



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

November 23, 2020

Delivered electronically to Gary Edwards at “garyedwards@fairpoint.net”

Subject: Complaint filed by Joe Hyer, PDC Cases 77272 & 78947

Dear Commissioner Edwards:

Below is a copy of an electronic letter sent to Joe Hyer concerning two complaints filed with the Public Disclosure Commission (PDC).

As noted in the letter to Mr. Hyer, 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.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure to disclose the required sponsor name and address in an online video advertisement produced and distributed by your 2020 campaign. Staff expects you to review all future political advertisements prior to their distribution to ensure they include the required sponsor information. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

PDC staff is also reminding you about the importance of including a complete and accurate sponsor identification on written political advertisements and the prohibitions against the use of public facilities to support or oppose election campaigns. PDC staff expects in the future that you will comply with political advertisement requirements and refrain from the prohibited use of public facilities in accordance with PDC laws and rules.

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

*Electronically signed*

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Jennifer Hansen  
Compliance Officer

Endorsed by,

*Electronically signed*

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Peter Lavalley  
Executive Director



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November 23, 2020

Delivered electronically to Joe Hyer at "joe@percivalcg.com"

Subject: Complaints regarding Gary Edwards, PDC Cases 77272 & 78947

Dear Mr. Hyer:

The Public Disclosure Commission (PDC) has completed its review of the two complaints you filed on September 18, 2020 and October 8, 2020. The complaints alleged that Gary Edwards, an incumbent Thurston County Commissioner, District 2 and candidate in the 2020 election, may have violated: (1) RCW 42.17A.320 for failure to identify the sponsor on a political advertisement video; (2) RCW 42.17A.555 by using public facilities for an election campaign; and (3) RCW 42.17A.320 for failure to disclose the sponsor's address on a political advertisement mailer.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the response(s) provided by Gary Edwards (the "Respondent"); PDC Interpretation 04-02; and the applicable PDC reports filed by the Respondent, to determine whether the record supports a finding of one or more violations.

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

- Gary Edwards (*Gary Edwards 4 Commissioner*) filed a Candidate Registration (C-1 report) on March 10, 2020, declaring his candidacy for Thurston County Commissioner, District 2 in the 2020 election, and choosing the "Full Reporting" option. On October 16, 2020, the Edwards Campaign submitted an amended C-1 report changing the committee name to *Committee to Elect Gary Edwards*.
- Mr. Edwards is a current Thurston County Commission member after being elected to the position in 2016 and previously served as the Thurston County Sheriff for 20 years.

**Summary of PDC Case #77272**

- RCW 42.17A.320 requires that political advertisements produced in the form of videos, shall include the sponsor's name and address.
- RCW 42.17A.555 prohibits the use of public facilities to support or oppose candidates, including county equipment and staff time.
- The Commission adopted PDC Interpretation 04-02, *Guidelines for Local Government Agencies in Election Campaigns*, which provides information concerning the use of public facilities including activities that are permitted or prohibited, activities which are part of the "normal and regular conduct" of the county equipment, permissible activities of local elected officials and other general considerations.

- The complaint alleged that an online video was produced by the 2020 Gary Edwards Campaign but failed to include the required sponsor information identifying who was paying for the ad.
- In addition, the complaint alleged that the online video included shots of Commissioner Edwards in his official capacity and utilized images of items owned by the county, including the name plate identifying Edwards by name and title and used during official public meetings.
- In his response, Commissioner Edwards confirmed that his campaign was indeed the sponsor of the video and apologized for the lack of sponsor identification. He stated that the videos were updated to include the proper sponsor ID as well as ensuring that all new videos contained proper sponsor information prior to their distribution.
- Regarding the improper use of public facilities, Commissioner Edwards stated that video was further edited to remove the shots originally showing the official name plate.

### **Summary of PDC Case #78947**

- RCW 42.17A.320 requires that, unless otherwise exempt, all written political advertisement shall include the sponsor's name and address.
- The complaint alleged that the 2020 Gary Edwards Campaign produced political advertisement in the form of a mailer that did not include the complete sponsor information as required by law.
- In his response, Commissioner Edwards stated that the exclusion of the campaign's mailing address of the sponsor was inadvertent, and he assured that future mailings would include the full sponsor name with address as required.
- During the review of the mailer, staff found that although the mailing address was missing from the ad, it did include the official campaign website as well as the language "Paid for by Committee to Elect Gary Edwards" making it clear to the recipient who sponsored the advertisement.

Gary Edwards is a current elected official and was re-elected in the November 3, 2020 general election. It appears that his failure to disclose a complete sponsor identification for an online political advertisement video and a mailer sponsored by his campaign, was inadvertent and not meant to conceal the sponsor from the public. Although Commissioner Edwards responded promptly to the complaint and made the necessary corrections to the online video, staff found that the limited sponsor information originally included in the online video was vague and could have been misconstrued as an independent expenditure done by a third party rather than by the Edwards Campaign.

Staff found that the lack of an address on the mailer, although required, did not generally create confusion as to the sponsor of the advertisement. However, staff noted that the sponsor name originally used on the mailer did not match the name identified on the C-1 report until the C-1 was amended.

Finally, staff found the prompt response and remedy to remove visual images of Commissioner Edwards' official Thurston County name plate from the video was sufficient in this instance.

Based on our findings staff has determined that, in this instance, failure to include the full required sponsor identification in an online video advertisement and mailer, and the limited use of an official name plate in a video advertisement, does not amount to a finding of a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), Gary Edwards will receive a formal written warning concerning failure to disclose the required sponsor name and address in an online video advertisement produced and distributed by his campaign. The formal written warning will include staff's expectation that Mr. Edwards will review all future political advertisements prior to their distribution to ensure they include the required sponsor information. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

PDC staff is also reminding Mr. Edwards about the importance of including a complete and accurate sponsor identification on written political advertisements and the prohibitions against the use of public facilities to support or oppose election campaigns, in accordance with the statutes and rules.

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 Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov).

Sincerely,

*Electronically signed*

Jennifer Hansen  
Compliance Officer

Endorsed by,

*Electronically signed*

Peter Lavallee  
Executive Director

cc: Gary Edwards