



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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March 11, 2016

MARGARET WIGGINS

by email only to: mwiggins37@comcast.net

Subject: PDC Complaint 2917, *Seattle Times* Newspaper

Dear Ms. Wiggins:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint you filed on February 12, 2016, alleging violations of RCW 42.17A by the *Seattle Times* in connection with the newspaper's "Greater Good" campaign in support of public education funding. In addition to alleging the failure to comply with lobbying disclosure requirements, your complaint described the "Greater Good" campaign as a possible political advertising campaign, and questioned whether the *Times* had the requirement to register and report as a campaign committee (presumably, a political committee). Because PDC staff's review revealed no evidence that the *Times*' communications solicited or communicated support or opposition to any candidate or ballot proposition, we have concluded that the statutory definition of "political advertising" and "political committee" are not relevant to your allegations. Accordingly, your allegations were reviewed with respect to the registration and reporting requirements for state lobbying, including but not limited to lobbying directed to the general public ("grass roots lobbying"). RCW 42.17A.005(28), RCW 42.17A.005(30), RCW 42.17A.600, RCW 42.17A.610, RCW 42.17A.615, and RCW 42.17A.640.

PDC staff reviewed your allegations to determine whether a formal investigation or enforcement action is warranted. As a result of staff's initial review, we found the following:

- The *Seattle Times*' current "Greater Good" campaign, which began on January 25, 2016, is a twelve-month campaign that includes newspaper print advertising, digital banner ads running on the *Times*' online edition, and other online communications. The campaign has also included a mailed communication issued directly to state legislative officials and their staff, and local education officials.
- The communications at issue in your complaint included the calls to action, "*Washington needs your voice in support of public education funding... Contact Your Legislator... Email the Governor.*" These communications appear to indicate a "*program [presented] to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation[.]*" Under RCW 42.17A.640, such a campaign is defined as grass roots lobbying. Unless exempt, the sponsor of a grass roots lobbying campaign must file a PDC form L-6 within 30 days of the date that the sponsor incurs expenditures for the campaign exceeding \$700 in a one month period, or exceeding \$1,400 in a three month period.

- RCW 42.17A.610(3) exempts news media communications from the grass roots lobbying disclosure requirements of RCW 42.17A.640, provided that the communications consist of *“News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station.”*
- In responding to your complaint, the *Times* stated that it did not occur to the newspaper’s staff or editorial board that the “Greater Good” campaign constituted a reportable grassroots lobbying campaign. Rather, the *Times* stated that it believed the campaign is exempt from the registration and reporting requirements of RCW 42.17A, because the campaign is an extension of the editorial function of the *Times*, developed to express the newspaper’s opinion in an engaging manner.
- The *Times* stated that public education, the specific issue involved in the “Greater Good” campaign, is an issue addressed frequently in the *Times*. The *Times* stated that content concerning public education has appeared in a variety of formats, including commentary from public op-ed contributors, opinions from syndicated columnists from other publications, and reader letters. In addition, the *Times* stated that its newsroom and editorial board have frequently written stories or expressed opinions concerning public education funding in Washington.
- The *Times* stated that members of its editorial board have similarly been involved in developing content for the “Greater Good” program. The *Times* stated that creative work for the program has been developed in-house by the *Times*’s advertising department, and the program is published and disseminated by the *Times*. The *Times* stated it believes that the “Greater Good” campaign is exempt under RCW 42.17A.610(3) from disclosure as a grassroots campaign, as *“editorial comment by working members of the press...and the publication or dissemination thereof by a newspaper.”*
- Recognizing that the “Greater Good” pages appear more like advertisements than traditional editorial pages, the *Times* stated that it has elected to file an L-6 report to disclose the newspaper’s sponsorship of the campaign. The newspaper’s L-6 filing was submitted on March 4, 2016, 39 days after the beginning of the current “Greater Good” campaign. The report disclosed \$469,178 in expenditures by the *Times* in various categories. Alan Fisco, the *Times*’ Executive Vice President and CFO, stated that the *Times* would continue to file L-6 reports until the current campaign is concluded.
- The *Times* stated it recognized that communications mailed directly to state officials as part of the “Greater Good” campaign constituted a form of direct, rather than grassroots, lobbying. The *Times* stated it believed that any such communications were also exempt from the registration and reporting requirement for direct lobbying, as contact with state officials restricted to *“no more than four days or parts of four days in any three month period.”* RCW 42.17A.610(5). However, the newspaper stated that in the spirit of disclosure and exercising an abundance of caution, it included its direct lobbying expenses on the L-6 filing submitted on March 4, 2016.

Based on these initial findings, there appears to be legitimate uncertainty concerning the reportability of the *Seattle Times*’ “Greater Good” communications as a lobbying campaign.

Given this uncertainty, and the *Times*' willingness to voluntarily disclose its sponsorship of the campaign in a substantially timely L-6 filing, I have determined there is no reason to believe that the *Seattle Times* committed a material violation of any law under the Commission's jurisdiction. For this reason, PDC staff has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing enforcement action in this case.

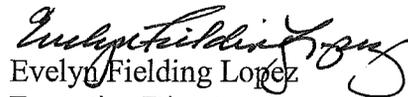
If you have questions, you may contact me at (360) 586-1042, toll-free at 1-877-601-2828, or by replying to the attached email.

Sincerely,

Endorsed by:



Tony Perkins
PDC Compliance Officer



Evelyn Fielding Lopez
Executive Director

cc: *Seattle Times*, c/o Rob Maguire, Davis Wright Tremaine