

Mark C. Lamb

reported via email

Tue, 1 Mar 2025 at 7:52 PM

To: "PDC Support" <pdcc@pdcc.wa.gov>

Cc:porter@carneylaw.com

External Email

Phil,

I write in response to your correspondence of February 24, 2025, and the complaint filed with the Public Disclosure Commission by Jim Lazar on Feb. 9, 2025 at 9:47 p.m. (the "Complaint"). The Complaint concerns an education effort called "Budget Breakdown" that is presented by Enterprise Washington.

As a preliminary matter, the Complaint is facially deficient in that it does not make "A reference to the law(s) or rule(s) violated" as required. Although your correspondence references an "Alleged violation of RCW 42.17A.640 and WAC 390-20-125", the complaint itself does not.

The complaint does allege that "Enterprise Washington...is sponsoring political advertising that seeks to get the public to support lower state spending."

But RCW 42.17A.005(40) defines "political advertising" as "advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or TV presentations, or other means of mass communication, used for the purpose of **appealing, directly or indirectly, for votes or for financial or other support or opposition in an election campaign.**" [Emphasis added].

The Budget Breakdown education effort has never contained any appeals "directly or indirectly, for votes or for financial or other support or opposition in an election campaign".

Although it is not part of the Complaint, WAC 390-25-125(1) states in relevant part, "Grass roots lobbying, also known as indirect lobbying, as set forth in RCW 42.17A.640, involves **an appeal to the public to solicit, urge, or encourage the public to influence legislation.**" [Emphasis added].

Budget Breakdown contains no reference to **any** legislation, much less an exhortation for the public to "influence" legislation. Budget Breakdown does not contain any call to

action nor any reference to specific legislation for the public to support or oppose. Rather, it is a long-term educational project to inform the public about the recent budgeting history in Washington State and provide them with access to government generated information about the same. State public records law ensures that all Washingtonians have access to information about their state government. However, the information is difficult and time consuming to find and analyze.

Enterprise Washington, in evaluating the above, determined there was a significant need for public education that was rigorously sourced and linked to the state's own data, as well as shared through videos and content that are engaging and easy to understand. On the site, www.BudgetBreakdown.org, every single statement is sourced from the state's own budget resources or analysis based on them, and the links are provided in citation format to ensure Enterprise Washington is accountable for the accuracy of the information.

Enterprise Washington has run advertisements on numerous media outlets across the state, and each of those has conducted their own independent legal analysis to confirm that Budget Breakdown is a legitimate public education effort and therefore not subject to political advertising regulations. Media outlets are legally and financially responsible for any errors in judgment regarding political advertising, so they have every incentive to act with an abundance of caution. Every single media outlet's independent legal counsel has determined that Budget Breakdown is a legitimate public education effort, and is neither political advertising nor grassroots lobbying.

In summary, the Complaint is meritless and should be dismissed. I believe this concludes the matter but please let me know if you would like to discuss further.

Thank you.

Best,
Mark