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By Email

August 22, 2024

Alice Fiman
Compliance Officer
Washington Public Disclosure Commission
Evergreen Plaza, 711 Capitol Way S #206
Olympia, Washington 98504

Re: TikTok Inc. (Case No. 157884)

Dear Ms. Fiman:

On behalf of our client, TikTok Inc. (“TikTok”), this letter responds to your August 8, 2024, email regarding a complaint filed by Conner Edwards against TikTok. Mr. Edwards alleges that TikTok violated RCW 42.17A.345 and WAC 390-18-050 by failing to provide inspection of TikTok’s commercial advertiser books of account. The Public Disclosure Commission (“Commission”) should dismiss the complaint as unfounded or frivolous because TikTok is not a “commercial advertiser” required to maintain or provide public inspection of books of account or related materials, as defined by the statute.

RCW 42.17A.345 and WAC 390-18-050 require “commercial advertisers” to maintain and provide public inspection of books of account and related materials. RCW 42.17A.005(10) defines a “commercial advertiser” as

any person that sells the service of communicating messages or producing material for broadcast or distribution to the general public or segments of the general public whether through brochures, fliers, newspapers, magazines, television, radio, billboards, direct mail advertising, printing, paid internet or digital communications, or any other means of mass communications used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

As a matter of policy, TikTok does not sell or produce political content in advertising on its platform. TikTok’s policy regarding political content in advertisements is publicly available at <https://ads.tiktok.com/help/article/tiktok-ads-policy-politics-religion-and-culture>. In relevant part, the policy provides, “[w]e do not allow featuring political content in any form of advertising, extending this prohibition to both members of political organizations and non-political advertisers expressing political views.” The policy specifies examples of content that TikTok does not permit in advertisements: “[c]andidates, nominees, and elected or appointed government officials for public office at the federal, national, state, provincial, and local levels . . . ,” “Political Action Committees (PACs),” “[p]olitical parties,” and “[r]eferences to an

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election, including voter registration, voter turnout, and appeals for votes, such as ads that encourage people to vote.”

Because TikTok does not sell the service of communicating messages or producing material for broadcast for the purpose of appealing for votes or support in any election campaign, it is not a commercial advertiser, as defined by the statute. Accordingly, TikTok is not required to maintain or provide public inspection of commercial advertiser books of account or related materials, pursuant to RCW 42.17A.345 and WAC 390-18-050. For these reasons, the Commission should dismiss the complaint.

Please let us know if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'RKH', with a long horizontal flourish extending to the right.

Robert K. Kelner
Alexandra Langton