



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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September 19, 2016

durstbj@gmail.com

Branden Durst
Friends of Branden Durst
214 S 67th St
Tacoma, WA 98408

Subject: Complaint regarding Voters for Washington Children, PDC Case 7513, and David Sawyer, PDC Case 7514

Dear Mr. Durst:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint you filed on July 28, 2016. Your complaint alleged that Voters for Washington Children may have violated RCW 42.17A.405(2) by making over-limit in-kind contributions to the David Sawyer campaign through sponsoring digital ads that used imagery and language that is identical to that of the Sawyer campaign ads. Your complaint also alleged that the David Sawyer campaign may have violated RCW 42.17A.405(14) by accepting these same over-limit in-kind contributions. You also alleged that Voters for Washington Children may have engaged in “illegal coordination” when it provided a link in its digital ads to www.abondanbrandon.com, a site funded by the David Sawyer campaign.

PDC staff reviewed your allegations, and as a result of staff’s initial review, we found the following:

- WAC 390-05-210(2) states that the financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or the authorized agent of a candidate or political committee is a contribution to the candidate or political committee.
- Voters for Washington Children stated that they undertook an Independent Expenditure digital ad campaign opposing Branden Durst beginning on July 27, 2016. The ads appeared in various websites in and around the 29th Legislative District between July 27 and August 2, 2016. The images were designed to fit various shapes and sizes depending on their placement on the various websites where they appeared.


- Voters for Washington Children stated that these ads were in no way coordinated with the Sawyer campaign. The Committee stated that no one from Voters for Washington Children or the Sawyer campaign had any contact with respect to advertising conducted by either party. The ads were produced by the firm Rally, an advertising vendor hired by Voters for Washington Children, using their original copy, stock photography, plus imagery obtained from the publically available website <http://abandonbranden.com>. That imagery included a depiction of a cell phone message and various file folders.
- The David Sawyer campaign stated that the campaign sponsored and paid for www.abandonbranden.com. Rep. Sawyer stated that the digital ad mentioned in the complaint was not from his campaign. He said the website was public and the images used appear to have been taken from the website.
- No additional evidence has been provided or found demonstrating that Voters for Washington Children and the David Sawyer campaign coordinated their respective advertising campaigns in a manner that would make the expenditures of Voters for Washington Children over-limit in-kind contributions to the David Sawyer campaign.
- It is not a violation to provide a link to a website, such as the link that Voters for Washington Children provided in its advertising to www.abandonbranden.com.
- No evidence was found that Voters for Washington Children or the David Sawyer campaign has any previous PDC warnings or violations of any applicable PDC requirements.

Based on these initial findings, I have determined that while Voters for Washington Children used imagery in its political advertising that included a depiction of a cell phone message and various file folders from a website sponsored by the David Sawyer campaign, no further action will be taken in this instance. The Commission is reviewing the statutes and rules regarding use of photos and materials from campaign websites, and will be considering whether additional interpretive guidance would be helpful.

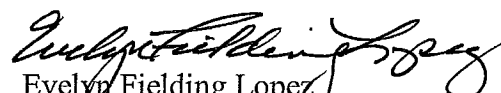
Based on these circumstances, the PDC has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing enforcement action in this case.

If you have questions, you may contact Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at phil.stutzman@pdc.wa.gov.

Sincerely,


Philip E. Stutzman
Sr. Compliance Officer

Endorsed by,


Evelyn Fielding Lopez
Executive Director

cc: Voters for Washington Children; David Sawyer Campaign