

## Urging Effective Remediation of Illegal Behavior by Opponents of I-522 (Labeling of GMO Foods)

1 **WHEREAS** Washington Attorney General Bob Ferguson, on October 16, 2013, on  
2 behalf of the people of the State of Washington, filed a complaint for civil  
3 penalties and injunctive relief against the Grocery Manufacturers Association  
4 (“GMA”), alleging violations of RCW 42.17A in connection with the 2013  
5 campaign regarding Washington Initiative 522, a ballot measure that would have  
6 required labeling of genetically engineered foods and seed products in this state;  
7 and

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9 **WHEREAS** *State v. Grocery Manufacturers Association* is now pending in Thurston  
10 County Superior Court, and the complaint, as amended Nov. 20, 2013, alleges  
11 that during the aforesaid campaign, the true source(s) of approximately \$11  
12 million in campaign contributions received and made by GMA for use in  
13 opposition to Initiative 522 were concealed in violation of RCW 42.17A; and

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15 **WHEREAS** the Washington Attorney General, in protecting the voting public  
16 from violations of RCW 42.17A, is authorized to seek any appropriate civil  
17 remedy, including but not limited to those specified in RCW 42.17A.750; and

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19 **WHEREAS** the complaint in *State v. Grocery Manufacturers Association* seeks  
20 various forms of relief authorized by RCW 42.17A, expressly including “such  
21 additional and further relief as the Court deems appropriate”; and

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23 **WHEREAS** RCW 42.17A.750(1)(a) specifically authorizes the court, whenever a  
24 political committee’s violation of any provision of RCW 42.17A has “probably  
25 affected the outcome of [an] election,” to void the result of that election and order  
26 a new election to be held within 60 days; and

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28 **WHEREAS** the foregoing remedy is expressly “intended [to] be imposed freely in  
29 all appropriate cases to protect the right of the electorate to an informed and  
30 knowledgeable vote” [RCW 42.17A.750(1)(a)]; and

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32 **WHEREAS** the complaint makes clear that the challenged contributions by and  
33 through GMA were expressly intended to defeat Initiative 522, and that  
34 concealment of their true sources was a tactic intended to hide the identities of  
35 those sources for political advantage; and

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37 **WHEREAS** of the 1,753,068 ballots cast on Initiative 522 during the voting process  
38 that culminated on November 5, 2013, a shift of less than 1.1% – from potential  
39 “Yes” votes to actual “No” votes – would have made the difference between  
40 passage or failure of the measure, it may reasonably be inferred that GMA’s  
41 violations of RCW 42.17A in connection with \$11 million in campaign spending  
42 probably affected the outcome;

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44 **THEREFORE BE IT RESOLVED** that the WSDCC urges our Attorney General to  
45 ask the court to (a) void the result of the 2013 public vote on Initiative 522, and (b)  
46 order a new vote thereon, with the costs to be borne by the Grocery  
47 Manufacturers Association and

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49 **THEREFORE BE IT FURTHER RESOLVED** that the WSDCC request our state  
50 legislators to join us in urging the Attorney General to take such action.

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53 Submitted by the 32<sup>nd</sup> District Democrats to the Washington State Democratic Central Committee for  
54 consideration at its February 1, 2014 meeting in Vancouver. (Date Submitted 1/16/2014)

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56 The WSDCC Resolutions Committee “AMENDED THIS RESOLUTION AND RECOMMENDED A  
57 PASS” at its February 1, 2014 meeting in Vancouver.

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59 The WSDCC “PASSED” this resolution at its February 1, 2014 meeting in Vancouver.