

ANNUAL REPORT

2023



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2023: Warning signs, but new resources

New large donations, additional staffing, production of a special report, and opening a new office marked year

Juli Bunting executive director

2023 was a landmark year for the coalition in good ways and bad. The most remarkable event was receiving the largest contribution in our history, thanks to the generosity and dedication of long-time Seattle residents Jim and Birte Falconer.

The Falconers' generous contribution followed a fundraising appeal during our March Sunshine Breakfast and Awards program and led to the launch of the People's Right to Know Project.

While the 2023 breakfast was a great success, it came with a dire warning: The Washington state Legislature was beginning to invoke a nonexistent constitutional right to keep information from the public. We told the breakfast crowd that storm clouds were on the horizon. We had already filed a lawsuit challenging the claim of "legislative privilege," which would allow lawmakers to hide whatever documents they choose.

Bills were introduced and found support to scale back the right to public records. The warning signs were all around as the Legislature took a wrong turn on the road to open government, and we were concerned about what might lie ahead. Our worst fears were realized late in the year when two court judges in Thurston County ruled in favor of the Legislature. Those decisions are being appealed, and we hope to put this concept in the rearview mirror in 2024.

There was great news to counter the bad.

The good news in 2023 was the exponential growth in our ability to face the coming storm after receiving the single largest contribution in the history of the organization. Thanks to the generosity of the Falconers and other large donors Mike and Jamie Christen, Mike and Diane Tice, and board member Ed Clark, WashCOG is in a better position than ever to fight the secrecy movement we see on the rise in Olympia.

The Falconer gift set the wheels in motion for a project that will come to fruition in 2024 and beyond. That gift, combined with the Tice, Christen and Clark family donations, allowed us to launch our most comprehensive endeavor ever to defend our right to know what government does in our name.



Setting the tone and agenda:

A board retreat in September saw the launch of the Your Right to Know project. This included production of a Special Report on the status of transparency in the state, hiring contract lobbyist Donna Christensen to work on transparency issues in Olympia, and adding Interim Deputy Director Colette Weeks to our staff.

The Your Right to Know project is our commitment to the people of Washington that we believe in an informed citizenry and that public records belong to the people, not the government.

We promise to continue to:

- Educate the public on the importance of government transparency in a democracy.
- Influence legislation and persuade lawmakers about the importance of accountability.
- Litigate when necessary.
- Recognize the people who work so hard each year to ensure Washington government at all levels remains open and honest.

Giving matters:

Along with the Your Right To Know project, WashCOG was able to rent and move into an office for the first time in our history. Located in Redmond, we look forward to sponsoring events and meetings in 2024. This marks a new era for the coalition, and we look forward to expanding our capacity and growing this movement.

The Washington Coalition for Open Government is on the side of your right to know what the government is doing. We will never give up this fight, and we are grateful for your support.



2023 was a year of exploring new and innovative ways to reach out to high school and college students, as well as young professionals. Although our comprehensive plans for educational outreach will not be realized until deep into 2024, we constantly strive to engage a younger audience with our message.

Some of the outreach will include:

- **Expanding the High School contest.** What in previous years was known as the Scott Johnson High School Essay Contest will now open the doors to more possibilities. The revised Scott Johnson High School Contest will invite not only essays but also videos, podcasts, posters and photography. The expansion aims to draw students with varying talents into the contest.
- **Expanding our reach to civic, community, and philanthropic organizations.** For the open government movement to thrive and grow into the future, we must bring younger activists into the fold. In 2024, we will continue to seek opportunities to deliver our message to as many organizations and individuals as possible. The increased funding we received in 2023 will greatly enhance our ability to reach out to a younger, vibrant audience.



One of WashCOG’s most pressing issues every year at this time is tracking the perennial efforts by the Legislature to relax our state’s open-government laws. Our response is to marshal facts and data to argue the case for transparency.

2023 was no different in one way: Again, a raft of bills sought to restrict the ability of citizens to access unfiltered information about their government’s activities, either through documents or attending government meetings.

But in 2023, WashCOG sued the state Legislature over legislators’ collective claim that in responding to requests under the voter-approved Public Records Act, lawmakers possess some sort of “legislative privilege” to black out portions of documents they release. Or to withhold the documents entirely.

This concept has its roots in the English monarchy of the 1600s and before. More recently, it’s been conveniently appropriated by legislatures in other states, and in the last two years by Washington’s Legislature, as well. This notion of “legislative privilege” never was passed as a statute or articulated in this state’s constitution. It also ignores what voters said decades ago in passing the forerunner of the Public Records Act by an overwhelming margin.

While recent court rulings have not worked in our favor, the fight is not over. The people still have a voice.

Please contact your legislators to let them know you support the Public Records Act and urge them to take the WashCOG pledge to never invoke this so-called “privilege.”

As lawmakers continue to entertain ways to further diminish the Public Records Act, WashCOG pledges to keep fighting for the right of the people to know what their elected legislators are doing in our name and with our tax dollars.



Here are the major cases we supported with amicus briefs:

- 1. Allphin v. Kittitas County (Court of Appeals Division Three): WashCOG urged the Court of Appeals to consider an expansive range of evidence when assessing PRA penalties, consistent with the statute's intent in holding agencies accountable for wrongfully withholding records.*
- 2. Cousins v. State Department of Corrections (Washington Supreme Court): WashCOG joined an amicus request supporting a public records requestor's successful petition for review, and an amicus brief on the merits, in a case urging the Supreme Court to prevent agencies from prematurely closing PRA requests or cutting off requestors' access to judicial relief when agencies fail to comply with the statute.*
- 3. Miller v. State Dep't of Revenue (Court of Appeals Division Two): WashCOG submitted an amicus brief arguing unpublished tax appeal decisions, which operate as a secret body of administrative law, should be available to the public.*



The March 2023 Sunshine Breakfast, a sold-out event at T-Mobile Park, recognized those who made outstanding contributions to open government efforts in 2022.

TVW, a public access cable and webcast service, was honored with the **Toby Nixon Award**, which is the Coalition's lifetime achievement award. The nonprofit channel, founded 30 years ago, provides unedited coverage of state government, politics and public policy, enabling greater access by the people, especially during legislative sessions. President and CEO Renee Radcliff Sinclair accepted on behalf of TVW, which also webcast the event.

The **James Andersen Award** was given to the WashCOG volunteer of the year, Peggy Watt, for her many hours of service. She is a journalism professor at Western Washington University and a longtime WashCOG board member.

KING5's Susanna Frame, a **Kenneth F. Bunting Award** winner, emceed the event.

Crosscut, a nonprofit online news organization, received the **Kenneth F. Bunting Award** for outstanding journalism for its work creating Washington Recovery Watch, an examination of the recipients and use of federal funds intended for COVID-19 recovery efforts.

Eight runners-up for the Bunting Award were recognized with Key Awards, given periodically for any party that has done something notable for the cause of open government.

Another Key Award was presented to Judge Judith H. Ramseyer of King County Superior Court, for her work as the chief of the Bench-Bar-Press Committee's Fire Brigade, which mediates simmering conflict over access issues before they escalate.

WashCOG also presented a **Ballard/Thompson Award**, which has not been given since 2018. It recognizes state legislators who demonstrate outstanding commitment to open government. This year's recipients were Rep. Gerry Pollet and former Rep. Emily Wicks.

The Keynote Address was given by Oregon journalist **Les Zaitz**, a longtime crusader for government oversight, who shared war stories and encouragement about efforts to demand political accountability.



Your Right to Know is a two-year project designed to build capacity and ensure long-term sustainability in WashCOG’s four mission areas of education, legislation, litigation, and recognition.

The project will accomplish these goals:

- Increase our work capacity.
- Grow our movement.
- Increase our impact.
- Bolster ongoing fund development.

As we began this project, the need for WashCOG to expand our reach was clear to us, but we realized we needed something to alert the public and get their support for these efforts. In that vein, we began to research and write a comprehensive report on the status of the Public Records Act in Washington. The report is written and in the final stages of editing. It is titled “Your Right To Know: A special report on the erosion of public access to government.”

The report includes:

- A foreword written by David Cuillier, director of the Joseph L. Brechner Freedom of Information Project at the University of Florida and past president of the National Freedom of Information Coalition.
- A data analysis examining compliance with the PRA.
- Twelve analytical essays written by WashCOG board members.
- Conclusions and recommendations from WashCOG.
- A call for public action titled: “It’s time for you to be heard.”

The special report, produced under the direction of board members George Erb and Jim Simon, lays the foundation for the Your Right to Know Project. It provides evidence and argues that too many government officials in this state want to hide their work from the public.

This report will inform most of our efforts going forward. Public release is scheduled for February 2024.



TWO-YEAR ACTION PLAN UPDATE

Legislation:

- Create greater capacity to track legislation and quickly respond to bills that may come up that are particularly egregious. To do this, we will build our own public action network and a proactive legislative agenda.
- Explore our options for direct action alerts and working to get such a system operational prior to the legislative session.
- Hire a contract lobbyist to help us navigate the 2024 legislative session.

✓ The government committee concluded the better option was to hire a contract lobbyist to help us navigate the 2024 legislative session. Donna Christensen was hired at the committee's recommendation.

• Increase capacity to react with press conferences or alerts to reporters when an issue is spinning out of control.

✓ The government committee identified a digital marketing contractor to assist us in setting up an alert system that will provide impact and reach the largest group of citizens.

• Pursue our own task force recommendations for the future of the state's Sunshine Committee.

✓ The task force, co-chaired by board members Kathy George and Keith Shipman, was established and enlisted the Sunshine Committee's outgoing chair as an adviser.

✓ The Sunshine Committee received our letter advising them to adopt all recommendations that legislators ignored during previous sessions.

✓ The Your Right to Know special report includes an analytical essay and data on the Sunshine Committee, as well as this recommendation: "The Legislature should amend the enabling law for the Sunshine Committee to require that the committee's annual reports be presented in public reports to relevant House and Senate committees."

Litigation:

The year was winding down as a Thurston County Superior Court judge ruled in favor of the Legislature's right to withhold records and against WashCOG. We are in the process of deciding whether to appeal to the state Supreme Court.



WashCOG’s donors in 2023 gave the coalition the opportunity of a generation to take its operations to a higher level. Our communications are very much a part of the coalition’s “stretch” goals.

Last year, WashCOG expanded its presence on social media, which the coalition uses to connect and communicate with others. We now have active accounts on the microblogs Threads, Mastodon and Instagram. Those accounts are in addition to our longstanding presence on Twitter, now called X. Our larger footprint on social media puts the coalition in front of new people and hedges our bets on the future of X, which is in transition under its new owner, Elon Musk. We remain active on Facebook, where we have 1,000 followers.

Buoyed by donations, the coalition in the summer of 2023 began working on a special report about the relentless erosion of Washington state’s Public Records Act. The report, tentatively titled “Your Right to Know,” will publish in the first quarter of 2024. It is partly analysis, partly alarm bell and partly a call to action for the beleaguered PRA. The report will influence our communications throughout the new year.

The report is part of a larger WashCOG campaign, The People Have a Right to Know. The two-year campaign will mobilize the public, the media, like-minded organizations and politicians in support of open government in Washington state. The best way to stop the spread of secrecy is to build a constituency for transparency, hence this campaign.

We will have a lot to say in 2024. You will likely hear from us.



Looking back and looking forward

Protecting the people's right to know has never been more challenging. The Washington Coalition for Open Government has never been better prepared to meet that challenge.

Thanks to significant funding from major donors, 2023 was transformational in the coalition's 21-year history, as outlined in the introduction to this report. A lot is changing.

But first, let me say what isn't changing – our values and our mission. WashCOG remains an independent, nonpartisan, nonprofit organization dedicated to the proposition that the people of Washington have a right to know what their government is doing. We embrace the preamble to the state's Public Records Act:

“The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.”

WashCOG's mission remains to defend and strengthen Washington's open government laws.

For most of our history, we have focused on defending rather than strengthening. For example, in 2023 we sued the state because some legislators claimed they have a “legislative privilege” to withhold or redact records that would otherwise be public. Although initial court rulings have gone against our position, we will continue to pursue it through the courts, defending the people's right to know.

Even if we are successful in stopping legislative privilege, it won't change the fact that the people's right to know has been eroding. WashCOG will soon issue a report on why that has happened and how it can be reversed. This report will provide a foundation for legislative and legal action, possible structural change and, if necessary, a constitutional amendment explicitly asserting the public's right to know.

The report and our work in 2023 enables us to put new emphasis on:

- Increasing our capacity for work
- Growing our movement
- Increasing our impact
- Bolstering ongoing fund development



WashCOG must continue to respond swiftly and effectively to the challenges that emerge in legal, legislative and community arenas. But our work in 2023 positions us to also focus more on helping people exercise their right to know and hopefully help government at all levels operate transparently.

We will work collaboratively with the many public agencies and officials that strive for openness.

Vision for the future:

This is a pivotal moment. The erosion of the people's right to know must be stopped. It is also a moment of opportunity to alert the public and inspire action.

In that spirit, WashCOG is launching the Your Right to Know Project, a movement to catalyze the public, media and politicians on behalf of open government.

Key goals are:

- Washington leads the nation for open government practices, and WashCOG is acknowledged as a vital expert, resource and force.
- WashCOG proactively seeks out challenges with transparency and accountability at all levels, advocates for change, and works to make it happen.
- The people of Washington recognize and value the importance of transparency and accountability and their role in supporting openness.
- Washington citizens regularly turn to WashCOG for help and get it.
- The courts and government agencies recognize the experience of WashCOG and seek to implement our advice.
- WashCOG has real, ongoing influence.
- WashCOG has long-term stability, with robust growth of financial resources.

Call to Action:

The erosion of the people's right to know in our state must be reversed. You can make it happen.

In the weeks ahead we will release our report on the state's Public Records Acts. It is called "Your Right to Know: A special report on the erosion of public access to government information in Washington state."



With the publication of our special report, WashCOG will launch the Your Right to Know Project, a movement to catalyze the public, media and politicians on behalf of open government.

Continue to follow our reporting, and get involved with the project.

Here is how:

- Go to our website to get updates on the project: <https://www.washcog.org/>
- Alert us to problems you see or examples of openness and transparency: <https://www.washcog.org/contact-us>
- Sign up for our citizens' network: <https://www.washcog.org/citizens-network-sign-up>
- Join our movement: <https://www.washcog.org/join-wcog>
- Make a donation to support the cause: <https://www.washcog.org/donate>
- Make your voice heard.

~ Mike Fancher is president of the Washington Coalition for Open Government.



Washington Coalition for Open Government
Transaction Detail By Account
December 2023

01/08/24

Cash Basis

| Type | Date | Num | Adj | Name | Memo | Split | Credit | Balance |
|------------------------------|------------|---------|-----|----------------------|----------------------------------|---------------------|-----------------|-----------------|
| Contributions | | | | | | | | |
| In Kind Contribution | | | | | | | | |
| General Journal | 12/31/2023 | CRC ... | * | Clark Raymond & ... | To book in kind contribution | Professional Fees | 701.25 | 701.25 |
| Total In Kind Contribution | | | | | | | 701.25 | 701.25 |
| Contributions - Other | | | | | | | | |
| Invoice | 12/05/2023 | 2601 | | American Online G... | Contributions | Accounts Receivable | 150.00 | 150.00 |
| Invoice | 12/20/2023 | 2602 | | Phyllis Izant | Contributions | Accounts Receivable | 259.92 | 409.92 |
| Invoice | 12/26/2023 | 2603 | | Jo Anne Estes | Contributions | Accounts Receivable | 26.27 | 436.19 |
| Invoice | 12/27/2023 | 2604 | | Paul Jeffko | Donation | Accounts Receivable | 260.59 | 696.78 |
| Total Contributions - Other | | | | | | | 696.78 | 696.78 |
| Total Contributions | | | | | | | 1,398.03 | 1,398.03 |
| Membership Income | | | | | | | | |
| Invoice | 12/14/2023 | 2600 | | Eric Lundgren | Individual Membership 2023-2024 | Accounts Receivable | 50.00 | 50.00 |
| Invoice | 12/17/2023 | 2440 | | Chris Waldorf | Annual Membership Dues 2022-2024 | Accounts Receivable | 25.00 | 75.00 |
| Invoice | 12/26/2023 | 2559 | | Paul Jeffko | Annual Membership Dues 2023-2024 | Accounts Receivable | 260.59 | 335.59 |
| Invoice | 12/28/2023 | 2524 | | Carolyn Kelly | Annual Membership Dues 2023-2024 | Accounts Receivable | 250.00 | 585.59 |
| Total Membership Income | | | | | | | 585.59 | 585.59 |
| TOTAL | | | | | | | 1,983.62 | 1,983.62 |



Washington Coalition for Open Government
Balance Sheet – Substantially All Disclosures Omitted
 As of December 31, 2023

01/08/24
 Cash Basis

| | Dec 31, 23 |
|---------------------------------------|-------------------|
| ASSETS | |
| Current Assets | |
| Checking/Savings | |
| Checking - WA Trust Bank | 161,293.07 |
| PayPal Bank | 14,230.62 |
| Total Checking/Savings | 175,523.69 |
| Other Current Assets | |
| Rent in Advance - Last Month | 1,750.00 |
| Total Other Current Assets | 1,750.00 |
| Total Current Assets | 177,273.69 |
| TOTAL ASSETS | 177,273.69 |
| LIABILITIES & EQUITY | |
| Liabilities | |
| Current Liabilities | |
| Credit Cards | |
| WA Trust - CC #2346 | 334.65 |
| Total Credit Cards | 334.65 |
| Total Current Liabilities | 334.65 |
| Total Liabilities | 334.65 |
| Equity | 176,939.04 |
| TOTAL LIABILITIES & EQUITY | 177,273.69 |



We hope that this report has provided meaningful information on WashCOG’s activities over the past year and given you hope for the Coalition’s future.

Despite the challenges facing us in 2024, the organization is in a good place.

We are more prepared now to take on the issues and propose solutions than at any time in our history. We have a strong presence in Olympia, we are fortifying our staff, we have an office in Redmond, and we have a new comprehensive report on the status of transparency in our state that indicates the state is taking a dark turn.

We are willing to do the hard work, meet the issues head-on, collaborate with agencies toward more effective policies and procedures, and strive to make Washington, once again, a paragon of government openness.

Our goal is to foster a culture of transparency at all levels of government, and we need your help in this effort.

Washington citizens need to make our lawmakers understand that transparency is important to us. We expect the Legislature to help cities, counties, and state agencies to assess what tools they need to collect, retain, and release records in an organized and timely manner and then fund and support those needs.

WashCOG is here to shine the light, and we look forward to working with you and earning your trust in this endeavor in the coming year. Keep looking up, and remember the sun shines brightest after a storm.

Thank you for your support, your vigilance, and your commitment to accountable government.