

# Legislative Ethics Board

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## ETHICS ALERT

### Discussion of Ballot Measures in Official Newsletters and Social Media

May 2026

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Senate Bill 6346 (commonly known as the millionaire's tax bill) passed the legislature during the 2026 legislative session and was signed into law by the Governor. An initiative has been filed to repeal the bill. Because of this filing, there have been multiple questions about what can be said about the bill in both newsletters and in official social media. Although SB 6346 brought the issues contained in this Alert to the fore, the advice provided in this Alert applies to any situation in which a bill passed by the legislature is later the subject of an initiative or a referendum, including initiatives to the legislature.

As the Board has held in previous opinions, once an initiative is filed with the Secretary of State, it is officially considered a ballot measure and the restrictions in RCW 42.52.180 apply to the use of public resources to comment on the measure. There are several limited exceptions from this rule which extend beyond the scope of this Ethics Alert, which focuses only on the use of state resources for outreach activities, particularly newsletters and social media, on measures that were previously before the legislature and are now ballot measures

There are several areas the Board would like to clarify. The first is language in *Advisory Opinion* 1995 – No. 18, in which the Board indicated when it was appropriate to use state resources to comment on a ballot measure that was previously before the legislature: **“If the measure was before the legislature in the immediately preceding session, the bill may be discussed in a newsletter to the same extent as the legislator may comment on any other legislation.”** The Board has determined that this rule should apply not only to newsletters but also to official social media posts. Further the Board has determined that the “immediately preceding session” language means both sessions of the biennium in which the content of the ballot measure was the subject of a bill.

The general rule that public resources cannot be used to oppose or support a ballot measure has not changed. Whether it is an initiative to the legislature or a piece of legislation on which an initiative or referendum has been filed, public resources cannot be used to promote or oppose the measure. However, language in newsletters or on social media whose comments are limited to the bill which was before the legislature, including initiatives to the legislature, and do not mention the ballot are generally appropriate.

The Board in *Advisory Opinion* 1997 – No. 8 stated as follows: “Newsletter authors are encouraged to make a choice between: (1) encouraging voting and including only a balanced objective description of a measure; or (2) including direct comment on the merits of the proposal with no reference

to voting on it, other than the fact that the bill is now a ballot measure.” The Board cautions that in many situations either of these approaches could constitute an indirect appeal to promote or oppose the measure.

Objective explanations of the bill, including an initiative to the legislature (which is treated like a bill when it is before the legislature) are permitted. However, if the explanation is coupled with a statement of a particular member’s position on the bill it would be considered an indirect appeal to also reference the ballot or that citizens will be voting on the measure. This rule applies whether the discussion is contained in a newsletter or in social media.

The other issue discussed by the Board is at what point in time in an election year should the use of state resources to comment on a bill that is the subject of a ballot measure cease. The Board has determined that after the primary election date, all posts on a bill that is the subject of a ballot measure or an initiative to the legislature must cease. This determination applies to all caucus postings as well.