



**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)

Oct. 17, 2018

Delivered electronically to "info@ikwa.info"

Subject: Complaint regarding Indivisible Kirkland, PDC Case number 39225

Dear: Daniel Franklin

Enclosed is a copy of an electronic letter sent to David Johnson, concerning the complaint filed against you, as owner of Indivisible Kirkland, alleging violations of RCW 42.17A.205(1) for failing to register as a political committee within two weeks of making expenditures in any election campaign and (2) RCW 42.17A.305 for failing to report independent expenditures or electioneering communications, such as a the website [www.ikwa.info](http://www.ikwa.info). As noted in the letter to David Johnson, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter.

While PDC staff did not find that any of the activities listed on the Indivisible Kirkland website triggered any reporting requirements, or any in-kind contributions to any of the candidates listed, PDC staff noted that [www.ikwa.info](http://www.ikwa.info) is considered political advertising in accordance with PDC laws and rules. PDC staff is reminding you about the importance of including the sponsor identification on all forms of political advertising, including websites, and expects that you will add the required sponsor identification to the home page. Be sure to include the words 'paid for by' or 'sponsored by' followed by the organization name and complete mailing address.

Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1). If you have questions, you may contact Alice Fiman at 1-360-586-4746 toll-free at 1-877-601-2828, or by e-mail at [alice.fiman@pdca.wa.gov](mailto:alice.fiman@pdca.wa.gov).

Sincerely,

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

Alice Fiman  
Compliance Officer

Endorsed by,

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

Oct. 17, 2018

Delivered electronically to "d.johnson@outlook.com"

Subject: Complaint regarding Indivisible Kirkland, PDC Case number 39225

Dear: David Johnson

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed Aug. 3, 2018. Your complaint alleged that Daniel Franklin, an individual, is administrator for the website [www.ikwa.info](http://www.ikwa.info), which provides information regarding Indivisible Kirkland, may have violated RCW 42.17A by failing to: (1) register Indivisible Kirkland as a political committee within two weeks of making expenditures in any election campaign; and (2) report the website as an independent expenditure, electioneering communication, or in-kind contribution.

PDC staff reviewed the allegations listed in your complaint, the information listed on the [www.ikwa.info](http://www.ikwa.info) website in question, PDC laws and rules, and the Aug. 28 response from Laura Ewan, an attorney with Schwerin Campbell Barnard Iglitzin & Lavitt LLP, and legal counsel for Indivisible Kirkland. As a result of staff's review, we found the following:

- RCW 42.17A.205 requires political committees to file a statement of organization with the PDC within two weeks after organization or within two weeks of receiving contributions or making expenditures.
- RCW 42.17A.005 defines a political committee, which along with PDC Interpretation 07-02 adopted by the Commission states "Although a group may be a civic, social or professional organization primarily, it also may be a political committee if it accepts contributions specifically for use in election campaigns."
- RCW 42.17A.305 requires the sponsor of an electioneering communication to report the costs if more than \$1,000 was spent to support an individual candidate.
- In the response provided to the PDC, Ms. Ewan stated that Indivisible Kirkland (IK) does not make contributions to candidates, spend money to benefit candidates" and did not solicit or accept any monetary or in-kind contributions that were used to support or oppose any 2018 candidates. She added that IK is not a political committee since it has no "expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition".
- Ms. Ewan stated that IK "has not received any contributions or made any expenditures in support of, or opposition to, any candidate or any ballot proposition. She stated that any funds IK receives are from its members and are spent for internal IK activities and support its ongoing "operations, not to influence the election or opposition of any candidate. "

- PDC staff reviewed the IK website which listed its mission as being committed to local action and valuing inclusion, equity, and democracy so that all voices in the community are heard. IK utilizes “all levels of government to implement this vision – federal, state, and local. Our group is actively engaged with the community: with our elected officials, with other organizations, with sister Indivisible groups, with businesses, and with concerned citizens looking for support.”
- The information on the IK website under the take action link provided links to elected officials in Washington State including Congressional and US Senate elected officials, and all nine legislators in the 1st, 45th, and 48th Legislative District. The information included information local, state and federal candidates, including a number outside of Washington State, information about elected officials and 2018 Washington State initiatives, a plea to contact Maine and Alaska (Senators Collins and Murkowski) concerning the Brett Kavanaugh nomination, and building a “blue wave” in the 2018 elections, just to name some of the information.
- PDC contribution and expenditure database and found no contributions received from Indivisible Kirkland by any candidates or political committees, and no campaign finance filings had been filed.

Based on these findings, PDC staff has determined that in this instance, no evidence supports a finding of a material violation warranting further investigation. The Indivisible Kirkland website did include information concerning the 2018 campaigns of Manka Dhingra, Patty Kuderer, and Amy Whalen for public office, however it also provided information about them as elected officials, and numerous other candidates, officials and issues at the local, state, and federal levels, and was not created solely to support those three candidates.

PDC staff is reminding Daniel Franklin/Indivisible Kirkland about the importance of sponsor identification on the website. Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Alice Fiman at 1-360-586-4746 toll-free at 1-877-601-2828, or by e-mail at [alice.fiman@pdc.wa.gov](mailto:alice.fiman@pdc.wa.gov)

Sincerely,

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

Alice Fiman  
Compliance Officer

Endorsed by,

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

Barbara Sandahl  
Deputy Director  
For Peter Lavallee  
Executive Director