

## Complaint Description

Donald Williams (Fri, 14 Feb 2020 at 3:19 PM)

During a morning talk show that aired live over KOSW on February 6, 2020 at approximately 8:45 AM, the two host DJs were discussing the upcoming February 11, 2020 Special Election that had on its ballot a replacement levy to finance educational programs and operation expenses of North Beach School District No. 64. After describing the levy one of the DJs said, "Grab your ballots, check off the little checkbox for YES and keep our students in school." Please refer to the audio recording attached to this complaint. The 1:08 (about one minute) recording covers the end of the DJs' levy discussion. The statement described above is at the end of the recording.

The statement which aired February 6, 2020, is a blatant violation of RCW 42.17A.555 because it promoted a YES vote on a ballot proposition over the airwaves of a City-owned, operated and licensed radio station, and it was intended for a listening audience that had already received their ballots for the February 11 Special Election.

Although WAC 390-05-271(1) provides that RCW 42.17A.555 does not restrict an individual from expressing their own personal views concerning a ballot proposition, it clearly states that RCW 42.17A.555 restricts such expressions when using the facilities of a public agency. Radio station KOSW is a wholly-owned, operated and licensed facility of the City of Ocean Shores and, as such, the airing over KOSW on February 6, 2020 is a clear violation of RCW 42.17A.555. I respectfully request that the Public Disclosure Commission investigate this violation of State Law and take action that is appropriate to this violation.

## What impact does the alleged violation(s) have on the public?

KOSW is a low-power FM radio station operating on a frequency of 91.3 MHz that is wholly-owned by the City of Ocean Shores, WA and operates under a license issued in the City's name by the Federal Communications Commission. The station operates 24/7. Its coverage area is the entire City as well as areas outside the City that include listeners who are registered voters in North Beach School District No. 64. These listeners voted in the February 11, 2020 Special Election on a ballot proposition that would finance educational programs and operation expenses of the School District. Statements broadcast on KOSW the morning of February 6, 2020, five days before the Special Election at a time when listeners had already received their ballots, promoted a YES vote on the ballot proposition. Such activity violates RCW 42.17A.555 because it is an illegal use of a public agency's (i.e., the City of Ocean Shores) facilities for the purpose of promoting a ballot proposition. KOSW's listening audience that voted in the February 11 Special Election were influenced by this illegal promotion of a ballot proposition.

## List of attached evidence or contact information where evidence may be found.

Audio recording titled: Ocean Shores KOSW Radio - Feb. 6, 2020 @8:45 AM.mp3

## List of potential witnesses with contact information to reach them.

Myself. I hereby certify that I personally recorded the attached audio file on Feb. 6, 2020 and that its contents are a true recording.

## Complaint Certification:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.