

Legislative Ethics Board

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COMPLAINT 2025 – No.10 *In re Troyer, Wirtz, Handy & Wold* July 7, 2025

ORDER OF DISMISSAL – NO REASONABLE CAUSE

I. NATURE OF COMPLAINT

The complaint alleges that social media posts made by both the Senate and House Republican caucuses criticizing the comments Complainant made on the House floor regarding a controversial bill should be considered lobbying by the caucus staff contrary to RCW 42.52.020 (conflict of interest).

II. JURISDICTION

The Board has personal and subject matter jurisdiction. RCW 42.52.320.

III. PROCEDURAL HISTORY

Complaint 2025 – No. 10 was received on April 1, 2025 and was discussed during the Board's regularly scheduled meeting on June 16, 2025.

IV. FINDINGS OF FACT

1. Complainant is a member of the House of Representatives representing the 21st legislative district. She has been a member of the House since 2014. She is currently the chair of the Democratic Caucus.
2. Respondents Troyer and Wirtz are employed by the Senate Republican caucus. Both are involved in approving social media posts to caucus social media accounts.
3. Respondents Handy and Wold are employed by the House Republican Caucus. Respondent Handy approves almost all social media posts to the caucus social media accounts. Respondent Wold's duties do not involve social media.

4. On March 12, 2025, HB 1296 was debated on the House floor. HB 1296 amended Initiative 2081 which was passed by the legislature during the 2024 session.
5. Referred to as the “parents’ rights bill,” the amendments to the Initiative were considered very controversial by some.
6. During floor action, when debating a particular amendment offered by the Republicans to guarantee parental access to educational materials, Complainant stated, “Frankly, I am sick and tired of hearing about parent access.”
7. Shortly after that statement was made, the House Republicans posted her exact comment on House Republican Caucus official X (Twitter) page.
8. On March 14, 2025, at noon, the Senate Republicans posted the following on their official X page: “Moms and Dads: What do you think about what the House Democratic Caucus Chair said during a floor speech on a bill to gut the parents’ rights initiative? Democrats treat parents as the enemy. Disrespectful and wrong. Contact her.” Complainant’s office contact information was included. Below this statement is Complainant’s floor quote.
9. On that same day after complaints about the post by the House Democrats, the Senate Republicans removed the post.
10. On March 14, 2025 at 6:00 pm, an updated post on this topic was posted by the Senate Republican caucus. That post was removed on Monday, March 17, 2025.
11. According to Complainant, her office was inundated with calls about HB 1296 and her floor comment as a result of the Senate Republican post to contact her office.
12. All of the Senate Republican posts on this topic were approved by Senate Minority Leader, Sen. John Braun.

V. ANALYSIS AND CONCLUSIONS OF LAW

RCW 42.52.020 provides as follows: “No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer’s or employee’s official duties.” Employees are prohibited from lobbying; to do so would conflict with their official duties. *See* House Rule 7 & Senate Rule 6.

The Board in past opinions has considered lobbying by legislative staff to constitute a conflict of interest with their official duties. *See Advisory Opinion* 2022 – No. 1. The Board adopted the definition of “lobbying” used by the Public Disclosure Commission: “Lobby” and “lobbying” each mean attempting to influence the passage or defeat of any legislation by the legislature of the State of Washington” *In re House & Senate Staff*, 2022 – No. 11.

Every legislative staff person has a job description whether they are employed by the House, Senate or a legislative agency. In none of these job descriptions is lobbying listed as an official duty of a

legislative employee. Furthermore, both House and Senate Rules prohibit lobbying by legislative staff. The proper discharge of a legislative employee's official duty does not include attempting to influence the passage or defeat of a piece of legislation or lobbying. *Advisory Opinion* 2022 – No. 1. As legislative staff, the staff person's responsibility is to serve the legislative members. It is the members' opinions that matter not the employee's opinion about particular policy issues. To hold otherwise is to put staff into the same position occupied by a member. *In re House & Senate Staff*, 2022 – No. 11.

A. Social Media Policies

Both Houses of the legislature have social media policies. During session in particular, many of their posts pertain to supporting or opposing specific legislation, including the budget.

The Senate policy is silent on whether a member must pre-approve a social media post. The policy does require that all posts contain “legislatively relevant information.” The general rule in the Senate Republican caucus is that the leader approves the general approach to an issue, but the staff may post what they have written without prior approval of a member if it pertains to that issue. If the issue about which the post is concerned becomes controversial, the leader must approve future social media posts on the topic.

The House social media policy provides that staff are permitted to post information that is of interest to a broad audience without necessarily attributing the content to a specific member.” The policy further provides as follows: “Since the author of each post need not be indicated, those staff given access to the social media account will be held responsible for any policy violations. To decrease the likelihood of violations, authors are strongly encouraged to vet content with at least one other colleague prior to posting.” The general rule followed by the House Republican caucus is that the communications staff has blanket approval from the Minority Leader to post to caucus social media. Although the caucus staff may occasionally ask him to approve a post, they do not do so on a regular basis.

B. Application of Law

The Board holds that the caucus staff posts in question were made with the specific approval of the caucus leader (in the case of the Senate Republican caucus) or were merely clips from the public floor debate in the House (in the case of the House Republican caucus) and are therefore neither prohibited staff lobbying nor a violation of RCW 42.52.020.

If the leader of the caucus or his or her designee has specifically approved or set parameters for, the content of social media posts and those parameters have been followed, then it is not a violation of RCW 42.52.020 for caucus staff to post to official social media.

The Board believes that specific approval of any social media post by the leader or their designee is the best approach to avoid an ethics violation. Although this is not required, the Board cautions the leaders of the caucuses that if staff follow the social media posting parameters determined by the leader and the post violates the Ethics Act, the leader could be responsible for such violations. The Board encourages staff to seek specific approval for social media posts, especially those considered controversial.

VI. ORDER

IT IS HEREBY ORDERED: that the Board finds no reasonable cause to believe Respondents violated RCW 42.52.020 and this matter is dismissed.

Larry Hoff (For)
Larry Hoff, Chair

7/7/25
Date