election to
18 office who select the Full Reporting Option are required to file regular contribution and
19 expenditure reports with the Public Disclosure Commission (Commission).

20 3.2 The candidate's contribution report is entitled "Cash Receipts Monthly
21 Contributions" and is designated by the Commission as form C-3, pursuant to WAC 390-16-
22 031. This report is due monthly until the first day of the fifth month before a general election in
23 which the candidate appears on the ballot, at which time the reports must be filed weekly.

24 3.3 All monetary contributions received by a candidate or candidate's committee
25 must be deposited within five days of their receipt by the candidate or candidate's committee.
26

1 3.4 The candidate's expenditure report is entitled "Summary, Full Report Receipts
2 and Expenditures" and is designated by the Commission as form C-4, pursuant to WAC 390-
3 16-041. This report is due monthly, until 21 days before a primary or general election in which
4 a candidate's name appears on the ballot at which time the reports must be filed 21 days and
5 7 days before the general election.

6 3.5 Defendant Wyman was elected to the office of Washington Secretary of State in
7 November 2012. Defendant Wyman filed a Candidate Registration (form C1 report) declaring
8 her candidacy for re-election to the office of Washington Secretary of State on January 18,
9 2013.

10 3.6 From January 2013 through the date of this Complaint, Defendants filed regular
11 reports disclosing contributions received and expenditures made by Defendant Campaign on
12 behalf of Defendant Wyman's re-election campaign. Not all the filings were timely or
13 complete.

14 Late Filed Campaign Contribution Reports

15 3.7 On December 4, 2013, Defendants filed a C-3 report disclosing two
16 contributions totaling \$500 they received on September 3, 2013 and deposited on September
17 10, 2013. The report should have been filed by October 10, 2013; it was filed 55 days late.

18 3.8 On December 9, 2013, Defendants filed a C-3 report disclosing 16 contributions
19 totaling \$3,775 they received on October 10, 2013 and deposited on October 15, 2013. The C-3
20 report should have been filed by November 12, 2013; it was filed 27 days late.

21 3.9 On December 9, 2013, Defendants filed a C-3 report disclosing a \$1,000
22 contribution they received on October 9, 2013 and deposited on October 17, 2013. The C-3
23 report should have been filed by November 12, 2013; it was filed 27 days late.

24 3.10 On December 9, 2013, Defendants filed a C-3 report disclosing a \$100
25 contribution they received on September 27, 2013 and deposited on October 3, 2013. The C-3
26 report should have been filed on November 12, 2013; it was filed 27 days late.

1 3.11 On December 9, 2013, Defendants filed a C-3 report disclosing three
2 contributions totaling \$1,550 they received on October 10, October 22, and November 1, 2013.
3 The three contributions were deposited on November 12, 2013. The C-3 report showing the
4 October 10 contribution should have been disclosed by November 12, 2013; it was filed 27
5 days late. The C-3 report showing the October 22 contribution should have been disclosed by
6 November 12, 2013; it was filed 27 days late. The C-3 report showing the November
7 contribution was timely filed.

8 3.12 On December 11, 2014, Defendants filed a C-3 report disclosing a \$200
9 contribution they received on October 16, 2014 and deposited on December 11, 2014. The C-3
10 report should have been filed by November 12, 2014; it was filed 29 days late.

11 3.13 On December 16, 2014, Defendants filed a C-3 report disclosing two
12 contributions totaling \$1,350, one received on November 17, 2014 and one received on
13 December 2, 2014. The November 17, 2014 contribution should have been disclosed on a C-3
14 report filed by December 10, 2014; it was filed six days late.

15 3.14 On May 20, 2016, Defendants filed eleven C-3 reports disclosing contributions
16 totaling \$30,567.50 they received between April 21, 2016 and April 30, 2016. These
17 contributions were timely deposited. These reports should have been filed by May 10, 2016;
18 they were filed ten days late.

19 Late Contribution Deposits

20 3.15 On October 10, 2013, Defendants received a \$400 contribution that was
21 required to be deposited by October 17, 2013. Defendants deposited the contribution on
22 November 12, 2013; it was deposited 25 days late.

23 3.16 On October 22, 2013, Defendants received a \$900 contribution that was
24 required to be deposited by October 29, 2013. Defendants deposited the contribution on
25 November 12, 2013; it was deposited 14 days late.

1 3.17 On November 1, 2013, Defendants received a \$250 contribution that was
2 required to be deposited by November 8, 2013. Defendants deposited the contribution on
3 November 12, 2013; it was deposited four days late.

4 3.18 On October 16, 2014, Defendants received a \$200 contribution that was
5 required to be deposited by October 23, 2014. Defendants deposited the contribution on
6 December 11, 2014; it was deposited 49 days late.

7 3.19 On December 16, 2014, Defendants filed a C-3 report disclosing the receipt of
8 two contributions totaling \$1,350 that were received on November 17, 2014 and December 2,
9 2014. The two contributions were deposited on December 12, 2014. The November 17
10 contribution should have been deposited by November 24, 2014; it was deposited 18 days late.
11 The December 2 contribution should have been deposited by December 9, 2014; it was
12 deposited three days late.

13 3.20 On June 3, 2015, Defendants filed a C-3 report disclosing the receipt of
14 contributions totaling \$4,475 received between April 26 and April 28, 2015. Defendants
15 deposited these contributions on May 7, 2015. The contributions received on April 26, 2015
16 should have been deposited by May 1, 2015; they were deposited six days late. The
17 contributions received on April 27, 2015 should have been deposited by May 4, 2015; they
18 were deposited three days late. The contributions received on April 28, 2015 should have been
19 deposited by May 5, 2015; they were deposited two days late.

20 3.21 On October 8, 2015, Defendants filed a C-3 report disclosing the receipt of
21 contributions totaling \$700 received on September 1, 2015. Defendants deposited these
22 contributions on September 17, 2015. The contributions received should have been deposited
23 by September 8, 2015; they were deposited nine days late.

24 3.22 On October 8, 2015, Defendants filed a C-3 report disclosing the receipt of a
25 \$1,500 contribution received on September 1, 2015. Defendants deposited the contribution on
26

1 September 17, 2015. The contribution received should have been deposited by September 8,
2 2015; it was deposited seven days late.

3 3.23 On December 10, 2015, Defendants filed two C-3 reports disclosing the receipt
4 of five contributions totaling \$175 received on October 23 (\$125) and November 3, 2015
5 (\$50). The four contributions totaling \$125 should have been deposited by October 30, 2015;
6 they were deposited on November 1, 2015 which was two days late. The \$50 contribution
7 should have been deposited on November 10, 2015; it was deposited on November 13, 2015
8 which was three days late.

9 3.24 On June 2, 2016, Defendants filed a C-3 report disclosing the receipt of two
10 contributions in the amount of \$100 each on April 25, 2016. The contributions should have
11 been deposited by May 2, 2016. They were deposited on May 5, 2016; they were deposited
12 three days late.

13 Late Filed Campaign Expenditure Reports

14 3.25 On December 9, 2013, Defendants filed a C-4 report disclosing an expenditure
15 of \$241.36 made on February 11, 2013. The expenditure should have been disclosed on the
16 February 2013 C-4 report that was due by March 11, 2013; it was disclosed 273 days late.

17 3.26 On December 9, 2013, Defendants filed a C-4 report disclosing three
18 expenditures totaling \$314.19 made on April 8, 15, and 16, 2013. The expenditure should have
19 been disclosed on the April 2013 C-4 report that was due by May 10, 2013; it was disclosed
20 213 days late.

21 3.27 On December 9, 2013, Defendants filed a C-4 report disclosing three
22 expenditures totaling \$114.24 made in May and June 2013. The expenditures for May and June
23 2013 should have been disclosed on the July 2013 C-4 report that was due by July 10, 2013;
24 they were disclosed 152 days late.

