



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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October 30, 2017

marlinrefrigeration@gmail.com

Subject: Complaint regarding John Lovick, PDC Case 25904

Dear Marlin Phelps:

The Public Disclosure Commission (PDC) has completed its initial review of the complaint you filed on October 10, 2017. Your complaint alleged that John Lovick became the 44th Legislative District State Representative by appointment, two months before the 2016 primary election, and then proceeded to run as the incumbent with “re-elect” prominently displayed on several campaign signs.

PDC staff reviewed your allegations and found the following:

- John Lovick served in the legislature from January 1, 1999 until January 5, 2008, representing the 44th Legislative District, Position 2. He was reelected in 2000, 2002, 2004, and 2006. During that time, his campaign purchased signs that stated, “Reelect John Lovick.” The signs were distributed throughout the 44th Legislative District. He was elected Snohomish County Sheriff in 2007 and reelected in 2011. Mr. Lovick stated that he destroyed most of the signs related to previous legislative campaigns.
- On June 8, 2016, Mr. Lovick was appointed to fill the seat vacated by Representative Hans Dunshee, in the 44th Legislative District, Position 1. During the 2016 campaign, Mr. Lovick purchased several hundred signs that stated, “Elect John Lovick.” He said he located approximately 20 old Reelect John signs, and when old signs were used, he painted over the letters “Re” or covered over the letters with endorsement signs attached by plastic cable ties.

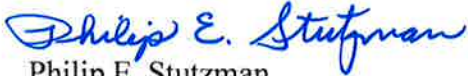
Mr. Lovick was the incumbent State Representative because he was in present possession of the office during the 2016 campaign. Therefore, there is no evidence to suggest that he violated RCW 42.17A.335(1)(b) because he did not falsely represent he was the incumbent. Even if he had falsely represented himself as the incumbent, to find a violation, staff must prove that the statement constituted libel or defamation, and the Legislature has specifically indicated in RCW 42.17A.335(3) that it is not a violation for a candidate or candidate’s agent to falsely represent that the candidate is the incumbent for the office sought because a candidate cannot defame himself or herself.

WAC 390-18-040 defines the terms “reelect,” “retain,” and “return;” however, using “reelect” instead of “retain” would not result in a violation of RCW 42.17A.335(1)(b).

Based on these initial findings, staff has determined that there is no reason to believe John Lovick has violated RCW 42.17A.335(1)(b), and no further action is required. PDC staff has closed this matter, and will not be conducting a more formal investigation into your complaint or pursuing enforcement action in this case.

If you have questions, you may contact Phil Stutzman at 360-664-8853, toll-free at 1-877-601-2828, or by e-mail at phil.stutzman@pdc.wa.gov.

Sincerely,



Philip E. Stutzman
Sr. Compliance Officer

Endorsed by,



Peter Lavallee
Executive Director

cc: John Lovick