

Mr. Blackhorn,

Thanks for taking the time to speak with me earlier this week about the complaints from the Washington State Democratic Party, through its communications director Alex Bond, against Jinyoung Englund and her committee (Friends of Jinyoung Englund). At your request please find below my written response to the two allegations.

1. The State Democrats allege that Ms. Englund distributed material in violation of WAC 390-18-010. The complaint is unfounded because the materials were clearly designed for (and distributed to) Precinct Committee Officers ("PCOs") in the 45th Legislative District. This is important for two reasons. First, WAC 390-18-030 (5) provides in relevant part, "Political advertising that is internal political communications to members is not required to separately include the disclosures in RCW 42.17A.320 where the sponsor's name is otherwise apparent on the face of the communication.". The sponsor's name is clearly apparent from the logo visible at the top of the communication and, as discussed above, the material in question was an internal communication to PCOs. Second, WAC 390-05-290 refines the definition of political advertising in RCW 42.17A.005(36) to include only "mass communication" and defines such as "one hundred or more letters, emails, text messages or similar communications that are identical or substantially similar in nature, directed to specific recipients, and sent within a thirty-day period". The relevant communications were targeted to PCOs in the 45th District and thus do not meet the definition of a mass communication or, as a result, political advertising requiring a disclaimer.
2. The second complaint from the State Democrats alleges that Ms. Englund failed to timely register as a candidate with the PDC based solely on unauthenticated audio recordings of unknown origin and legality. Assuming arguendo the recording is accurate, it contains no comments from Ms. Englund about her intentions or plans to be a candidate. Instead the individual on the recording can be heard to say "the Senate Caucus has selected a candidate" but in fact makes no mention of the name of this candidate. The discussion of the office space is similarly inconclusive, indicating that "the Senate" will be occupying office space but have not yet done so. This recording provides no evidence of a violation of RCW 42.17A.205(1) as it provides no statement of intent from Ms. Englund whatsoever. Ms. Englund timely filed as a candidate as required by law.

I believe this resolves these complaints but please don't hesitate to contact me if you have any further questions.

Thank you.

Best,



Mark Lamb

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