

External Email

Joe A. Kunzler Comments for 27 July 2023 Meeting

External Email

Dear PDC;

Understand we have a new case that has been discharged with a *de facto* reminder letter in case 124679 that's relevant to my rulemaking modification request. However this missive is about the request for rulemaking modification and is intended initial public comment for 27 July's PDC meeting where by law you have to rule on the attachment and I am asking you, the Commission and Counsel, consider the wild west of cyber politics we live in today.

Addressing the Washington Territory of cyber politics

In case 124679 was this statement that if this is going to be the "clarity" I seek, I'm troubled by;

"The mere identification of himself as a candidate briefly at the beginning of his comment, while an indication the presiding officer should remain alert to any campaigning to come and be prepared to intercede, is not public agency assistance to a campaign in and of itself."

See, yours truly clips much public access TV and radio to social media to help in my issues campaigns and that of others. Somebody can literally announce being a candidate, make a speech on public access TV on an issue of public concern like a permit application or a fireworks ban, edit and post to social media, and then using those public resources of video to promote themselves.

Not to mention when I alleged early this year - and the PDC upheld that allegation in case 120879 - Tsimerman was announcing his campaign for King County Council. So I'm inclined to believe you are empathetic to my concerns why we need clarity.

Preferably clarity that does NOT, I say again, NOT turn public comment at public meetings into a recording studio for candidates. We need to realize the digital frontier of campaigning is just as wild as Washington Territory was in the 1800s.

The training you also provide is in my blunt opinion worse than inadequate and meager. It's not even building a fort for a platoon of calvary to patrol a small county. Or canoes instead of cutters for a dignified coast guard.

A clear line and a clear duty to flip a cut-off switch is going to end the weaponization of public comment - and the umpteen and one PDC complaints about the weaponization of

public comment. With the kind of meager training to handle this, it's better to have the clearest of standards for electeds, and one that upholds the *intent* of the law in stopping the next Tsimerman - or starting a penalty schedule for the next appeaser who will not uphold the law. You are NOT here to cover for elected officials, you are here to call boundaries and fouls.

So I call upon the Public Disclosure Commission to tell staff please because what's really concerning to me is that, "It's 2023 here. We need to stop the weaponization of public comment." If you cannot do this, we go to the Governor's Office.

Relevant Governor Inslee Intent

However, Governor Inslee was [very clear after Charlottesville](#);

"But speaking out against this hate is not enough. Our actions as a nation in response to racist, nationalist bigotry will speak louder.

"We can not let anyone stoke racism for political gain. We can't ignore an attack on our people. And we will not tolerate hate in any form, anywhere, in the United States of America."

We know who IS stoking racism and sexism for political gain. I'm with Governor Inslee: "We can't ignore an attack on our people. And we will not tolerate hate in any form, anywhere, in the United States of America." That who IS Avrum (Alex) Tsimerman.

You CAN do something about Tsimerman. Help me take away Tsimerman's ability to campaign during the public comment periods I campaigned to be legally guaranteed so I can help... the Governor Inslee who appointed you.

Or you can face Governor Inslee's judgment where I will argue on appeal PDC Commissioners are not keeping faith with the Governor at a time of crisis and helping me put the crisis/fire out. The choice is yours.

Oh and... Prosecute Alex Tsimerman

Oh and while we're on this subject, please instruct your Assistant Attorney General to prosecute Avrum (Alex) Tsimerman and have him arraigned. What's really concerning to me is that Tsimerman is not paying his fines, still campaigning and still hatemongering. You can take away Tsimerman's Mercedes and trust me, trust me that'll keep the faith with Governor Inslee and hit Tsimerman where it hurts. That'll answer, "What am I handing to the next guy and my kid", as they said on "The West Wing".

Because I know someone very special who arguably had to answer that question in 2019 against Tim Eyman. That very special someone handed the next guy and her daughter a Sound Transit free from his grasp by getting the voters to give a mandate to undo what will likely be Eyman's last initiative to defund transit. Heidi Ann Wills.

So be Heidi Wills. Stand up for what you believe in. Because behind you just might be our climate and the kind of state we want to live in.

I rest my case.

Thank you;

Joe A. Kunzler
growlernoise@gmail.com



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Joe A. Kunzler
Name of Organization N/A
Mailing Address _____
City Sedro-Woolley State WA Zip Code 98284
Telephone 360-499-2997 Email growlernoise@gmail.com

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: _____

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: WAC 390-05-271

- I am requesting the following change: Modification of WAC 390-05-271 (1) to make clear that public comment is NOT to be used for campaigning purposes. The presiding officer of a public meeting is to shut that down immediately. See attachment for details.
- This change is needed because: There is a need for a clear rule within the PDC's authority requiring presiding officers to shut down campaigning public comment. Sometimes campaigners go past an admonishment and keep campaigning so harm is done.
- The effect of this rule change will be: Put the impetus with clarity for and direction towards public meeting presiding officers to enforce WAC 390-05-271 + RCW 42.17A.555 more stringently or face a PDC complaint for nonfeasance.
- The rule is not clearly or simply stated: There is nothing in WAC 390-05-271 that addresses public comment, thereby creating uneven enforcement around public comment used for campaigning. This WAC modification creates that clarity.

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

- It does not do what it was intended to do.
- It is no longer needed because: _____
- It imposes unreasonable costs: _____
- The agency has no authority to make this rule: _____
- It is applied differently to public and private parties: _____
- It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____
- It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____
- Other (please explain): _____

31 May 2023

Dear Washington State Public Disclosure Commission;

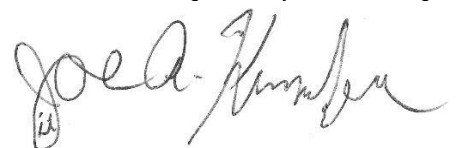
Joe Kunzler here. I understand and accept why the PDC denied my recent request for a new rule around public comment. However, I want to stress that we continue to have a strategic issue around campaigning during public comment – a problem requiring urgent *clarity* and impetus to action that guidance cannot provide.

Why? Serial candidate Avrum “Alex” Tsimerman goes to Bellevue City Council, King County Council, and Puget Sound Regional Council for starters to spew, if not campaign, almost every meeting. Tsimerman is now on the November ballot for Bellevue City Council. Hence this being time sensitive.

The rule modification I submit to you on the next page will provide clarity to a presiding officer by *requiring* the cessation of campaigning during public comment – not just admonishment. The rule clarifies that your public comment time shall be terminated immediately if you’re campaigning for yourself or another candidate – like Donald Trump – during public comment. The italics make clear that one can rebut and oppose the candidate giving public comment. Campaigning must *not* use public resources, full stop.

If necessary, I am open to a conversation about modifying this proposed rule to something the Commission can stand behind. But again, time is short to stop Tsimerman’s malicious regional outbursts – and local elected presiding officers need *clarity* to prevent further abuse of public comment.

Very respectfully.

A handwritten signature in black ink that reads "Joe A. Kunzler". The signature is written in a cursive style with a small "JA" monogram in the bottom left corner.

Joe A. Kunzler
growlernoise@gmail.com

TEXT OF PROPOSED MODIFIED RULE ON PUBLIC COMMENT & PUBLIC RESOURCES

Worth noting new text is in dark green.

Chapter 390-05 WAC

GENERAL POLICIES AND DEFINITIONS

WAC 390-05-271

General applications of RCW 42.17A.555

(1) RCW 42.17A.555 does not restrict the right of any individual to express their own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.

(a) For clarity, "Public comment" is as defined in RCW 42.30.240. Public comment is considered a public resource under "facilities of a public office or agency" under RCW 42.17A.555

(b) Public comment under RCW 42.17A.555, which when "For the purpose of assisting a campaign for the election of any person to any office or for the promotion of or opposition to any ballot proposition" –*except* public comment as a response to agenda items under RCW 42.17A.555 (1) where an agenda is defined and required under RCW 42.30.077 – is in contravention of RCW 42.17A.555. This is as when public comment is used to assist a campaign, there is little to no right of equal rebuttal nor the intention of RCW 42.30.40 to become a campaign tool.

(c) Therefore, the presiding officer shall *immediately* end the campaigner's public comment period when the campaigner declares the intent to use the public comment period as a public resource, "For the purpose of *assisting* a campaign for the election of any person to any office or for the promotion of or opposition to any ballot proposition" unless those comments are again addressing an item under RCW 42.17A.555 (1). However, one may *rebut* and *oppose* a candidate for office who is giving public comments. This rule is as these public comment periods use publicly owned transmission equipment (e.g. speakers, video cameras) to transmit in a public space.

(2) Notwithstanding (1). RCW 42.17A.555 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.