

Despite promising to stop, Facebook and Google are still selling political ads in Washington state

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Credit: CC0 Public Domain

On Dec. 28 of last year, Facebook said it would stop selling ads about state and local elections in Washington state. Since that day, Facebook

has sold at least \$39,000 worth of ads about state and local elections in Washington state.

On June 7 of last year, Google said it would stop selling ads about state and local elections in Washington state. Since that day, Google has sold at least \$25,000 worth of ads about state and local elections in Washington state, according to campaign finance reports.

Both companies announced they would stop selling [political ads](#) here after a lawsuit accused them of not obeying the state's rules on political ad transparency.

But search Facebook's ad library and you'll find paid ads for candidates for Wenatchee School Board, Olympia mayor, Seattle School Board and against Tim Eyman's Initiative 976, among many others.

On Friday, for instance, the Seattle Firefighters Union's political action committee (PAC) had at least 15 different active Facebook ads promoting its preferred candidates in the Seattle City Council elections. Some of those ads had been seen as many as 200,000 times, according to Facebook's library of political ads.

Peter Zieve, the founder of aerospace firm Electroimpact who was cited by the [attorney general](#) for discriminating against Muslims, has spent more than \$7,000 this year on Facebook ads for his campaign for Mukilteo City Council, according to Facebook.

Although the amounts represent only a small fraction of the millions of dollars flooding Seattle's City Council elections and other campaigns around the state, they're still reaching, at a minimum, hundreds of thousands of potential voters. And candidates and PACs certainly think they're effective—they continue to buy the ads that the companies have claimed they don't sell, even though the massive platforms claim they

remove the ads as soon as they realize what they've done.

And the total spending numbers, from an analysis of Washington State Public Disclosure Commission (PDC) records, almost certainly vastly underrepresent the amount of ads the two companies have sold.

For instance, the Civic Alliance for a Progressive Economy (CAPE), a PAC funded by unions and venture capitalist Nick Hanauer, has spent just in the last two weeks on Facebook ads to boost or disparage Seattle City Council candidates. Facebook deactivated those ads, but not until some had been seen 20,000 times. And those ads don't directly show up in the PDC database; often a PAC pays a consultant, who then buys ads.

Likewise, the Amazon-backed Seattle Metropolitan Chamber of Commerce's PAC has also run ads on Facebook, but they don't directly appear in the PDC's database.

It's not illegal for campaigns and PACs to advertise on Google and Facebook, it just runs counter to the companies' self-imposed and self-enforced policies.

"Facebook has put the rule in place because it doesn't want to comply with the law," said Heather Weiner, a political consultant working with CAPE. "The onus here is on Facebook, not on us, we're going to do the best we can for our candidates."

Google and Facebook both agreed last year to stop accepting local political ads in Washington after they were sued by Attorney General Bob Ferguson for violating the state's strict campaign-finance laws, which require ad sellers to disclose specific information on the names and addresses of people who buy ads, geographic locations ads are targeted at and the total number of views of each ad. Newspapers and TV and radio stations have long complied with these requirements.

Google and Facebook last year agreed to pay a combined \$450,000 to settle Ferguson's lawsuit.

Facebook did not return repeated requests for comment. Google, in a prepared statement, said advertisers that submit political ads in Washington are violating its policies.

Ferguson's lawsuit arose after a report by The Stranger, in which an editor asked the web giants to provide the information required by state law, but was rebuffed. Earlier this year, after seeing that both companies continued to sell political ads here without disclosing the required information, the editor, Eli Sanders, filed complaints with the PDC.

The PDC filed charges against Facebook three weeks ago, saying the company "repeatedly violated" state law by "failing to maintain documents" that the public can inspect regarding political ads. A PDC spokeswoman said Google remains under investigation.

Both companies have said they try to filter out political ads and remove them if they find them.

Let People Vote, the PAC working to keep affirmative action illegal in Washington state (on the ballot as Referendum 88), has seen all of its Facebook ads deactivated. But most of the ads it ran in September and October ran for at least a week before being removed, according to Facebook's archive, some garnering tens of thousands of views.

Both companies have also argued, circularly, that they're not violating state law concerning political ads because they have said they don't sell political ads.

In a filing with the PDC, Google called a political ad that it sold "a third party's illicit requisition of Google's platform" and said that it "does not

constitute acceptance of that advertisement by Google."

Facebook, in its own filing, wrote that it "prohibits Washington Political Ads and it therefore does not qualify as a 'commercial advertiser' subject to the disclosure requirements of Washington law."

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