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LEGISLATIVE ETHICS BOARD

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ETHICS ALERT

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Notice of legislative event posted on campaign website ok

The Ethics Act does not allow public resources to be used for campaign purposes. Public resources are defined in the Act as “facilities of an agency.” The Board determined that the mere notice of a legislative event could not reasonably be characterized as a public resource so it is permissible to use a campaign website to post the time and location of upcoming town hall meetings. It is not permissible to use legislative resources to advertise campaign events. Complaint Opinion 2010 – No.2

Do not wear your legislative-provided name tags/badges to campaign events

These are provided at public expense and are a public resource and there is no de minimis exception for use of public resources at a campaign event. In addition, if the name tag/badge contains the State Seal the Secretary of State’s office would be involved as well as that office enforces the law against campaign use of the Seal and it has determined that the use of the Seal in this fashion would violate the law. Complaint Opinions 2010 – Nos 4 and 5

Reminder – auctions and first floor speeches

Apparently it is not uncommon for legislators to be asked to donate their time at an auction for a “Day in Olympia” with a constituent. Long standing advice on this issue has been that this does not violate the Act’s restrictions on special privileges or private use of state resources. This activity would most likely present no actual cost to the State or the cost would be de minimis, there is a public benefit in having people visit the Capitol, and the scope of such arrangements do not generally interfere with the performance of official duties. It would not be permissible to auction the facilities of the Legislature which are available to the public in the normal course, such as legislative tours and access to member’s offices. Remember – no auction to sleep in the White House!

Lobbyists cannot be solicited for anything of value outside the campaign contribution context unless the Legislature has amended the Act to permit exceptions. It has excepted certain causes – state capitol historic furnishings and the legislative oral history program are examples. Solicitation of the 3rd House for gifts to members on the occasion of a first floor speech would be prohibited.

The Board published five opinions in 2010. The full text of all opinions, beginning in 1995, together with a summary of each can be found at www.leg.wa.gov/leb