

JAK Public Comment for 24 July 2025

[Joe Kunzler](#)

reported via email

an hour ago (Wed, 23 Jul 2025 at 10:37 AM)

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

External Email

Hi there PDC;

Joe A. Kunzler here again and sorry for the late passing on of notes, but I had a transit junket trip magically move from PDC Thursday to Transit Tuesday. A few thoughts and preview before tomorrow:

- 1) I'm fuming that my response to Governor Ferguson's Office in complaint #174537 is not logged. So it's at the bottom of this missive.
- 2) I'm also fuming that it's past the half-point of 2025, and where's the improved training about addressing campaigning during public comment? Time is becoming the essence for other reasons:
 - a) Alex Tsimerman's misbehavior of using public comment to campaign is continuing. It's gotten him excluded from Redmond City Council for six months, and as I write this there is the very real concern that the Redmond City Council will have to address an appeal with two councilmembers who in the past have been opposed to rules enforcement. Hopefully not this time, but... as to the appeal we shall see what we shall see on August 4 at 7 PM on Redmond TV.

Tsimerman is also doing this at Bellevue City Hall. It's to the point where you should expect another complaint from me about that since the misbehavior has gone past the City Council onto the boards & commissions.

At least when Tsimerman does this at King County Council, he gets kicked out. Also, recently the Kirkland Mayor when Tsimerman brought up having his inflammatory rhetoric being removed from the voter's pamphlet, she did make clear that was unacceptable.

My point: The misbehavior is continuing. The PDC needs to address the regional problem by improving training and making a legislative priority putting the onus on the repeat abuser to cease abusing public resources. Please.

- b) I hope the PDC will review public comment on the penalty schedules and make a few changes and adopt. It's past time for some change.

c) The MRSC is hosting a [paid Open Public Meetings Act \(OPMA\) training](#) next month. Is the PDC working with the MRSC to address this ongoing issue?

2) I'm not happy with the new comment times. I would prefer that the comment period be at the beginning of the meeting.

3) I agree with Conner Edwards when he wrote:

"For PDC staff, resolving cases expeditiously has largely taken precedence over resolving cases in a way that creates meaningful incentives for filers to follow our state's campaign finance laws. By offering respondents the opportunity to avoid a contested hearing by paying a wrist-slap penalty, staff greatly reduce their own workload."

Part of the problem is that the agency is not properly armed with the right laws and not properly staffed to go on offense against scofflaws. Alex Tsimerman needs to be forced to declare bankruptcy. It's also time to jack up penalties and make clear that the law is the law, or we need to have less campaign finance laws.

In conclusion, I'm asking that the PDC get tough. You want reduced caseload? Start deterring and defunding respondents. Because between Conner, Glen Morgan and me the red flags are going to keep coming until such time as there are less cases. I'm asking you set an example and a standard, please.

Thoughtfully;

Joe A. Kunzler

growlernoise@gmail.com

----- Forwarded message -----

From: **Joe A. Kunzler** <growlernoise@gmail.com>

Date: Tue, Jul 15, 2025 at 7:46 PM

Subject: JAK Response to Governor Ferguson's Office Response to 174537

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

Cc: <kristin.beneski@gov.wa.gov>, <ari@kvi.com>, <jim.walsh@leg.wa.gov>, <Cypers>, Miri <MCypers@adl.org>, Max Patashnik <maxp@jewishinseattle.org>, <blucia@washingtonstatestandard.com>, <jcornfield@washingtonstatestandard.com>, <mike@kvi.com>, Shauna Sowersby <ssowersby@seattletimes.com>

Hi there;

Good thing I decided to do a spot-check of PDC Complaint #174537 and see Mrs. Beneski's letter.

This is my simple response to the verbose reply to PDC Complaint #174537. I've attached it for the CCs.

a) The complaint is filed under RCW 42.17A.635 by the PDC and that's what Mrs. Beneski should have to respond to. Instead, she goes off on a long, verbose response alleging that RCW 42.17A.555 does not apply to Governor Ferguson. I will graciously defer to the PDC as what RCW applies. There was some initial controversy as to what branch of government enforces this issue.

b) The issues remain: Governor Ferguson used public resources to fund an official twitter account. In response to no one on Twitter/X, the Governor decided to fire a tweet off against Initiative IL26-126. But somehow this Governor, who was supposedly answering inquiries about IL26-126 cannot fire one off in defense of Washingtonian Jews.

Same Governor's Office who just claimed

"While there is a cost associated with employing communications staff in general, these employees have a wide range of responsibilities related to communicating with the public about the Governor's Office's work, and there is no "separately identifiable" cost or specific portion of a cost associated with the few moments it takes to post a single tweet"

So I am placing that inquiry HERE AND NOW, TONIGHT TO CONDEMN ANTISEMITISM CLEARLY AND UNEQUIVOCALLY ON SOCIAL MEDIA PLEASE. Note the CC line.

If a statement is issued by Governor Ferguson condemning anti-Semitism, and the "two separate press inquiries regarding Initiative Measure No. IL26-126" are furnished to the PDC - then I would happily ask this complaint please be honorably retired with a mild admonishment to Governor Ferguson & his team to preferably please remain neutral on election items. But only if.

I'm not Jewish but I'm linking the two issues to prove a point. If this Governor's Office cannot be bothered to condemn anti-Semitism in general to help get out of a PDC complaint, then we have a problem.

At this point, I'm lowering the bar. I'm not asking Governor Ferguson to blast Alex Tsimerman personally - some Jews I know are very uncomfortable engaging with him and annoyed that I do call out his nonsense. I'm not asking Governor Ferguson to rally with real Jews. I'm just asking that if this Governor can rail on X and spread *mistruths* about Initiative IL26-126, then can this Governor and his team address a public safety crisis?

Public safety crisis? According to the ADL, the same ADL conservative talk show host Ari Hoffman doesn't like very much... Washington State in 2024 had:

- 239 total antisemitic incidents — up 26% from 189 incidents in 2023
- 155 incidents of antisemitic harassment — down 2% from 158 in 2023
- 82 incidents of antisemitic vandalism — up 173% from 30 in 2023
- 2 incidents of antisemitic assault — up 100% from 1 in 2023

- 44 campus-related incidents of antisemitism — up 159% from 17 in 2023

Yet, this Governor cannot be bothered to condemn antisemitism on X, unlike [New York State Governor Kathy Hochul who has](#) - clearly not a Republican or MAGA. But this Governor can sure condemn election integrity and my effort to help also.

If this offer is declined, let's press ahead. Let's come together to bring some consequences for giving silent assent to hate, unlike New York State Governor Kathy Hochul (Dem). The Washington State Governor's Office doesn't need to be using "press inquiries" as a license to abuse social media.

In fact, the Governor's attorney using that excuse makes the professional media MORE of a target for the extremist reactionaries continuing to go after them, not less. Shame. I'm sure Ari Hoffman of KVI will have fun with this tomorrow at 3 PM - and you can get his show on X, Rumble and 570 on the AM radio dial.

c) Moving along as I have to presume this offer will be declined, I am concerned that without an admonishment reading the attachment, this situation will become license for unlimited tweeting. Where do we draw the line? How about none with taxpayer subsidy for the Governor's account?

In conclusion, I'm for a bright line against taxpayer-funded propaganda. Nice to know Mrs. Beneski is for having a fuzzy line, if one at all. Especially as RCW 29A.12.200 the Governor gets an annual report about election security. Then there is RCW 29A.60.260 giving the Governor a ministerial role in administering the conclusion of elections - including hopefully the upcoming vote on Initiative IL26-126. With those kind of roles comes a responsibility to be beyond reproach.

I would think that after the close 2004 and 2020 elections this Governor would understand that. Imagine if Initiative IL26-126 is a close election result after this... and the Governor's Office cannot work to make things right? I want my umpires to be beyond reproach, ok?

That is the question here. Maybe next time, if you can't tweet about standing up to hate that so many want Governor Bob Ferguson to do, you really shouldn't be appearing to be less than impartial about election items. You really shouldn't be tweeting about an initiative and then have your attorney mention that you've got elections management responsibilities.

Sorry for the verbose response you all, but I think you deserve a thoughtful response. I hope this leads to some regulatory reform and some restraint. Also to standing up to antisemitism, especially as I have to sit in my office waiting for that antisemite & foe of the PDC Alex Tsimerman to go off in Kirkland. I also hope I just shamed Governor Ferguson into doing the right thing.

Thoughtfully submitted;

Joe A. Kunzler

growlernoise@gmail.com



STATE OF WASHINGTON
— OFFICE OF GOVERNOR BOB FERGUSON —

July 8, 2025

Via email

Alice Fiman
Compliance Manager
Public Disclosure Commission
[pdc@pdc.wa.gov](mailto:fdc@pdc.wa.gov)

Re: PDC Case Number 174537

Ms. Fiman:

Having reviewed the complaint submitted by Joe Kunzler in the above-referenced matter, the Governor's Office is pleased to respond.

Mr. Kunzler's complaint alleges that a tweet posted on the Governor's official X/Twitter account was "in violation of RCW 42.17A.555" because it referenced a ballot initiative that would end voting by mail in Washington state.

This allegation lacks merit for several reasons. First, RCW 42.17A.555 does not apply to the Governor; it applies only to *local* officials' use of public facilities. Second, although not referenced in the complaint, the analogous statute that applies to state officials authorizes the use of public facilities (such as an official X/Twitter account) to comment on ballot propositions in response to a specific inquiry, or where—as in the case of a single tweet—there is no "actual, measurable expenditure of public funds." RCW 42.52.180(2)(b). The tweet in question was part of a response to specific media inquiries, and moreover, involved no separately identifiable cost to the state. Third, the same statute also expressly authorizes state officials' *de minimis* use of public facilities to comment on ballot propositions that "foreseeably may affect a matter that falls within their constitutional or statutory responsibilities." RCW 42.52.180(2)(e). As the supreme executive officer of this state, the Governor has a duty to see that the right to vote in free and equal elections is protected, and also has statutory roles in protecting election security and integrity that would be directly impacted by the referenced ballot proposition.

Thus—if the complaint is analyzed under the statute that properly applies to state officials rather than the cited statute—the tweet in question falls neatly under both the (2)(b) and (2)(e) exemptions. The complaint should be dismissed.

1. RCW 42.17A.555 does not apply to the Governor.

Mr. Kunzler references only one statute as the basis for his complaint: RCW 42.17A.555. This statute applies exclusively to local officials, not statewide elected officials like the Governor. RCW 42.17A.555(4) (“This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010.”); *see also* PDC Interpretation No. 04-02, <https://www.pdc.wa.gov/rules-enforcement/guidelines-restrictions/guidelines-local-government-agencies-election-campaigns> (providing guidelines for “local government agencies in election campaigns” based on RCW 42.17A.555).

Because this statute does not apply to the Governor, the complaint should be dismissed on this basis alone. Nevertheless, in the spirit of addressing the substance of the complaint, the Governor’s Office offers the below response under the applicable statutory rubric.

2. The tweet at issue complies with the applicable public-resources statute.

RCW 42.52.180 applies to state officials “to the exclusion of RCW 42.17A.555.” RCW 42.52.180(3). The statute provides in relevant part:

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, ... for the promotion of or opposition to a ballot proposition. ... Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

[...]

(b) 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***. For the purposes of this subsection, ***it is not a violation*** of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise ***comment on a ballot proposition without an actual, measurable expenditure of public funds***. The ethics boards shall adopt by rule a definition of measurable expenditure;

[...]

(e) ***De 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***.

RCW 42.52.180(1), (2)(b), (e) (emphasis added).

a. The tweet in question was part of a “response to a specific inquiry.”

The tweet in question was posted after the Governor’s Office responded via email to two separate press inquiries regarding Initiative Measure No. IL26-126, which would end voting by mail in Washington state. Having responded directly to the media, staff posted largely the same responsive message content as a tweet accessible to the public. Thus, the tweet was part of a response to a “specific inquiry,” bringing it within the subsection (2)(b) exemption.

Further, as discussed below, even if the tweet had not been in response to a specific inquiry, “an official may comment on a proposition, provided there is no actual, measurable expenditure of public funds.” *Matter of Recall of Inslee*, 194 Wn.2d 563, 574, 451 P.3d 305, 311 (2019) (emphasis added). The subsection (2)(b) exemption applies for this reason as well.

b. A single tweet referencing a ballot initiative involves no “actual, measurable expenditure of public funds.”

Regardless of its message, a single tweet involves no “actual, measurable expenditure of public funds” as defined by the Executive Ethics Board’s regulations. WAC 292-110-030 provides:

For purposes of RCW 42.52.180 (2)(b) ‘measurable expenditure’ means any *separately identifiable* cost or specific portion of a cost that is *beyond the normal and regular costs incurred by the agency* in responding directly to a specific inquiry from the media, a constituent, or any other person.

(Emphasis added.) The Governor’s Office has a subscription for X/Twitter that costs \$2.67 per month, but there is no separate cost associated with posting individual tweets. As such, there is no “separately identifiable” cost associated with a single tweet that is “beyond the normal and regular costs” of having an official account that is routinely used to communicate with the public. Similarly, while there is a cost associated with employing communications staff in general, these employees have a wide range of responsibilities related to communicating with the public about the Governor’s Office’s work, and there is no “separately identifiable” cost or specific portion of a cost associated with the few moments it takes to post a single tweet. Posting to X and other social media platforms is just one of the communications team’s many duties, which also include issue research, preparing talking points for the Governor’s events, drafting press releases, taking photos at every public event across the state, and responding to media inquiries. Posting on X represents a tiny fraction of staff time: in the month of June 2025, for example, members of the communications team posted just 55 tweets—an average of about 13 per week, or less than 2 per day. The few moments it takes a staff member to post a single tweet is not separately identifiable beyond the normal and regular cost of employing communications staff.

Thus, the single tweet in question fits neatly within the exemption under subsection (2)(b), regardless of the message it sends or its relationship to the Governor’s official duties—a question the PDC need not address to resolve this complaint. Regardless, as discussed below, the tweet in question also fits neatly under the exception under subsection (2)(e).

- c. It is appropriate for the Governor to comment, at *de minimis* cost, on a ballot initiative that would foreseeably affect his responsibilities to uphold the right to vote and ensure election security and integrity.**

The tweet in question accurately stated that Initiative Measure No. IL26-126 would end the right to vote by mail in Washington, and expressed opposition to the measure on the grounds that Washington state's current election system is "convenient, safe and secure." As described above, the cost of posting this single tweet was *de minimis*.

Further, this tweet commented on a ballot proposition that would foreseeably affect matters that fall within the Governor's constitutional and statutory responsibilities. As the supreme executive officer of the state, it is the Governor's duty to see that Washington's laws are faithfully executed. Wash. const. art. III, §§ 2, 5. The right to vote is enshrined in our constitution, and access to the ballot and free and fair elections are fundamental bulwarks of our democracy. Wash. const. art. I, § 19. Further, the entirety of Title 29A of the Revised Code of Washington is devoted to elections—including chapters governing voters and registration, voting systems, and elections by mail, among others. The Governor has the ultimate constitutional responsibility to see that these laws are faithfully executed. Wash. const. art. III, §§ 2, 5; *see* Memorandum re Restrictions on Use of Public Funds and Property to Support or Oppose Candidates or Ballot Measures (Mar. 28, 2019), https://ethics.wa.gov/sites/default/files/public/20190328_PublicFundsMemo.pdf (concluding that, under the subsection (2)(e) exception, "the governor ... may have authority to make statements on more issues than, say, the superintendent of public instruction or the insurance commissioner," because of the broad scope of his official duties).

Additionally, the Governor has specific statutory roles related to election integrity and security. For example, the Governor is responsible for designating agencies to provide voter registration services, RCW 29A.08.310, and determining whether agencies shall implement automatic voter registration, RCW 29A.08.365; receives a confidential annual report from the secretary of state on election security breaches, RCW 29A.12.200; will participate in evaluating the alternative verification options pilot program, which will explore supplemental methods for ballot review besides signature verification, RCW 29A.40.111; and must be present for the secretary of state's canvassing of questions submitted to the people for a vote and must declare the result, RCW 29A.60.260. The fulfillment of these roles would be affected by a ballot proposition ending the right to vote by mail and requiring voter ID and proof of citizenship to vote in-person, as Initiative Measure No. IL26-126 would do.

For these reasons, an official X/Twitter account is an effective and appropriate means of communicating with the public, at *de minimis* cost, about the Governor's views on an issue that bears directly on his responsibility to protect the fundamental right to vote and all eligible Washington voters' access to the ballot, while protecting the safety and security of our state's elections. The tweet in question therefore fits neatly within the exception under subsection (2)(e).

d. RCW 42.17A.635 is not at issue, but if it were, the outcome is the same.

The PDC's cover email providing notice of Mr. Kunzler's complaint to the Governor's Office states that the complaint alleges a "violation of RCW 42.17A.635 for prohibited indirect lobbying." This statement appears to be an error, as the complaint does not include any references to RCW 42.17A.635 or to "lobbying," but rather addresses a ballot initiative.¹ Regardless, "[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" are also permitted under RCW 42.17A.635. RCW 42.17A.635(4)(d). Thus, under the analysis above, the outcome is the same: there is no violation because the tweet in question comports with RCW 42.52.180.

* * *

We trust this response provides the PDC with the information needed to resolve Mr. Kunzler's complaint. Should you require any additional information or explanation, please do not hesitate to contact me directly.

Sincerely,



Kristin Beneski
Chief Legal Counsel
Office of Governor Bob Ferguson

¹ "Lobbying" means attempting to influence the passage or defeat of any legislation by the *legislature*, RCW 42.17A.005(34), whereas this complaint involves a tweet about a ballot initiative that would be decided by voters.