



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908  
(360) 753-1111 • FAX (360) 753-1112

**Toll Free 1-877-601-2828 • E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)**

January 28, 2019

Delivered electronically to "lennon@wcvoters.org"

Subject: Complaint filed by Bret Uhrich, PDC Case 42958

Dear WA Conservation Voters Action Fund:

Below is a copy of an electronic letter sent to Bret Uhrich concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Bret Uhrich, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(b), this letter serves as a warning letter concerning failure to provide an adequate avenue for voters to receive sponsor identification without connection to the Internet. Staff expects you to provide a mechanism in future political advertising for non-Internet capable devices to access the required sponsor identification disclosures quickly and easily. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by email at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

/s \_\_\_\_\_  
Fox Blackhorn  
Compliance Coordinator 2

Endorsed by,

/s \_\_\_\_\_  
Peter Lavalley  
Executive Director



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January 28, 2019

Delivered electronically to “buhrich@lawschool.gonzaga.edu”

Subject: Complaint regarding WA Conservation Voters Action Fund, PDC Case 42958

Dear Bret Uhrich:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on November 6, 2018. Your complaint alleged that WA Conservation Voters Action Fund may have violated RCW 42.17A.320 for failure to accurately and completely disclose sponsor identification on text message based political advertising.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; the response provided by WA Conservation Voters Action Fund; and PDC guidance concerning sponsor identification for text messages issued October 13, 2018, to determine whether the record supports a finding of one or more violations.

Based on staff’s review, we found the following:

- On November 6, 2018, the WA Conservation Voters Action Fund admits to sending a text message to the number associated with Yvonne Uhrich, soliciting votes in support of candidates Rollins and Wolfe for Snohomish County Public Utility District Commissioners.
- In accordance with WAC 390-18-030(3)(b), and the “one-click” exemption for small online advertising, WA Conservation Voters Action Fund provided a link that recipients with Internet capable phones could click and be taken to a page containing the required sponsor identification disclosures.
- WA Conservation Voters Action Fund cites to the PDC guidance, issued October 13, 2018, concerning text message sponsor identification, but omits the guidance concerning alternative methods for non-Internet capable phones.
- WA Conservation Voters Action Fund did not provide an alternative to receive sponsor identification information for devices not capable of following the link, as provided in the PDC’s guidance around sponsor identification in text messaging.

The guidance that WA Conservation Voters Action Fund cited in their response to the allegations states, “[s]ince some phones receiving the text will not be able to follow a link, we suggest campaigns include, in addition to a web address, mechanisms that allow the recipients to request sponsor ID information. Sponsors should make that process as easy as possible, perhaps by allowing the recipient to reply with a single character that then prompts another text message

*with the sponsor ID information. The message would look something like this: 'Go to www.xyzcommittee.com or text \*for sponsor information.'"]*

Based on these findings staff has determined that, in this instance, failure to provide an adequate avenue for voters to receive sponsor identification without connection to the Internet does not amount to an actual violation warranting further investigation.

Pursuant to WAC 390-37-060(1)(b), WA Conservation Voters Action Fund will receive a formal written warning concerning failure to provide an adequate avenue for voters to receive sponsor identification without connection to the Internet. The formal written warning will include staff's expectation that WA Conservation Voters Action Fund provides a mechanism in future political advertising for non-Internet capable devices to access the required sponsor identification disclosures quickly and easily. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Fox Blackhorn at 1-360-753-1980 toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

/s \_\_\_\_\_  
Fox Blackhorn  
Compliance Coordinator 2

Endorsed by,

/s \_\_\_\_\_  
Peter Lavalley  
Executive Director

cc: WA Conservation Voters Action Fund