

Complaint Description

Eli Sanders (Thu, 21 Feb 2019 at 3:43 PM)

On January 1, 2019, the Public Disclosure Commission's most recent rule-making regarding Washington State's "Commercial Advertisers' Duty to Report" took effect.

Between January 1, 2019 and February 12, 2019, commercial advertiser Facebook sold more than two dozen political ads targeting local elections in Seattle.

Those ads were aimed at four different Seattle City Council races and a Seattle ballot measure related to school funding.

I reported on this on February 12, 2019:

<https://www.thestranger.com/slog/2019/02/12/38844520/since-facebook-banned-political-ads-in-washington-state-its-sold-a-bunch-of-them>

That same day I sent an e-mail to two Facebook spokespeople and Facebook's Seattle attorney in which I shared images of the 25 Facebook political ads I'd found targeting local Seattle elections since January 1, 2019.

In that e-mail, I requested "all the information that Facebook is legally required to disclose about such advertising under Washington State law (RCW 42.17A.345), the Washington State Administrative Code (WAC 390-18-050), and the Seattle Municipal Code (Section 2.04.280)."

I noted that WAC 390-18-050 requires the information I was seeking to be delivered "promptly" to any person who makes a request.

A copy of that e-mail is pasted below. (With individuals' e-mail addresses redacted. Those e-mail addresses can be found in the evidence shared with Kim Bradford.)

Although WAC 390-18-050 makes clear that information on local political ads must be available to the public "within twenty-four hours" of each ad's original distribution, I said in my e-mail that I would be happy to receive the information I'd requested within a week's time.

More than a week has now passed and I've received no response from Facebook.

To protect the public's right to receive information about the funding and reach of local political ads in Washington State, I request that the PDC investigate Facebook's actions in this instance and take steps to enforce existing transparency rules and laws for the benefit of all Washington State residents.

Thank you.

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Below is the text of the e-mail I sent on February 12, 2019 requesting local political ad information from Facebook:

From: Eli Sanders

Subject: Request for information on Facebook political ads in Washington State

Date: February 12, 2019 at 2:40:36 PM PST

To: Beth Gautier, Devon Kearns

Cc: "Stafford, Ben (SEA)", "Barnett, Wayne", Kim Bradford

Hi Beth and Devon,

Thank you for your help in recent days. I'd like to know more about the Facebook political ads we've been discussing, so this is a formal request for information on certain Facebook political ads aimed at Washington State elections and ballot measures since January 1, 2019.

Based on my past experience with similar requests, I am copying a few other people on this e-mail.

My hope in copying them is simply to avoid confusion and allow us all to begin on the same page. The people I've cc'd on this e-mail are: Ben Stafford, who I understand to be Facebook's Washington State attorney for such matters; Wayne Barnett, the Executive Director of the Seattle Ethics and Elections Commission; and Kim Bradford, the spokesperson for the Washington State Public Disclosure Commission.

As you know, today I reported on more than two dozen Facebook political ads aimed at Washington State elections and ballot measures since January 1, 2019.

<https://www.thestranger.com/slog/2019/02/12/38844520/since-facebook-banned-political-ads-in-washington-state-its-sold-a-bunch-of-them>

I have already shared screenshots of these ads with both of you, and Facebook has publicly stated that these ads will remain available in Facebook's public-facing ad archive going forward.

For the 25 Facebook ads whose screenshots I've already shared with Facebook (and that are attached below), I would like to receive all the information that Facebook is legally required to disclose about such advertising under Washington State law ([RCW 42.17A.345](#)), the Washington State Administrative Code ([WAC 390-18-050](#)), and the Seattle Municipal Code ([Section 2.04.280](#))

Please note that under WAC 390-18-050, Facebook's required disclosures for each ad include, but are not limited to:

- "The name of the candidate or ballot measure supported or opposed or the name of the candidate otherwise identified, and whether the advertising or communication supports or opposes the candidate or ballot measure"

- "The name and address of the sponsoring person or persons actually paying for the advertising or electioneering communication, including the federal employee identification number, or other verifiable identification, if any, of an entity, so that the public can know who paid for the advertising or communication, without having to locate and identify any affiliated entities"

- "The total cost of the advertising or electioneering communication, or initial cost estimate if the total cost is not available upon initial distribution or broadcast, how much of that amount has been paid, as updated, who made the payment, when it was paid, and what method of payment was used"

- "Date(s) the commercial advertiser [in this case, Facebook] rendered service"

- "The political advertisement or electioneering communication itself"

- "For digital communication platforms: A description of the demographic information (e.g., age, gender, race, location, etc.) of the audiences targeted and reached, to the extent such information is collected by the commercial advertiser as part of its regular course of business, and the total number of impressions generated by the advertisement of communication"

Please also note that I am making this request "electronically," as spelled out in WAC 390-18-050, and that I would prefer the information on these political ads to be sent to me "by digital transmission, such as email, promptly upon request," as likewise spelled out in WAC 390-18-050.

I will be out of town beginning this Thursday (February 14, 2019) and returning next Tuesday (February 19, 2019), so I would be happy to hear back from you about this next Tuesday.

I appreciate your time on this. Please let me know if you have any questions.

Sincerely,

Eli

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What impact does the alleged violation(s) have on the public?

Under Washington State law (RCW 42.17A.345), commercial advertisers must disclose certain details about local political ads they've sold.

This law was originally approved by an overwhelming majority of Washington voters in 1972, and rule-making by the Public Disclosure Commission has since made clear that the law applies not just to "old media" outlets such as radio stations and print newspapers, but also to "new media" platforms such as Facebook.

The aim of the law is to allow the public to understand who's paying for ads that are designed to influence voters in state and local elections, the scope of such political advertising campaigns, and exactly how the political advertising campaigns looked to those who were on the receiving end.

When commercial advertisers don't comply with state law in this area, it undercuts the law's original and ongoing aim: transparency in elections.

List of attached evidence or contact information where evidence may be found.

I've already shared relevant evidence with PDC spokesperson Kim Bradford.

List of potential witnesses with contact information to reach them.

Contact for all potential witnesses is included in the evidence shared with PDC spokesperson Kim Bradford.

Complaint Certification:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.