

Matt Beaton replied to "PDC Support" <pdcc@pdcc.wa.gov>  
cc: mattbeaton@reagan.com  
(Sun, 16 Dec 2018 at 3:58 PM)

December 16, 2018

Public Disclosure Commission  
710 Capital Way S. #206  
P.O. Box 40908  
Olympia, WA 98504-0908

RE: Alleged violation of RCW 42.17A.555 by using public office, agency, or facilities to assist an election campaign; Ticket #43548

Dear Tabatha:

Unfortunately this claim is frivolous, misleading and politically motivated. The complainant was the 'opponent' in this race and a former Elections Manager that worked directly for me, Matt Beaton. This claim is particularly nefarious due to the complainants experience, knowledge and participation in advising and developing the elements of the complaint that she claiming are a violation. They are not. Ms. Izaguirre intentionally conflates unsolicited "media requests" that are part of the job with an "official" Outreach Video/PSA and misleads the PDC for political purposes. It is an abuse of the PDC to provide false and misleading evidence. Franklin County created a sanitized version in 2014 for the years in which the Auditor is on the ballot and has been running it for years. We even updated it this year, see attached link, to reflect a new ballot marking technique. Ms Izaguirre was the Elections Manager had full knowledge of the sanitized edition yet filed this frivolous complaint on election day anyway. Read my response below.

The following is my declaration as well as my formal response to the above noted PDC complaint filed against me by Diana Izaguirre. Ms. Izaguirre asserts the following in her complaint:

The County Auditor in Franklin County is on the ballot with opposition. Certain rules apply regarding using his name and title in his official capacity. The purpose is to remove the unfair advantage and to avoid public use of funds for campaigning by the incumbent. The incumbent participated in a voter outreach video in his official capacity. Further, the incumbent is posting the video on his personal Facebook campaign page further creating an unfair advantage. I do not fault the reporter or the TCH--the Auditor is informed of these rules.

In support of this complaint, she attaches the media interview conducted by Bob Brawdy of the Tri-City Herald on November 5, 2018, the day before the election. Additionally she attaches a separate, unrelated "outreach" video created by the Franklin County Auditor's office in 2012, nearly 6 years ago. Lastly, she attaches a link to my Facebook page wherein I provided a link to the Tri-City Herald interview.

I deny that the interview by the Tri-City Herald is a violation of RCW 42.17A.555. I also deny that an outreach video created by my office 6 years ago and not during a year wherein I was on the ballot, is a violation of RCW 42.17A. 555. Lastly, I deny that posting the Tri-City Herald interview to my Facebook page is a violation.

By way of background, I was elected Franklin County Auditor in 2010. The complainant, Diana Izaguirre was the manager over the Franklin County elections department and worked for me up until 2017. In 2017, Ms. Izaguirre left to take a position with San Mateo County in California. She worked for San Mateo County less than a year and returned to Franklin County. Upon her return, she filed to run against me for Franklin County Auditor in this last election of 2018. Ms. Izaguirre is aware that in 2012 we created the voter outreach video, "Vote it, Sign it and Send it" which she has posted with her complaint. This video was created to improve voter awareness and was provided to the press and the general public.

What Ms. Izaguirre has failed to disclose to the PDC is the fact that in 2013 (while she was still employed with Franklin County) we paid for this video to be sanitized, removing my name, my voice, and my image from the video so it could be used during those years that my name appeared on the ballot. This sanitized version of the video was provided to the press and publicized in 2014 and 2016 when I ran for Franklin County Auditor then for Commissioner. This sanitized version of the video was again provided to the press and aired to the public this past year 2018, as before my name was on the ballot. With my response I've provided the link to the sanitized video. For Ms Izaguirre to attach the wrong video to the PDC complaint, as if this was aired this past year, is clearly disingenuous and should be disregarded.

Every year around the primary and general elections the press contacts the Franklin County Auditor to conduct interviews of the Auditor to provide general information to voters about important dates, information about the process and how to return ballots. As in previous years, on November 5, 2018 one day before the election, I was contacted by several media outlets to include Tri-City Herald reporter, Bob Brawdy. He stated he wanted to do an article for those "last minute voters" who had not submitted their ballots as of the 5th. He stated he wanted me to provide general information to these voters regarding: (1) where voters could submit their ballots – like ballot drop off locations, as well as whether ballots could be taken to the post office; (2) what the deadlines were for ballot drop off; and (3) how to properly sign and date the ballot. As you can see from the video my responses stayed focused on these issues. For the record, I did not seek out this reporter, I did not dictate the questions, and I did not determine the content that was aired or the location for the interview. In addition to the Herald, I was also contacted by a local news station, KEPR news for a similar interview to provide voters information about submitting their ballots. It should be noted that when this interviewed aired the reporter and the video showed my name as "Mike Beaton". There again I did not seek out the local news station, I did not dictate the questions or the content, and had no control over the

portions of the interviewed that were aired. At no point did I advocate for my election campaign.

Per RCW 42.17.555(3), “Activities which are part of the normal and regular conduct of the office or agency” are specifically excluded from the statute and thus are not a violation. The “normal and regular conduct of the office or agency” is further defined in WAC 390-05-273 as:

Normal and regular conduct as that term is used in the proviso to RCW 42.17A.555, means conduct which (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate’s campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

The interview conducted by the Tri-City Herald was a part of the normal and regular conduct of the Auditor and thus not a violation of the statute. Additionally, the PDC has specifically interpreted the Public Service Announcement law at RCW 42.17A.575 as not including “news items or editorials that are of primary interest to the general public in a news medium controlled by a person whose business is that news medium and not controlled by the candidate.” If this interview is interpreted by the PDC as not included in the prohibitions of the PSA law, then clearly it also does not violate RCW 42.17A.555. Washington is a vote-by mail state, wherein voters can mail their ballot, put it in a drop box or bring it directly to a drop box at the County Courthouse. To alleviate voter confusion, the press regularly contacts the Franklin County Auditor prior to the general election to conduct an interview meant to provide voters general information about voting and submitting the ballot. In this instance, similar to other interviews in the past, I was contacted by the reporter for the Herald, as well as KEPR TV. In both cases the reporter determined the questions they wanted answered and they controlled what portions of the interview aired on their website and the tv. I did not seek out either reporter, I did not determine the questions, I did not determine the content or what portion would be posted to the website or aired on the tv. Lastly, at no time did I advocate for my election campaign.

The interview with the Tri-City Herald and KEPR TV was not only lawful but usual and not effected in or authorized by some extraordinary means or manner. Per RCW 29A.04.216 the County Auditor is the Ex Officio supervisor of all primary and elections general and special; the auditor is required by law to provide places to hold the election, the materials and supplies necessary to conduct the election, publish and post notice of such elections. Additionally per RCW 29A.04.220 the Auditor is required to provide notice to the public of the availability of services for the elderly and disabled to assist them in voting. Per the duties and responsibilities of the Auditor it is necessary by implication that the Auditor would provide general information to the public regarding the locations for ballot boxes, what to do at the post office, what are the deadlines to submit a ballot, and lastly how to fill out the ballot. The interviews with the Herald

and KEPR were limited to that very information, and limited to the context of those voters who had waited to the “last minute” to vote.

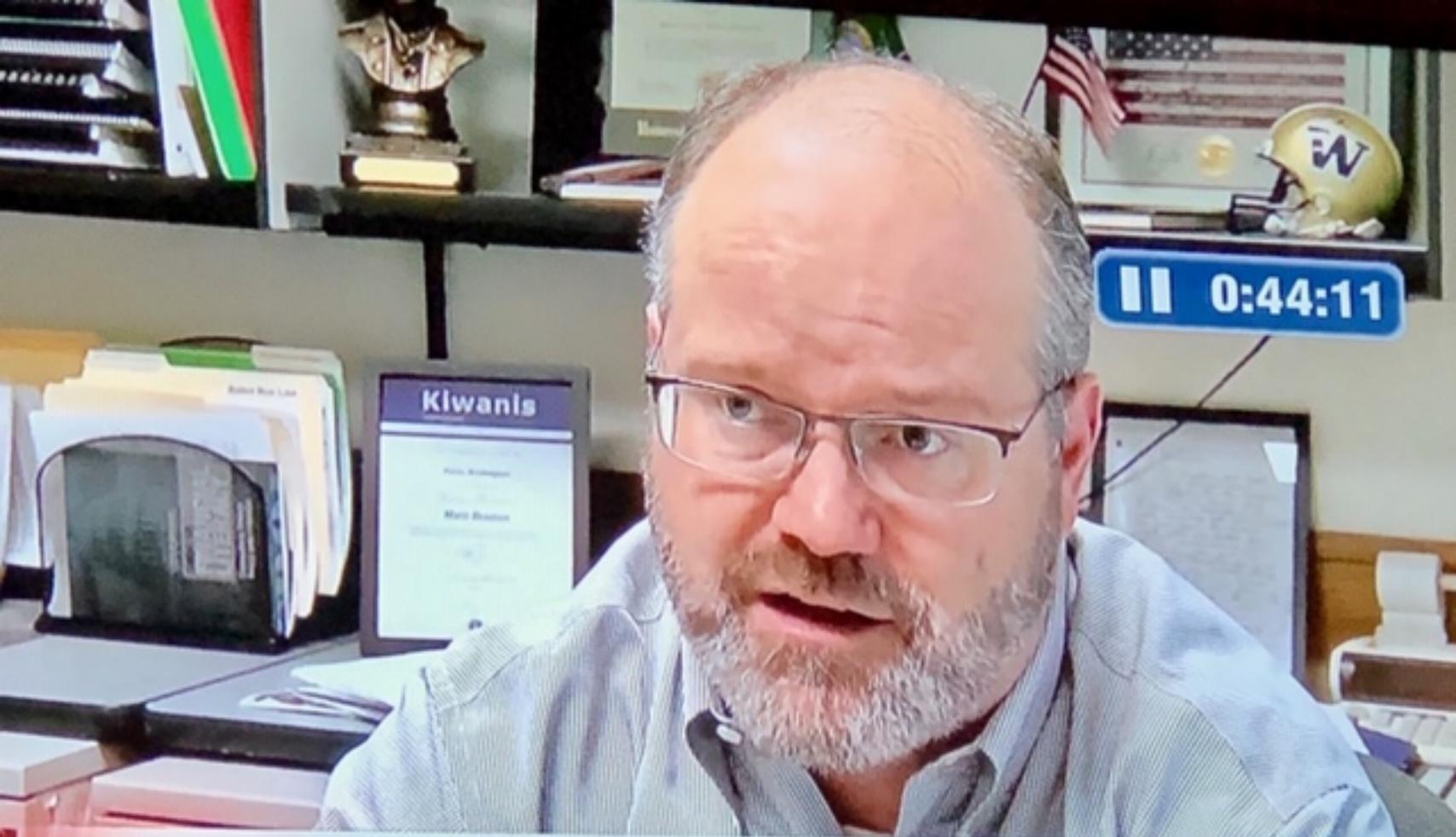
If conducting the interview was not a violation of the statute, then the fact that I posted the interview to my Facebook is also not a violation of the statute. As noted above I did not invite the interview, I did not control the interview questions or content, nor do I control the paper or tv stations where the interview was aired. The interview itself was lawful and usual in terms of the job responsibilities of the office of Auditor. Posting the interview to my Facebook page does not alter the nature of the interview, it simply provides another avenue for the interview to be viewed by the public.

Based upon the foregoing, I request the PDC to reject the complaint filed against me by Ms. Izaguirre and close this matter.

Thank you

Matt Beaton

Please confirm receipt of response for PDC Case Number 43548



0:44:11

**MIKE BEATON**  
**FRANKLIN COUNTY AUDITOR**

**KEPR**  
**ACTION**  
**NEWS**