



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

September 25, 2018

Delivered electronically to “kaholokula@comcast.net”

Subject: PDC Case 39963

Dear Rosemary Kaholokula:

Below is a copy of an electronic letter sent to Scott Holley concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted below to Scott Holley, the PDC will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter

PDC Staff are reminding you about the importance of accurately and timely disclosing sponsorship identification on political ads as required by RCW 42.17A.320 and WAC 390-18-030.

If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s _____
Micaiah Ragins
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

September 25, 2018

Delivered electronically to “scottholley@gmail.com”

Subject: Complaint regarding Rosemary Kaholokula, PDC Case 39963

Dear Robert Scott Holley:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint you filed on August 14, 2018. Your complaint alleged that Rosemary Kaholokula, a first-time candidate seeking the office of Superior Court Judge in the Skagit County Superior Court, may have violated RCW 42.17A.320 for failure to properly disclose sponsorship information on political advertisements posted on a Facebook page.

PDC staff reviewed your allegations, the statutes and rules, the Facebook page referenced in the complaint, and the responses from the Committee to Elect Rosemary Kaholokula (Campaign). As a result of staff’s initial review, we found the following:

- On January 18, 2018, Rosemary Kaholokula filed a Candidate Registration (C-1 report) declaring candidacy for Superior Court Judge in the Skagit County Superior Court, and selecting the Full Reporting option.
- On August 13, 2018, the Committee to Elect Rosemary Kaholokula made a social media post that was shared by Skagit Breaking on a Facebook community page. Payment for the advertising was disclosed as a \$1,620.00 expenditure for Skagit Breaking Media on an amended C-4 report filed on July 5, 2018 for the period covering April 1, 2018 to April 30, 2018 (Report# 100834811). The original C-4 report was timely filed on May 10, 2018 (Report# 100830427)

- PDC staff determined that the Facebook ad for the Campaign was not in compliance with the sponsorship identification requirements of RCW 42.17A.320(2)(a) which requires the statement: "No candidate authorized this ad. It is paid for by (name, address, city, state)." Furthermore, WAC 390-18-030(3) requires that: "Online political advertising must provide the same disclosures that apply to non-online advertising to the extent practical. As an alternative, small online advertising may provide the required disclosures by using an automatic display with the advertising that takes the reader directly to the required disclosures. (a) These automatic displays must be clear and conspicuous, unavoidable, immediately visible, remain visible for at least four seconds, and display a color contrast as to be legible. Online advertising that includes only audio must include disclosures in a manner that is clearly spoken. (b) Examples include nonblockable pop-ups, roll-overs, a separate text box or link that automatically appears with or in the advertising that automatically takes the reader directly to the required disclosures upon being clicked once, or other similar mechanisms that disclose the information required in RCW 42.17A.320."
- On August 16, 2018, PDC staff informed the Campaign that an internet political ad must contain sponsor identification, which includes using the words "paid for by" or "sponsored by" followed by the sponsor's name and address. In order to address the noncompliance, staff recommended Rosemary Kaholokula to place the required sponsorship information either on the ad itself, or prominently on the "Elect Rosemary Kaholokula" Facebook page. Additionally, the Campaign was advised to check the political advertising guide on the PDC website for more details.
- On August 27, 2018, Rosemary Kaholokula provided a response which detailed the timeline in which the Campaign communicated with PDC staff in order to resolve the compliance issue regarding sponsor identification. After receiving clarification from PDC staff, Rosemary Kaholokula stated that the method she chose to become compliant with RCW 42.17A.320 was to place on the Facebook campaign page that all political advertising is "paid for by the committee to elect Rosemary Kaholokula, P.O Box 533, Mount Vernon, WA, 98273." PDC staff confirmed that the required information was updated on the Facebook page of the Committee to Elect Rosemary Kaholokula.

Based on these findings, staff has determined that in this instance, the failure to properly disclose sponsorship identification on Facebook political advertisements does not amount to a material violation warranting further investigation since: (1) Rosemary Kaholokula was a first-time candidate for public office in 2018; (2) The Campaign was inexperienced with sponsorship identification requirements; (3) The C-4 reports for the political advertising expenditures were timely filed; and (4) Rosemary Kaholokula promptly corrected the noncompliance after the Campaign received guidance and clarification from PDC staff. PDC Staff are reminding Rosemary Kaholokula about the importance of accurately and timely disclosing sponsorship identification on political ads as required by RCW 42.17A.320 and WAC 390-18-030.

The PDC has closed the matter, and will not be conducting a more formal investigation into your complaint or pursuing further enforcement action in this case.

If you have questions, you may contact Micaiah Ragins at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s _____
Micaiah Ragins
Compliance Coordinator

Endorsed by,

/s _____
Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director

cc: Rosemary Kaholokula