

November 1, 2017

Mr. Wayne Barnett
Executive Director, Seattle Ethics & Elections Commission
PO Box 94729
Seattle, Washington 98124-4729

RE: Election Law Violations by Jenny Durkan For Seattle

Dear Mr. Barnett:

This complaint alleges violations of Seattle Municipal Code Chapter 2.04 by Jenny Durkan For Seattle (Jenny Durkan's mayoral campaign).

Jenny Durkan for Seattle has repeatedly **failed to report salary or in-kind contributions from Waggener Edstrom and/or Stephanie Formas for professional campaign services.**

SUPPORTING EVIDENCE:

Since as early as July 11, 2017, Stephanie Formas - a communications professional at Waggener Edstrom - has been acting as the Durkan campaign official spokesperson and press contact.¹

Throughout the campaign, the Durkan campaign has benefited from Formas' time and skills in a professional capacity that goes far beyond occasional volunteer time. Formas has appeared as the campaign spokesperson many times at official functions, issuing campaign press releases and press statements, and speaking on the record to press on behalf of the campaign. Examples include:

- "Durkan Endorsed By State's Largest Labor Union Local, SEIU 775", Durkan Campaign Press Release, [7/11/17](#)
- "Durkan Releases 'Families And Seniors' Five Point Plan", Durkan Campaign Press Release, [7/11/17](#)
- "Proposed Seattle Taxes Targeting Foreign Buyers, Investment Properties Take Fire," Seattle Times, [8/24/17](#)
- "Jenny Durkan Website Ditches Murray Endorsement", Seattle P-I, [9/12/17](#)
- "Durkan Calls On Murray To Resign, Moon Repeats Demand For Mayor To Step Down", The Stranger, [9/12/17](#)
- "Honest Elections Rules On Political Money Make Waves In Mayor's Race", Seattle Weekly, [10/3/17](#)
- "Gov. Inslee Endorses Durkan For Seattle Mayor As Moon Builds Transition Team," Seattle Times, [10/9/17](#)

¹ Durkan Press Release, 7/11/17, <https://jennyforseattle.com/durkan-releases-families-and-seniors-five-point-policy-plan/>

- “Seattle Councilmembers Float Business Tax To Address Homeless Crisis”, KING 5, [10/12/17](#)
- “City Council Members Propose \$100 Per Worker Tax To Pay For Homeless Services”, KIRO 7, [10/12/17](#)
- “Sister’s Work Could Raise Conflict Issues For Jenny Durkan If Elected”, Seattle Weekly, [10/13/17](#)
- “Seattle’s Next Mayor Is Bringing Major Conflicts Of Interest With Her,” KUOW, [10/16/17](#)
- “With Expansion, Washington State Convention Center Agrees To Provide More Than \$80 Million In Public Benefits”, Seattle Times, [10/16/17](#)
- “Seattle Mayor’s Race Picks Up \$590K In Late Money Surge”, Seattle Times, [10/18/17](#)
- “Comcast And CenturyLink Spent \$50K In Seattle To Support A Mayoral Candidate Who Opposes Community Owned Internet”, Vice, [10/19/17](#)
- “Seattle Business Tax Proposed To House The Homeless,” Seattle Times, [10/20/17](#)
- “Durkan’s Backers Spend \$500,000 For Ad Blitz As Moon’s Campaign Is In The Red,” Seattle Times, [10/24/17](#)
- “KIRO 7 Responds To Jenny Durkan Campaign Campaign Ad That Includes Essex Porter”, KIRO 7, [10/27/17](#)

The consistent contribution of professional services goes beyond writing statements and releases for the campaign. Formas frequently communicates on behalf of the campaign during regular work hours, and provides in-person professional services to the candidate at media functions and other events during weekdays, as well as evenings and weekends. She also responds frequently during business hours to members of the press on Twitter regarding issues concerning the Seattle mayoral election and the Durkan campaign.²

 **Stephanie**
@FormasForever Follow

Hey @UrbanistOrg + @safesler might be worth updating your story with Jenny's specific policy plan to expedite ST jennyforseattle.com/wp-content/upl...

6:42 PM - 6 Oct 2017

1

 **Stephanie**
@FormasForever Follow

Jenny is NOT on board with a non-resident tax, which @CaryMoon4Mayor has proposed. thestranger.com/slog/2017/04/1...

Hayat Norimine @HayatNorimine
And now Jenny Durkan is on board with the whole taxing speculation thing. (She's criticized Cary Moon for this/leading to discrimination)

3:59 PM - 21 Sep 2017

 **Stephanie**
@FormasForever Follow

Most important number you're missing is # of supporters. Jenny has more individuals supporting her campaign & 7xs more than Moon #seamayor

Boois 🇺🇸 🇺🇸 🇺🇸 **Kamb** @lewiskamb
Follow the money.
#waelex

Money raised	Pe
\$491,107.84	
\$151,998.75	
\$133,896.72	
\$124,161.71	
\$31,295.80	
\$42,744.70	

12:05 PM - 2 Aug 2017

 **Stephanie**
@FormasForever Follow

Or we watched the debate....But anyways, lmk if you hear from Moon's camp on this.

Hanna Brooks Olsen @mshannabrooks
The Durkan camp must have seen some bad polling because I have gotten a truckload of emails like this today.

3:21 PM - 26 Oct 2017

² Stephanie Formas, Twitter Profile, <https://twitter.com/FormasForever>

However, the campaign does not report Formas as a staff member drawing a salary, as an employee with a consulting firm, or as an individual donating her services via an in-kind contribution on any C4s. Formas lists her employment as Account Director at the public relations firm Waggener Edstrom Communications (WE),³ which lists its primary client as Microsoft. The Durkan campaign was forced to return a corporate contribution from Microsoft earlier in the campaign.⁴ Microsoft is also a major contributor to the PAC sponsored by the Seattle Metropolitan Chamber of Commerce which in turn is the top funder of the independent expenditure campaign supporting Durkan (People for Jenny Durkan).⁵

Due to Formas's instrumental role in the Durkan campaign, her services should be reported as an in-kind contribution either from Formas herself or her employer, Waggener Edstrom. The Seattle Elections Code Administrative Rules make it abundantly clear that because Formas works in public relations and on political campaigns in a professional capacity, the communications services she is providing the Durkan campaign should have been accounted for in the campaign's C4 reporting.⁶

D. "contribution" includes services, property or rights furnished on a discriminatory basis or at less than fair market value, for the purpose of assisting any candidate or political committee.

EXAMPLE: A person who is normally paid to be a campaign consultant assists in the development of political advertising for a campaign. The campaign must report the fair market value of the person's time as an in-kind contribution to the campaign.

N. "personal services of the sort commonly performed by volunteer campaign workers" as used in SMC 2.04.010(13) means stuffing envelopes, doorbelling, putting up yard signs, answering telephones, making telephone calls, word processing, data entry, waving signs, accompanying the candidate to events, carrying petitions, and running errands. If the volunteer uses skills for which that volunteer ordinarily charges a fee, the campaign must report the fair market value of the volunteer's services as an in-kind contribution. The following are examples of activity that must be reported as an in-kind campaign contribution: a public relations or political consultant providing campaign strategy advice, press event coordination, composition of or production of campaign advertising or fundraising materials; or a graphic artist designing art for campaign advertising or designing the campaign advertising.

FEC records show that Formas was paid a salary of roughly \$5,000 per month by Hillary Clinton's presidential campaign for her role as Communication Director in four different states throughout the course of the campaign.⁷ Thus, the value of her communications work would far exceed the in-kind contribution limit of \$500.

³ Stephanie Formas, LinkedIn Profile, <https://www.linkedin.com/in/sformas/>

⁴ "Mayoral Candidate Jenny Durkan Refunds Donation From Microsoft As Seattle Tests New Election Laws", Seattle Times, 10/17/17, <https://www.seattletimes.com/seattle-news/politics/mayoral-candidate-jenny-durkan-refunds-donations-as-seattle-tests-new-election-laws/>

⁵ Civic Alliance For A Sound Economy (CASE) PAC Donations, PDC, https://www.pdc.wa.gov/browse/campaign-explorer/committee?filer_id=CIVIAS%20101&election_year=2017

⁶ Seattle Elections Code Administrative Rules, <http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=1%5BNUM%5D&l=20&Sect6=HITOFF&Sect5=ELER1&d=ELER&p=1&u=%2F%7Eelection%2Feler1.htm&r=1&f=G>

⁷ Hillary Clinton for President Expenditures, Federal Election Commission, https://www.fec.gov/data/disbursements/?two_year_transaction_period=2016&data_type=processed&committee_id=C00431569&committee_id=C00575795&recipient_name=formas&min_date=01%2F01%2F2015&max_date=12%2F31%2F2016&disbursement_description=payroll

Disbursements

Export 

Viewing about 40 filtered results for:

Clear all filters. X

Data type: processed | HILLARY CLINTON FOR PRESIDENT (C00431569) X | or | HILLARY FOR AMERICA (C00575795) X | 01/01/2015 - 12/31/2016 | "formas" X
"payroll" X

Spender	Recipient	State	Description	Disbursement date	Amount
HILLARY FOR AMERICA	FORMAS, STEPHANIE	WA	PAYROLL	11/22/2016	\$1,234.33
HILLARY FOR AMERICA	FORMAS, STEPHANIE	WA	PAYROLL	11/15/2016	\$552.52
HILLARY FOR AMERICA	FORMAS, STEPHANIE	WA	PAYROLL	11/15/2016	\$2,174.54
HILLARY FOR AMERICA	FORMAS, STEPHANIE	WA	PAYROLL	10/31/2016	\$2,514.77
HILLARY FOR AMERICA	FORMAS, STEPHANIE	NY	PAYROLL	10/14/2016	\$2,514.78
HILLARY FOR AMERICA	FORMAS, STEPHANIE	NY	PAYROLL	09/30/2016	\$2,514.76
HILLARY FOR AMERICA	FORMAS, STEPHANIE	NY	PAYROLL	09/15/2016	\$2,514.77
HILLARY FOR AMERICA	FORMAS, STEPHANIE	NY	PAYROLL	08/31/2016	\$2,514.77

We request that the SEEC thoroughly investigate this flagrant violation of our campaign finance laws by the Jenny Durkan for Seattle campaign and consider appropriate enforcement measures.

Thank for your work to ensure that our elections laws are properly enforced.

Sincerely,

Bre Weider
Communications Director, Cary Moon for Mayor