

April 22, 1996

No. 96-2E

Re: Prohibition Against Elected Officials Soliciting Campaign Contributions From Employees
Of The Officials' Agencies

Dear *****:

On March 11, 1996, the Commission asked the Washington State Public Disclosure Commission (PDC) for a copy of a formal interpretation that it was considering regarding the meaning of the prohibition against elected officials soliciting campaign contributions from employees of the official's agency in RCW 42.17.750(1), which provides:

No state or local official or state or local official's agent may knowingly solicit, directly or indirectly, a contribution to a candidate for public office, political party, or political committee from an employee in the state or local official's agency.

Attached is the PDC's response.

CONCLUSION

At its March 26, 1996 meeting, the PDC determined that every elected official has a duty under RCW 42.17.750(1) to no longer solicit campaign contributions from former contributors who they know are employees of the elected official's agency. Likewise, elected officials have a duty to not solicit campaign contributions from lists of public employees. If, however, an elected official obtains a list of regular voters, he or she has no duty to attempt to purge that list of the employees of his or her agency.

The PDC did not define the "official's agency." It is clear from the language of the law, however, that all Law Department employees are employees of the City Attorney's agency. PDC staff recommend that ***** and ***** proceed with caution. They recommend that ***** refrain from directly soliciting City employees and instead use general, broadly-based lists of potential contributors (e.g., regular voters). They recommend that the ***** refrain from soliciting employees of the Legislative Department, the Office of City Clerk and the Office of the City Auditor.

The Commission's advisory opinion is based upon the general facts as stated above. The Commission does not investigate the facts. Please be aware that modification of

the facts, or knowledge of more specific facts or circumstances, might cause the Commission to reach a different conclusion. In addition, Commission advisory opinions are narrowly drawn to interpret the ordinances that the Commission is authorized to administer. They do not address whether the proposed action is prudent, good public policy or effective management practice.

FOR THE SEATTLE ETHICS AND ELECTIONS COMMISSION

Carolyn M. Van Noy,
Executive Director

This action was reviewed and approved by the Commission at its meeting of April 10, 1996. The Commission members voting to take this action were:

Timothy Burgess, Chair
Marc A. Boman
Lue Rachelle Brim-Atkins
Daniel J. Ichinaga
John A. Loftus
Catherine L. Walker

Not present:
Jeri A. Rowe