



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908  
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**Toll Free 1-877-601-2828 • E-mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)**

November 5, 2019

Delivered electronically to "[matmichel@earthlink.net](mailto:matmichel@earthlink.net)"

Subject: PDC Case 58457

Dear Mark Michel:

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

As noted below to John Patrick Kelly, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

If you have questions, you may contact Tabatha Blacksmith at 360-586-8929, toll-free at 1-877-601-2828 or by e-mail at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)

Sincerely,

/s \_\_\_\_\_  
Tabatha Blacksmith  
Compliance Coordinator

Endorsed by,

/s \_\_\_\_\_  
Barbara Sandahl  
Deputy Director  
For Peter Lavalley  
Executive Director

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November 5, 2019

Delivered electronically to "[johnpatkelly@aol.com](mailto:johnpatkelly@aol.com)"

Subject: Complaint regarding Mark Michel, PDC Case 58457

Dear John Patrick Kelly:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 3, 2019. Your complaint alleged that Mark Michel (the "Respondent") may have violated RCW 42.17A.335 and WAC 390-18-040 by using the term "reelect" in political advertising.

PDC staff reviewed your allegations; the applicable statutes, rules, and reporting requirements; and the response provided by the Respondent to determine whether they support a finding of one or more violations.

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

- The Respondent is an incumbent Key Peninsula Parks & Recreation Commissioner, position 1 and is a candidate for Key Peninsula Parks & Recreation Commissioner, position 3. The Respondent indicated he has served in position 1 for eight years.
- The Respondent distributed campaign signs and other political advertising containing the term "reelect" during the 2019 election.
- RCW 42.17A.335(1)(b) prohibits political advertising that includes a false statement of incumbency about a candidate who is not an incumbent that is made with actual malice. However, subsection (3) of .335 states that it is not a violation for a candidate or their agent to make such a statement about themselves because a person cannot defame themselves.
- WAC 390-18-040(1) states that the term "reelect" can be used when "the candidate is presently holding the office being sought, was elected to it, and is seeking another term in that same office in the same district or political subdivision." The rule is silent concerning what term(s) should be used by incumbents holding multiple positions of the same office.
- Upon being notified of the complaint, the Respondent reached out to PDC staff for guidance regarding the use of the term "reelect" in political advertising. The Respondent immediately and voluntarily altered his campaign signs to omit the term "reelect" to alleviate any concerns about their use.

- In his response to the allegations, the Respondent indicated that the Key Peninsula Parks & Recreation Commissioner positions are not defined by geographical limits within the district. Subsequently, it appears that the Commissioner positions are for offices “in the same district or political subdivision” for the purposes of WAC 390-18-040(1).

Based on these findings, staff has determined that, in this instance, the use of the term “reelect” by a position 1 incumbent candidate seeking election to position 3 of the same office does not amount to a violation warranting further investigation.

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 Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)

Sincerely,

/s \_\_\_\_\_  
Tabatha Blacksmith  
Compliance Coordinator

Endorsed by,

/s \_\_\_\_\_  
Barbara Sandahl  
Deputy Director  
For Peter Lavalley  
Executive Director

cc: Mark Michel