Conner Edwards

reported via email

(Wed, 24 Jun 2026 at 5:52 AM)

To:"PDC Support" <pdc@pdc.wa.gov>

External Email

Hello:

Please post this comment on the website for the public comment portion of the meeting.

-Conner
---------- Forwarded message ---------
From: **Conner Edwards** <cg.edwards53@gmail.com>
Date: Wed, Jun 24, 2026 at 5:51 AM
Subject: Comment for Thursday's Meeting (June)
To: Leach, J. (PDC Commissioner) <j.leach@pdc.wa.gov>, North, Douglass (PDC Commissioner) <douglass.North@pdc.wa.gov>, Oswald, James (PDC Commissioner) <james.oswald@pdc.wa.gov>, <matthew.segal@pdc.wa.gov>, <Teebah.Alsaleh@pdc.wa.gov>

Written Comment for PDC Regular June Meeting

Conner Edwards

Commissioners:

This is my written comment for June's regular meeting. I will not be able to participate in the spoken portion of Thursday's meeting.

1. **Reject staff's zero-dollar SOU proposal.**

At last month's meeting, Chair Leach had this to say about agency staff's post-primary zero-dollar SOU proposal for candidates who failed to timely file 21- and 7-day C-4 reports before the election occurs:

"The other thing I would comment about this is I don't like an SOU with no economic sanction. I would like to at least see some suspended money so that you don't just say, fine, and then you don't do it and then nothing happens to you. I think there should be some economic consequences if you don't keep your promises… … **I think people are motivated to get it right if there is an economic consequence already hanging over their head…**"

Of course, Chair Leach is correct: allowing a candidate who failed to timely file the required disclosure reports to simply sign a SOU with no economic penalties would have no meaningful deterrent value to compel candidates to file their C4 reports on time.

And while I am glad that Chair Leach pushed back against staff's zero-dollar SOU idea, he failed to extend the wisdom of his idea to its logical conclusion.

If people are motivated to comply with the law when there is an economic consequence already hanging over their head, why respond to a filer's failure to timely file reports with any opportunity to pay zero dollars in penalties? Why not simply impose a penalty when filers fail to file reports on time like the vast majority of campaign finance agencies already do?

Chair Leach's proposal of suspended penalties is a far better idea than staff's proposal, but a more effective policy would be to simply impose penalties on filers who fail to follow the law for both the primary and the general elections.

2. Poor PDC enforcement practices and complaint proliferation.

At last month's meeting during a discussion on enforcement, both Chair Leach and Vice-Chair North brought up the fact that I file copious amounts of PDC complaints. This is accurate. But I wanted to briefly summarize the reasoning behind my campaign of complaints and the effort to attempt to force the agency to change its enforcement practices. Here are the four main issues I see with the agency's enforcement practices.

First, aside from a small spattering of different areas (C1s, F1s, L-series reports, some candidate C4s) the agency does not proactively enforce the FCPA and instead relies almost exclusively on citizen complaints to initiate enforcement. In practice, this means that significant violations go unnoticed by the agency and are not dealt with.

Second, when a violation is noticed and a complaint is lodged with the agency, the complaint is almost never taken seriously by the staff, even when large amounts of undisclosed/not timely disclosed activity are involved. PDC staff have a very strong incentive to simply dismiss cases administratively with "warning letters" or zero-dollar SOUs because it is far more expedient to handle cases that way when compared to the hassle of taking a case to a BAP or full commission hearing. These methods of dismissal have the advantage of being expedient but have little to no deterrence value whatsoever for the reasons pointed out by Chair Leach. There is no meaningful check/balance on staff's ability to resolve cases in this way. Complainants have no appeal rights to seek a different opinion from the commission.

Third, for the relatively small number of cases that are actually brought to hearings, the penalties imposed are nominal/pro-forma in nature, typically $150 to $300 and often with all/most of the penalty suspended. The penalties imposed are not of the scale that would actually incentivize filers to follow the law and protect the public's "right to know" about the financing of campaigns. These penalties are simply perceived as the cost of doing business. When I last checked several months ago, penalties imposed by the agency go unpaid over 40% of the time and the agency seems to have little ability/inclination to pursue the payment of these penalties in court. At hearings, no discussion is given to the critical question of "what amount of penalty would serve as an effective deterred for this type of violation?".

Finally, for both the cases that are handled administratively by staff and the cases that actually do go to hearings, respondents are able to escape any meaningful accountability by claiming that their violation was either: a) caused by negligence, or b) caused by ignorance of the law. At no other campaign finance agency would these excuses absolve a respondent from paying penalties but at the PDC these are gold standard defenses, the validity of which are almost

never questioned. The result of this is that the public's right to know about the financing of campaigns takes a backseat to being kind and forgiving to respondents who fail to file the required information on time.

During the first 4 months or so of my mass complaint filing strategy in late 2023/early 2024, it had a significantly positive impact on the agency enforcement practices. The agency adopted (for the first time ever) a proactive enforcement regime for pursuing penalties against filers who failed to file required C4 reports.

But in the years between then and now, I acknowledge my mass filing of complaints has not been having the effect that I intended. Filing so many complaints also takes up a lot of my time as well. I am open to alternative ideas of pursuing changes to the agency's enforcement practices.

However, I am not going to stop advocating for meaningful changes to the agency's enforcement practices. The agency's enforcement practices are a joke and do not protect the public's rights to know about the financing of campaigns. That is wrong and it must change.

3. WA Supreme Court Ruling

I am glad to hear that the record judgement against Meta has been upheld after so many months of waiting for a decision to be released.

It is worth remembering, that Director Lavallee originally tried to have this case against Meta settled. Director Lavallee negotiated a $75,000 penalty against Meta, called it "an appropriate penalty", and lauded Facebook's willingness to engage with the PDC. Keep in mind that this was after the AG had already settled a case (which I originated) against Meta in 2018 for $200,000.

Director Lavallee's original proposal may have very well been accepted by the Commission except for the fact that one of the commissioners noticed that Director Lavallee had failed to give the legally required 10-day notice to the complainants in that case. When that was noticed, more questions arose and the Commission ultimately decided to refer the case to the AG's office rather than accept staff's recommendations.

Settlement discussions are never easy and I acknowledge that it is very easy to criticize someone in hindsight. Director Lavallee is obviously a very intelligent person.

But, I do believe that trying to settle that case for $75,000 was objectively an extremely poor judgement call and reflects many of the other problems in enforcement philosophy that exist at the PDC.

At the PDC, expediency (dealing with an enforcement matter quickly) is valued as more important than effectiveness (resolving an enforcement matter in such a way as to discourage future similar violations).

See article for more details: https://www.thestranger.com/tech/proposed-settlement-between-facebook-and-washington-state-is-dangerous-and-troubling-experts-say-42681415/