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LEGISLATIVE ETHICS BOARD

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ETHICS ALERT

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2008 Legislation Provides for Increased Use of Electronic Mail

Legislators who are up for election may use public resources to send electronic newsletters/updates on legislative matters for an extra thirty days after session without those updates counting toward the two-newsletter election year limit. These need not be individualized and may be sent to a person or list of persons who have indicated they would like to receive such general updates. House, Senate or Ethics Counsel can help with questions. Senate Bill 6685

A Reminder – “In-Touches” and Periodic Updates are still Permitted at Any Time if a Proper Foundation is Established

A legislator up for election and therefore subject to election year mailing restrictions may, for instance, ask constituents in a newsletter if they would like updates on very specific issues. Those who respond with a “yes” may then receive these updates regardless of those election year mailing restrictions. This is nothing new but if you have any questions please contact one of the staff. Advisory Opinions 1995 – No. 19; 1996 – No.4; and Complaint Opinion 1996 – No. 9

Use of Campaign Brochures at Legislative Town Hall Meetings

A legislative town hall meeting used public resources (defined in the Act as “facilities of an agency”). The Ethics Act prohibits use of public resources to assist a campaign and distribution of campaign literature at such a meeting would constitute a violation of the Act. There is no “de minimus” exception when public resources are used to assist a campaign. A single campaign brochure handed out at a legislative town hall meeting could then violate the Act. Complaint 2008 – No. 3

Jurisdiction of Ethics Board Did Not Encompass These Private, Allegedly Offensive Remarks

Complaint 2008 – No. 1

Again – Posting of Legislative Newsletters and/or Press Releases on a Campaign Web Site

Staff, equipment and publications of the legislature are defined in the Act as “facilities of an agency” and may not, according to the Act, be used directly or indirectly to assist a campaign. It is a violation of this prohibition if legislators post their legislative newsletters or legislative press releases on their campaign web sites. Complaint 2008 – No. 4

**The Board published five complaint opinions in 2008*

**The full text of all opinions, beginning in 1995, together with a brief description of each can be found at www.leg.wa.gov/leb*