

Legislative Ethics Board



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COMPLAINT 2019 – No. 12 *In re House Democratic Caucus* February 12, 2020

BOARD COUNSEL'S ORDER OF DISMISSAL

I. NATURE OF COMPLAINT

The Complaint alleges that the House Democratic Caucus violated RCW 42.52.180 by including in its daily media clips a link to a newspaper article reporting scorecard ratings assigned by NARAL to local legislators, contrary to an *Ethics Alert* issued by the Board in September 2019.

II. JURISDICTION

The Board has personal and subject matter jurisdiction. RCW 42.52.320. Although the individuals directly responsible for the HDC Daily E-Clips are not known to the Complainant, exclusive control of the HDC website remained with legislative staff.

III. PROCEDURAL HISTORY

The complaint was received by Board counsel on November 25, 2019 and was the subject of Board discussion at the regularly scheduled meeting on January 27, 2020.

IV. FINDINGS OF FACT

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

1. The Respondent is the House Democratic Caucus (HDC).
2. Each weekday, HDC staff produces one set of clips with input from the Senate Democratic Caucus staff (called the Daily E-Clips); the House Republican Caucus (HRC) staff produces a different set of clips (called the Capital Buzz) without input from the Senate Republican Caucus staff.
3. The HDC clips are compiled from a wide range of media outlets to provide news and insight to legislators, staff members and interested stakeholders regarding the state legislative process and actions by other elected leaders and organizations. The clips are then emailed to the caucus members and legislative staff and anyone else who subscribes to the service. The clips are then placed on the caucus website and can be viewed by the public.

4. Pursuant to HDC policy, the caucus makes every effort to stay away from specific candidates' campaign-related work and it does not include opinion pieces or editorial board endorsements that encourage readers to vote for or against a specific candidate or ballot measure.
5. On Tuesday, August 27, 2019, the House Democratic Caucus posted the Daily E-Clips on its website. Those clips included a link to an article published in THE COLUMBIAN. The link stated as follows: "How local legislators did on NARAL Pro-Choice Washington's scorecard."
6. In September 2019, the Board issued an *Ethics Alert* addressing the issuance by some organizations of scorecards which are used to rank sitting legislators on their voting records on issues of importance to the organization issuing the scorecard. In the *Alert*, the Board indicated that the fundamental purpose of scorecards is for use in political campaigns to either support or oppose the person scored. The Board then determined that because of their purpose, the inclusion of scorecards in an official legislative website, social media account or publication would violate RCW 42.52.180.
7. The link at issue is still accessible on the HDC website.

V. ANALYSIS AND CONCLUSIONS OF LAW

RCW 42.52.180 prohibits the use of state resources to assist a campaign. The Board does not believe the inclusion of a link to an article reporting on the NARAL scorecard violates the statute. In determining there was no violation of RCW 42.52.180, the Board in *In re HDC E-Clips*, 2016 – No. 6, concluded that "legislative clips are intended to provide a daily snapshot of issues being discussed in various Washington and national media. The links are intended to focus on "what's being said" about issues before the legislature, or issues that may be before the legislature in the near future."

The *Ethics Alert*, which stated that the inclusion of a scorecard in an official legislative website, social media account or publication would violate RCW 42.52.180, was issued after the link cited in the complaint appeared in the E-clips. The Board believes there is a difference between including the actual scorecard on an official website or social media account and including a link, among many other links in the Daily E-clips, to an article about a scorecard issued to several legislators. The former is a violation; the latter is not.

VI. ORDER

Pursuant to RCW 42.52.425 and Legislative Ethics Board Rule 1.D., Board Counsel has the authority to dismiss this complaint. The investigation conducted under RCW 42.52.420 revealed that the allegations in the complaint meet the criteria for administrative dismissal.

IT IS HEREBY ORDERED that this complaint be dismissed.



Jennifer A. Strus
Board Counsel

Date: 2/12/20