

# Ethics Tip of the Month



## Lobbying

As budget cuts become a reality, you may be worried about losing your job or severe program cuts and may want to do everything you can to prevent that, including writing letters to your elected representatives, sending e-mails and/or testifying before the legislature.

Lobbying is defined in RCW 42.17.020 as:

“. . . attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.”

The Ethics in Public Service Act, RCW 43.52 does not prohibit you from lobbying as a private citizen. It does, however, prohibit you from using any state resources to lobby. WAC 292-110-010(6)(d) states:

(6) **Prohibited uses.** The state Constitution, state and federal laws, and the Ethics in Public Service Act strictly prohibit certain private activity and certain uses of state resources. Any use of state resources to support such activity clearly undermines public confidence in state government and reflects negatively on state employees generally. This rule explicitly prohibits at all times the following private uses of state resources.

. . .

(d) Any use for the purpose of participating in or assisting in an effort to lobby the state legislature, or a state agency head. Such a use of state resources is specifically prohibited by RCW 42.17.190, subject to the exceptions in RCW 42.17.190(3);

This prohibition does not apply to activities that are part of the normal and regular conduct of the agency, such as responding to questions asked by legislators. The exception under RCW 42.17.190(3) states in pertinent part:

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency.