



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: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

September 13, 2018

Delivered electronically to "kymmieinelma@gmail.com"

Subject: PDC Case 38094

Dear Kym Foster:

Below is a copy of an electronic letter sent to Cheryl Brown concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted below to Cheryl Brown, the PDC will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter

PDC staff are reminding you that RCW 42.17A.320(1) requires that political party affiliation shall be clearly identified in electioneering communications, independent expenditures, or political advertising; this includes complying with RCW 42.17A.320(3)(c) which states that the information shall be "set apart from any other printed matter."

If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,

/s_____

Micaiah Ragins
Compliance Coordinator

Endorsed by,

/s_____

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

September 13, 2018

Delivered electronically to "sprocketbrown@comcast.net"

Subject: Complaint regarding Kym foster running for grays harbor county clerk ,
PDC Case 38094

Dear Cheryl Brown:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint you filed on July 20, 2018. Your complaint alleged that Kym Foster violated RCW 42.17A.320 for failure to properly identify political party affiliation on campaign signs.

PDC staff reviewed your allegations, and as a result of staff's initial review, we found the following:

- Kym Foster posted a campaign sign which contains a capital "D" to represent her party affiliation. The letter is positioned one space after her last name and displays as "Kym Foster D." The complaint alleges that the political affiliation letter is too small as compared to the largest letter on the sign and that the letter 'D' is not set apart from the name of the candidate.
- Kym Foster stated in her response that the largest letter measures at 15 inches and the 'D' is 1.5 inches. The Campaign emphasized that "the upper case D is in fact 10%" of the largest size type used. The Campaign believes that the political party lettering is the correct size and that their signs are in compliance with RCW 42.17A.320 and WAC 390.

- Political party preference must meet the requirements listed in RCW 42.17A.320(3), which states that the information required by subsections RCW 42.17A.320(1) and (2) shall "(a) Appear on the first page or fold of the written advertisement or communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written advertisement or communication directed at more than one voter, such as a billboard or poster, whichever is larger; (b) Not be subject to the half-tone or screening process; and (c) Be set apart from any other printed matter."
- On August 25, 2018, Cheryl Brown requested to withdraw her complaint for PDC Case 38137 regarding Kym Foster. The PDC maintains that all printed and digital communication, including websites, campaign signs, billboards, social media, etc. undertaken as political advertising by Kym Foster as a candidate, must comply with RCW 42.17A and WAC 390.
- The letter 'D' which represents the party affiliation of Kym Foster appears to meet the size requirements of RCW 42.17A.320(3)(a), which is ten percent of the largest type used in the written advertisement. However, since the party affiliation is situated in the same proximity as Kym Foster's name, the letter 'D' is not in compliance with RCW 42.17A.320(3)(c), which requires that the political party affiliation shall be "set apart from any other printed matter."

Based on these initial findings, staff has determined that in this instance, the failure to identify political party affiliation on the campaign sign does not amount to a finding of a material violation warranting further investigation.

PDC staff is reminding Kym Foster that RCW 42.17A.320(1) requires that party affiliation shall be clearly identified in electioneering communications, independent expenditures, or political advertising; this includes complying with RCW 42.17A.320(3)(c) which states that the information shall be "set apart from any other printed matter."

The PDC has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case. If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at micaiah.ragins@pdc.wa.gov.

Sincerely,

/s_____

Micaiah Ragins
Compliance Coordinator

Endorsed by,

/s_____

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director

cc: Kym Foster