



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

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January 29, 2024

Delivered electronically to Mike Nelson at [mike.nelson@edmondswa.gov](mailto:mike.nelson@edmondswa.gov)

Subject: Complaint filed by Tina Drennan at [tinerd2@comcast.net](mailto:tinerd2@comcast.net) and Mark Bucklin at [mark.bucklin@frontier.com](mailto:mark.bucklin@frontier.com), PDC Case 143927

Dear Mike Nelson:

Below is a copy of an electronic letter sent to Tina Drennan and Mark Bucklin concerning complaints filed with the Public Disclosure Commission (PDC).

As noted in the letter to Tina Drennan and Mark Bucklin, the PDC has dismissed this matter regarding 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 reminds you that the city should consider the timing of messages during election periods and avoid featuring candidates for office when possible.

If you have questions, you may contact Tanya Mercier by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

Endorsed by,

/s/ Electronically signed

Tanya Mercier  
Compliance Officer

/s/ Electronically signed

Kim Bradford  
Deputy Director  
For Peter Frey Lavalley  
Executive Director



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January 29, 2024

Delivered electronically to Tina Drennan at [tinerd2@comcast.net](mailto:tinerd2@comcast.net) and Mark Bucklin at [mark.bucklin@frontier.com](mailto:mark.bucklin@frontier.com)

Subject: Complaint against Mike Nelson, PDC Case 143927

Dear Tina Drennan and Mark Bucklin:

The Public Disclosure Commission (PDC) has completed its review and assessment of the complaints you filed on October 23, 2023. The complaints alleged that Mike Nelson, the incumbent mayoral candidate, for the City of Edmonds, may have violated RCW 42.17A.555 by using city facilities to create and distribute a mailer featuring himself during the 2023 election cycle.

PDC staff reviewed the allegation(s); the applicable statutes and rules; the response(s) provided by the Respondent; 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:

- Mike Nelson filed a Candidate Registration (C-1) on February 13, 2023, and a declaration of candidacy on May 15, 2023. Mike Nelson was the elected Mayor for the City of Edmonds and was running for re-election in 2023.
- The complaints cited numerous RCW and WAC, to include RCW 42.17A.550, RCW 42.17A.575, WAC 390-05-273, and RCW 42.52.180. We opened the case under RCW 42.17A.555 for the following reasons:
  - RCW 42.17A.550 is not applicable in this case because the proposed budget and budget message submitted by the mayor, to the residents of Edmonds, is part of the normal and regular official duties of the office.
  - RCW 42.17A.575 is not applicable because the proposed budget and budget message do not meet all the criteria outlined in Washington State law to fall into the category of "public service announcement."
  - WAC 390-05-273 is not applicable because the budget proposal and budget message are a lawful, normal, and regular form of communication by the City of Edmonds and specifically the mayor.
  - RCW 42.52.180 is not the jurisdiction of the PDC, but RCW 42.17A.555 is an analogous law that applies to local governments.

- RCW 42.17A.555 states, in part, no elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Activities which are determined to be part of the normal and regular conduct of the office or agency are exempt.
- PDC staff found that per RCW 35A.33.055, the mayor of a code city is required by law to submit a preliminary budget and budget message to the city's legislative body each year. The budget message must be available to the legislative body at least 60 days before the start of the fiscal year. The law is silent on if and how the budget message is submitted to the public.
  - The fiscal year for the City of Edmonds begins on January 1.
  - Mayor Mike Nelson, as well as his predecessors, submitted their proposed budget and the budget message to the public as a normal and regular practice of the office. Prior mayors utilized video format for their messaging but in 2021 and 2022 Mayor Nelson provided the proposed budget and budget message in the form of a mailer. The public received those mailers in early to mid-October of 2021 and 2022. The distribution of the 2023 mailer was approximately the same time as the previous year's mailers.
  - The Director of the Administrative Services for the City of Edmonds confirmed it is the responsibility of the mayor's office to submit the proposed budget and budget message and that it is the prerogative of the mayor on how to submit those materials to the public. The Administrative Services office is responsible for the layout and design of the material and made the decision to include the mayor's picture on the mailer.

Based on our findings staff has decided that, in this instance, the distribution of the proposed budget and budget message, in the form of a mailer and that included the image and messaging of the mayor, during the election cycle when the mayor was running for re-election, does not amount to a violation that calls for further investigation.

However, because RCW 35A.33.055 is silent about if and how the mayor would distribute budget-related messaging to the public, PDC staff reminds Mike Nelson to exercise caution during election years in which he is a candidate. To avoid concerns, budget-related communications would be preferably sent to the public after the election in those years.

Based on this information, the PDC finds that no further action necessary and has dismissed this matter per RCW 42.17A.755(1).

If you have questions, you may contact Tanya Mercier by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

Endorsed by,

/s/ Electronically signed

Tanya Mercier  
Compliance Officer

/s/ Electronically signed

Kim Bradford  
Deputy Director  
For Peter Frey Lavalley  
Executive Director

cc: Mike Nelson