

Complaint Description

Eli Sanders (Wed, 13 Mar 2019 at 12:24 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 Google LLC sold thousands of dollars worth of political ads targeting a local election in Spokane.

Those ads were aimed at a Spokane ballot measure related to emergency services funding.

I reported on this on March 4, 2019:

<https://www.thestranger.com/slog/2019/03/04/39484766/how-banned-google-ads-influenced-a-spokane-ballot-measure-fight>

That same day I sent an e-mail to Google spokespeople and a Seattle attorney who represented Google in the company's recent settlement with the State of Washington over political ad transparency issues.

I shared with them my reporting, which included links to PDC reports filed by Spokane's "Yes for Public Safety" campaign.

In its reports, the "Yes for Public Safety" campaign clearly identifies thousands of dollars in Google ad purchases since January 1, 2019. Included in those purchases, according to the "Yes for Public Safety" campaign, was a purchase of "1.1M impressions" for Google ads targeting Spokane's February 12, 2019 special election.

In the March 4, 2019 e-mail I sent to Google representatives, I requested "all the information that Google is legally required to disclose about such advertising under Washington State law (RCW 42.17A.345) and the Washington State Administrative Code (WAC 390-18-050)."

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, Google told me two days later, via e-mail, that it was "looking into this."

On March 11, 2019, I sent an e-mail to Google representatives asking when I could expect to hear back regarding my March 4, 2019 request. I reminded them that Washington State regulations require information on local political ads to be available for public inspection within 24 hours of each ad's initial distribution.

To date, I have received no further response from Google.

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 Google'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 March 4, 2019 requesting local political ad information from Google, as well as follow-up correspondence from both Google and myself.

From: Eli Sanders

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

Date: March 4, 2019 at 3:46:28 PM PST

To: Alex Krasov, Google Press

Cc: Kim Bradford, Stephanie Jensen

Hi Alex,

This is a formal request for information on certain Google political ads aimed at a Washington State local election since January 1, 2019.

Based on my past experience with similar requests, I am including two other people on this e-mail.

My hope in including them is simply to avoid confusion and allow us all to begin on the same page. The people I've cc'd are: Stephanie Jensen, who has been Google's Washington State attorney for such matters, and Kim Bradford, the spokesperson for the Washington State Public Disclosure Commission.

Today I reported on thousands of dollars in Google political ads aimed at influencing the outcome of the February 12, 2019 special election in Spokane, Washington.

<https://www.thestranger.com/slog/2019/03/04/39484766/how-banned-google-ads-influenced-a-spokane-ballot-measure-fight>

For each individual Google ad sold to Spokane's "Yes for Public Safety" campaign or its agents since January 1, 2019, I would like to receive all the information that Google is legally required to disclose about such advertising under Washington State law ([RCW 42.17A.345](#)) and the Washington State Administrative Code ([WAC 390-18-050](#)).

Please note that under WAC 390-18-050, Google'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, Google] 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 appreciate your time on this. Please let me know if you have any questions.

Sincerely,

Eli

Eli Sanders
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From: Google Press
Subject: Re: Request for information on Google political ads in Washington State
Date: March 6, 2019 at 8:10:59 AM PST
To: Eli Sanders
Cc: Alex Krasov, Kim Bradford, Stephanie Jensen

Hi Eli,
Thank you for your request. We are looking into this.
Google Press Team

From: Eli Sanders
Subject: Re: Request for information on Google political ads in Washington State
Date: March 11, 2019 at 10:14:30 AM PDT
To: Google Press
Cc: Alex Krasov, Kim Bradford, Stephanie Jensen

Thank you. When can I expect to hear more on my March 4 request? The regulations in Washington State say information on local political ads must be available [within 24 hours](#) of each ad's initial distribution.

Eli

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 Google LLC, a subsidiary of Alphabet Inc.

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.