


Respondent Name
Turn Washington
Complainant Name
Judith Smriga
Complaint Description
<p>Judith Smriga (Sat, 31 Oct 2020 at 10:39 AM)</p> <p>Failure to demonstrate accuracy by implying incumbency and not specifying candidacy. TURN WA segment suggested Kevin Ballard was the incumbent and candidate shared the knowingly inaccurate caption widely.</p>
What impact does the alleged violation(s) have on the public?
<p>RCW 42.17A.335 states that “(1) It is a violation of this chapter for a person to sponsor with actual malice a statement constituting libel or defamation per se under the following circumstances: [...] (b) Political advertising or an electioneering communication that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent.”</p> <p>Kevin Ballard, a current DuPont City Council member, is a candidate for the House of Representatives in the 28th Legislative District. On September 9th, he participated in an interview with Turn Washington. In the interview, the candidate Kevin Ballard was presented in the same way as incumbent candidates interviewed by Turn WA, with his title below his name displaying “State Representative, 28th District”. By not specifying his candidacy as a challenger on the title, the piece of media implies incumbency in the same manner as actual incumbents interviewed. In addition, the interviewer at one point refers to “other” legislators, implying again that Mr. Ballard was a current one and he did not correct the interviewer. Furthermore, his campaign shared the interview via Facebook and other communications, thus acknowledging the content and his presentation as an incumbent in the title line. By not specifying his candidacy as a challenger to the incumbent office holder, the media piece implies incumbency. By intentionally sharing the interview in multiple shares, the candidate acknowledges the content, which would constitute a violation of RCW 42.17A.335.</p> <p>Kevin Ballard has shared an interview with Turn WA on his page and multiple pages with the knowledge that it implies his incumbency as State Representative of the 28th LD, and thus violated RCW 42.17A.335. This is a flagrant disregard of not claiming incumbency when one is not the incumbent.</p>
List of attached evidence or contact information where evidence may be found
<p>https://www.facebook.com/turnwashington/videos/vb.2365376440196937/964033117393581/?type=2&theater</p>
List of potential witnesses with contact information to reach them
Certification (Complainant)
<p>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.</p>

A video player interface showing a man with a mustache and goatee, wearing a plaid shirt, speaking. The background is a living room with a fireplace and a television. The video player has a green border and a white caption bar at the bottom. The caption bar contains the name 'Kevin Ballard' and his title 'State Representative, 28th District'. At the bottom of the player, there is a play button, a progress bar, a timestamp of 6:17, and icons for HD, closed captions, and volume.

Kevin Ballard

State Representative, 28th District

6:17





Turn Washington



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Kevin Ballard talks with TURN WA.

Kevin Ballard for the 28th Leg District House talks with TURN Washington about his campaign for the state representative.

Kevin discusses what's motivating him to run and why his region deserves, and needs, better representation.

To learn more about Kevin, go to ElectKevinBallard.com

750 Views



5

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Kevin Ballard for the 28th Leg District House Thank you Kelley and Turn Washington!

Like Reply 5w



2



Kevin Ballard for the 28th Leg District House



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Many thanks to my friends at Turn Washington for producing this interview and promoting common sense leadership in WA State.



Thanks for watching!

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