

ADVISORY OPINION 2009 – NO. 1  
Campaign Links to Legislative Websites

October, 2009

**Background**

In June, the Board issued its opinion in Complaint 2009 – No. 1 and in that case one of the allegations was that a legislator had provided multiple links to legislative websites from her campaign website in violation of this Board's opinion in Advisory Opinion 2000 – No. 2. In AO2002 – No. 2 the Board determined that only one such link was allowed. The reasoning behind the decision to limit the number of links to one is not developed in the opinion but overall that opinion was directed at providing guidance to legislators on issues related to evolving technology and the statutory requirement that public resources not be used to assist a campaign (RCW 42.52.180)

When, nine years later, the Board decided Complaint 2009 – No. 1, there was a consensus among members of the Board that the single-link limitation should be reviewed.

**Issue:** *How does a single-link limitation from campaign websites to legislative websites serve the purposes of RCW 42.52.180, which prohibits the use of public resources to assist a campaign, if during a legislators election cycle his or her "discretionary materials," are removed from legislative websites by June 30?*

A subcommittee of the Board was appointed on June 18, 2009 to study the question of multiple links and report its findings and recommendations to the Board. The subcommittee met in July and provided its report to the Board in August. The report was discussed and its recommendations debated at a public hearing on August 20.

This discussion included broader issues such as the removal of any materials, characterized as public records, from legislative websites at any time. Some board members would support leaving all documents on the legislative websites and some board members support the present requirement that certain documents be removed from those websites during the election cycle (by June 30). The concern of the former is that these documents are public records to which the public is entitled access and as such should be able to be provided via links to legislative websites. The concern of the latter is that the Ethics Act prohibits the use of public resources to assist a campaign and the removal of discretionary materials is consistent with and supportive of that prohibition.

These different views were also explored by the Board in AO2000 – No. 2. That Board noted that these different views seemed to juxtapose two important public policies; ensuring access to

public records and prohibiting the use of public resources to assist a campaign – both of which were the product of citizen initiatives.

This Board continues to balance the right of the public to obtain public records and the prohibition against campaign use of public resources. It is not the intent of the Board to deny people their access to public records and certainly it is not the intent of the Board to promote the use of public resources to campaign. All Board members agree that restricting legislators' campaign websites to one link to legislative websites is an unnecessary restriction, not conducive to the purpose of RCW 42.52.180, and whatever value or importance this restriction may have had years ago is not apparent to the Board today. As stated above, we reach unanimity on this multi-linkage issue through two different points of view; those who support the elimination of the one-link restriction so long as certain materials are removed from legislative websites and those who support the elimination of the one-link restriction regardless of whether these materials are removed or remain on the legislative websites.

### **Conclusion**

That portion of Advisory Opinion 2000 – No. 2 which imposed a one-link restriction from a legislator's campaign website to legislative websites is overturned. The rest of the opinion shall continue to be the opinion of the Board and remains in full force and effect.

RETIRED JULY 2022, See Advisory Opinion 2021-NO-1