



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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April 27, 2017

DEBBIE TARRY, CITY MANAGER
CITY OF SHORELINE
17500 MIDVALE AVE N
SHORELINE WA 98133-4905

dtarry@shorelinewa.gov

BY ELECTRONIC AND U.S. MAIL

Subject: Complaint filed by Michele Earl-Hubbard against City of Shoreline Officials,
PDC Case 4477, Formal Written Warning Letter

Dear Ms. Tarry:

Enclosed is a copy of the disposition letter sent to Michele Earl-Hubbard concerning the complaint she filed April 13, 2016, alleging that City of Shoreline officials violated RCW 42.17A.555 by sponsoring telephonic and print surveys for the purpose of promoting Proposition 1, a public safety, parks, and community services renewal levy in the November 8, 2016 general election.

As noted in the enclosed letter, PDC staff's investigation found that the City of Shoreline sponsored survey research that contravenes PDC guidance on survey research and compliance with RCW 42.17A.555, as discussed in PDC Interpretation 04-02, *Guidelines for Local Government in Election Campaigns*. Although PDC staff concluded that the use of public facilities did not rise to the level of a material violation in this instance, staff determined that the actions of City officials do amount to alleged minor or technical violations, and in accordance with WAC 390-37-060(1)(b), PDC staff is issuing this formal written warning to Shoreline City Manager Debbie Tarry regarding the prohibition in RCW 42.17A.555 against the use of public facilities (including publicly-sponsored survey research) to promote a ballot proposition.

This letter also serves to underline the Commission's guidance, PDC staff's understanding of the law, and to caution city officials regarding the future sponsorship or use of survey research in a manner that may be found to violate RCW 42.17A.555.

In responding to the complaint, Shoreline City Attorney Margaret King stated that as of the date of the city's April 2016 election-related survey, the Shoreline City Council had not acted to place a proposition on the ballot, and hence RCW 42.17A.555 did not apply. This defense appears to suggest that any conduct by an agency prior to calling an election is outside the jurisdiction of RCW 42.17A.555. Presumably, this would include—in an extreme example—sponsorship of

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political advertising that urged city residents to “vote yes” on a future levy. Such a reading of RCW 42.17A.555 renders the statute meaningless. In fact, RCW 42.17A.555 applies at all times, and prohibits local officials and employees from using or authorizing the use of public facilities for a prohibited purpose, including to promote a ballot proposition contemplated for a future election.

Copies of RCW 42.17A.555, relevant rules, and PDC Interpretation 04-02 are enclosed for your reference. PDC staff urges City of Shoreline officials to consult these resources when contemplating future election-related survey research and ballot proposition “fact sheets,” to facilitate the city’s compliance with RCW 42.17A.555.

If there are future violations of PDC laws or rules found against City of Shoreline officials, the Commission will consider this formal written warning in deciding on further Commission action.

If you have questions, please contact me at (360) 664-2735, toll-free at 1-877-601-2828, or by e-mail at evelyn.lopez@pdc.wa.gov. Thank you.

Sincerely,


Evelyn Fielding Lopez
Executive Director

Enclosures (4): Letter to Michele Earl-Hubbard
RCW 42.17A.555
WAC 390-05-273
PDC Interpretation 04-02