

ETHICS ALERT

Campaign Season Edition

September, 2012

You, Your Personal Digital Assistant (PDA), and the Prohibition on Using Public Resources for Campaign Purposes:

If you have a personal smart phone, tablet, iPad or similar device (commonly referred to as a PDA), and you use your PDA to connect both to the legislative e-mail system and non-legislative e-mail, please pay attention to this message.

Recently, some legislators have inadvertently sent campaign-related or personal messages from their PDA, only to learn later that the message was sent from their “leg.wa.gov” e-mail address. Use of the legislative network to assist a campaign, to support or oppose a ballot measure, or for most non-legislative purposes is a violation of the Ethics in Public Service Act. How do you avoid this? In this situation you must pay careful attention to which e-mail address mail is being sent from and you must use a campaign or personal e-mail address for campaign-related business. To be safe, you should probably set the campaign or personal e-mail account, not the legislative account, as the default or “go-to” account for sending of e-mail. That will help avoid inadvertent use of the legislative e-mail address and servers.

The Legislative Service Center (LSC 360.786.7000) will assist legislators with setting up legislative e-mail on a PDA and establishing appropriate default settings, but it is each individual’s responsibility to not use legislative facilities for campaign or inappropriate personal purposes.

In addition, if you are using a PDA that was purchased with public resources, it is treated the same as your legislative computer, laptop, phone, etc. – it is a violation of the Ethics Act to use any public resource for political campaigns.

Use of the Internet Communications Medium

The use of the internet as a communications medium can have unintended consequences. Whether through a YouTube video, a tweet on Twitter, or a Facebook posting, such communications can reach audiences while posted and also have a potentially unlimited life. Literally anyone in the world with access to the Internet can access such communications long after the time they were intended to be available.

In a recent case, a legislator asked for his YouTube video to be removed upon learning there were ethical concerns about his use of public resources in the production of the video. However, materials on the Internet are generally cached and, are difficult if not impossible to eliminate completely. Although the video in question should never have involved the use of public resources in the first place, its placement on YouTube prolonged the life of the clear,

visual representation of the use of public resources for campaign purposes and may, far into the future, reflect upon the ethics of the Legislature as a whole.

The Ethics Board encourages all members of the Legislature to be fully aware of the ethics laws governing Washington Legislators at all times, and particularly with respect to communications on the Internet. For questions and additional resources please contact House, Senate or Board Counsel.

Legislative Staff Scheduling Campaign Events – Permitted but Limited

Staff may coordinate a member’s schedule and that coordination may include campaign events. It is also permissible to respond to invitations to campaign events. This is the extent of this limited exception which permits the use of public resources to coordinate campaign event scheduling.

Staff may not plan, organize, arrange, invite other participants or take similar action with the use of public resources regarding a campaign event. Permissible scheduling of campaign events does not include keeping a “to-do” campaign list on behalf of a legislator.

Example: Outlook is often used to keep track of legislative meeting agendas, materials to be discussed, etc. If Outlook is also used to keep track of campaign meetings, notes or entries should be limited to the filling in of the names of the participants, the date, time and location and the subject of the meeting. Reminders to perform campaign functions, such as “don’t forget to deposit your campaign checks” or “be sure and meet with your campaign treasurer” are not allowed.

If you have any questions about scheduling or tracking campaign events with the use of public resources please contact House, Senate or Board Counsel.