



State of Washington  
**PUBLIC DISCLOSURE COMMISSION**

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August 13, 2021

Delivered electronically to "stephanie.harris@32democrats.org"

Subject: Complaint regarding Neil Tibbott, PDC Case 96016

Dear Stephanie Harris:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on July 13, 2021. Your complaint alleged that Neil Tibbott falsely represented that the candidate is the incumbent for the office sought when in fact the candidate is not the incumbent.

Your allegation concerns the application of [RCW 42.17A.335\(1\)\(b\)](#) which states that it is a violation for a person to sponsor with actual malice a statement constituting libel or defamation per se, that is 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. However, [RCW 42.17A.335\(3\)](#) states it is not a violation for a candidate to make statements described in RCW 42.17A.335(1)(b) about the candidate himself or herself because a person cannot defame himself or herself, which is a requirement for finding a violation of RCW 42.17A.335(1)(b). Because of this exception, the prohibition in RCW 42.17A.335(1)(b) can only be applied to political advertising sponsored by a person other than the candidate or the candidate's committee.

PDC staff reviewed your allegations, and as a result of staff's initial review, we found the following:

- The alleged false claim of incumbency was a statement made by the candidate or the candidate's committee, which by virtue of RCW 42.17A.335(3) is not a violation of RCW 42.17A.335(1)(b) because a candidate cannot defame himself or herself.

Based on these findings, staff has determined that in this instance, the alleged false claim of incumbency does not amount to a violation of RCW 42.17A.335(1)(b) warranting further investigation.

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, you may contact Phil Stutzman at 360-664-8853, toll-free at 877-601-2828, or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov).

Sincerely,

*Electronically Signed Philip E. Stutzman*

Phil Stutzman  
Compliance Officer

Endorsed by,

*Electronically Signed Kim Bradford*

Kim Bradford  
Deputy Director  
For Peter Lavallee  
Executive Director

cc: Neil Tibbott