



Shining Light on Washington Politics Since 1972

Legal and Ethical Aspects of Government Social Media Use

State law restricts the use of public agency funds and facilities to communicate information about candidates, ballot propositions, state legislation (including initiatives to the legislature), and state agency rules.

These restrictions apply to an agency's use of social media.



RCW 42.17A.555 prohibits the officials and employees of local government agencies from using or authorizing the use of public facilities to assist a candidate's campaign, or to promote or oppose a ballot proposition.

The Executive Ethics Board oversees a similar prohibition that applies to state agency employees and officials, RCW 42.52.180.

Visit the EEB at www.ethics.wa.gov for information on that section of law.



There are a few specific exemptions to the prohibition in RCW 42.17A.555:

- (1) Action taken at an open public meeting by members of an agency's *elected governing board* (e.g., a city council or school board) to support or oppose a ballot proposition, provided certain requirements are met;
- (2) A statement by an *elected official* in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;
- (3) **Activities which are part of the normal and regular conduct of the office or agency.**



The PDC presumes it is normal and regular for each agency to issue at least one jurisdiction-wide objective and fair presentation of the facts per ballot proposition. Usually, this presentation consists of a mailed “fact sheet.” For some agencies, it could also include social media.

An “objective and fair presentation of the facts”:

- ▶ Must accurately portray the costs and other anticipated impacts of a ballot proposition, and
- ▶ Must not promote or oppose the proposition in the tenor or tone of the language used.



Resources for Complying with RCW 42.17A.555

PDC Interpretation 04-02,
Guidelines for Local Government in Election Campaigns
https://www.pdc.wa.gov/sites/default/files/04-02Revised052213.rev_.pdf

PDC Interpretation 01-03,
Guidelines for School Districts in Election Campaigns
https://www.pdc.wa.gov/sites/default/files/01-03Revised092806.rev__0.pdf

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RCW 42.17A.635 restricts the lobbying activity of state and local government agencies.

The law begins with a prohibition on the use of public funds to lobby, either directly or indirectly.

The law then exempts certain activity from this prohibition.



Exempt lobbying:

- ▶ **Communicating with a member of the legislature** on the request of that member;
- ▶ **Communicating to the legislature, through proper official channels**, requests for legislative action or appropriations deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties;
- ▶ Providing information or communicating on matters pertaining to official agency business **to any elected official or officer or employee of any agency**; or
- ▶ Advocating the official position or interests of the agency **to any elected official or officer or employee of any agency**.



In other words, the only lobbying that can be conducted with public funds is ***direct*** lobbying, through proper official channels.

Indirect or grassroots lobbying through the public is prohibited.



For these reasons, the PDC advises state and local agencies that any public communications they sponsor concerning state legislation or rules should not contain language or information that resembles a call to public action, including statements made by third parties (e.g. editorial boards).



An agency can communicate its position on legislation, and the current status of legislation, in the agency's ordinary manner (e.g. on the agency web site).

However, agencies should be careful in communicating information that could facilitate indirect lobbying by members of the public (e.g., the time and location of legislative committee hearings, contact information for key committee members).



Resources for Complying with RCW 42.17A.635

Public Agency Lobbying Instructions

<https://www.pdc.wa.gov/learn/publications/public-agency-lobbying-instructions>

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Questions?