



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908  
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**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)**

December 21, 2023

Delivered electronically to Satpal Sidhu at "spsidhu1@gmail.com"

Subject: Complaint filed by Dena Jensen, PDC Case 142918

Dear Executive Sidhu:

Below is a copy of an electronic letter sent to Dena Jensen concerning two complaints filed with the Public Disclosure Commission (PDC).

As noted in the letter to Ms. Jensen, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

PDC staff is reminding you about the importance of adhering to the prohibitions on the use of public facilities regarding the support or opposition of a ballot proposition. PDC staff expects in the future that you will refrain from any prohibited activities and only engage in the limited actions expressly identified in accordance with PDC laws and rules.

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdc.wa.gov](mailto:pdcc@pdc.wa.gov).

Sincerely,

Electronically signed

Jennifer Hansen  
Compliance Officer

Endorsed by,

Electronically signed

Kim Bradford  
Deputy Director  
For Peter Frey Lavalley  
Executive Director



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December 21, 2023

Delivered electronically to Dena Jensen at “dbobena@yahoo.com”

Subject: Complaint regarding Satpal Sidhu, PDC Case 142918

Dear Dena Jensen:

The Public Disclosure Commission (PDC) has completed its review of the complaints you filed on September 25, 2023, and October 23, 2023. The complaints alleged that Satpal Sidhu, the current Whatcom County Executive may have violated RCW 42.17A.555 by making statements in support of Whatcom County Proposition 2023-04 – Public Health, Safety, and Justice Sales and Use Tax, while attending the September 18, 2023, meeting of the Whatcom County Incarceration Prevention and Reduction Task Force Steering Committee.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the response provided by the Respondent; PDC Interpretation 04-02; and other relevant information, to determine whether the record supports a finding of one or more violations.

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

- Satpal Sidhu is the current Whatcom County Executive and, as part of his duties, is a member of the Whatcom County Incarceration Prevention and Reduction Task Force Steering Committee (IPRTF), a task force formed in 2015 to address issues related to incarceration, equity, public health and community safety.
- The IPRTF task force is responsible for reviewing Whatcom County’s criminal legal and behavioral health program and making specific recommendations with the goal of reducing racial disparities and the incarceration of individuals struggling with mental illness and substance use disorder.
- Whatcom County Proposition 2023-04 was approved on the November 7, 2023, general election with 63.18% of the vote.
- RCW 42.17A.555 states in part that no elected official may use any of the facilities of a public office, directly or indirectly, for the purpose of supporting or opposing any ballot proposition.
- The Commission adopted PDC Interpretation 04-02, *Guidelines for Local Governments in Election Campaigns*, which provides information concerning the use of public facilities including activities that are permitted or prohibited, activities which are part of the “normal and regular conduct” of elected officials, permissible activities and other general considerations.
- The complaint included links and quotes from the September 18, 2023, task force meeting where IPRTF member, Heather Flaherty asked if the county was committed to implementing the justice plan regardless of the outcome of the ballot measure. In response, Executive Sidhu was heard confirming that, yes, the county would do whatever was within its capacity if the measure did not pass. He went on to comment that thinking

the measure would not pass was negative thinking and that “we” (presumably he and the other county officials) wanted it to pass and this was the best thing they could do.

- The complaint also included reference to a verbal reminder provided to the September 18, 2023, IPRTF meeting participants regarding the restrictions of RCW 42.17A.555, noting that Executive Sidhu heard this reminder prior to his comments.
- In his response, Executive Sidhu confirmed that he indeed responded to the question posed by Ms. Flaherty and stated his belief that this was not a prohibited activity.
- RCW 42.17A.555 and PDC Interpretation 04-02 includes guidance on permissible activities taken by elected officials, specifically including a statement by an elected official in support of or opposition to any ballot proposition at an open press conference or in response to a specific inquiry.
- It is staff’s opinion that the September 18, 2023, IPRTF meeting was not an open press conference and therefore the exception found in RCW 42.17A.555(2) is not applicable.

It appears that Executive Sidhu made comments as an elected official during a the Whatcom County Incarceration Prevention and Reduction Task Force Steering Committee meeting expressing his support of the passage of Whatcom County Proposition 2023-04 on the November 7, 2023, general election ballot, believing that, as he was responding to a direct inquiry, this was a permissible activity. He made a short statement that the Executive and other county officials support a new jail, as evidenced by the fact that it was placed on the ballot. The available evidence does not support a finding that he violated RCW 42.17A.555 given the statement’s brevity and content.

Based on our findings staff has determined that, in this instance, the comments made by the Respondent during a public meeting in response to an inquiry expressing his support of a ballot proposition, believing that his comments were a permissible action, does not amount to a finding of a violation that warrants further investigation.

PDC staff is reminding Satpal Sidhu about the prohibitions on the use of public facilities to support or oppose any ballot proposition and how to when the specific limited exceptions apply in the future in accordance with the statutes and rules.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdc.wa.gov](mailto:pdcc@pdc.wa.gov).

Sincerely,

Electronically signed

Jennifer Hansen  
Compliance Officer

Endorsed by,

Electronically signed

Kim Bradford  
Deputy Director  
For Peter Frey Lavalley  
Executive Director

cc: Satpal Sidhu