

Public Disclosure Commission
711 Capital Way South, #206
Olympia, WA 98504
October 30, 2019

To Whom It May Concern:

This is a complaint related to political advertising sales by Twitter, Inc. during the 2019 Washington elections. Specifically, it alleges that Twitter continues to fail to meet disclosure obligations under RCW 42.17A.345 and WAC 390-18-050.

Evidence of Political Advertising Sales

Twitter advertising purchases have been disclosed by a number of candidates over a period of years. Specifically, the following accounts and individuals have disclosed purchases in the Public Disclosure Commission reports listed:

- Question PAC, as referenced in PDC Reports 100936629, 100936628, and 100936626
- Isabelle Kerner, as referenced in PDC Report 100919486
- Joshua Freed, as referenced in PDC Report 100936493
- Mark Lindquist, as referenced in PDC Reports 100616651 and 100611783
- Michelle Hilhorst, as referenced in PDC Report 100665851
- William Bryant, as referenced in PDC Reports 100671578 and 100686000
- The Reagan Fund, as referenced in PDC Report 100701250
- Erin Aboudara, as referenced in PDC Reports 100797158 and 100802006
- Josh Colver, as referenced in PDC Report 100835936
- Chad Magendanz, as referenced in PDC Report 100874690
- Andrew Saturn, as referenced in PDC Report 100854943

Additionally, the following account and campaign has apparently purchased advertising from Twitter, though at the time I requested information from Twitter, the campaign had not disclosed these purchases in reports filed with the Public Disclosure Commission (though that has perhaps changed in filings made after my attempts to contact Twitter, as explained below).

- Grassroots Against I-1000, as Twitter user @RejectRef88, a campaign opposing Washington state ballot measure R-88/I-1000

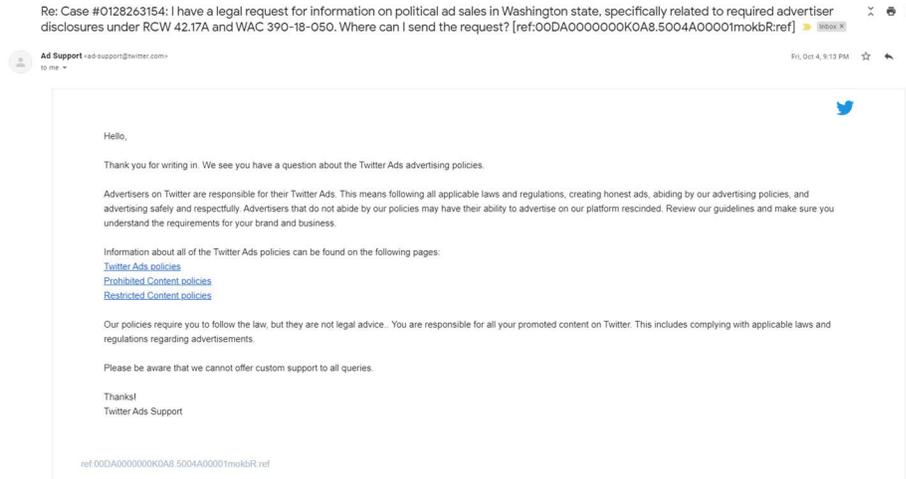
Other organizations appear to have purchased political advertising on Twitter via intermediary organizations, for example the purchases made by Western Consultants, LLC on behalf of Seattle Fire Fighters PAC for independent expenditures during the 2019 Seattle City Council race and disclosed in PDC Report 100939902.

Attempts to Inspect Records

On October 4, 2019, I requested information from Twitter about where I could send a request to inspect records under RCW 42.17A.345 and WAC 390-18-050 for the advertising described above. The request, which I made via Twitter's online support platform and which they assigned case number #0128263154, read as follows:

I have a legal request for information on political ad sales in Washington state, specifically related to required advertiser disclosures under RCW 42.17A and WAC 390-18-050. Where can I send the request?

Shortly after submitting the request, I received form email from Twitter providing me with broadly inapplicable information. An image of that email is below.



As the support platform suggested that I should expect to wait a few business days for a more complete response, I then waited before following up.

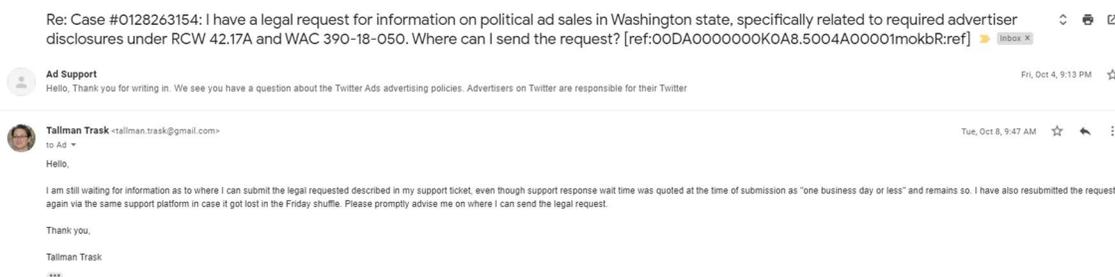
On October 8, 2019, having received no further response beyond the form email, I followed up in three specific ways. First, I submitted a second request via Twitter's online support platform. This request was assigned, by Twitter, case number #0128565655 and matched the content of the prior request. Second, I reached out to Twitter's official support channel, on Twitter; the tweet, written in the somewhat flippant tone common on Twitter, read:

Hi @TwitterSupport! Where should I send a request for public inspection, as required by RCW 42.17A.345 and WAC 390-18-050, of certain information related to political ads?

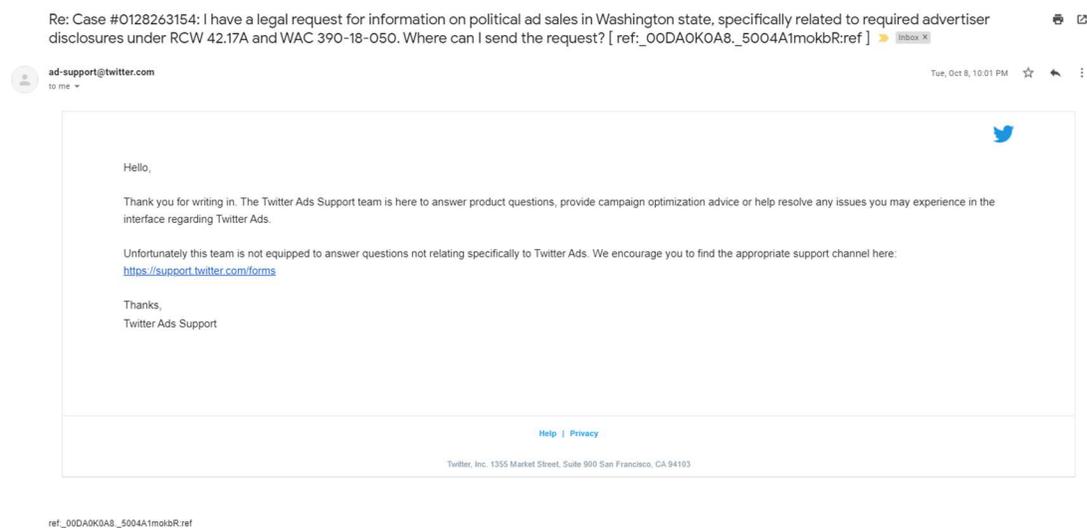
I also contacted y'all via the support platform, but I haven't gotten a response within the quoted window.

The tweet is also still publicly available on Twitter, on my account. The tweet can be viewed at the following URL: <https://twitter.com/TallmanIV/status/1181613514118418432>.

Third, I responded to the form response I had received as a result of my first attempt to contact Twitter. My email response is pictured below.



Following these follow-up attempts, I received a less formulaic response, an image of which I have included below.



The URL and link supplied in that email (<http://support.twitter.com/forms>) does not supply the requested information about where to send a request for information from Twitter. In fact, the forms available at that URL exclusively provide information about how to report violations of Twitter policy by other users, and do not reference how to request information from Twitter itself.

Given this continued lack of response supplying the requested information, on October 15, 2019 I sent, via certified priority mail, a copy of a letter requesting information under RCW 42.17A.345 and WAC 390-18-050. I have included a copy of that letter, with some personal information removed, as Addendum A. As of October 30, 2019, I have received no response to my letter.

As a result of the Twitter's unresponsiveness, it appears that Twitter, Inc. has potentially violated or is in violation of either RCW 42.17A.345, WAC 390-18-050, or both, particularly given the "promptly, upon request" requirements of the law.

While Twitter announced on October 30, 2019 that they will be, in late November 2019, banning political advertising across the platform, the ads at question here were purchased before that announcement and far before the ban will take effect. Additionally, as has been seen with similar Washington state specific bans put into place by Facebook and Google, these bans may be ineffective in creating an actual ban and, regardless of platform policies, they do not and cannot create exemptions to state law and campaign finance reporting requirements under that law.

Thank you for your continued consideration on this matter,

Tallman Trask

Addendum A

Tallman Trask



Seattle, WA 98104

October 14, 2019

Twitter, Inc.
Trust & Safety – Legal Policy
1355 Market St.
Suite 900
San Francisco, CA 94103

To Whom It May Concern:

This letter is a request for information on political advertising sold by Twitter, Inc. and related to elections in the State of Washington. Under RCW 42.17A.345 and WAC 390-18-050, ad sellers are required to maintain the information described below, and to make this information to “available for public inspection by any person, without reference to, or permission from the [Public Disclosure Commission],” the state’s campaign finance regulatory body. WAC 390-18-050 further clarifies that the information is to be supplied “[i]n person during normal business hours” and, where a the request is made electronically, “in machine readable format and structured in a way that enables the data to be fully discoverable and useable by [either] . . . digital transmission, such as email, promptly upon request” or via online publication in specified formats.

RCW 42.17A.345(1) requires companies to make available for public inspection the following: “(a)The names and addresses of persons from whom it accepted political advertising or electioneering communications; (b)The exact nature and extent of the services rendered; and (c) The total cost and the manner of payment for the services.” These records are to be maintained and open for public inspection for a period of at least five years following the election. WAC 390-18-050 further requires that digital communications platforms provide a “description of the demographic information (e.g., age, gender, race, location, etc.) of the audiences targeted and reached, to the extent such information is collected by the commercial advertiser as part of its regular course of business, and the total number of impressions generated by the advertisement of communication.” The records are to be maintained for at least three years following an election, however the regulation specifically requiring digital communications platforms to maintain these records only came into effect on December 31, 2018.

Under RCW 42.17A.345 and WAC 390-18-050, I am requesting all required information for ads purchased by the following individuals, accounts, or campaigns. Where available, I have supplied references to Public Disclosure Commission campaign finance reports associated with the ads in question, and Twitter handles of the accounts.

- Grassroots Against I-1000 (@RejectRef88), a campaign opposing a Washington state ballot measure
- Question PAC (@PacQuestion), a Washington political action committee, as referenced in PDC Reports 100936629, 100936628, and 100936626
- Isabelle Kerner (@KernerIsabelle), a former 2019 Seattle City Council candidate, as referenced in PDC Report 100919486

- Joshua Freed (@FreedForGov), a 2020 Washington gubernatorial candidate, as referenced in PDC Report 100936493
- Any additional political ads run by any of the above listed individuals or organizations while they were a candidate for office in Washington or acting as a political committee registered pursuant to RCW 42.17A or WAC 390.

Under RCW 42.17A.345, I am requesting all required information for ads purchased by the following individuals, accounts, or campaigns. I have, again, supplied references to Public Disclosure Commission campaign finance reports associated with the ads in question where available.

- Mark Lindquist, as referenced in PDC Reports 100616651 and 100611783
- Michelle Hilhorst, as referenced in PDC Report 100665851
- William Bryant, as referenced in PDC Reports 100671578 and 100686000
- The Reagan Fund, as referenced in PDC Report 100701250
- Erin Aboudara, as referenced in PDC Reports 100797158 and 100802006
- Josh Colver, as referenced in PDC Report 100835936
- Chad Magendanz, as referenced in PDC Report 100874690
- Andrew Saturn, as referenced in PDC Report 100854943
- Any additional political ads run by any of the above listed individuals or organizations while they were a candidate for office in Washington or acting as a political committed registered pursuant to RCW 42.17A or WAC 390.

I am additionally requesting information on any other political ads, purchased on or after October 14, 2014 by any individual or individual's campaign not listed above who was, at the time of purchase, a candidate for office in Washington state or subject to Washington state's campaign finance disclosure regulations under RCW 42.17A or WAC 390.

This letter serves as a follow-up request to an electronic request for information related to this same information I made on October 4, 2019 and followed up upon on October 8, 2019, via Twitter's online support platform (Case Numbers 0128263154 and 0128263154) and directed at Twitter's official support channel, @TwitterSupport (available at <https://twitter.com/TallmanIV/status/1181613514118418432>). It is a direct result of the lack of response to those requests, or the inapplicable information given in the single response received. As such, I ask that Twitter, Inc. consider the request to be an electronic request for the purposes of WAC 390-18-050 and send any responsive information to me via email at [REDACTED]; if it is not possible to supply the information electronically, I request that Twitter contact me at [REDACTED] to schedule a time where I may inspect the records in person, during regular business hours, at Twitter's Seattle offices or mutually acceptable Seattle location.

I request that Twitter supply this information to me promptly, as required by the laws referenced herein. While the law, specifically in WAC 390-18-050(4) appears to suggest that "promptly" means within twenty-four hours of receipt of the request, I consider promptly in this case to mean within five business days of receipt of this request if the responsive information is to be sent to be electronically, or in-person inspection scheduled within forty-eight hours of receipt of this letter if responsive information is not sent electronically.

Please direct any future correspondence to me via email at [REDACTED].

Thank you,

Tallman Trask

