



Published at the direction of the

# LEGISLATIVE ETHICS BOARD

PO Box 40482 • Olympia WA 98504-0482 • Phone (360) 786-7343 • [www.leg.wa.gov/LEB](http://www.leg.wa.gov/LEB)

## **ETHICS ALERT**

### **Solicitation of Lobbyists or Lobbyist Employers**

April 2019

#### **Reminder – Legislators and legislative branch employees cannot solicit contributions from lobbyists or lobbyist employers**

The Board understands that many people, on their birthday or any other occasion in which gifts are traditionally given or expected, suggest that their social media contacts contribute to a charity rather than make a gift to the person. For a legislator or legislative staff person to request that his or her social media contacts contribute to a charity presents a potential ethical issue, because many legislators and legislative staff who have social media accounts include lobbyists or lobbyist employers in their social media networks.

The Board has addressed the solicitation of lobbyists numerous times in past opinions. In *Advisory Opinion 95-17*, the Board determined that solicitation of lobbyists violated both RCW 42.52.070 (special privileges) and RCW 42.52.160 (personal gain). In *Advisory Opinion 96-01*, the Board held that the “reasonable expectation”<sup>1</sup> rule, RCW 42.52.140, would be violated if, even without the use of public resources, legislators solicited or accepted contributions from lobbyists or from persons or entities that employ or retain lobbyists. In *Advisory Opinion 98-05*, while concluding that it was highly unlikely that soliciting certain contributions from lobbyists would affect or influence the vote, action or judgment of legislators or staff, such solicitation definitely raised the appearance of reasonable expectation to the outside observer. That opinion also noted that there could be a concern on the part of those solicited, that refusal to participate could have negative consequences in terms of access and good will.” Those same concerns exist when a legislator solicits a lobbyist for his or her favorite charity. Finally, in *Advisory Opinion 00-01*, the Board stated that as a general rule, the Ethics Act does not prohibit a legislator, acting without the use of state resources, from supporting community-based charities. Such support may include fundraising provided the legislator does not specifically solicit lobbyists or lobbyist-employers.

The Board has clearly stated that soliciting lobbyists is a violation of the Act. However, the Board recognizes that social media platforms by their very nature facilitate broad and efficient, but indiscriminate and uncontrollable, dissemination of requests. With this in mind, the Board recommends that any legislator or legislative staff who solicits a charitable donation on an electronic platform include the following message with the request:

THE ETHICS IN PUBLIC SERVICE ACT DOES NOT ALLOW ME TO SOLICIT CHARITABLE DONATIONS FROM LOBBYISTS OR LOBBYIST EMPLOYERS. IF YOU ARE RECEIVING THIS REQUEST AND ARE EITHER A LOBBYIST OR A LOBBYIST EMPLOYER, PLEASE DISREGARD MY REQUEST TO MAKE A DONATION TO THIS CHARITABLE CAUSE.

---

<sup>1</sup> RCW 42.52.140 prohibits a legislator or legislative branch employee from receiving, accepting, taking, seeking or soliciting, either directly or indirectly a gift, gratuity or favor from a person if it could be reasonably expected that the gift, gratuity or favor would influence the vote, action or judgment of the legislator or employee or be considered part of a reward for action or inaction by the legislator or staff member.