

May 3, 2018

Phil Stutzman  
Public Disclosure Commission  
711 Capitol Way #206  
P.O. Box 40908  
Olympia, WA 98504

Dear Mr. Stutzman,

Please accept this letter as a formal complaint to the Public Disclosure Commission regarding political advertising from Chad Magendanz in violation of RCW 42.17A.335.

RCW 42.17A.335(1) states:

(1) It is a violation of this chapter for a person to sponsor with actual malice a statement constituting libel or defamation per se under the following circumstances:

- (a) Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office;
- (b) Political advertising or an electioneering communication that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent;
- (c) Political advertising or an electioneering communication that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.

Chad Magendanz is a candidate for the State House of Representative, Position 1. Despite never having held this position, Mr. Magendanz's political advertising falsely states that he is running for re-election.

Below please find examples of such advertising as found on <http://www.vote4chad.com/>:



Thank you for taking the time to visit my website and learn more about my 2018 re-election campaign for the Washington State House of Representatives, filling the seat to be vacated by Rep. Jay Rodne.

As an officer in the U.S. Navy, I pledged to support and defend the Constitution of the United States against all enemies, both foreign and domestic...and I am still delivering on that promise today. I see challenges to our cherished way of life in unsustainable government spending, the decline of our schools, the over-regulation of our businesses, and everyday erosion of our constitutional rights.

During my career at Microsoft, I personally represented the

## Re-Elect Chad Magendanz, Representative 5th LD



Chapter 222, Laws of 2009 state:

“The legislature finds that when such statements falsely represent that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent they deprive the actual incumbent and the candidates of the benefit of public confidence and injure the actual incumbent in the ability to effectively serve as an elected official.”

By asserting that he is running for re-election, Mr. Magendanz gives the appearance of incumbency. This action misinforms voters and hinders robust political debate.

Additionally, Mr. Magendanz's electioneering communication falsely implies the support of individuals and organizations when he does not have such support or endorsement. Below please find photos of Mr. Magendanz with U.S. Senator Maria Cantwell and State Representative Gerry Pollet:



The photos of Mr. Magendanz with these elected officials appear on his campaign website, implying support when this is not the case. Similarly, on his campaign website for State House of Representative, Position 1, Mr. Magendanz lists an "outstanding" rating by the Municipal League of King County under his endorsements. Mr. Magendanz has not received an "outstanding" rating for his campaign for State House of Representative, Position 1.

While Mr. Magendanz has clearly misrepresented his support and position as new candidate as opposed to incumbent, the question remains as to whether Mr.

Magendanz made these assertions with actual malice. RCW 42.17.020(1) defines “actual malice” as “to act with knowledge of falsity or with reckless disregard as to truth or falsity.”

On November 17, 2015, a complaint against Mr. Magendanz was filed for alleged violations of 42.17A.335(1)(c). In response to the complaint, the Public Disclosure Commission determined no further action was warranted because, “Rep. Magendanz has no previous violations of PDC laws and rules.” The repeated violations and misrepresentation of his position as an incumbent undermine the integrity of the elections and provide clear and convincing evidence that the standard of actual malice has been met.

I respectfully request that the Public Disclosure Commission investigate this matter immediately and that Mr. Magendanz be instructed to stop unlawful advertising in all forms of communication.

Respectfully,

Kenneth (K. C.) Shankland  
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