



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908

(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

December 18, 2020

Sent electronically to 7kelleygrace@gmail.com and turnwashington2020@gmail.com

Subject: Complaints filed by Judith Smruga, PDC Case 79581

Dear TURN Washington:

Enclosed is a copy of an electronic letter sent to Judith Smruga concerning several complaints filed October 31, 2020 with the Public Disclosure Commission (PDC) alleging violations of: (1) RCW 42.17A.320 by failing to include the complete sponsor identification for political advertising in support or opposition to any candidate or ballot proposition in Washington state; and (2) RCW 42.17A.335 for sponsoring political advertising that contained a false claim of incumbency in political advertising.

As noted in the letter below, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not be conducting a more formal investigation into these allegations or taking further enforcement action in this matter.

PDC staff is reminding TURN Washington about the importance of identifying the sponsor's name and address on any future political advertisements in accordance with PDC political advertising laws and rules, as well as the laws, rules and reporting requirements for a political committee. Specifically, you are reminded to include the words "sponsored by" when producing videos or similar content that support or oppose candidates or ballot propositions for your Facebook page, or by having the complete sponsor identification information on the items one-click away. The PDC also recommends all required sponsor identification information about the Committee be pinned to the top of a Facebook page and in its about section.

In the links provided, you can find more information on PDC laws and rules regarding [Political Committees](#) and [political advertising](#), and specifically, [online political advertising](#).

PDC staff expects in the future you will follow the PDC laws and rules regarding Political Committee reporting and political advertising. If you have questions, contact Alice Fiman toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s

Alice Fiman
Compliance Officer

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdca.wa.gov

December 18, 2020

Sent electronically to judith.smriga@gmail.com

Subject: Complaints regarding TURN Washington, PDC Case 79581

Dear Judith Smriga:

The Public Disclosure Commission (PDC) completed its review of the complaints you filed October 31, 2020. Your complaints alleged TURN Washington, an entity registered as a political committee in 2019 with the PDC, violated: (1) RCW 42.17A.320 by failing to include the complete sponsor identification for political advertising in support or opposition to any candidate or ballot proposition in Washington state; and (2) RCW 42.17A.335 for sponsoring political advertising that contained a false claim of incumbency in political advertising.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the applicable PDC reports, and the response from Kelly Payne, former Committee member of TURN Washington, to determine whether the record supports a finding of one or more violations. Based on staff's review, we found the following:

- TURN Washington (Committee) filed a Registration with the PDC in November 2019, as a continuing political committee and listed Brad Payne as Administrator, Kelley Payne as Secretary and Charlotte Benjamin as Ministerial Treasurer.
- On November 25, 2020, the Committee updated its registration to list Brad Payne as Administrator with Kelley Payne listed as Secretary and Treasurer. The Committee's most recent registration was filed December 9, 2020, and only listed Brad Payne, Committee Administrator. All three registrations disclosed the Committee was under the Full Reporting Option as a Continuing Political Committee.
- Washington state political committees that raise and spend money to influence certain elections must register and report in accordance with the Public Disclosure Law. However, if no contributions were solicited or accepted, and no expenditures were made in support of candidates or political committees, there would be no activities to report.
- The Committee has not filed any Monetary Contributions (C-3) reports or Summary Full Campaign Contributions and Expenditures (C-4) reports.

- In response to the complaint, Kelley Payne stated “I registered it with the PDC in case it ever reached the level that level and/or donations were received. That has not happened. Currently, it is merely a Facebook page with links to info and news across the state. The video was made by one person, me. It is merely a citizen's effort to share information on candidates running for office in a COVID-19 friendly manner.”
- Kevin Ballard, a 2020 candidate for the Washington State House of Representatives from the 28th District, was featured in one of the videos made by TURN Washington. Ballard was elected to the DuPont City Council in 2019, and registered with the PDC on April 1, 2020, as a first-time candidate for the Legislature. Ballard was not elected to the position.
- In response the allegation of a false statement of incumbency in political advertising, Payne stated, “The summary of the video states clearly that Kevin Ballard is "running" and "campaigning" for office.” PDC staff reviewed the video, noting there was several statements included that indicated Ballard was clearly seeking and running for the State Representative position, he was an incumbent DuPont City Council member and explained to the interviewer what motivated the run for office.
- While the text in the video stated “State Representative, 28th District” when Ballard was speaking, reviewing the content of the video in its in totality, it is clear Ballard is a current DuPont City Council member seeking the office of State Representative.
- Kelley Payne also stated there were no contributions solicited or received or expenditures made to produce the video.

Based on these findings, and the facts the advertising was clearly sponsored by the Committee and no evidence was found of any intent to conceal true sponsorship, staff has determined, in this instance, the failure to include sponsor identification does not amount a violation warranting further investigation.

PDC staff is reminding TURN Washington about the importance of identifying the sponsor's name and address on any future political advertisements in accordance with PDC laws and rules.

Based on this information, the PDC finds no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, contact Alice Fiman toll-free at 1-877-601-2828, or by e-mail fdc@fdc.wa.gov.

Sincerely,

/s

Alice Fiman
Compliance Officer

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director