

COMPLAINT 2010 – NO. 3

In Re Marr

DETERMINATION OF NO REASONABLE CAUSE – ORDER OF DISMISSAL

August, 2010

I. Nature of the Complaint

The complaint alleges that Senator Chris Marr (Respondent) violated RCW 42.52.180 through the use of public resources to support his election campaign. The allegations focus on (1) multiple links from Respondent's campaign website to legislative sites and materials; (2) links to legislative videos from Respondent's personal YouTube channel; and links between his campaign site, YouTube, Facebook and Twitter to varying degrees as well as Facebook and Twitter links to a legislative site. The Board has both personal and subject matter jurisdiction.

II. Issues

The questions presented by this complaint are directed at whether it is a violation of RCW 42.52.180 for a legislator to link to legislative sites and/or legislative materials from the legislator's campaign sites or other personal sites, channels, pages or accounts the legislator may have.

III. Conclusion

Based upon the allegations in the complaint and the Board's review of the facts, the Ethics Act and board opinions, the Board concludes there is no reasonable cause to believe the Act has been violated.

IV. Determinations of Fact

Respondent is a candidate for election and has established a campaign website in support of his candidacy. This site was linked to a YouTube channel he had created, which also is utilized in support of his campaign, his Facebook page, and his Twitter account. The campaign site was

linked to the Senate Democratic Caucus (SDC) website. The SDC website was created and is supported by legislative staff and other public resources.

Respondent's YouTube channel contained a link to his campaign site. In addition, this YouTube channel contained links to campaign videos and legislative videos. The legislative videos feature the Respondent addressing legislative issues and were produced with the use of legislative staff and other public resources.

Respondent's Facebook and Twitter are linked to SDC materials prepared with the assistance of legislative staff and other public resources.

V. Determinations of Law

1. There is no reasonable cause to believe that multiple links from Respondent's campaign site to a legislative site or legislative materials produced with the use of public resources violated RCW 42.52.180. Advisory Opinion 2009 – No. 1 overturned an earlier board opinion which limited the number of links from campaign websites to legislative websites. Respondent's multiple links format is in accord with Advisory Opinion 2009 – No. 1.
2. The balance of the allegations are directed at links from Respondent's YouTube channel, Facebook and Twitter to legislative materials which were created with the use of public resources and the fact that Respondent's personal sites are connected with each other and with the campaign site. There are no provisions in the Act nor opinions of the Board interpreting the Act which prohibit Respondent from linking his personal sites to legislative sites or legislative materials or linking his personal sites to each other

VI. Summary and Order

Respondent's links from campaign sites and other personal sites to legislative sites or legislative materials did not violate RCW 42.52.180.

IT IS HEREBY ORDERED that the complaint is dismissed for lack of reasonable cause.

David R. Draper

Date: