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GEGEÁU ÔVÁFGÁFKÍ ÁÚT  
S@ ÔÁÔUW@VY  
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**STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,  Plaintiff,  v.  TWITTER, INC.,  Defendant.	NO.  COMPLAINT FOR CIVIL PENALTIES AND FOR INJUNCTIVE RELIEF FOR VIOLATIONS OF RCW 42.17A
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**I. NATURE OF ACTION**

The State of Washington (State) brings this action to enforce the state’s campaign finance and disclosure law, RCW 42.17A. Defendant Twitter, Inc. (Twitter), an online social media corporation, failed to maintain and make available for public inspection documents and books of account specifying statutorily required information concerning political advertising sponsored through Twitter’s online platform. On at least one occasion, Twitter failed to timely provide access to information required by law to a member of the public. As a result, the State seeks relief under RCW 42.17A.765, RCW 42.17A.345, and WAC 390-18-050, including civil penalties, costs and fees, and injunctive relief.

**II. PARTIES**

2.1 Plaintiff is the State of Washington (State) acting through the Washington State Attorney General. Under RCW 42.17A.765, the Attorney General may bring civil actions in the

1 name of the State for violations of state campaign finance disclosure laws contained in  
2 RCW 42.17A that have been referred by the Public Disclosure Commission (Commission).

3 2.2 Twitter is an online social media corporation and social networking service  
4 headquartered in San Francisco, California. As the term is defined in RCW 42.17A.005(10),  
5 Twitter is a commercial advertiser operating in the State of Washington. It accepted  
6 compensation for the placement of political advertising on its platform.

### 7 **III. JURISDICTION AND VENUE**

8 3.1 This Court has subject matter jurisdiction over the present case, in accordance  
9 with RCW 42.17A. The Attorney General has authority to bring this action pursuant to  
10 RCW 42.17A.765.

11 3.2 This Court has jurisdiction over Twitter, a commercial advertiser conducting  
12 business in the State of Washington. Twitter offered services and received payment from persons  
13 placing political ads in Washington during each election year since 2015. The acts and omissions  
14 complained of in this complaint took place, in whole or in part, in King County.

15 3.3 Venue is proper in this Court pursuant to RCW 4.12.

### 16 **IV. FACTUAL ALLEGATIONS**

17 4.1 RCW 42.17A declares as a matter of public policy “[t]hat political campaign and  
18 lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be  
19 avoided.” RCW 42.17A.001(1). The statute further provides that the state’s campaign finance  
20 and disclosure law “shall be liberally construed to promote complete disclosure of all  
21 information respecting the financing of political campaigns . . . .” RCW 42.17A.001.

22 4.2 RCW 42.17A.005(10) defines a “commercial advertiser” as “any person that sells  
23 the service of communicating messages or producing material for broadcast or distribution to  
24 the general public or segments of the general public whether through brochures, fliers,  
25 newspapers, magazines, television, radio, billboards, direct mail advertising, printing, paid  
26 internet or digital communications, or any other means of mass communications used for the

1 purpose of appealing, directly or indirectly, for votes or for financial or other support in any  
2 election campaign.”

3 4.3 RCW 42.17A.005(40) defines “political advertising” to include “any advertising  
4 displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or  
5 television presentations, digital communication, or other means of mass communication, used  
6 for the purpose of appealing, directly or indirectly, for votes or for financial or other support or  
7 opposition in any election campaign.”

8 4.4 RCW 42.17A.005(21)(a) defines “electioneering communication” to include  
9 “any . . . digital communication . . . that: (i) Clearly identifies a candidate for a state, local, or  
10 judicial office either by specifically naming the candidate, or identifying the candidate without  
11 using the candidate’s name; (ii) Is . . . transmitted electronically or by other means . . . within  
12 sixty days before any election for that office in the jurisdiction in which the candidate is seeking  
13 election; and (iii) Either alone, or in combination with one or more communications identifying  
14 the candidate by the same sponsor during the sixty days before an election, has a fair market  
15 value or cost of one thousand dollars or more.”

16 4.5 RCW 42.17A.005(47)(a) defines “sponsor” for the “purposes of an electioneering  
17 communications, independent expenditures, or political advertising [as] the person paying for  
18 the electioneering communication, independent expenditure, or political advertising. If a person  
19 acts as an agent for another or is reimbursed by another for the payment, the original source of  
20 the payment is the sponsor.”

21 4.6 RCW 42.17A.005(39) defines “person” as “an individual, partnership, joint  
22 venture, public or private corporation, association, federal, state, or local governmental entity or  
23 agency however constituted, candidate, committee, political committee, political party,  
24 executive committee thereof, or any other organization or group of persons, however organized.”

25 4.7 RCW 42.17A.345(1) requires commercial advertisers who have accepted or  
26 provided political advertising or electioneering communications during an election campaign to

1 maintain documents and books of account that shall be open to the public for their inspection  
2 during normal business hours during the campaign and for at least five years after the date of the  
3 applicable election.

4 4.8 These documents and books of account must include “(a) [t]he names and  
5 addresses of persons from whom [the commercial advertiser] accepted political advertising or  
6 electioneering communications; (b) [t]he exact nature and extent of the services rendered; and  
7 (c) [t]he total cost and the manner of payment for the services.” RCW 42.17A.345(1)

8 4.9 RCW 42.17A.005(7)(b) similarly defines a commercial advertiser’s “books of  
9 account” as “details of political advertising or electioneering communications provided by the  
10 advertiser, including the names and addresses of persons from whom it accepted political  
11 advertising or electioneering communications, the exact nature and extent of the services  
12 rendered and the total cost and the manner of payment for the services.”

13 4.10 The Commission has promulgated regulations specifying the information that  
14 commercial advertisers must maintain and disclose as part of the “exact nature and extent of the  
15 services rendered” and how that information must be made available to the public.  
16 RCW 42.17A.005(7)(b), RCW 42.17A.345(1)(b); *see also* RCW 42.17A.110(1) (authorizing the  
17 Commission to adopt “rules to carry out the policies and purposes of this chapter”).

18 4.11 In 2018, the Commission amended its regulations to clarify that “commercial  
19 advertisers” include “internet” entities that “sell[] the service of communicating messages . . .  
20 for broadcast or distribution to the general public or segments of the general public . . . for the  
21 purpose of appealing, directly or indirectly for votes or for financial or other support in any  
22 election campaign.” Wash. St. Reg. 18-24-074, § 390-18-050, filed Nov. 30, 2018, eff. Dec. 31,  
23 2018 (amending WAC 390-18-050).

24 4.12 In its regulations, the Commission requires commercial advertisers’ books of  
25 account and related materials to be available for public inspection by any person and provided  
26 (a) in person during normal business hours; or (b) electronically, in machine readable format and

1 structured in a way that enables the data to be fully discoverable and useable by the end user:  
2 (i) by digital transmission, such as email, promptly upon request; or (ii) by online publication in  
3 one of the following formats: (A) on the advertiser’s primary website; or (B) on a website  
4 controlled by the advertiser, created for purposes of publishing the information required by this  
5 section, if a link is prominently displayed on the advertiser’s primary website directing users to  
6 the website on which the information is provided. WAC 390-18-050(3)(a)-(b).

7 4.13 The Commission also requires that information regarding political advertising or  
8 electioneering communications be made available within 24 hours of the advertisement’s initial  
9 distribution or broadcast, and within 24 hours of any update or change to such information. The  
10 information and books of account that must be maintained for open inspection pursuant to  
11 RCW 42.17A.345 are: (a) the “name of the candidate or ballot measure supported,” “opposed,”  
12 or “otherwise identified,” and whether the ad “supports or opposes the candidate or ballot  
13 measure;” (b) the “name and address” of the “sponsor[s] . . . actually paying for the advertising  
14 or electioneering communication,” including an entity’s “federal employee identification  
15 number, or other verifiable identification, if any, . . . so that the public can know who paid for  
16 the advertising or communication, without having to locate and identify any affiliated entities;”  
17 (c) the advertisement’s “total cost” or “initial cost estimate if the total cost is not available upon  
18 initial distribution or broadcast,” as well as “how much of that amount has been paid, as updated,  
19 who made the payment, when it was paid, and what method of payment was used;” and (d) the  
20 “[d]ate(s) the commercial advertiser rendered service.” WAC 390-18-050(5)(a)-(d).

21 4.14 Finally, the Commission mandates that the “exact nature and extent of the  
22 services rendered” for ads on digital communication platforms must include a “description of  
23 the demographic information (e.g., age, gender, race, location, etc.) of the audiences targeted  
24 and reached,” but only “to the extent such information is collected by the commercial advertiser  
25 as part of its regular course of business[.]” RCW 42.17A.345(1)(b); WAC 390-18-050(6)(g).

1 The records must also include “the total number of impressions generated by the advertisement  
2 [or] communication.” WAC 390-18-050(6)(g).

3 4.15 Twitter sells advertising through its advertising platform. Accordingly, Twitter is  
4 a commercial advertiser as the term is used in RCW 42.17A.

5 4.16 As a commercial advertiser, Twitter is required to comply with  
6 RCW 42.17A.345.

7 4.17 In all election years from 2012 through 2019, Twitter sold the service of  
8 communicating political advertising messages or electioneering communications on its platform.

9 4.18 Since March 2012, candidates and political committees required to file campaign  
10 disclosure reports with the Public Disclosure Commission have reported approximately  
11 \$194,550 in payments related to advertising on Twitter’s online platform, including political  
12 advertising. These payments included \$161,724 paid through political consultants and other  
13 agents or intermediaries, and \$32,824 paid directly to Twitter.

14 4.19 As an example, during 2019, the most recent election year, candidates and  
15 political committees reported making approximately \$52,016 in payments related to political  
16 advertising on Twitter’s online platform.

17 4.20 Twitter did not maintain and have available for public inspection all information  
18 required under RCW 42.17A.345 and WAC 390-18-050 of commercial advertisers for political  
19 advertising that ran on its platform and for which it accepted payment for Washington State  
20 campaigns from 2012 through 2019.

21 4.21 On October 4, 2019, Tallman Trask contacted Twitter through the company’s  
22 online support platform, seeking “information on political ad sales in Washington State,  
23 specifically related to required advertiser disclosures under RCW 42.17A and WAC 390-18-  
24 050.”

25 4.22 Twitter replied to Mr. Trask’s request with a form email that did not provide  
26 guidance about how to direct requests for information on political advertising and electioneering

1 communications. The email provided links to Twitter’s advertising policies, concluding, “Please  
2 be aware that we cannot offer custom support to all queries.”

3 4.23 On October 8, 2019, Mr. Trask followed his initial request with a Tweet directed  
4 to Twitter, a second message sent through Twitter’s online support platform, and a separate email  
5 message concerning the recordkeeping and disclosure requirements of RCW 42.17A.345 and  
6 WAC 390-18-050.

7 4.24 Twitter responded by email to Mr. Trask, but again did not provide guidance on  
8 how to direct requests for information on political advertising and electioneering  
9 communications.

10 4.25 On October 15, 2019, Mr. Trask sent a certified letter to Twitter at its corporate  
11 office in San Francisco, California requesting the information Twitter was required to maintain  
12 and disclose under RCW 42.17A.345 and WAC 380-18-050 for political advertising purchased  
13 by twelve identified Washington State candidate campaigns and political committees. To this  
14 request, Mr. Trask added a broader request for information on all political advertising on Twitter  
15 purchased since October 14, 2014.

16 4.26 On October 30, 2019, having received no response to his request for information  
17 regarding political advertising purchased on Twitter’s platform, Mr. Trask submitted a complaint  
18 to the Washington State Public Disclosure Commission (PDC), alleging that Twitter had  
19 committed violations of RCW 42.17A.345 and WAC 390-18-050.

20 4.27 Also on October 30, 2019, Twitter founder Jack Dorsey announced via a Tweet  
21 that the company would discontinue all paid political advertising on its platform.

22 4.28 The October 30, 2019, Tweet by Mr. Dorsey stated that Twitter would share its  
23 updated policy concerning political advertising by November 15, 2019, and would begin  
24 enforcing the policy on November 22, 2019.

25 4.29 The finalization date for Twitter’s new political advertising policy occurred four  
26 weeks after Mr. Trask’s October 15, 2019, request to inspect the company’s political advertising

1 books of account. The effective date of the new policy followed Mr. Trask's request by five  
2 weeks.

3 4.30 On December 13, 2019, Twitter submitted a letter via email to the PDC,  
4 responding to Mr. Trask's complaint. In its letter, Twitter stated that it had transmitted  
5 information to Mr. Trask that same day, responding to his October 15, 2019, request for  
6 information under RCW 42.17.345 and WAC 390-18-050.

7 4.31 Twitter's December 13, 2019, letter to Mr. Trask and the political advertising  
8 information provided to him that day followed his October 15, 2019, request by nearly two  
9 months.

10 4.32 In its December 13, 2019, response to the PDC, Twitter stated that the company's  
11 response to Mr. Trask included "all required information except the advertisement purchasers'  
12 addresses." The letter continued: "Due to an engineering issue related to Twitter's recent  
13 decision to stop accepting political advertisements, we are unable to provide address information  
14 for purchasers of these advertisements at this time. Twitter is working to resolve the issue and  
15 will supplement its response to Mr. Trask as soon as possible."

16 4.33 In a supplemental response to the PDC on May 11, 2020, Twitter stated that  
17 "despite several weeks of effort, Twitter was unable to overcome the engineering issues  
18 preventing it from being able to disclose the advertisement purchasers' addresses. Some of the  
19 information is simply no longer available."

20 4.34 In a supplemental response to the PDC dated June 9, 2020, Twitter stated, "We  
21 understand that the PDC seeks the names of the persons actually paying for each advertisement,  
22 not just the name of the political committee/candidate associated with each advertisement.  
23 Unfortunately, Twitter does not have this additional information. Twitter attempted to search for  
24 this information in a database containing payment information. But after Twitter decided to ban  
25 political advertisements on its platform, Twitter de-certified political advertising accounts, and  
26 these accounts no longer have funding instruments associated with them. An unintended and

1 unanticipated consequence of this de-certification process was that data previously stored within  
2 the database was lost or irretrievably corrupted. So even if Twitter once collected billing names  
3 associated with these political advertisements as a part of the billing process, Twitter no longer  
4 possesses this information.”

5 4.35 Twitter’s June 9, 2020, letter to the PDC further stated that, due to the  
6 aforementioned engineering issues, Twitter also no longer possessed the dates of payment for  
7 political advertising that previously appeared on its platform, or information concerning the  
8 demographics targeted or reached by the advertising.

9 4.36 In a letter dated June 15, 2020, PDC Executive Director Peter Lavallee referred  
10 Mr. Trask’s complaint against Twitter to the AGO for appropriate action. Mr. Lavallee’s letter  
11 stated that the referral was made pursuant to RCW 42.17A.755 and WAC 390-37-042, and came  
12 with the concurrence of PDC Chair David Ammons.

13 4.37 The PDC referral stated that based on its staff’s review of Mr. Trask’s complaint  
14 and the evidence, including the June 9, 2020, letter from Twitter, “it appears that Twitter may  
15 have committed violations of RCW 42.17A.” The referral letter continued: “Further, Twitter  
16 appears to have—inadvertently, the company asserts—destroyed records relevant to the inquiry  
17 and required to be maintained for no less than five years after the date of the applicable election,  
18 RCW 42.17A.345.”

19 4.38 With the referral letter, PDC staff enclosed the tables of political advertising  
20 information that Twitter stated it provided to Mr. Trask on December 13, 2019. These tables  
21 indicate that, according to records available to Twitter at the time, Twitter confirmed receiving  
22 payments for political advertising from the twelve campaigns identified in Mr. Trask’s  
23 complaint.

24 4.39 The tables that Twitter provided to Mr. Trask documented approximately \$45,000  
25 in payments from the twelve campaigns identified in his complaint, compensating Twitter for  
26 1,012 political advertisements posted on the company’s platform from 2014 to 2019.

1 4.40 PDC campaign finance reports and data indicate that an additional 26 candidates  
2 and political committees not implicated in Mr. Trask's complaint reported payments related to  
3 political advertising on Twitter during election years from 2012 to 2019. These additional  
4 campaigns disclosed more than \$158,000 in payments related to an unknown number of political  
5 advertisements on Twitter's platform.

## 6 V. CLAIMS

7 The State re-alleges and incorporates by reference all the factual allegations contained in  
8 the preceding paragraphs, and based on those allegations, makes the following claims:

9 5.1 First Claim: The State reasserts the factual allegations made above and further  
10 asserts that Twitter, in violation of RCW 42.17A.345 and WAC 390-18-050, failed to maintain  
11 for public inspection documents and books of account with statutorily required information for  
12 each political advertisement or electioneering communication that Twitter accepted or provided  
13 for Washington State election campaigns from 2015 to 2019. The State asserts that Twitter  
14 further violated RCW 42.17A.345 and WAC 390-18-050 by failing to timely provide all required  
15 information to Mr. Trask for the Twitter political advertisements or electioneering  
16 communications identified in his October 2019 requests.

17 5.2 Second Claim: The State reasserts the factual allegations made above and further  
18 asserts that the actions of Twitter stated in the above claims were negligent and/or intentional.

## 19 VI. REQUEST FOR RELIEF

20 WHEREFORE, the State requests the following relief as provided by law:

21 6.1 For such remedies as the court may deem appropriate under RCW 42.17A.750,  
22 including but not limited to imposition of a civil penalty, all to be determined at trial;

23 6.2 For all costs of investigation and trial, including reasonable attorneys' fees, as  
24 authorized by RCW 42.17A.780;

25 6.3 For temporary and permanent injunctive relief, as authorized by  
26 RCW 42.17A.750(1)(i);

