

## File a Formal Complaint - Conner Edwards

**Conner Edwards** reported 4 days ago (Sat, 20 Aug at 1:46 AM) via Portal Meta

To Whom it May Concern --

I am filing a formal complaint alleging that the public agency Sound Transit violated RCW 42.17A.555 by illegally releasing an exempt list of contact information to the campaign committee "Mass Transit Now" in violation of the Public Records Act.

The improper release of this list is evidence that the government agency Sound Transit is improperly coordinating with "Mass Transit Now" committee to influence the outcome of the ST3 ballot measure.

The contact list containing 227,000 names was used to send out a mass e-mail electioneering communication from "Mass Transit Now" promoting a "yes" vote on ST3, which will be on the 2016 General election ballot.

Public agencies routinely respond to public record requests. Designated officers keep redaction logs, containing the PRA exemptions that are most applicable to the documents the agency possesses. Experienced attorneys advise staff on what information can be released and what is exempt. It is simply not conceivable that Sound Transit was not aware of the exemption in RCW 42.56.330. It is far more likely that they intentionally did not apply the exemption so as to benefit the "Mass Transit Now" campaign.

If one person among the 227,000 had not registered for the ORCA program with a separate e-mail address, it is likely that Sound Transit's violation of the law would not have been discovered. It is likely that the collaboration between Sound Transit and "Mass Transit Now" goes deeper than the violation I am currently writing about.

If passed, ST3 will dramatically increase Sound Transit's taxes in Snohomish, King, and Pierce Counties. Both the "Yes" and the "No" campaign have a right to be heard, but as a government agency, Sound Transit must stop influencing the outcome of the election with public resources.

Lori Anderson, spokeswoman for the PDC, summed up the issue well: "If there's protected records that they wouldn't give to you or I, then they shouldn't be giving those to the campaign... .. that's a restriction on using public facilities to support a political campaign's ballot initiative."

While I rely heavily on the facts written in Mr. Kamb's 8/19 article (attached), I have also made a public record request to Sound Transit for documents related to the violation I have just described. When I receive more information related to the violation, I will share it with the appropriate PDC compliance officer.

In addition to filing this complaint with the Public Disclosure Commission, I will also be notifying the Attorney General's Office and King County Prosecutor's Office pursuant to RCW 42.17A.765 (4).

I reserve the right to enforce RCW 42.17A via citizen's action in the name of the state if the Attorney General and Prosecuting Attorney fail to act within the time period prescribed by law.

Best,

Conner Edwards  
(425) 533-1677 cell



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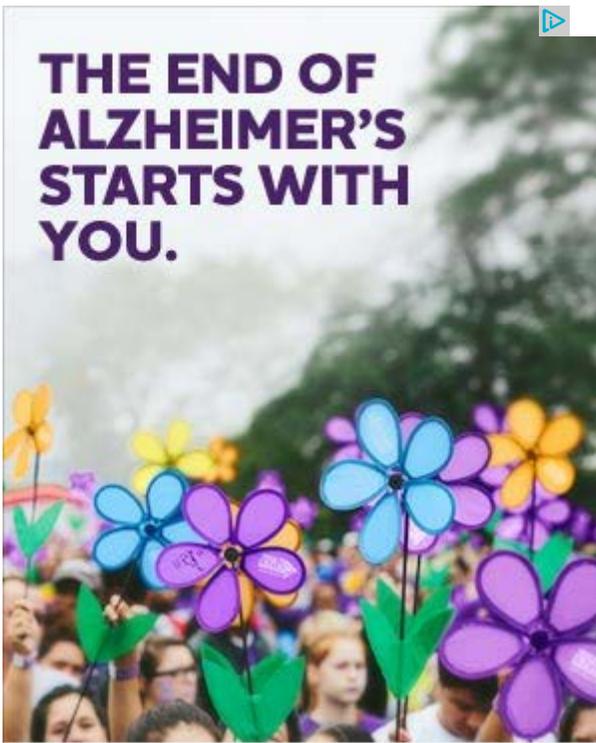
# Sound Transit improperly gave 173K ORCA card users' info to ballot measure promoters



Originally published August 19, 2016 at 8:33 pm Updated August 19, 2016 at 10:25 pm



Sound Transit's sharing of the cardholders' information with the ST3 campaign may violate two state laws. Shown is an Orca card reader in downtown Seattle. (Steve Ringman / The Seattle Times)



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**START A TEAM**

**Sound Transit acknowledged the potentially illegal email release after The Seattle Times raised questions this week. An ORCA cardholder had contacted the newspaper about an ST3 campaign email he received through an email address he said he uses exclusively with his ORCA account.**



By [Lewis Kamb](#) 

*Seattle Times staff reporter*

Sound Transit improperly gave the email addresses of nearly 173,000 ORCA cardholders to the political campaign promoting ST3, the fall ballot measure seeking to expand regional mass transit, a spokesman for the transit agency acknowledged Friday.

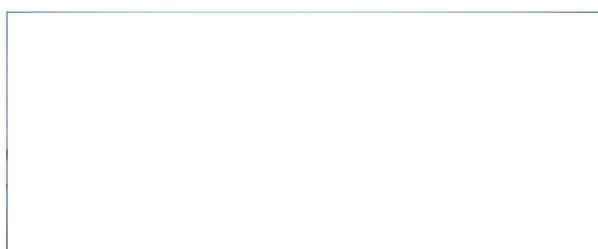
The distribution of the transit passholders' email addresses was a mistake made as part of Sound Transit's response to the Mass Transit Now! campaign's recent public-disclosure requests for the transit agency's email subscribers' lists, Sound Transit spokesman Geoff Patrick said.



"It turns out our response to the campaign was more broadly construed than it should have been," said Patrick.

Sound Transit's acknowledgment of the email release, which may be illegal, came after The Seattle Times raised questions this week. An ORCA cardholder had contacted The Times about an ST3 campaign email he received through an email address he said he uses exclusively with his ORCA account.

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Unlike other email lists that Sound Transit has, the ORCA account information gets special protection under state law.

The personal identifying information of holders of the ORCA regional transit fare cards, which Sound Transit administers for various participating transit agencies, is meant to be protected from unauthorized public disclosure, as detailed in an ORCA [privacy statement](#).

Sound Transit's sharing of the cardholders' information with the ST3 campaign may also violate two state laws — a legal provision that exempts governments in Washington from [disclosing public transit pass holders' personal identifying information](#), and another that [bars government agencies from using public resources to promote a political campaign](#).

“If there's protected records that they wouldn't give to you or I, then they shouldn't be giving those to the campaign,” Lori Anderson, spokeswoman for the state's Public Disclosure Commission (PDC), told The Seattle Times on Friday. “That's a restriction on using public facilities to support a political campaign's ballot initiative.”

Mass Transit Now received contact information from Sound Transit for about 227,000 individuals, a campaign spokesman said in an email this week. The campaign has said it used the list of addresses to send out one mass email this week promoting the \$54 billion light-rail expansion measure voters will consider on the November ballot.

“Our consultants know the rules around public disclosure and often ask for publicly disclosable lists when they are useful for outreach purposes,” said James Canning, a spokesman for Mass Transit Now!



The Seattle Times raised the issue to Sound Transit on Thursday after the ORCA cardholder contacted the newspaper. The Seattle man, who asked not to be identified, said he uses a specific email address as a contact to the ORCA program and didn't give permission for Sound Transit to share it.

On Tuesday, he received an email to that address from Mass Transit Now campaign manager Abigail Doerr.

"Hi Friend," said the email, which briefly explained the ballot measure. "You love riding transit ... Let everyone know how much you want this to happen."

The ORCA cardholder said the campaign email rankled him.

"I like having my privacy," he said. "For all I know, I might even vote for the initiative. But I think there was potentially inappropriate sharing of my personal information by a quasi-government agency."

Sound Transit has since notified the campaign and asked it to remove all the improperly sent email addresses from its files and to no longer use them, Patrick said.



Canning said late Friday the campaign planned to scrap the entire list.

“We’ve assured them that we’re not going to use those email addresses,” he said.

Sound Transit also planned to send an email Friday evening to all ORCA cardholders who were affected to explain the matter, Patrick said.

He said most of the wrongly distributed email addresses were registered to ORCA cardholders as of 2011.

The email addresses had been kept in Sound Transit’s GovDelivery system used to issue transit notifications, rider alerts and other updates — a database that also contains contact information for people who have interacted with the agency. Under state law, that information must be publicly disclosed when requested, Patrick said.

“Anybody whose email was in there only by virtue of being an ORCA customer, they shouldn’t have been there,” Patrick said. “We erroneously provided their email addresses to the campaign as part of our response to their request.”



Sound Transit's improper sharing of ORCA cardholder information marks the second time in five months that the agency likely violated state law related to the ST3 ballot measure.

A public-outreach survey distributed by the agency this year that sought feedback about Sound Transit's planned expansion used at least one question to gauge why people would be willing to vote for the ballot measure.

After the PDC said the poll likely ran afoul of state law that bars public agencies from supporting political campaigns, [Sound Transit pulled the question from the survey](#).

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