

November 21, 1995

Advisory Opinion 1995 - No. 16

This advisory opinion is requested by Timothy A. Martin, Chief Clerk of the House of Representatives. Mr. Martin has waived the right to confidentiality afforded to persons requesting advisory opinions.

QUESTION

(1) Would the Chief Clerk of the House of Representatives have an interest that violates the State Ethics Act under the following circumstances:

- a. The Chief Clerk's spouse is employed as the executive director of a "caucus political committee" as defined in law. The spouse's duties include, among others, recruiting legislative candidates, participating in campaign management and soliciting campaign contributions. The source of funding for the caucus political committee (and therefore also the source of funding for the spouse's compensation) is contributions to the political committee. The spouse is not an employee of the state of Washington and her compensation (as well as the Chief Clerk's compensation) is a matter of public record, on file with the Public Disclosure Commission;
- b. In the course of the spouse's employment with the caucus political committee, the spouse performs services from an in-home office in the residence of the marital community; and
- c. The Chief Clerk has taken the position that any personal participation in legislative campaign activities could be perceived as having a negative impact on his ability to make fair and impartial decisions as Chief Clerk. Therefore, the Chief Clerk has voluntarily chosen during the course of his tenure to (i)not make contributions to legislative campaigns, (ii)not host legislative fundraising events, and (iii)not participate in legislative campaign management or consulting?

(2) Would the opinion of the Board be different if the spouse was employed by or received compensation from a political committee other than the political committee of a legislative caucus formed in accordance with Initiative 134?

OPINION

The answer to both these questions is "no." The State Ethics Act does not contain any provision that, under the circumstances specified in the opinion request, would prohibit the Chief Clerk from having an interest resulting from his spouse's employment. The specified

circumstances do not show that the Chief Clerk would use his influence or official position, in any manner whatsoever, to advance his spouse's employment or his interest in her employment.