

State of Washington

County of Skagit

To: Washington Public Disclosure Commission

I, Michael McDaniel, affirm, depose and state as follows:

1. On or about August 1, 2024, I voluntarily caused to be erected banner signs on private property alongside Highway 20 approaching Anacortes, WA. One sign measured approximately 40' x 20', and the other 40' x 10'.
2. These signs express my personal political views and preference for candidate Fleury. They also express my opposition to Ron Wesen, whom I believe fails to operate by the rule of law.
3. I made arrangements with the landowner to use his metal containers to erect my signs. I also supplied my own high-lift equipment to install the signs.
4. I did not make these contributions to a political fund in connection with these activities. These signs and associated actions represent my personal expression of free speech.
5. As a private citizen expressing political views on private property, I believe my actions are protected forms of speech under the First Amendment to the U.S. Constitution.

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Constitutional Protection of Free Speech

No complaint of my choice of Free Speech has been made to me. Any complaint made to the PDC about my free speech expression is outside the jurisdiction of the PDC.

The Supreme Court and lower courts have consistently upheld the right of property owners to display signs on private property as a form of free speech. This principle has been firmly established through several landmark decisions:

- a) *Reed v. Town of Gilbert*, 576 U.S. 155 (2015): The Court held that content-based restrictions on signs are subject to strict scrutiny and are presumptively unconstitutional.
- b) *City of Ladue v. Gilleo*, 512 U.S. 43 (1994): The Court struck down a broad ban on residential signs, recognizing that such signs are a venerable means of communication that is both unique and important.
- c) *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981): This case established that noncommercial speech is afforded greater protection than commercial speech in the context of billboards and signs.
- d) *Members of City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984): While upholding a ban on posting signs on public property, the Court distinguished between public and private property, implying stronger protections for signs on private property.

6. I respectfully assert that my personal political expression, conducted without coordination with or contribution to a campaign, falls outside the scope of PDC regulations governing campaign finance and disclosure.

7. Washington State Law Protection of Political Speech and Signs

In addition to the protections afforded by the U.S. Constitution, my actions are further protected under Washington State law. Specifically:

- a) RCW 42.17A.555 and RCW 42.52.180 prohibit the use of public resources for political campaigns but include exceptions that protect free speech activities by private citizens.

b) RCW 29A.84.040 makes it illegal to remove or deface lawfully placed political advertising, indirectly protecting my right to display political signs on private property.

c) RCW 47.42.020 and 47.42.030, while regulating highway signage, include exceptions for temporary political campaign signs, which my signs fall under.

d) RCW 42.17A.320 requires sponsor identification on political advertising but includes exemptions that may apply to personal political expression like mine.

e) RCW 42.17A.005(40) defines "political advertising" in a way that recognizes the breadth of protected political speech.

f) RCW 42.17A.255, while addressing reporting requirements for independent expenditures, implicitly recognizes the right of individuals to engage in independent political expression.

These state laws, in conjunction with the Constitutional protections previously cited, firmly establish my right to display these signs as a form of protected political speech.

8. I respectfully assert that my personal political expression, conducted without coordination with or contribution to a campaign, falls outside the scope of PDC regulations governing campaign finance and disclosure.

I affirm that the above statement is true and correct to the best of my knowledge.

Affiant further sayeth naught.

All Rights Reserved,

Sworn Statement patterned per 28 U.S.C. 1746 (1):

"I declare under pain and penalty of perjury under the laws of the (organic) united States of America that the foregoing is true and correct to the best of my knowledge.

Executed on 9, of 10 2024.



Signed, Michael McDaniel