



State of Washington
PUBLIC DISCLOSURE COMMISSION

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October 6, 2025

Delivered electronically to kristin.beneski@gov.wa.gov

Subject: PDC Case 174537 regarding Office of the Governor

Office of the Governor:

The Public Disclosure Commission (PDC) completed its review of the complaint filed by Joe Kunzler on June 5, 2025. The complaint alleged a violation of RCW 42.17A.555. Given that the communication at issue involved an initiative to the Legislature rather than a ballot measure, PDC staff opened the case as a potential violation of RCW 42.17A.635 for prohibited indirect, or grassroots lobbying.

Applicable Laws and Rules

- RCW 42.17A.635 provides in part that elective and appointed officials and their employees, and employees of public offices or agencies, may not use or authorize the use of any of the facilities of a public office or agency in any effort to support or oppose an initiative to the legislature. Facilities of a public office or agency has the same meaning as in RCW 42.17A.555.
- Agencies may not use public resources to support or oppose an effort to get an initiative before the Legislature, but may lobby for passage or defeat of initiatives once they are before the Legislature.
- RCW 42.17A.635(3) lists allowed activities, including (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency.
- RCW 42.17A.635(4)(d) also allows “(a)ctivities conducted regarding an initiative to the legislature that would be permitted under RCW 42.17A.555 and 42.52.180 if conducted regarding other ballot measures.”
- RCW 42.17A.555(2) permits a “statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;”
- RCW 42.52.180(2)(e) permits “(d)e minimis use of public facilities by statewide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities...”

Background and Findings

- The complaint provides, as evidence of an alleged violation, that a representative of the Office of the Governor was “using his official X/Twitter account for propaganda against IL26-126 when he made this statement/tweet/post: ‘Here's what your state Republican Party wants to do: Eliminate your right to vote by mail. Washington state's election system is convenient, safe and secure. We're not going to let anyone move us backward.’”
- IL26-126 refers to Initiative Measure No. IL26-126, an Initiative to the Legislature for 2026 that was filed May 20, 2025.
- In response to the complaint, a representative of the Office of the Governor stated “This tweet comports with RCW 42.17A.635 for several independent reasons,” including that the tweet was in response to a specific inquiry, represented the routine practice of the governor’s office to share information with the public, and involved a de minimis use of public funds.
- PDC staff evaluated the activity under the de minimis exemption, which is met if the content of the communication was permissible, fell within the governor's broad executive responsibilities, and involved “de minimis” use of public resources.
- This case concerns a single post from the governor office's X (Twitter) account, expressing the governor's view on the initiative that relates to mail voting. The function of state elections is within the governor’s broad responsibilities as enumerated in RCW 43.06.010. Additionally, the Respondent reports that the cost of the account as well as the staff time to send the message was insignificant.

Summary and Resolution

The single tweet by the Office of the Governor appears to qualify for the narrow exemption in RCW 42.17A.635 that allows what otherwise might be impermissible grassroots lobbying activity.

PDC staff is reminding the Office of the Governor that publicly supported lobbying activities should be limited to providing information or communicating on matters pertaining to official agency business or advocating the official position or interests of the agency to any elected official or officer or employee of any agency. A campaign directed to the public, a substantial portion of which is intended, designed, or calculated primarily to solicit, urge, or encourage the public to influence legislation, is grassroots lobbying, and is generally not permitted under RCW 42.17A.635.

Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, contact Alice Fiman at 1-877-601-2828 or by e-mail at pdcc@pdc.wa.gov.

Sincerely,

Electronically signed by Alice Fiman
Alice Fiman, Compliance Manager

Endorsed by,

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

cc: Joe Kunzler