



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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(360) 753-1111 • FAX (360) 753-1112

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

December 27, 2023

Delivered electronically to "jandrmartin@protonmail.com"

Subject: PDC Case 143584

Dear We Want Accountability PAC:

Enclosed is a copy of an electronic letter sent to Joshua Skipper concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the enclosed letter to Joshua Skipper, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

If you have questions, you may contact Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at pdc@pdc.wa.gov.

Sincerely,
Electronically Signed Philip E. Stutzman
Phil Stutzman
Compliance Officer

Endorsed by,
Electronically Signed Kim Bradford
Kim Bradford
Deputy Director
For Peter Frey Lavalley
Executive Director



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

December 27, 2023

Delivered electronically to "jskipper12@gmail.com"

Subject: Complaint regarding We Want Accountability PAC, PDC Case 143584

Dear Joshua Skipper:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 9, 2023. Your complaint alleged that We Want Accountability PAC may have violated RCW 42.17A.335(1)(a) by sponsoring political advertising that contains a false statement of material fact about a candidate for public office.

PDC staff reviewed your allegations; the applicable statutes and rules; the response provided by We Want Accountability PAC; 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:

- Michael Connors was first elected to the Kennewick School Board in 2019. He ran for re-election in 2023, selecting the Mini Reporting Option, and was re-elected on November 7, 2023.
- Mr. Connors placed yard signs in the Kennewick area that supported his re-election effort.
- We Want Accountability PAC placed yard signs next to Mr. Connors' signs that opposed his candidacy. The We Want Accountability PAC's signs included arrows pointing directly at Mr. Connors' signs, implying that the wording on the signs were statements about Mr. Connors, making the signs subject to the false advertising prohibitions in RCW 42.17A.335. In addition to the arrows on the signs, the signs included one of the following statements about Michael Connors:
 - "Voted with **Liberals** 100%"
 - "Kept Our Kids in MASKS"
 - "Supports CRT in Schools"

"Voted with **Liberals** 100%"

- The complaint alleged that the statement on signs that read "Voted with Liberals 100%" was a false statement of material fact about Michael Connors based on evidence in the April 12, 2023 minutes of the school board meeting showing that Mr. Connors had not, on the occasion cited in the minutes, voted with fellow board member Ron Mabry, who the Respondent described as a

liberal school board member, on Resolution No. 6, the WSSDA Weighted Vote Removal Resolution.

"Kept Our Kids in MASKS"

- The complaint alleged that the statement, "Kept Our Kids in MASKS" was a false statement of material fact about Michael Connors because the Washington State Supreme Court opined that state statutes give the governor and secretary of health the power to mandate masking pursuant to their authority during a state emergency and that local school boards do not have the power to override that state-level action, meaning school board directors did not have the authority to override the masking requirement during the Governor's state of emergency.

"Supports CRT in Schools"

- The complaint alleged that the statement, "Supports CRT in Schools" was a false statement of material fact about Michael Connors because on August 24, 2022, the school board, including Mr. Connors, voted unanimously to pass Policy 2340, INSTRUCTION: Race and the Curriculum, a policy that was publicized as protecting students from Critical Race Theory racism.

Response to Complaint

- The Respondent stated that there is an alternative view of the facts at issue in the complaint, as noted below:

"Voted with Liberals 100%":

- The response stated that School Director Ron Mabry is a known liberal school board member and Michael Connors has voted with Mr. Mabry on every school policy introduced in the past two years. The response stated that the example cited in the complaint as evidence that the statement on the yard signs was false because Mr. Connors did not vote with Mr. Mabry on Resolution No. 6, the WSSDA Weighted Vote Removal Resolution, on April 12, 2023, is not applicable because the resolution was not a school board policy.

"Kept Our Kids in MASKS"

- The response claimed that Michael Connors did nothing to get the masking mandate lifted. The response stated that a resolution signed by over 150 school board directors was sent to the Governor, asking him to lift the masking mandate from Washington schools, and Mr. Connors did not sign the resolution. The response stated that parents were begging the Kennewick School Board to at least try to get the mask mandate lifted, but Mr. Connors did nothing during this time period to push back against the masking mandates.

"Supports CRT in Schools"

- The response stated that Michael Connors' support of Policy 2340, INSTRUCTION: Race and the Curriculum, does not mean he did not support CRT. The response stated that Policy 2340 does not mention Critical Race Theory because Michael Connors did not want those words included in the policy. The response stated that on June 22, 2022, Mr. Connors demonstrated his support for Critical Race Theory by voting to keep a book written by the founder of Critical Race Theory in the libraries of Kennewick School District.

RCW 42.17A.335(1) states, in part, "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; ...

RCW 42.17A.335(2) states, For the purposes of this section, "libel or defamation per se" means statements that tend (a) to expose a living person to hatred, contempt, ridicule, or obloquy, or to deprive him or her of the benefit of public confidence or social intercourse, or to injure him or her in his or her business or occupation, or (b) to injure any person, corporation, or association in his, her, or its business or occupation.

RCW 42.17A.005(1) states, "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

RCW 42.17A.335(4) states, (4) Any violation of this section shall be proven by clear and convincing evidence. If a violation is proven, damages are presumed and do not need to be proven.

Your allegation that We Want Accountability PAC sponsored false political advertising directed at Michael Connors, a candidate for re-election to the Kennewick School Board, is understandable. However, We Want Accountability PAC responded to your allegations with justification for the validity of the statements on the yard signs they sponsored.

To prove a violation of RCW 42.17A.335(1)(a) the alleged false statements must constitute libel or defamation per se, as defined above, be made with knowledge of falsity or with reckless disregard as to truth or falsity, and be proven with clear and convincing evidence.

Based on these findings, staff has determined that this standard has not been met, and in this instance, sponsoring yard signs that included a brief statement with arrows pointing to Michael Connors' yard signs does not amount to a finding of a violation warranting further investigation.

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 Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,
Electronically Signed Philip E. Stutzman
Phil Stutzman
Compliance Officer

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Kim Bradford
Deputy Director
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cc: We Want Accountability PAC