

Legislative Ethics Board



BOARD MEMBERS:
REP. LAURIE DOLAN
EUGENE GREEN
SEN. JIM HONEYFORD
JUDGE TERRY LUKENS (ret.)
PAMELA MADSON
DAN McDONALD
SEN. JAMIE PEDERSEN
DEBBIE REGALA
REP. LUANNE VAN WERVEN

101 LEGISLATIVE BUILDING
PO BOX 40482
OLYMPIA, WA 98504-0482
360-786-7343
www.leg.wa.gov/leb
JENNIFER STRUS - COUNSEL
Jennifer.Strus@leg.wa.gov

ADVISORY OPINION 2019 – No. 3

TRANSFER TO THE LEGISLATURE OF PREVIOUS CAMPAIGN OR PERSONAL SOCIAL MEDIA CONTACTS
November 2019

The Board has received an advisory opinion request from Senators Liias and Zeiger, both of whom have waived confidentiality.

BACKGROUND

Senators Liias and Zeiger were tasked by the Facilities and Operations Committee with updating the Senate's social media policy. Under the current social media policy, when a Senator launches an official social media account, it must be an original account and cannot be created using pre-existing social media accounts (e.g. personal or campaign accounts).

In a comparable situation, for many years, the Senate has allowed a mailing list previously created and used by a Senator's campaign to be transferred to the Senate and used for official Senate business. This transfer has always been a one-way transfer, usually shortly after the member is first elected. Once the list is provided to the Senate, the Senate considers it a public resource and the list (including subsequent changes) cannot be returned to the campaign.

There is interest in amending the Senate social media policy to allow the one-way transfer of the contacts associated with a personal or campaign social media account.

QUESTION

Would it be a violation of the Ethics in Public Service Act (Act) to allow a legislator to transfer from either his or her campaign or personal social media account the contacts ("friends and/or followers") associated with that account to the legislature to be used thereafter on a legislative social media account for legislative purposes only?

OPINION

The Board has analyzed this question under RCW 42.52.180. This provision of the Act prohibits a legislator from using or authorizing the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition.

Currently, when a campaign mailing list has been transferred to the legislature, it cannot be transferred back to the campaign for use in a campaign. That practice does not violate RCW 42.52.180. Similarly, the Board finds that the transfer of the contacts associated with a personal or campaign social

media account to the legislature would not violate RCW 42.52.180, as long as those contacts stay with the legislature and are never returned to the campaign or personal account.

CONCLUSION

The Board concludes that when a legislator transfers the contact list from a campaign or personal social media account to the legislature, that list becomes a public asset. Provided that list is not transferred back to the campaign such action does not violate RCW 42.52.180.

ON BEHALF OF the Legislative Ethics Board, this opinion is signed on the 5th day of November, 2019.



Eugene Green, Chair