



**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@pdc.wa.gov](mailto:pdcc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)**

August 22, 2023

Delivered electronically to Pamela Stuart at [electpamstuart@outlook.com](mailto:electpamstuart@outlook.com)

Subject: Complaint filed by Melanie Kelsey, PDC Case 140539

Dear Pamela Stuart:

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

As noted in the letter to Ms. Kelsey, the PDC has dismissed this matter per RCW 42.17A.755(1) and WAC 390-37-060(1)(a) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

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

Sincerely,

/s/ Electronically signed

Tanya Mercier  
Compliance Officer

Endorsed by,

/s/ Electronically signed

Kim Bradford  
Deputy Director  
For Peter Frey Lavalley  
Executive Director



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August 22, 2023

Delivered electronically to Melanie Kelsey at [makelsey@comcast.net](mailto:makelsey@comcast.net)

Subject: Complaint against Pamela Stuart, PDC Case 140539

Dear Melanie Kelsey:

The Public Disclosure Commission (PDC) has completed its review and assessment of the complaint you filed on July 18, 2023. The complaint alleged that Pamela Stuart, running for re-election as an incumbent City Council Member for the City of Sammamish, may have violated RCW 42.17A.335 and WAC 390-18-040 for misuse of the term “re-elect” in campaign advertising.

PDC staff reviewed the allegation(s); the applicable statutes, rules, and reporting requirements; the response provided by the Respondent; and other relevant information, to decide whether the record supports a finding of one or more violations.

Based on staff’s review, we found the following:

- Pamela Stuart ran for City of Sammamish City Council in 2017 and filed a Candidate Registration (C-1 report) for that campaign on May 5, 2017. Ms. Stuart won the election, took office in 2018, and served a four-year term. Ms. Stuart, in May 2022, was appointed by the King County Council to serve the remaining term of a vacant position, through December 2023, on the City of Sammamish City Council. On April 26, 2023, Ms. Stuart filed a C-1 report with the PDC and on May 15, 2023, she filed a candidate declaration for the 2023 election. Ms. Stuart is an incumbent council member.
- RCW 42,17A.335(1)(b) and (3) 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:
    - (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.
  - (3) It is not a violation of this section for a candidate or his or her agent to make statements described in subsection (1)(a) or (b) of this section about the candidate himself

or herself because a person cannot defame himself or herself. It is not a violation of this section for a person or organization referenced in subsection (1)(c) of this section to make a statement about that person or organization because such persons and organizations cannot defame themselves.

- WAC 390-18-040 states:  
Use of the terms "reelect," "retain," and "return."  
(1) The term "reelect" when used in an advertisement represents that the candidate is presently holding the office being sought, was elected to it, and is seeking another term in that same office in the same district or political subdivision.  
(2) The term "reelect" may be used in an advertisement by a nonincumbent candidate who has previously been elected to the office being sought provided that in the same advertisement it is clearly stated that the candidate is not the incumbent.  
(3) The term "retain" in an advertisement represents that the candidate is the incumbent but does not necessarily imply that the candidate attained the office by election.  
(4) The term "return" in an advertisement represents that the candidate now holds, or has previously held, the office being sought, but does not represent that the office was necessarily attained by election.
- City of Sammamish elections for city council positions are “at-large” meaning councilmembers represent the population of the whole city, rather than individual electoral districts.

Based on our findings, staff has determined the Respondent is seeking reelection to an office within the same political subdivision for which she was previously elected and currently holds. Her break in service might caution against using the term “re-elect,” since her current incumbency is not based on election. However, the rule concerning usage of the term “Reelect” set forth in WAC 390-18-040 is based upon RCW 42.17A.335(1)(b), which prohibits the sponsoring of political advertising that falsely represents a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent. To find a violation of .335, staff must prove the statement constituted libel or defamation and was made with actual malice. However, the Legislature specifically indicated in subsection (3) that it is not a violation for a candidate or their agent to make statements described in subsection (1)(b) about the candidate himself or herself because a person cannot defame himself or herself.

In this instance the evidence does not support a violation of RCW 42.17A.335 and WAC 390-18-040 for the misuse of the term “re-elect” in campaign advertising.

The PDC finds that no further action is necessary and has dismissed this matter per RCW 42.17A.755(1) and WAC 390-37-060(1)(a).

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

Sincerely,

/s/ Electronically signed

Tanya Mercier  
Compliance Officer

Endorsed by,

/s/ Electronically signed

Kim Bradford  
Deputy Director  
For Peter Frey Lavalley  
Executive Director

cc: Pamela Stuart