



**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.pdcca.wa.gov

May 24, 2021

Sent electronically to janine.joly@kingcounty.gov and julie.wise@kingcounty.gov

Subject: Complaint filed by Stefan Sharkansky, PDC Case 87070

Dear Janine Joly, Senior Deputy Prosecuting Attorney, King County Prosecuting Attorney's Office and Julie Wise, King County Elections Director:

Enclosed is a copy of an electronic letter sent to Stefan Sharkansky concerning a complaint filed March 15, 2021 with the Public Disclosure Commission (PDC) alleging a violation of RCW 42.17A.555 by using public office or agency facilities to promote or oppose ballot propositions by making grants to organizations engaged in express advocacy.

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 reviewed the materials provided by King County Elections and the complaint and found no evidence of a misuse of public resources. PDC staff reminds you of the responsibility to monitor how public resources are expended, and suggests King County Elections review its contract language and consider requiring any prior grantees seeking another grant to affirm there was no Voter Education Fund (VEF) grant money or other public resources used to in support or opposition to any ballot propositions during the prior grant period.

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 Lavalley
Executive Director



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May 24, 2021

Sent electronically to sharkansky@gmail.com

Subject: Complaint regarding King County Elections, PDC Case 87070

Dear Stefan Sharkansky:

The Public Disclosure Commission (PDC) completed its review of the complaint you filed March 15, 2021. Your complaint alleged King County Elections violated RCW 42.17A.555 by using public office or agency facilities to promote or oppose ballot propositions by making grants to organizations engaged in express advocacy. Specifically you alleged “King County Elections, through its “Voter Education Fund” (VEF), engaged in a pattern of violations of RCW 42.17A.555, providing a total of roughly \$300,000 in public funds along with considerable staff time, which supported express advocacy for or against various ballot measures between 2018 and 2020.”

PDC staff reviewed the allegations, the materials you provided, the materials provided by the respondent, the applicable statutes and rules, and the responses from Janine Joly, Senior Deputy Prosecuting Attorney, King County Prosecuting Attorney’s Office, to determine whether the record supports a finding of one or more violations.

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

- In the written response, Joly stated “The VEF is just one of King County’s programs and initiatives designed to increase participation in elections and has a specific goal of increasing voter participation in historically excluded communities. The VEF is a partnership between King County and the Seattle Foundation with both organizations committing funding and staff to the program. In years 2018 through 2020 (and again for the 2021–22 grant cycle), grants were available to support voter education in historically excluded communities through activities involving voter registration, education and outreach, one-on-one technical assistance, and nonpartisan gatherings or ballot parties. VEF grant funds are awarded pursuant to a public request for proposals (RFP) process. The VEF RFPs clearly describe the “Fundable Activities” for which VEF moneys can be used.”
- Joly also noted “As stated in the RFPs, the eligible activities are all aimed at voter outreach, assistance and education. Where funded activities include education about what is on the ballot, the RFPs unambiguously state that such activities must be nonpartisan.”
- Joly also provided training materials provided to grant recipients, which verify the statements above.

- In response to PDC staff's inquiry of any instances of County action against any organizations who violate the requirements, Joly stated "King County Elections is unaware of any such violations and did not take action against any grantees. King County Elections also checked with Aaron Robertson who works with King County Elections' partner, the Seattle Foundation. Mr. Robertson reported that he checked in with Seattle Foundation staff and learned that there were no instances where Seattle Foundation staff was aware of misuse of grant dollars nor did Seattle Foundation staff take action formally or informally to address an instance of misuse of grant dollars. Mr. Roberson stated that the Seattle Foundation leaned heavily upfront into stressing that the grant dollars were for nonpartisan work and educating groups on what they were allowed to do versus not allowed to do. Mr. Robertson also stated that most of the front end training and guidance went to organizations that are very new to this work and were doing voter education for the first time. These were often small or grassroots groups."
- In its review of the complaint and response, PDF staff found no evidence of a misuse of public office or agency facilities to promote or oppose ballot propositions.

Based on these findings, staff has determined, in this instance, the alleged violation of RCW 42.17A.555 by using public office or agency facilities to promote or oppose ballot propositions by making grants to organizations engaged in express advocacy, does not amount to a violation warranting further investigation.

PDC staff has reminded King County Elections of its responsibility to monitor public resources, and suggests King County Elections consider reviewing its contract language to require renewing grantees to affirm there was no grant money or other public resources used in support or opposition to any ballot propositions during the prior grant period.

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 at pdcc@pdcc.wa.gov.

Sincerely,

/s

Alice Fiman
Compliance Officer

Endorsed by,

/s

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director