

**From:** Andrew Phay [APhay@whatcomcd.org] on behalf of WCD [WCD@whatcomcd.org]  
**Sent:** Thursday, February 22, 2018 4:40 PM  
**To:** WCD  
**Subject:** Whatcom CD Election - Use of your email address in 3rd party campaign mailing

February 22, 2018

Dear Whatcom County Voter:

It has come to my attention that a third party may have sent you a campaign message regarding our Board of Supervisors election using the information you provided when requesting a mail-in ballot. Please accept my sincere apology that this has happened. In setting up the mail-in ballot request system, the intention was to create a pathway that would provide more access to voting in the District elections within our limited financial resources. I did not anticipate that the information gathered would be publicly requested and used in this way, violating our promise of confidentiality to you. If I did, it would have been made clear to you before you shared your email address and phone number.

Email addresses were requested as a way to acknowledge that your ballot request was received. It was also used to notify you that the ballots had been mailed and the timeframe in which to return them. Again, the intention was to provide the best customer service and ensure access to the election process for all.

As a government agency, the District is subject to the provisions of the State of Washington Public Records Act. A request under this Act was made for our mail-in ballot request list, including email addresses. Prior to granting the request, I consulted the Washington State Conservation Commission ("WSCC") for guidance, who develops guidance and makes regulations for conservation district elections. The reply I received essentially said that the District had to provide all the information requested because it was not exempt from disclosure under the laws that govern the supervisor election. The decision to provide this list to Bruce Ayers Consulting was in accordance with the election laws. The Conservation District has no political affiliations and the election is non-partisan, therefore the action of these groups does not reflect the views of this agency.

It is also good to point out, that while this information could be used for "political purpose" it "shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value". RCW29A.08.720.

I must also share with you that I have received one additional public records requests. So, you are likely to be receiving more election related messages from third party sources. Let me apologize in advance for any further unwanted campaign emails you may receive from these entities. Though there does not appear to be anything that can be done to prevent what is happening this year, moving forward, the following steps will be taken:

- I am sending this apology and explanation to all that requested a mail-in ballot and have posted on our Facebook page with a request that folks send their comments to [wcd@whatcomcd.org](mailto:wcd@whatcomcd.org).

These will be compiled into a report for the WCD Board of Supervisors regarding the conduct of the election and recommendations for the future.

- The Washington State Conservation Commission will also be notified as to the events that have transpired. The Commission will review the conduct of the election. WSCC has the authority to take appropriate action at a state level. See <http://scc.wa.gov/elections-and-appointments/>
- The procedures and processes will be reviewed to see what steps can be taken to avoid capturing personal information such as email address and phone numbers in the future without compromising the accessibility and accuracy of the voting process.

Again, I sincerely apologize for the inconvenience and my failure to anticipate and prevent this from happening. Please call or email me with any questions or concerns.

Sincerely

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