



**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](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)**

September 12, 2019

Delivered electronically to "mcourts@dupontwa.gov"

Subject: Complaint filed by Elizabeth Elliott, PDC Case 56501

Dear Mike Courts:

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

As noted in the letter to Elizabeth Elliott, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

PDC staff is reminding you about the importance of not authorizing the use of public facilities to support or appose any candidate or ballot proposition. PDC staff expects in the future that you will remind members of the public that open public comment may not be used to support or appose election campaigns in accordance with PDC laws and rules.

If you have questions, you may contact Tabitha Townsend at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

Endorsed by,

/s

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Tabitha Townsend  
Compliance Coordinator

/s

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Barbara Sandahl  
Deputy Director  
For Peter Lavallee  
Executive Director



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September 12, 2019

Delivered electronically to “bethelliott1953@gmail.com”

Subject: Complaint regarding Mike Courts, PDC Case 56501

Dear Beth Elliott:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 15, 2019. The complaint alleged that Mike Courts, the Mayor of the City of Dupont may have violated RCW 42.17A.555 for authorizing the use of public facilities for support of election campaigns.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the response provided by the City of Dupont; to determine whether the record supports a finding of one or more violations.

Based on staff’s review, we found the following:

- Pursuant to RCW 42.17A.555 no elected or appointed official or an employee of the office or agency is allowed to authorize the use of public facilities to either support or oppose any political campaign, except that RCW 42.17A.555(3) exempts activity that is the normal and regular conduct of the agency.
- At the August 13, 2019 City Council Meeting of the City of Dupont City two candidates for election to local school board positions stood and spoke asking for support of their campaigns in the open public comments section of the meeting.
- At the beginning of the public comments section of the meeting Mayor Mike Courts, reads the city council rules for conduct during this section, including wording about use of slanderous, inappropriate or out of order statements and the council’s rights of refusal.
- PDC Interpretation 04-02, Guidelines for Local Government Agencies in Election Campaigns, sets forth activities that may be permissible as normal and regular conduct of the agency, including the use of agency meeting facilities provided, “the facility is merely a “neutral forum” where the activity is taking place, and the public agency in charge of the facility is not actively endorsing or supporting the activity that is occurring.”
- The City of Dupont’s response asserts that the public comment period of City Council meetings is covered by the meeting facilities provision in PDC Interpretation 04-02; however, this provision applies to the use or rental of facilities or equipment on a non-discriminatory or neutral basis and does not apply to meetings of the elected legislative body presided over and controlled by the City Council.
- Following the August 13, 2019 City Council meeting the City Attorney consulted with PDC staff in a good faith effort to gain guidance or clarity on RCW 42.17A.555 as applied to public comment periods and was incorrectly advised that the meeting facilities

provision of PDC Interpretation 04-02 would allow the members of the public to utilize the broadcasted open public meeting to support their own election campaigns.

- It is incumbent upon elected and appointed officials, and any public employees to prohibit public facilities from being utilized to support or oppose election campaigns.
- City officials should make clear that open public comment may not be used to support or oppose election campaigns.

Based on our findings staff has determined that, in this instance, authorizing candidates to use open public comment to support their candidacies does not amount to a violation that warrants further investigation.

PDC staff is reminding Mike Courts about the importance of not authorizing the use of public facilities to support or oppose any candidate or ballot proposition. PDC staff expects Mike Courts to remind members of the public that open public comment may not be used to support or oppose election campaigns in the future.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Tabitha Townsend at 1-360-586-4555 toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

/s

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Tabitha Townsend  
Compliance Coordinator

Endorsed by,

/s

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Barbara Sandahl  
Deputy Director  
For Peter Lavalley  
Executive Director

cc: Mike Courts