



Published at the direction of the

LEGISLATIVE ETHICS BOARD

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ETHICS ALERT

Inclusion on an Official Social Media or Website of a Link to an Organization's Website when that Website Contains a "Donate" Button

May 2021

Many organizations' websites, particularly non-profit organizations, include a "donate" button or a hyperlink on their homepage, which takes the viewer directly to the page on which he or she can make a donation to the organization. Some of these organizations have a legislative presence and produce documents or other information of interest to legislators. Occasionally, legislators would like to include a link to the organization's website on the legislator's official website or social media page. Historically, legislators have not been able to include this link if the organization has on its home page a donate button or another feature that allows viewers to donate to the organization. The reason cited has been that to allow such a link would violate the Act's provisions against using state resources for private gain.¹ This *Alert* clarifies that advice and provides guidance for determining whether including such a link may violate the Ethics in Public Service Act (Act).

The Board believes that the mere presence of a "donate" button or similar feature on an organization's homepage should not be the sole determinant of whether a legislator can include a link to that page on an official site. Any time a link to an outside organization is included on an official legislative site, there must first be a sufficient legislative nexus² to the material to which the member is directing readers.

If there is a sufficient legislative nexus to the organization's material, the Board believes that the best practice is for the legislator to include a link to the specific document to which he or she is directing readers. If it is not possible to link directly to the material, however, including a link on an official legislative site to the organization's homepage is permitted even if that homepage includes a "donate" button or similar feature. However, it would violate the Act to include, on an official legislative site, a link that would take the user directly to a page on the organization's site that is intended only to solicit, facilitate or make a donation.

¹ RCW 42.52.160 provides in pertinent part as follows: (1) No state officer or state employee may employ or use any person, money or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another. . .

² In terms of the proper and improper uses of public resources, the Act makes it clear that the use of these resources is not unlimited. The threshold question is whether there is a tangible legislative nexus with the contemplated use of public resources or whether the legislative nexus is negligible.