

Legislative Ethics Board



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418 LEGISLATIVE BUILDING
PO BOX 40482
OLYMPIA, WA 98504-0482
360-786-7540
FAX: 360-786-1553
www.leg.wa.gov/leb

MIKE O'CONNELL - COUNSEL
Mike.Oconnell@leg.wa.gov

COMPLAINT 2012 – NO. 2

In Re McAuliffe

DETERMINATION OF NO REASONABLE CAUSE AND ORDER OF DISMISSAL

September, 2012

I. Nature of the Complaint

The Complaint was filed on August 19, 2012. It alleges that Senator Rosemary McAuliffe, Respondent, used public resources to conduct a telephonic, legislative district meeting and that her introductory and recorded message encouraged listeners to vote for her reelection. The applicable statute is RCW 42.52.180, which prohibits the use of public resources to assist campaigns.

The Board has determined that it has both personal and subject-matter jurisdiction.

II. Conclusion

The Respondent's introductory and recorded message contains no requests to listeners to support her reelection. A review of the recording of the meeting, which lasted approximately fifty minutes, was devoid of any request by Respondent to vote for her or in some way support her reelection efforts. Accordingly we determine there is no reasonable cause to conclude that Respondent violated the Ethics Act.

III. Determinations of Fact

There is reasonable cause to believe the following are the pertinent facts of the case.

1. Respondent's town hall meeting was held on June 25, 2012.

2. The meeting utilized a robo-call phone system to contact registered voters, the Complainant was contacted at approximately 6:14 PM and, according to the complaint, Complainant "...listened to a recording encouraging me to vote for Senator McAuliffe."
3. Constituents who answered (picked-up) the phone heard the following pre-recorded message:

Hello. This is state senator Rosemary McAuliffe of the first legislative district. I'm hosting a tele-town meeting right now. I hope you will listen in with your neighbors by pressing one on the phone. Thank you. I look forward to talking with you.

4. If the constituent did not pick up, the following pre-recorded message would be left:

Hello, this is state senator Rosemary McAuliffe of the first legislative district. I'm sorry I missed you because I wanted to invite you to participate in my tele-town hall meeting to discuss the recent legislative session. Although we missed each other you can call me at my legislative office at 425.398.4213 to talk about legislative issues. We are located at Country Village in Bothell. I'd be happy to have you stop by as well. Thank you.

5. There was a third recorded message which would have been heard by constituents if they participated in the meeting.

Thank you for participating in tonight's tele-town hall. I hope you found this discussion as useful as I did. If you have any further questions please leave your name and number after the tone. Thank you and good night.

6. The fifty minute meeting was built around a live question and answer session with the Respondent. Approximately twenty-five people asked questions on topics including gun control, cyber-bullying, abortion, school funding, immigration, early learning, low income housing, charter schools, tax credits and tax loopholes.
7. Neither the Respondent nor any of the callers are heard making any references to an election, her campaign or her status as a candidate. There are no remarks directed at Respondent's return to Olympia or the need for election contributions.

IV. Conclusions of Law

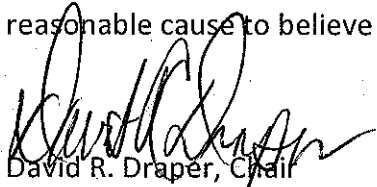
1. The Ethics Act prohibits the use of public resources to conduct a town hall meeting during which a legislator requests, for example, that constituents vote for the legislator,

contribute to the legislator's campaign, volunteer for the campaign or assist the campaign in some other way.

2. The Ethics Act does not prohibit a legislator from using public resources to conduct a town hall meeting during which constituents participate in a question and answer format directed at legislative issues.

V. Order

It is HEREBY ORDERED, ADJUDGED AND DECREED that the complaint is dismissed for lack of reasonable cause to believe that the Ethics Act was violated.



David R. Draper, Chair

Date: Sept. 4, 2012