

Legislative Ethics Board



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COMPLAINT 2019 – No. 11

In re Jenkins

December 10, 2019

ORDER OF DISMISSAL: LACK OF REASONABLE CAUSE

I. Nature of the Complaint

The complaint was received on November 20, 2019 and was discussed by the Board at its regularly scheduled Board meeting on December 2, 2019. The complaint alleges that Respondent violated RCW 42.52.180 by placing on her official legislative website a list of awards she has received recognizing her accomplishments as a legislator.

II. Jurisdiction

The Board has personal and subject matter jurisdiction over the Respondent.

III. Findings of Fact

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

1. Respondent is a member of the House of Representatives representing the 27th legislative district. She was first elected in 2010.
2. During her tenure as a legislator, Respondent has received the following awards: NAMI Washington, Legislator of the Year Award - 2015; Washington State Denturist Association, Legislative Champion - 2014; Washington State Academy of Nutrition and Dietetics Public Policy Maker of the Year award - 2014; National Association of Local Boards of Health Legislator of the Year - 2013; Children's Alliance Legislative Champion - 2013; and Fuse Sizzle "Mother Jones" award - 2011.
3. A list of these awards is posted on Respondent's legislative home page.

IV. Analysis and Conclusions of Law

Some advocacy organizations issue “scorecards” to rank sitting legislators or candidates for legislative office on their voting records. Generally, legislators are ranked based upon how they voted on issues of interest to the advocacy organization issuing the scorecards.

The purpose of the scorecards is to inform the organizations’ members how legislators have performed on legislative issues of importance to the issuing organization. They are also used as educational tools for voters in their decision making at the ballot box and can be useful for other organizations’ endorsement of candidates.

In its September 2019 *Ethics Alert*, the Board determined that a legislator’s inclusion of a scorecard produced by an advocacy or other outside organization on his or her official legislative website, in official social media accounts, or in legislative publications would violate RCW 42.52.180. The Board concluded that because the primary and customary use of scorecards is for political campaigns, posting them to an official legislative website or official social media accounts or including them in legislative publications would constitute the use of state resources for campaign purposes.

Legislator of the Year and similar awards are different from scorecards. These awards are issued to legislators by various organizations, most often in recognition of a legislator’s work in advancing policy in broad areas, such as early learning; crime reduction; small family farms; or rural economic development. Rarely are these awards issued because of the way a legislator has voted on a particular topic. Rather, legislators seem to be selected because of their leadership in specific policy areas. For example, NAMI Washington issued its 2019 awards to 19 legislators who showed an exceptional dedication to improving the state’s behavioral health system; the Washington Business Alliance recognized a Senator in 2017 because he showed “exceptional leadership for the landmark work on behalf of Washington students and businesses across the state”; FUSE provided a weekly award to a House member in 2019 for her work to “expand voting access, protect Puget Sound, and help keep seniors and people with disabilities in their homes.”

In these cases, there is a direct and substantial nexus between the award and legislative activity. For that reason, the Board finds that including such awards on official legislative websites, social media accounts or in legislative publications would not violate RCW 42.52.180. As a result, there is no reasonable cause to believe that Respondent violated RCW 42.52.180.

V. ORDER

IT IS HEREBY ORDERED that Complaint 2019 – No. 11 is dismissed.

Eugene Green
Eugene Green, Chair

Date: 12-10-2019