

# City of Bainbridge Island Ethics Board

## **Advisory Opinion**

Case # EB2021-07

Date Filed: May 12, 2021

Advisory Opinion Issued: June 21, 2021

### **I. *Question Presented***

The Councilmember seeking the advisory opinion regularly uses a City-provided Facebook page for City business. The Councilmember is currently running for reelection and has asked whether continued use of that Facebook page during the campaign would violate Article II, Section B.2 of the Ethics Program, which provides as follows:

2. From the time that a Councilmember declares or publicly states that they intend to run for reelection until the conclusion of the respective general election, that Councilmember shall not request or direct that City funds be used to purchase any media (including newspaper, radio, television, social media, or bulk mailing) that contains the name or image of that Councilmember unless the names or images of all City Councilmembers appear in the media being purchased.

The Councilmember has indicated that the Councilmember has ceased using his page since announcing reelection, pending this advisory opinion.

### **II. *Opinion***

The Ethics Board concludes that the stated use of the City-provided Facebook page does not violate the Article II, Section B.2 of the Ethics Program. However, the Board issues this opinion with the following caveats and guidance:

- The Board has assumed – as they understand is customary for Facebook – that the City has not purchased the Facebook page, and is not paying anyone to maintain the Facebook page. The Board’s opinion might be different, depending on the exact circumstances, if City resources were used to purchase or maintain the page, provide substance for the page, or purchase advertising related to the page.
- The Board’s understanding of the request for an advisory opinion is that the Councilmember wishes to continue using the page for City business. The Board encourages the Councilmember (and any other Councilmember using a similar Facebook page) to carefully consider whether any content posted on a City-provided Facebook page is related to City business or could be construed as a campaign message. While the Code does not specifically address such a distinction, and the Board therefore cannot provide guidance on that distinction, the Board encourages all Councilmembers to review and follow all guidance from the Washington Public

Disclosure Commission or other election bodies regarding the use of social media by individuals seeking election.

### **III. Publication**

The Clerk is directed to publish this advisory opinion in accordance with Article III, D.2 and D.3 of the Ethics Program.