



State of Washington  
PUBLIC DISCLOSURE COMMISSION

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June 15, 2020

The Honorable Bob Ferguson  
Attorney General  
1125 Washington St SE  
PO Box 40100  
Olympia, WA 98504-0100

RE: Referral of PDC Case 59521—*complaint filed against Twitter, Inc.*

Dear Attorney General Ferguson:

This letter shall serve, pursuant to RCW 42.17A.755 and WAC 390-37-042, as a referral of the above-cited matter, PDC Case 59521, from the PDC to your office for appropriate action under Chapter 42.17A RCW. My referral, in which Commission Chair David Ammons concurs, is based on PDC staff's assessment, including information received from the Respondent, of a complaint received by the PDC on October 30, 2019, filed by Tallman Trask IV against Twitter, Inc., as discussed herein. (Please find a copy of the complaint, along with select documents from our review process, enclosed. We would be pleased to schedule a conference with the relevant members of your staff to discuss the information gathered during our assessment.)

Mr. Trask lodged a formal complaint with the PDC alleging that Twitter did not honor his requests to inspect the company's books of account for certain political advertisements that were reported as placed through Twitter on reports of expenditures filed with the PDC (see complaint for specific sponsor and report information).

The PDC's review to date of this matter has led PDC staff to the conclusion that the additional authority, resources and penalty discretion of the Attorney General's Office under the Fair Campaign Practices Act (RCW 42.17A) are implicated and could be warranted.

In particular, I wish to draw your attention to recent correspondence received by the PDC from counsel for Twitter, Inc., on June 9, 2020, in which counsel states, in part, that due to an "engineering issue":

[A]fter Twitter decided to ban political advertisements on its platform, Twitter de-certified political advertising accounts, and these accounts no longer have funding instruments associated with them. An unintended and unanticipated consequence of this de-certification process was that data previously stored within the database was lost or irretrievably corrupted. So even if Twitter once collected billing

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names associated with these political advertisements as a part of the billing process, Twitter no longer possesses this information.

Twitter cites similar “engineering issues” for the unavailability of other information commercial advertisers are required to maintain and make available for inspection, including complete sponsor addresses, payment dates, and demographics of audiences targeted and reached. *See* WAC 390-18-050.

Twitter further states that these engineering issues are “related to Twitter’s decision to stop accepting political advertisements starting November 22, 2019,” weeks after Mr. Trask’s complaint was filed with the PDC and nearly two months after Mr. Trask alleges he initially requested to inspect Twitter’s books of account.

Based on PDC staff’s assessment of the complaint, it appears that Twitter may have committed violations of RCW 42.17A. Further, Twitter appears to have—inadvertently, the company asserts—destroyed records relevant to the inquiry and required to be maintained for no less than five years after the date of the applicable election, RCW 42.17A.345.

Because these circumstances may warrant additional authority to ensure compliance and reach an appropriate resolution, I am referring this matter to your office, pursuant to RCW 42.17A.755(4).

If you have any questions, please do not hesitate to contact me directly at (360) 664-2735.

Sincerely,

/s/ Peter Frey Lavallee

Peter Frey Lavallee  
Executive Director

cc: PDC Commissioners  
David A. Perez, Perkins Coie LLP, Counsel for Respondent  
Tallman Trask IV, Complainant