



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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Delivered electronically to castilloc@ballardspahr.com; dan@danbradylaw.com

Subject: PDC Case 160776 regarding Let's Go Washington Sponsored by Brian Heywood (3)

Let's Go Washington Sponsored by Brian Heywood (3):

The Public Disclosure Commission (PDC) completed its review of the complaint filed by Joe Kunzler on October 14, 2024. The complaint alleged that Let's Go Washington Sponsored by Brian Heywood (Let's Go Washington or LGW) may have violated RCW 42.17A.320(6) and RCW 42.17A.350 by failing to include required sponsor identification on political advertising.

Applicable Laws & Rules

RCW 42.17A.320(1) requires all written political advertising, whether relating to candidates or ballot propositions, to include the sponsor's name and address.

RCW 42.17A.320(6) requires that political advertising sponsored by a political committee, costing one thousand dollars or more (adjusted by rule to \$2,000 or more) supporting or opposing ballot measures, include in the sponsor identification the names of the top five contributors to the political committee, as required by **RCW 42.17A.350**.

RCW 42.17A.350 states, in part, "(1) For any requirement to include the top five contributors under **RCW 42.17A.320** the sponsor must identify the five persons or entities making the largest contributions to the sponsor in excess of the required threshold (\$2,000 since 2023) during the 12 month period preceding the date on which the advertisement is initially to be published or otherwise presented to the public. (2) If one or more of the top five contributors is a political committee, the top three non-political committee contributors to the political committee must be identified. (3) Contributions to the sponsor or a political committee that are earmarked, tracked, and used for purposes other than the advertisement in question should not be counted in identifying the top five contributors under subsection (1) of this section or the top three contributors under subsection (2) of this section."

WAC 390-18-030(3) states, in part, "Online political advertising must provide the same disclosures that apply to non-online advertising to the extent practical. As an alternative, small online advertising may provide the required disclosures by using an automatic display with the advertising that takes the reader directly to the required disclosures."

RCW 42.17A.005(15)(a)(i) defines contribution to include a “loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds, or anything of value, including personal and professional services for less than full consideration...”

Background & Findings

- Let’s Go Washington Sponsored by Brian Heywood is a political committee that was formed to support several initiatives to the Legislature during 2023, three of which appeared on the 2024 general election ballot, including I-2117, concerning the rollback of gas prices for vehicles. LGW also supported a 2024 initiative to the people concerning the use of natural gas that appeared on the 2024 ballot.
- Let’s Go Washington sponsored multiple ads supporting Initiative 2117, inviting readers to participate in gas price rollback events. For example, one of the political ads stated, *“Let’s Go Washington is rolling back the price of gas to the national average and will pay the difference on every gallon of gas purchased from 8-10 AM.”* The complaint identified several political advertising messages for the gas price rollback events posted on the social media platform X (formerly known as Twitter) that allegedly did not include proper sponsor identification. The complaint concluded by stating, *“It’s safe to say these events also did not disclose the campaign’s biggest sponsors as required under RCW 42.17A.320 and RCW 42.17A.350.”*

Sponsor Identification for Ads Sponsored by Let’s Go Washington

- LGW stated that all Let’s Go Washington advertising cited in the complaint featured a pathway to sponsor identification information. LGW asserted that its X posts qualified as “small online advertising” as identified in WAC 390-18-030(3). LGW stated that, as a method offered in WAC 390-18-030(3)(b), when a viewer clicks on an X post the viewer is taken to the LGW X homepage, whose format is determined by X with limited editability. However, the top of the page includes a link to a page on LGW’s website where its postings on X are reproduced along with full sponsor identification and other required disclosures. The Respondent stated that the pathway works for all of the posts on X that were part of the complaint.
- Staff noted that filers using X for posting political advertising can put the required sponsor identification information on the bio page of X, thus meeting the one-click requirement in WAC 390-18-030(3). (To the extent character limits could, in certain circumstances, prevent full sponsor identification in an X bio, X users can include as much information as possible in the bio and refer visitors to “pinned” posts at the top of their message feeds, immediately below the bio, with additional details.)

Top 5 Contributors and Top 3 Non-Political Committee Contributors to a Top 5 Contributor

- The complaint appears to have also alleged that the Top 5 Contributors should have included Main Street Matters to Washington, a political committee that contributed \$1,400,000 during the 12 months before the ads were presented to the public, instead of Brian Heywood who the complaint appears to state was not a Top 5 Contributor. The complaint further appears to have

alleged that the sponsor identification for the gas price rollback events failed to include the Top 3 non-political committee contributors to Main Street Matters to Washington.

- However, during the 12 months before the political ads at issue were presented to the public, Brian Heywood made monetary contributions that were loans to Let's Go Washington totaling \$1,456,000, making Mr. Heywood one of the Top 5 Contributors.
- In addition, the Respondent stated that the contributions to LGW from Mainstreet Matters to Washington were prohibited by the contributor from being used for any political advertising supporting any ballot measure other than advertising exclusively supporting I-2066, concerning the use of natural gas. Thus, its contributions could not be used for the ads cited in the complaint.
- Because none of the Top 5 Contributors for the advertisements cited in the complaint were political committees, the requirement to list the Top 3 non-political committee contributors to a Top 5 Contributor is not relevant.

Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1).

However, pursuant to WAC 390-37-060(1)(d), this letter serves as a formal warning concerning your failure to include proper sponsor identification for online advertising posted on the platform X in accordance with RCW 42.17A.320(1) and WAC 390-18-030(3), because the sponsor identification was not viewable with one click. For future online political advertising, staff expects you to make sponsor identification viewable with one click, for example, by including the sponsor identification on the bio page of X when posting future political advertising on that platform. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Phil Stutzman at 1-360-753-1111, toll-free at 1-877-601-2828 or by e-mail at pdc@pdc.wa.gov.

Sincerely,
Electronically Signed by Phil Stutzman
Phil Stutzman
Compliance Officer

Endorsed by,
Electronically signed by Peter Frey Lavalley
Executive Director

cc: Joe Kunzler