



**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.pdca.wa.gov](http://www.pdca.wa.gov)

December 18, 2018

Delivered electronically to "bsteiner@sers800.org"

Subject: PDC Case 42987

Dear Brad Steiner:

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

As noted below to Brian Ritchie, the PDC will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter

PDC staff is reminding the Snohomish County Emergency Radio System (SERS) about the importance of providing only an objective and fair presentation of the facts based on and expanded upon the information prepared by the agency in accordance with the normal and regular conduct of the agency. As defined by PDC Interpretation 04-02, the clause "objective and fair presentation of the facts" means that in addition to presenting the facts, the materials should present accurately the costs and other anticipated impacts of a ballot measure. Agencies should refrain from using terminology in fact sheets which may appear to exaggerate, overstate, inflate, or aggrandize the impact of the ballot measure in the effort to influence the outcome of the vote.

If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

/s \_\_\_\_\_  
Micaiah Ragins  
Compliance Coordinator

Endorsed by,

/s \_\_\_\_\_

Barbara Sandahl  
Deputy Director  
For Peter Lavallee  
Executive Director



**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: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

December 18, 2018

Delivered electronically to “ritchibj@gmail.com”

Subject: Complaint regarding Snohomish County Emergency Radio System, PDC Case 42987

Dear Brian Ritchie:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on November 3, 2018. Your complaint alleged that the Snohomish County Emergency Radio System, may have violated RCW 42.17A.555 for using public facilities or resources to support a ballot measure.

PDC staff reviewed your allegations, the statutes and rules, the ballot proposition fact sheet, and the response from Snohomish County Emergency Radio System (SERS). As a result of staff’s review, we found the following:

- The Snohomish County Emergency Radio System (SERS) mailed out a document titled "FACTS: Countywide Proposition 1", which contained information for the Snohomish County Proposition No.1: Emergency Communication and Facilities Sales and Use Tax.
- The ballot measure was scheduled for November 6, 2018 and the fact sheet was distributed by postal mail using the agency funds of SERS. The Emergency Communication and Facilities Sales and Use Tax passed with a "YES" vote of 170,713 (54.19 percent). The election results were certified on November 27, 2018.
- Brad Steiner, the Executive Director of the Snohomish County Emergency Radio System, provided a response to the allegations on December 5, 2018. The summary of the response is that “SERS created its materials in a good faith effort to educate the public as to the emergency radio system and factually what Proposition 1 would fund. SERS does not believe its materials violate RCW 42.17A.555. But it sees how some of its word choices could be read this way. SERS apologizes for those word choices. If the PDC believes there is a violation, SERS requests that the PDC consider the relatively minor

nature of any violation and that SERS has never had a PDC violation before. In addition, SERS would appreciate the PDC's guidance and instruction on how to approach any future mailers."

- The PDC presumes that every agency may distribute throughout its jurisdiction an objective and fair presentation of the facts for each ballot measure as described in PDC Interpretation 04-02, which provides additional guidelines and clarification for RCW 42.17A.555.
- PDC staff have examined that the fact sheet distributed by the Snohomish County Emergency Radio System contains objective and informative details about the ballot measure. However, the fact sheet also contains terminology which may be interpreted as a sales or marketing effort, such as: "Replacing our aging 911 radio system is so important." SERS has acknowledged that terms such as "guarantees, ensures, and important" may be perceived as language that is not factually based.

Based on these findings, staff has determined that in this instance, the use of a public facilities does not amount to a material violation warranting further investigation since: (1) Historically, the PDC has routinely advised and held that with respect to election-related publications, one jurisdiction-wide objective and fair presentation of the facts per ballot measure is appropriate. (2) The Snohomish County Emergency Radio System has acknowledged that a few of the phrases in the fact sheet "should not have been used and will refrain from doing so in the future." (3) The Public Disclosure Commission holds that it is not only the right, but the responsibility of local government to inform the general public of the operational and maintenance issues facing local agencies. (4) The errors in the fact sheet are minor in nature and did not materially impact the public interest.

PDC Staff is reminding the Snohomish County Emergency Radio System (SERS) about the importance of providing only an objective and fair presentation of the facts based on and expanded upon the information prepared by the agency in accordance with the normal and regular conduct of the agency. As defined by PDC Interpretation 04-02, the clause "objective and fair presentation of the facts" means that in addition to presenting the facts, the materials should present accurately the costs and other anticipated impacts of a ballot measure. Agencies should refrain from using terminology in fact sheets which may appear to exaggerate, overstate, inflate, or aggrandize the impact of the ballot measure in the effort to influence the outcome of the vote.

Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1), and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case.

If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

/s \_\_\_\_\_  
Micaiah Ragins  
Compliance Coordinator

Endorsed by,

/s \_\_\_\_\_  
Barbara Sandahl  
Deputy Director  
For Peter Lavallee  
Executive Director

cc: Snohomish County Emergency Radio System