

FILED
SUPREME COURT
STATE OF WASHINGTON
7/14/2025 4:22 PM
BY SARAH R. PENDLETON
CLERK

NO. 103748-1

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

META PLATFORMS, INC., formerly doing business as
FACEBOOK, INC.,

Petitioner.

**RESPONDENT STATE OF WASHINGTON'S
SUPPLEMENTAL BRIEF**

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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	ISSUES ON REVIEW	2
III.	STATEMENT OF THE CASE.....	3
	A. The Fair Campaign Practices Act.....	3
	B. Meta Repeatedly Violated the FCPA	5
	C. The Trial Court Entered Judgment for the State and the Court of Appeals Affirmed	10
IV.	ARGUMENT	11
	A. The FCPA Comports with the First Amendment	11
	1. Exacting scrutiny applies.....	11
	2. The FCPA readily satisfies exacting scrutiny	13
	3. Meta’s burden assertions are unsupported	17
	4. <i>McManus</i> is inapposite.....	21
	B. Violations of the FCPA May Be Assessed Per Ad...	23
	C. Meta Waived Its Excessive Fines Clause Argument, Which Fails in Any Event	27
	D. The Court Should Lift the Stay of the Injunction.....	33
	E. The State is Entitled to Fees and Costs.....	33
V.	CONCLUSION	33
	APPENDIX	

TABLE OF AUTHORITIES

Cases

<i>Ams. for Prosperity Found. v. Bonta</i> , 594 U.S. 595 (2021).....	13
<i>Citizens United v. FEC</i> , 558 U.S. 310 (2010).....	12
<i>Hum. Life of Wash. Inc. v. Brumsickle</i> , 624 F.3d 990 (9th Cir. 2010)	12, 13, 15
<i>In re Tobin</i> , 165 Wn.2d 172 (2008)	28
<i>John Doe No. 1 v. Reed</i> , 561 U.S. 186 (2010).....	12, 13, 14
<i>McConnell v. FEC</i> , 540 U.S. 93 (2003), <i>overruled in part on other grounds</i> <i>by Citizens United</i> , 558 U.S. 310.....	12
<i>State v. Evergreen Freedom Found.</i> , 192 Wn.2d 782 (2019).....	13, 14
<i>State v. Eyman</i> , 24 Wn. App. 2d 795 (2022)	25
<i>State v. Grocery Manufacturers Association</i> , 198 Wn.2d 888 (2022)	29, 30
<i>State v. Grocery Mfrs. Ass’n</i> , 195 Wn.2d 442 (2020)	25
<i>State v. Meta Platforms, Inc.</i> , 33 Wn. App. 2d 138 (2024)	passim

<i>United States v. Bajakajian</i> , 524 U.S. 321 (1998).....	27, 29
<i>US W. Commc'ns, Inc. v. Wash. Utilities & Transp.</i> <i>Comm'n</i> , 134 Wn.2d 74 (1997), as amended (Mar. 3, 1998)	28
<i>Wade's Eastside Gun Shop, Inc. v. Department of Labor</i> <i>and Industries</i> , 185 Wn.2d 270 (2016)	26
<i>Washington Post v. McManus</i> , 944 F.3d 506 (4th Cir. 2019)	21, 22

Statutes

RCW 42.17A.001	24
RCW 42.17A.345(1)	3, 4, 23
RCW 42.17A.750	25, 30
RCW 42.17A.750(1)(d).....	33
RCW 42.17A.750(1)(d)(i)-(xiv).....	31
RCW 42.17A.780	31, 33
RCW 42.17A.904	24

Rules

RAP 10.3(a)(6)	28
RAP 18.1	33

Regulations

WAC 390-18-050(3)	24
WAC 390-18-050(4)	4
WAC 390-18-050(6)(g).....	5
WAC 390-18-050(7)(f)	22
WAC 390-28-050(3)(a).....	4
WAC 390-28-050(3)(b).....	4

Other Authorities

<i>About the Meta Ad Library</i> , https://www.facebook.com/business/help/2405092116183307?id=288762101909005	7, 8
Bobby Allyn, <i>Meta agrees to pay Trump \$25 million to settle lawsuit over Facebook and Instagram suspensions</i> , NPR (Jan. 29, 2025), https://www.npr.org/2025/01/29/nx-s1-5279570/meta-trump-settlement-facebook-instagram-suspensions	30
Editorial Board, <i>Don't let Facebook off the hook for political ad transparency</i> , SEATTLE TIMES (Aug. 23, 2022), https://www.seattletimes.com/opinion/editorials/dont-let-facebook-off-the-hook-for-political-ad-transparency/	22
John M. King, <i>Microtargeted Political Ads: An Intractable Problem</i> , 102 BOSTON U. LAW REV. 1129, 1131 (2022).....	6

Katie Robertson, *Meta Begins Blocking News in Canada*, N.Y. Times (Aug. 2, 2023), <https://www.nytimes.com/2023/08/02/business/media/meta-news-in-canada.html>..... 19

Meta reaches \$1.4bn settlement with Texas over privacy lawsuit, The Guardian (July 30, 2024), <https://www.theguardian.com/us-news/article/2024/jul/30/meta-settles-texas-privacy-lawsuit-user-biometric-data>..... 30

Political content, Google, <https://support.google.com/adspolicy/answer/6014595?hl=en#zippy=%2Cstate-and-local-election-ads-in-the-united-states>..... 18

Testimony of Colin Stretch, General Counsel, Facebook, Hearing Before the U.S. Senate Committee on the Judiciary Subcommittee on Crime and Terrorism (Oct. 31, 2017), <https://www.judiciary.senate.gov/imo/media/doc/10-31-17%20Stretch%20Testimony.pdf> 16

I. INTRODUCTION

Washington's Fair Campaign Practices Act has long-required commercial advertisers to disclose information about who is trying to influence Washington's elections. Newspapers, TV and radio stations, and online platforms have complied with the law without difficulty for decades, and the required disclosures do not limit, alter, or interfere with their speech in any way. These disclosures have never been more important, as foreign actors and others aggressively spread election disinformation through microtargeted and ephemeral digital media.

Meta Platforms, Inc. repeatedly and intentionally violated the FCPA by refusing to disclose information about political advertisements it sold, even though Meta maintained this information in the ordinary course of its business and is capable of disclosing it. Following extensive discovery, the trial court granted summary judgment to the State, rejecting Meta's argument that the law is unconstitutionally burdensome. The

court also imposed an appropriate civil penalty, carefully applying the text and structure of the FCPA. The Court of Appeals affirmed the judgment and penalty, closely reviewing the record and concluding that Meta's violations resulted from its corporate priorities to conceal information rather than any purported burden. The Court of Appeals also concluded that Meta failed to adequately brief whether the total penalty amount is unconstitutionally excessive, thereby forfeiting this argument, which is meritless in any event.

This Court should affirm. Meta's opposition to disclosure does not grant it an exception unique among commercial advertisers to Washington's campaign finance laws.

II. ISSUES ON REVIEW

1. The FCPA serves important governmental interests by providing voters information that educates them about their votes, and its disclosure requirements about who buys political ads and who is targeted by the ads are substantially related and

narrowly tailored to those interests. Does the FCPA satisfy exacting scrutiny?

2. The FCPA requires commercial advertisers to maintain current books of accounts and commands liberal construction of the statute. Does the FCPA permit penalties be imposed for each ad for which Meta refused to disclose full information?

3. Meta failed to adequately brief whether the civil penalty imposed is unconstitutionally excessive below. Did Meta waive this issue?

III. STATEMENT OF THE CASE

A. The Fair Campaign Practices Act

Over 50 years ago, Washingtonians passed the FCPA, to ensure transparency in the funding of Washington elections. The FCPA requires commercial advertisers that accept or provide political advertising to maintain records for those advertisements open for public inspection for five years. RCW 42.17A.345(1). These records must include “(a) [t]he names and addresses of

persons from whom it accepted political advertising or electioneering communications; (b) [t]he exact nature and extent of the services rendered; and (c) [t]he total cost and the manner of payment for the services.” *Id.*

In 2018, the Public Disclosure Commission (PDC) clarified the information that commercial advertisers must maintain and disclose, and provided flexibility in how that information may be provided. The rule permits disclosure by digital transmission, such as email, or by online publication. WAC 390-28-050(3)(a)-(b).¹

Information regarding political advertising or electioneering communications must be made available within 24 hours of the advertisement’s initial distribution or broadcast, and within 24 hours of any change to such information. WAC 390-18-050(4). For digital communications platforms, the exact nature and extent of the services rendered includes a

¹ Citations are to the 2018 WAC when Meta received the requests. *See* Appendix.

description of the demographic information of the audiences targeted and reached, to the extent such information is collected in the regular course of business. WAC 390-18-050(6)(g). The commercial advertiser must also include the total number of impressions generated by the ad or communication. *Id.*

B. Meta Repeatedly Violated the FCPA

Meta is the world's largest social media company, boasting 3.64 billion users worldwide and nearly \$118 billion in annual revenue, 98% of which comes from digital advertising. CP506-07, 550. At base, Meta is a digital commercial advertiser with access to huge swaths of behavioral and demographic data it collects from its users. CP6646, 7163-82. Meta leverages this data to sell its primary service—targeting, which Meta touts as a way for advertisers to “show your ads to people who are most likely to find your ads relevant.” CP599; *see* CP599-601, 634456, 6722-23, 7163-65. Meta allows advertisers to target their ads based on criteria such as “location, age, gender, interests, demographics, behavior and connections.” CP7164.

And over the last decade, campaigns and foreign operatives have surgically targeted voters to sow discord or depress turnout using demographic and behavioral data held by Meta. *See* John M. King, *Microtargeted Political Ads: An Intractable Problem*, 102 BOSTON U. LAW REV. 1129, 1131 (2022).

In 2018, the State sued Meta under the FCPA for the first time for failing to provide requested information about political ads hosted on its platforms. Meta entered into a stipulated judgment and paid \$200,000 in penalties. CP5956-60.

Since May 2018, Meta has voluntarily maintained an Ad Library, which digitally stores for seven years all ads Meta identifies about social issues, elections, or politics. CP5945, 5910-17, 606-07. Meta designed the Ad Library to include all advertisements, sorted by category (including one titled “issues, elections, politics”), that are displayed in the United States and in other countries. CP6641, 7000-15. The Ad Library displays different types of information for different types of ads in different locations. CP6995-97, 7327-28, 7339-48, 7366. This is,

in part, because “[r]equirements vary by country.” CP7371-76. Meta “proactively detect[s] or reactively review[s] possible social issues, electoral or political ads in 220+ countries” for compliance. CP7321-25. Meta’s “ad review system is designed to review all ads before they go live.” CP7334-37. The Ad Library displays information within 24 hours of an ad delivering its first impression (and within 24 hours of any update). CP7304-09.

Although one non-exclusive way Meta could comply with the FCPA is through its Ad Library, Meta chose not to display information required by the FCPA in the Ad Library even though it collects and retains that information in its regular course of business. CP6633 (targeting), 6635 (cost and payment data), 6637, 6640 (reach), 6647 (impressions), 6642-45. Meta intentionally omitted certain missing information from its Ad Library for strategic reasons. CP7036-50, 7051-54.²

² Meta’s Ad Library presently includes much of the required information but for other jurisdictions. *About the*

In December 2018, Meta announced that it would no longer accept ads relating to Washington elections. CP615-16. The State neither requested nor required this policy. CP6745-47, 6781. Meta half-heartedly implemented the ban, relying heavily on a keyword process and largely contracting the process to a vendor whose low-cost contract Meta repeatedly allowed to lapse. CP5998-6003, 6963-67, 6970, 6776-78, 6792-808, 6836-52, 6811-29, 6855-919, 6784-85, 7286-97. Despite its contrary public statements, Meta continued to accept Washington political ads on its platform. CP5859, 5904-06, 5966-72, 5998-6003. Meta even continued to solicit for Washington political ads during its purported ban. CP6010-11, 6015, 5937-38. And some sponsors purchased political ads on Meta unaware that any ban was in place. CP6022-26, 6038-45, 6030. From the announcement date through September 24, 2021,

Meta Ad Library, <https://www.facebook.com/business/help/2405092116183307?id=288762101909005> (disclosing payer information; ad-level targeting, including location, age, and gender; and ad reach for ads delivered to the EU).

users viewed at least 1,600 Washington political ads on Facebook. CP448-50.

Meta implemented its ban despite never analyzing how to bring its systems into compliance and never identifying the costs or technical challenges associated with compliance. CP6988-90, 6649-50, 6652, 6662, 6947-50, 6979-80, 6991-94, 7026-27, 7033-36, 7057-112. The State's expert testified that FCPA compliance is not only technically feasible and relatively inexpensive, but is precisely the sort of work data scientists and engineers employed by Meta do all the time. CP6494-589.

After seeing Washington political ads on Meta's platforms (despite the purported ban), three requestors between 2019 and 2021 made multiple inspection requests about those ads. After complaints for those violations were filed with the PDC, the PDC referred them to the Attorney General's Office. The Attorney General's Office then filed suit against Meta again.

C. The Trial Court Entered Judgment for the State and the Court of Appeals Affirmed

After extensive discovery and cross-motions for summary judgment, the trial court entered summary judgment against Meta. CP5571-79. The court ruled that Meta violated the law 822 times and imposed penalties for each violation, rejecting Meta's First Amendment defense. And because of Meta's longstanding pattern of intentional misconduct, the court trebled the judgment. The court ordered \$24.6 million in civil penalties and \$10.5 million in attorney fees and costs, and entered injunctive relief to compel Meta's future compliance with the FCPA. *Id.*

In a comprehensive decision, the Court of Appeals affirmed in full. *State v. Meta Platforms, Inc.*, 33 Wn.App.2d 138 (2024). The Court also concluded that Meta had waived any argument that the trial court penalty was unconstitutionally excessive. *Id.* at 207 n.37. This Court granted review.

IV. ARGUMENT

A. The FCPA Comports with the First Amendment

1. Exacting scrutiny applies

This Court and the U.S. Supreme Court have consistently held that disclosure laws are subject to exacting scrutiny—not strict scrutiny as Meta claims. Meta ignores a wall of precedent to argue the FCPA is subject to strict scrutiny because it is supposedly a content-based regulation that applies only to political speech. *See* Opening.Br.30-31. The Court of Appeals soundly rejected this argument and the inapposite cases on which Meta relies; none applied strict scrutiny to a disclosure requirement. *Meta*, 33 Wn.App.2d at 155-56 (“[Meta’s] argument flies in the face of each federal and state case reviewed herein, all of which dealt with ‘political topics’ and none of which deemed such a disclosure to be ‘content-based’ regulation.”).

Courts apply exacting rather than strict scrutiny because election-related disclosure requirements impose no ceiling on

campaign-related activities and do not prevent anyone from speaking. Disclosure requirements are considered a “less restrictive alternative to more comprehensive regulations of speech,” and are therefore subject to the less intense standard of constitutional review, exacting scrutiny. *Citizens United v. FEC*, 558 U.S. 310, 369 (2010). *E.g.*, *John Doe No. 1 v. Reed*, 561 U.S. 186, 196 (2010) (“We have a series of precedents considering First Amendment challenges to disclosure requirements in the electoral context. These precedents have reviewed such challenges under what has been termed ‘exacting scrutiny.’”); *Citizens United*, 558 U.S. at 366-67; *Hum. Life of Wash. Inc. v. Brumsickle*, 624 F.3d 990, 1005 (9th Cir. 2010).

Exacting scrutiny continues to apply even when disclosure requirements rest on a third party, including one that hosts political advertising. *See McConnell v. FEC*, 540 U.S. 93, 234-37 (2003), *overruled in part on other grounds by Citizens United*, 558 U.S. 310 (upholding recordkeeping and public inspection obligation imposed on third-party broadcasters under exacting

scrutiny); *Reed*, 561 U.S. at 191 (applying exacting scrutiny to uphold a Washington Public Records Act requirement that compelled the state (a neutral third party) to produce referendum petition forms revealing information about the supporters).

Exacting scrutiny applies to the FCPA.

2. The FCPA readily satisfies exacting scrutiny

Exacting scrutiny requires a law be narrowly tailored to serve a sufficiently important governmental interest. *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 608 (2021). Narrow tailoring “require[s] a fit that is not necessarily perfect, but reasonable[.]” *Id.* at 609 (citation modified). The FCPA undisputedly promotes important state interests, including “the need to timely inform the electorate about who is expending money to influence an election in our state and how that money is being spent.” *Meta*, 33 Wn.App.2d at 158. Courts routinely recognize these as important—even compelling—government interests. *E.g.*, *Brumsickle*, 624 F.3d at 1005-08; *State v.*

Evergreen Freedom Found., 192 Wn.2d 782, 799 (2019); *Reed*, 561 U.S. at 197-99.

The FCPA serves an essential role in achieving election integrity and transparency by requiring timely and detailed information disclosures about political ads, facilitating an informed electorate. The law's disclosure requirements are narrowly tailored and substantially related to these important government interests. *See* CP6344-59, 6366-67, 6369-71, 6421-29. Information about sponsorship, targeting, and reach inform voters about an ad's intent, meaning, and impact, including if the ad intends to mobilize or demobilize through tactics like fear mongering or misinformation. *Id.* The State's experts testified about the unique role of digital advertising, which can be tailored precisely and ephemerally to users based on private information the platform has. *Id.* Moreover, a message can have different meanings if targeted at different groups of people. *See* CP6604-05 (ads about women's gun programs targeted to men), 6351-52 (ads about increased Black home

ownership rates targeted to largely conservative white district), 6425-26 (ads can be used to mobilize supporters or demobilize non-supporters). Disclosure of this information allows the public to understand political ads and to see who spenders are trying to influence and permits remedial counterspeech. The FCPA reflects the importance of precisely this type of information, which provides the public “with the information with which to assess the various messages vying for their attention in the marketplace of ideas.” *Brumsickle*, 624 F.3d at 1008.

The FCPA recognizes that the public has the right to know through disclosure the communications’ sources and gives the State the ability to enforce campaign finance laws (through tracing payments and their amount and contacting sponsors). Providing access to information about who paid and how much was paid for a political ad also furthers the important interests of educating voters and preventing corruption. CP6344-59, 6366-67, 6369-71, 6421-29. This information helps voters understand who is behind a particular ad and how much money

they are spending to influence their vote. *Id.* Information about payment method also allows voters to appropriately weigh the messages they see. For example, knowing that certain ads in the 2016 election were purchased in rubles might have helped voters tell that the ads were part of a Russian election interference campaign.³

This Court should reject Meta’s arguments that the FCPA isn’t narrowly tailored. While Meta claims that some of the information it must disclose would already be disclosed by others, those other disclosures often provide no information about where or how money was spent, let alone the specific advertisement purchased. Many advertisers use intermediaries, including brokers, digital marketplaces, and advertising services, to purchase political advertisements. CP6722-23, 7115-16,

³ *Testimony of Colin Stretch, General Counsel, Facebook, Hearing Before the U.S. Senate Committee on the Judiciary Subcommittee on Crime and Terrorism (Oct. 31, 2017), <https://www.judiciary.senate.gov/imo/media/doc/10-31-17%20Stretch%20Testimony.pdf>.*

7212-20. Advertisers might not know the required information or be able to disclose it as quickly as the immediacy and flexibility of digital media advertising demands, particularly during the period when Washington voters cast their ballots. CP5329-78, 6724, 7116.

3. Meta’s burden assertions are unsupported

This Court should reject Meta’s First Amendment defense and the purported undue burden it claims. The Court of Appeals deemed that contention “speculative” and lacking “specificity” despite years of discovery. *Meta*, 33 Wn.App.2d at 173-74 (citation omitted). Based on its scrupulous review of the record, the court explained: “Meta’s argument fails to quantify how ‘significant’ the revisions to the algorithm would be, how much more ‘time and resources’ it would take for human review, or even how much any change in its practices would cost.” *Id.* at 173. This close review of the record showed that “none of Meta’s cited evidence indicates that it cannot comply[.]” *Id.* at 174.

Meta’s contention that it is too difficult to determine what constitutes a Washington political ad is untenable. Meta’s own ad policies and use of political advertisement categories in its Ad Library demonstrate that Meta already knows how to *and does* identify political ads. Meta’s broader definition for “issues, elections, [and] politics” includes Washington political ads, which means that Meta could easily disclose required information that it already collects for a broader set than technically required. CP7371-76.

Meta also argues the FCPA is unconstitutional as applied to it—pointing to its own business decision to stop selling Washington political ads.⁴ But this is Meta’s playbook when it disagrees with laws it does not want to follow. For example,

⁴ Meta points to Google’s decision to no longer sell Washington political ads, Pet.9, but never developed a record explaining Google’s decision. Meta also omits that Google does not permit state or local political ads in several states, including Idaho, Maryland, Nevada, and New Jersey. *Political content*, Google, <https://support.google.com/adspolicy/answer/6014595?hl=en#zipy=%2Cstate-and-local-election-ads-in-the-united-states>.

when Canada passed a law requiring platforms to pay news outlets for content shared, Meta chose to block access to news rather than pay news outlets. Katie Robertson, *Meta Begins Blocking News in Canada*, N.Y. Times (Aug. 2, 2023), <https://www.nytimes.com/2023/08/02/business/media/meta-news-in-canada.html>. And the implication that the FCPA is somehow impossible to comply with is belied by the reality that Washington newspapers, TV stations, and radio stations have complied for decades and continue to sell political advertising.

The record here made clear that Meta chose not to comply with the FCPA because it was inconsistent with its own stated priorities—not because the law is overly burdensome. CP663-64; *see Meta*, 33 Wn.App.2d at 174. One way Meta could comply with the FCPA is through its Ad Library by creating additional fields to display information it collects in the regular course of business (and thus required by the FCPA) not currently in the Ad Library. Meta’s reason for omitting this information is that it

does not “want to let the public see how the sausage is made,”⁵ *id.*, and further because it would conflict with Meta’s goal to provide uniform information about political ads at a country—rather than state—level. *See* CP6654-55 (Meta’s CR 30(b)(6) witness).

Yet Meta has shown a willingness and ability to conform to the ad transparency laws of other jurisdictions. Meta has tailored its Ad Library in other countries to comply with specific legal requirements (*e.g.*, Canada, France, and India). CP5931, 5933-36, 6289-91. And instead of withdrawing from the digital advertising market in the European Union, Meta is complying with the Digital Services Act by expanding its Ad Library. *See supra* n.2.

Meta’s contention that it was forced to ban political advertising in Washington is further belied by the fact that Meta

⁵ This is underscored by Meta’s intentional violations of the FCPA by manually redacting required targeting data for political ads from its disclosures. CP6167, 6111-15, 6123-29, 5861-62, 5932, 5986-95.

endorsed federal legislation, the Honest Ads Act, which contains many of the same recordkeeping and inspection requirements set forth in Washington’s law. *See* CP7251-52.

In sum, the State maintains an important interest in ensuring transparency in elections, the FCPA has been carefully crafted to promote that purpose, and Meta failed to put forward material facts to support its purported burdens.

4. *McManus* is inapposite

Meta relies heavily on *Washington Post v. McManus*, 944 F.3d 506 (4th Cir. 2019), but that case does not control. As the Court of Appeals noted, *McManus* was predicated in part on the challenged Maryland law forcing *news outlets* to publish certain information on their websites; the law set forth no discernable limits on the ability of government to supervise operations of newsrooms. *Meta*, 33 Wn.App.2d at 183.

In contrast, “Meta differs significantly from a newspaper” because Meta does not “exercise[] editorial control over the content” and as such Washington’s law with respect to Meta

involves “[n]o such editorial entanglement” *Id.* at 183-84. Moreover, the FCPA, unlike the Maryland statute in *McManus*, does not compel any public display by newspapers or any other entity, but instead allows a variety of options for sharing required information with individual requestors. *See id.*; WAC 390-18-050(7)(f). Meta’s comparison is especially inapt given that Washington newspapers and broadcast stations without Meta’s resources have long-complied with the law. *See* Editorial Board, *Don’t let Facebook off the hook for political ad transparency*, SEATTLE TIMES (Aug. 23, 2022), <https://www.seattletimes.com/opinion/editorials/dont-let-facebook-off-the-hook-for-political-ad-transparency/> (“If the state’s local newspapers, television stations and radio broadcasters—often operating with small staff on shoestring budgets—can faithfully carry out their responsibilities under the law, surely a company that employs more than 83,500 people and counts revenues by the billions can do the same.”).

B. Violations of the FCPA May Be Assessed Per Ad

The superior court assessed a violation for each ad that Meta failed to maintain or provide required records about, rather than limit the violations to just one per request regardless of the numbers of ads involved. The trial court was correct to find Meta violated the law 822 times, covering the ads within the 12 requests for which full information was not disclosed. The trial court's finding is supported by text, the statutory scheme as a whole, and common sense.

First, the FCPA's text requires preservation of information about each ad, regardless of whether that information is ever requested or how many times it is requested. For example, the law requires commercial advertisers to "maintain *current* books of account and related material[]" that shall remain "open" for public inspection. RCW 42.17A.345(1) (emphasis added). This obligation does not contain any requirement that anyone actually requests to inspect such records. *See Meta*, 33 Wn.App.2d at 197. The PDC's regulation further stresses this requirement by

requiring current books of account to “be updated within 24 hours of the time when an advertisement or communication initially has been publicly distributed or broadcast[.]” WAC 390-18-050(3). The FCPA also requires that commercial advertisers be prepared to share this information with the PDC, “even if the PDC never actually demands such records or requests.” *Meta*, 33 Wn.App.2d at 197 (citing RCW 42.17A.345(2)). Thus, as the Court of Appeals explained, the plain language of the FCPA places “discrete serial obligation[s]” on commercial advertisers to ensure they preserve and maintain records for inspection for political ads—which is “distinct from any individual request for such disclosure” *Id.*

Second, the FCPA commands that its provisions be “liberally construed” “so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected.” RCW 42.17A.001; *see also* RCW 42.17A.904. Washington courts routinely apply liberal construction to interpret the FCPA.

See State v. Grocery Mfrs. Ass’n, 195 Wn.2d 442, 454 (2020) (*GMA I*); *State v. Eyman*, 24 Wn.App.2d 795, 817 (2022). The Court of Appeals was right to conclude that assessing penalties per ad best furthers the FCPA’s purposes. *Meta*, 33 Wn.App.2d at 197-98.

In its Petition, Meta put forward an inapt hypothetical, comparing a newspaper that refuses one hundred requests for information about the same highly inflammatory ad to a digital platform refusing to respond to one request seeking sponsor mailing information on multiple ads. *See* Pet.23-24. But this hypothetical ignores the discretion trial courts have to impose a range of penalties and determine whether violations are intentional. *See* RCW 42.17A.750. The more relevant hypothetical is where a requestor makes a consolidated request for all required information to a digital platform for 100 ads and makes a later request for one ad, and the advertiser failed to provide targeting information for both requests. Under Meta’s proposed interpretation, each failure would require the same

penalty. Yet in the former scenario, “a requestor would need only file a separate request for each individual advertisement, which would easily circumvent Meta’s proposed legislative intent.” *Meta*, 33 Wn.App.2d at 198-99.

Below, Meta argued for penalties per request, pointing to a public records decision from this Court that explained the state’s Public Records Act does not require the imposition of per-record penalties. *See* Reply.Br.33-34 (discussing *Yousoufian v. Off. of Ron Sims*, 152 Wn.2d 421 (2004)). But this Court has emphasized the broad discretion trial courts have to fashion penalties under that law. For example, in *Wade’s Eastside Gun Shop, Inc. v. Department of Labor and Industries*, this Court held the PRA allows trial courts to impose penalties calculated on a *per page* basis. 185 Wn.2d 270, 275 (2016).

The trial court’s imposition of penalties per ad is justified by statutory text and implementing regulations and the statutory scheme as a whole.

C. Meta Waived Its Excessive Fines Clause Argument, Which Fails in Any Event

Meta waived its argument that the trial court's penalty violated the Excessive Fines Clause, as the Court of Appeals correctly determined. *Meta*, 33 Wn.App.2d at 207 n.37. This Court should consider the issue no further.

Below, Meta failed to identify this issue as pertaining to an assignment of error. *See* Opening.Br.8-10. Meta's 75-page opening brief gave a three-sentence nod to the Excessive Fines Clause by cursorarily citing *United States v. Bajakajian*, 524 U.S. 321 (1998). *Id.* at 73-74. Meta failed to include any specific discussion of the two principles and four factors analyzed in *Bajakajian* or any application of the facts of this case to those principles and factors. *Id.* And when the State pointed this waiver out, Meta wholly ignored the Excessive Fines Clause issue on reply, devoting zero words to it. *See* Resp't's.Br.74-76; *see generally* Reply.Br.

Given Meta’s “[p]assing treatment of an issue” and “lack of reasoned argument,” the Court of Appeals was right to consider the argument no further. *Meta*, 33 Wn.App.2d at 207 n.37 (citation omitted); *see also* RAP 10.3(a)(6) (an appellant’s brief should contain “argument in support of the issues presented for review, together with citations to legal authority and references to relevant parts of the record”). This Court should not countenance Meta’s strategic decision not to adequately brief the issue on appeal and should likewise deem it waived. *Cf. In re Tobin*, 165 Wn.2d 172, 175 n.1 (2008) (noting this Court will not consider issues not raised in the Court of Appeals); *US W. Commc’ns, Inc. v. Wash. Utilities & Transp. Comm’n*, 134 Wn.2d 74, 112 (1997), *as amended* (Mar. 3, 1998) (“Only issues raised in the assignments of error, or related issues, and argued to the appellate court are considered on appeal.”) (citation omitted).

But even if Meta had preserved its Excessive Fines Clause challenge, this Court should reject it. The penalty imposed

against Meta accords with precedent from this Court. The penalty imposed against Meta accords with precedent from this Court.

First, the trial court's assessment of the maximum statutory penalty against Meta for intentionally violating the FCPA over 800 times is consistent with controlling precedent. This Court rejected an excessive fines challenge to an \$18 million campaign finance penalty in *State v. Grocery Manufacturers Association*, 198 Wn.2d 888 (2022) (*GMA II*). In that case, this Court applied the principles and factors identified in *Bajakajian*, 524 U.S. 321, to hold that the penalty was not grossly disproportionate to the defendant's conduct. This Court gave significant weight to the importance of open and transparent elections served by Washington campaign finance laws—undermined by the defendant's intentional misconduct—and that the penalties assessed fell within the amount authorized by the Legislature. *GMA II*, 198 Wn.2d at 899-907; *id.* at 905 (courts must “give considerable deference to the legislature's judgment on damages”). Additionally, this Court considers the defendant's

ability to pay the penalty, which is obviously not a concern here. *Id.* at 899; *see* CP506-07 (Meta made \$115 billion in advertising revenue in 2021 alone).⁶ The same considerations in *GMA II*—again, unbriefed by Meta below—warrant rejecting Meta’s argument.

Second, the trial court did not abuse its discretion in setting the top-of-the range penalty and trebling it. The penalty reflected Meta’s intentional and repeated violations of the law. *Meta*, 33 Wn.App.2d at 201-07.

RCW 42.17A.750 authorizes courts to assess a base civil penalty against violators of *up to* \$10,000 for each FCPA violation. To decide the penalty assessed for each violation, the

⁶ Recent settlements further emphasize Meta’s ability to pay. *E.g.*, Bobby Allyn, *Meta agrees to pay Trump \$25 million to settle lawsuit over Facebook and Instagram suspensions*, NPR (Jan. 29, 2025), <https://www.npr.org/2025/01/29/nx-s1-5279570/meta-trump-settlement-facebook-instagram-suspensions>; *Meta reaches \$1.4bn settlement with Texas over privacy lawsuit*, The Guardian (July 30, 2024), <https://www.theguardian.com/us-news/article/2024/jul/30/meta-settles-texas-privacy-lawsuit-user-biometric-data>.

law sets out that courts may consider “the nature of the violation and any relevant circumstances” and lists several factors, like the party’s compliance history, experience with campaign finance law, and good faith efforts to comply with the law. RCW 42.17A.750(1)(d)(i)-(xiv) (fourteen non-dispositive factors). A court can further treble the penalty if the violation is intentional. RCW 42.17A.780.

The trial court did not abuse its discretion in imposing the maximum penalty for Meta’s 822 violations. The court considered Meta’s history of violating the FCPA; Meta’s experience and sophistication with campaign finance requirements; the scope of Meta’s campaign finance activity; Meta’s lack of good faith efforts to comply and lack of demonstrated desire to take responsibility for its violations; and other factors unique to Meta and its unlawful conduct in this case, including Meta’s steadfast refusal to even try to comply with the law. *See Meta*, 33 Wn.App.2d at 203; CP5572-77.

The trial court was also right to treble the penalties for Meta’s intentional misconduct. While this case was with the trial court, Meta instituted a new process for handling inspection requests made under the FCPA. *Meta*, 33 Wn.App.2d at 206; CP5972-77, 5983-85, 6236-37. This process, facilitated by Meta’s outside counsel, limited requests to one year and required requestors to certify they are Washington residents. CP5977-79, 5983-85, 6236-37. “These limitations plainly violate the disclosure law, which has no such temporal restrictions” *Meta*, 33 Wn.App.2d at 206.

Meta also took pains to manually redact required information from the records it provided in response to requests. *See id.* at 206-07. Meta completely elides that despite using its outside counsel as conduits, Meta still refused to comply fully with the FCPA—taking months to provide incomplete responses, manually redacting location-targeting information, and omitting sponsor information in its responsive records. *See* CP6167, 6111-15, 6123-29, 5861-62, 5932, 5986-95.

The trial court considered the unique facts of Meta's misconduct to appropriately impose penalties.

D. The Court Should Lift the Stay of the Injunction

After affirming, the Court should lift the stay of the permanent injunction imposed by the trial court under RCW 42.17A.750(1)(d), which requires Meta to come into compliance with the FCPA.

E. The State is Entitled to Fees and Costs

This Court should award the State reasonable attorney fees and costs on this appeal pursuant to RCW 42.17A.780 and RAP 18.1.

V. CONCLUSION

There is no basis to read the FCPA to exempt Meta, and Meta's repeated and intentional misconduct warranted the penalty imposed. This Court should affirm.

This document contains 4,998 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 14th day of
July 2025.

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 14th day of July 2025, at Tacoma, Washington.

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Appendix

Chapter 390-18 WAC

POLITICAL ADVERTISING

WAC

390-18-010	Sponsor identification of advertising, political advertising, electioneering communications, and independent expenditures.
390-18-020	Advertising—Political party identification.
390-18-025	Advertising—Identification of "top five contributors."
390-18-027	Definition—Medium that does not include a visual image.
390-18-030	Advertising—Exemptions from sponsor identification and alternatives for online advertising.
390-18-040	Use of the terms "reelect," "retain," and "return."
390-18-050	Commercial advertisers—Public inspection of records.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

390-18-015	Online political advertising. [Statutory Authority: RCW 42.17A.110 and 42.17A.320. WSR 13-12-017, § 390-18-015, filed 5/24/13, effective 6/24/13.] Repealed by WSR 18-24-074, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304.
390-18-060	Electioneering communication reporting threshold and sponsors. [Statutory Authority: RCW 42.17.130 and 42.17.093. WSR 12-01-047, § 390-18-060, filed 12/14/11, effective 1/14/12. Statutory Authority: RCW 42.17.370 and 42.17.562. WSR 06-11-132, § 390-18-060, filed 5/23/06, effective 6/23/06.] Repealed by WSR 18-24-074, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(1) and 2018 c 304.

WAC 390-18-010 Sponsor identification of advertising, political advertising, electioneering communications, and independent expenditures. (1) For the purposes of chapter 42.17A RCW and Title 390 WAC:

(a) "Sponsor of political advertising, electioneering communication, or independent expenditure" is, as used in the act and in these rules, and defined in RCW 42.17A.005.

(b) Unless the context clearly provides otherwise, "advertising" or "advertisement" means political advertising, independent expenditures that are for political advertising and/or electioneering communications subject to the provisions of chapter 42.17A RCW and as defined in RCW 42.17A.005 or 42.17A.255.

(2) All advertising shall clearly state, in an area set apart from any other printed matter, that it has been paid for by the sponsor (Example: (1) Paid for by the XYZ committee, mailing address, city, state, zip code; (2) Vote for John Doe, paid for by John Doe, mailing address, city, state, zip code). Additional requirements apply for the following:

(a) Political committees that sponsor political advertising costing or having a fair market value of one thousand dollars or more supporting or opposing a ballot measure must clearly identify the "top five contributors" to that political committee pursuant to WAC 390-18-025.

(b) Advertising undertaken as an independent expenditure or electioneering communication shall comply with the "no candidate authorized this ad" sponsor identification and, if relevant, the "top five contributors" and identification of the individual, corporation, union, association, or other entity

that established, maintains, or controls the sponsoring political committee provisions of RCW 42.17A.320.

(c) Political committees that sponsor independent expenditure or electioneering communication printed advertising are required to identify the "top five contributors" to that political committee pursuant to WAC 390-18-025. This requirement does not apply to bona fide political parties sponsoring independent expenditures.

(3) Required sponsor identification shall be displayed in printed advertisements:

(a) In an area set apart from other printed matter;

(b) On the first page or fold of advertising consisting of more than one page that is intended to be presented as a single item (e.g., 3-page letter with return envelope). Identification on an enclosed return envelope or the envelope in which the advertising is sent is not sufficient;

(c) By respective sponsor on advertising which is a collection of several items relating to more than one candidate or committee and distributed simultaneously.

(4) Required sponsor identification shall be clearly identified or spoken in advertising on radio, by telephone, or on television.

(5) Required sponsor identification shall be clearly identified, spoken or displayed on advertising on web sites, social media and other digital communication. Political committee web sites and other online forums created by a political committee must include sponsor identification.

(6) With advertising for which no payment is demanded or for which a cost or fair market value is not readily ascertainable, the sponsor is the candidate, political committee or person who solicits or arranges for the advertising to be displayed, disseminated or broadcast.

(7) If more than one person sponsors specific advertising, the identity of each sponsor must be identified. However, if a person contributes in cash or in-kind to a candidate or political committee to assist in paying the cost of advertising, that person is not deemed a sponsor provided the contribution is not earmarked for the advertising and is reported in accordance with applicable provisions of chapter 42.17A RCW and Title 390 WAC.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-18-010, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110 and 42.17A.320. WSR 13-12-015, § 390-18-010, filed 5/24/13, effective 6/24/13. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-18-010, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 11-05-051, § 390-18-010, filed 2/10/11, effective 3/13/11. Statutory Authority: RCW 42.17.370 and 42.17.562. WSR 06-11-132, § 390-18-010, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370. WSR 03-12-034, § 390-18-010, filed 5/29/03, effective 6/29/03. Statutory Authority: RCW 42.17.370(1). WSR 00-22-055, § 390-18-010, filed 10/27/00, effective 11/27/00. Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-18-010, filed 7/30/93, effective 8/30/93. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-18-010, filed 7/9/85.]

WAC 390-18-020 Advertising—Political party identification. (1) RCW 42.17A.320 requires sponsors of electioneering communications identifying a candidate or advertising supporting or opposing a candidate to clearly identify the candidate's political party or independent status in the advertising when the candidate has expressed a party or independent preference on the declaration of candidacy.

(2) To assist sponsors in complying with this requirement, the commission shall publish a list of abbreviations or symbols that clearly identify political party affiliation or independent status. These abbreviations may be used by sponsors to identify a candidate's political party.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-18-020, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-18-020, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370 and 42.17.562. WSR 06-11-132, § 390-18-020, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). WSR 99-12-067, § 390-18-020, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370. WSR 93-16-064, § 390-18-020, filed 7/30/93, effective 8/30/93. Statutory Authority: RCW 42.17.370(1). WSR 85-15-020 (Order 85-03), § 390-18-020, filed 7/9/85.]

WAC 390-18-025 Advertising—Identification of "top five contributors." (1) For purposes of RCW 42.17A.320 (2), (4), (5) and (6), "top five contributors" means the five persons, as defined in RCW 42.17A.005, giving the largest aggregate contributions exceeding seven hundred dollars during the twelve-month period preceding the date on which the advertisement is published or otherwise presented to the public. If more than five contributors give an amount equal to the largest aggregate contribution exceeding seven hundred dollars and the funds are received during the relevant twelve-month period, the political committee sponsoring the advertisement shall select five of these contributors to identify as the top five contributors.

(2) If a political committee keeps records necessary to track contributions according to the use intended by contributors, and the committee subsequently makes independent expenditures for advertisements supporting or opposing a candidate or slate of candidates or an electioneering communication identifying a specific candidate or slate of candidates, that committee may identify the top five contributors giving for that purpose, as opposed to identifying the overall top five contributors to the committee as is otherwise required by RCW 42.17A.320 and this section.

However, a contributor's contributions earmarked for independent expenditures supporting or opposing a specific candidate or slate of candidates or electioneering communications identifying a specific candidate or slate of candidates shall not be used with respect to a different candidate or slate of candidates without the contributor being identified as one of the top five contributors for the actual expenditure if that contributor is one of the top five contributors for that expenditure.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-18-025, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110 and 42.17A.320. WSR 13-12-015, § 390-18-025, filed 5/24/13, effective 6/24/13. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-18-025, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370. WSR 07-08-044, § 390-18-025, filed 3/28/07, effective 4/28/07. Statutory Authority: RCW 42.17.370 and 42.17.562. WSR 06-11-132, § 390-18-025, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). WSR 02-12-007, § 390-18-025, filed 5/23/02, effective 6/23/02.]

WAC 390-18-027 Definition—Medium that does not include a visual image. (1) For electioneering communications identifying sponsors and top five contributors as required by RCW 42.17A.320, a "medium that does not include a visual image" means radio.

(2) For independent expenditures identifying sponsors and top five contributors as required by RCW 42.17A.320, a "medium that does not include a visual image" means radio or telephone transmissions.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-18-027, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-18-027, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370 and 42.17.562. WSR 06-11-132, § 390-18-027, filed 5/23/06, effective 6/23/06.]

WAC 390-18-030 Advertising—Exemptions from sponsor identification and alternatives for online advertising. (1) RCW 42.17A.320 requires that political advertising must identify certain information. The commission is authorized to exempt advertising where the sponsor identification disclosures required by RCW 42.17A.320 (1) and (2) are impractical. In addition, other political advertising is exempt from providing certain disclosures.

(2) The following forms of advertising need not include the sponsor's name and address, the "no candidate authorized this ad" sponsor identification, the "top five contributors," or the identification of the individual, corporation, union, association, or other entity that established, maintains, or controls the sponsoring political committee as otherwise required by RCW 42.17A.320 (1) and (2) because such identification is impractical: Ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers - size 4" x 15" or smaller, buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads of one column inch or less (excluding online ads), noisemakers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pinwheels, plastic tableware, pocket protectors, pot holders, reader boards where message is affixed in movable letters, ribbons, 12-inch or shorter rulers, shoe horns, skywriting, staple removers, stickers of a comparable size as worn by an individual, sunglasses, sun visors, swizzle sticks, state or local voter's pamphlets published pursuant to law, tickets to fund-raisers, water towers, whistles, yard signs - size 4' x 8' or smaller, yo-yos, and all other similar items.

(3) 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.

(a) These automatic displays must be clear and conspicuous, unavoidable, immediately visible, remain visible for at least four seconds, and display a color contrast as to be legible. Online advertising that includes only audio must include the disclosures in a manner that is clearly spoken.

(b) Examples include nonblockable pop-ups, roll-overs, a separate text box or link that automatically appears with or in the advertising that automatically takes the reader directly to the required disclosures upon being clicked once, or other similar mechanisms that disclose the information required in RCW 42.17A.320.

(4) Political advertising created and distributed by an individual using their own modest resources is not required to provide the disclosures in RCW 42.17A.320, when all of the following criteria are satisfied:

(a) The individual spends in the aggregate less than one hundred dollars to produce and distribute the advertising or less than fifty dollars to produce and distribute online advertising;

(b) The individual acts independently and not as an agent of a candidate, authorized committee, political committee, corporation, union, business association, or other organization or entity;

(c) The advertising is not a contribution under RCW 42.17A.005 (16)(a)(ii) or (iii) or WAC 390-05-210;

(d) The individual does not receive donations, contributions, or payments from others for the advertising, and is not compensated for producing or distributing the advertising; and

(e) The advertising is either:

- A letter, flier, handbill, text, email or other digital communications from the individual that does not appear in a newspaper or other similar mass publication (except for letters to the editor and similar communications addressed in WAC 390-05-490(4)); or

- Disseminated on the individual's social media site, personal web site, or an individual's similar online forum where information is produced and disseminated only by the individual.

(5) Political advertising that is internal political communications to members is not required to separately include the disclosures in RCW 42.17A.320 where the sponsor's name is otherwise apparent on the face of the communication.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304, WSR 18-24-074, § 390-18-030, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110 and 42.17A.320, WSR 13-12-017, § 390-18-030, filed 5/24/13, effective 6/24/13. Statutory Authority: RCW 42.17A.110, WSR 12-03-002, § 390-18-030, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370, WSR 11-05-051, § 390-18-030, filed 2/10/11, effective 3/13/11. Statutory Authority: RCW 42.17.370 and 42.17.562, WSR 06-11-132, § 390-18-030, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1), WSR 04-12-057, § 390-18-030, filed 5/28/04, effective 6/28/04. Statutory Authority: RCW 42.17.390, WSR 95-01-074A, § 390-18-030, filed 12/16/94, effective 1/16/95. Statutory Authority: RCW 42.17.370(1), WSR 85-15-020 (Order 85-03), § 390-18-030, filed 7/9/85.]

WAC 390-18-040 Use of the terms "reelect," "retain," and "return." (1) The term "reelect" when used in an advertisement represents that the candidate is presently holding the office being sought, was elected to it, and is seeking another term in that same office in the same district or political subdivision.

(2) The term "reelect" may be used in an advertisement by a nonincumbent candidate who has previously been elected to the office being sought provided that in the same advertisement it is clearly stated that the candidate is not the incumbent.

(11/30/18)

(3) The term "retain" in an advertisement represents that the candidate is the incumbent but does not imply that the candidate attained the office by election.

(4) The term "return" in an advertisement represents that the candidate now holds, or has previously held, the office being sought, but does not represent that the office was attained by election.

(5) Whenever the boundaries of a district or political subdivision are officially altered through redistricting, consolidation or other official procedures, the candidate holding an office in the affected district or political subdivision may, in an advertisement, use the term "reelect," "retain" or "return," as appropriate, if the candidate is seeking the same office in the revised district or political subdivision.

[Statutory Authority: RCW 42.17A.110, WSR 16-22-046, § 390-18-040, filed 10/28/16, effective 11/28/16. Statutory Authority: RCW 42.17.370 and 42.17.562, WSR 06-11-132, § 390-18-040, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1), WSR 02-03-018, § 390-18-040, filed 1/4/02, effective 2/4/02. Statutory Authority: RCW 42.17.370, WSR 92-12-037, § 390-18-040, filed 5/29/92, effective 6/29/92. Statutory Authority: RCW 42.17.370(1), WSR 88-14-064 (Order 88-02), § 390-18-040, filed 7/1/88; WSR 86-12-059 (Order 86-03), § 390-18-040, filed 6/3/86.]

WAC 390-18-050 Commercial advertisers—Public inspection of records. (1) "Commercial advertiser" as that term is used in the act and these rules means any person, as defined in the act, including individuals and entities, that sells the service of communicating messages or producing material for broadcast or distribution to the general public or segments of the general public whether through brochures, fliers, newspapers, magazines, television, radio, billboard, direct mail advertising, printing, paid internet or digital communications, or any other means of mass communications used for the purpose of appealing, directly or indirectly for votes or for financial or other support in any election campaign.

(2) Any person that hosts political advertising or electioneering communications on a digital communication platform or other media is not required to maintain records on such advertising or communications if it has been purchased directly through another commercial advertiser, however the commercial advertiser that directly sells the advertising or communications to the original purchaser must maintain the information as required in this section.

(3) Pursuant to RCW 42.17A.345, each commercial advertiser who has accepted or provided political advertising, or electioneering communications, as defined in RCW 42.17A.005, must maintain current books of account and related materials as required by this section. Such information must be available for public inspection by any person, without reference to, or permission from, the PDC, and provided:

(a) In person during normal business hours; and

(b) If requested electronically, in machine readable format and structured in a way that enables the data to be fully discoverable and useable by the end user:

(i) By digital transmission, such as email, promptly upon request; or

(ii) By online publication in one of the following formats:

(A) On the advertiser's primary web site;

(B) On a web site controlled by the advertiser, created for purposes of publishing the information required by this

section, if a link is prominently displayed on the advertiser's primary web site directing users to the web site on which the information is provided; or

(C) On the PDC's open access platform, if one is provided by the PDC for such purpose.

(4) Information regarding political advertising or electioneering communications must be made available within twenty-four hours of the time when the advertisement or communication initially has been publicly distributed or broadcast, and within twenty-four hours of any update or change to such information. Such records must be maintained for a period of no less than three years after the date of the applicable election.

(5) The information and books of account that must be maintained open for public inspection pursuant to RCW 42.17A.345 are:

(a) The name of the candidate or ballot measure supported or opposed or the name of the candidate otherwise identified, and whether the advertising or communication supports or opposes the candidate or ballot measure;

(b) The name and address of the sponsoring person or persons actually paying for the advertising or electioneering communication, including the federal employee identification number, or other verifiable identification, if any, of an entity, so that the public can know who paid for the advertising or communication, without having to locate and identify any affiliated entities;

(c) The total cost of the advertising or electioneering communication, or initial cost estimate if the total cost is not available upon initial distribution or broadcast, how much of that amount has been paid, as updated, who made the payment, when it was paid, and what method of payment was used; and

(d) Date(s) the commercial advertiser rendered service.

(6) In addition to subsection (5) of this section and pursuant to RCW 42.17A.345, the materials and books of account open for public inspection must include the political advertisement or electioneering communication itself, and a description of the major work components or tasks, as specified in (a) through (g) of this subsection, that were required to provide the advertising or communications services.

(a) For printers, reproducers and other persons who provide commercial duplicating services: Quantity of items, item description, design, layout, typesetting, photography, printing, silk screening, binding.

(b) For mailing services: Quantity of items mailed, binding, stuffing, labeling, list or directory services, postage or delivery.

(c) For broadcast media: Air time and number of spot advertisements. If the broadcaster provides additional services such as copy writing, talent, production, and tape reproduction, some type of record or notation evidencing the additional service must be available.

(d) For billboard or sign companies: Number and location of signs, design, printing and art work, erection/removal costs.

(e) For specialty or novelty commercial advertisers: Quantity of items provided, silk screening, design, printing and art work.

(f) For newspapers and other print media: Amount of advertising space and dates of publication. If the advertiser

provides additional services such as design or layout, some type of record evidencing such additional services must be available.

(g) For digital communication platforms: A description of the demographic information (e.g., age, gender, race, location, etc.) of the audiences targeted and reached, to the extent such information is collected by the commercial advertiser as part of its regular course of business, and the total number of impressions generated by the advertisement of communication.

(7) At the request of the PDC, each commercial advertiser required to comply with this section shall provide to the PDC copies of the information described above.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-18-050, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110(8). WSR 15-12-058, § 390-18-050, filed 5/28/15, effective 6/28/15. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-18-050, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370 and 42.17.562. WSR 06-11-132, § 390-18-050, filed 5/23/06, effective 6/23/06. Statutory Authority: RCW 42.17.370(1). WSR 99-12-068, § 390-18-050, filed 5/27/99, effective 6/27/99. Statutory Authority: RCW 42.17.370. WSR 93-04-072, § 390-18-050, filed 1/29/93, effective 3/1/93.]

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