

1 **SB 6775** - H AMD

2 By Representative Lambert

3 On page 8, after line 13, insert the following:

4 **Sec. 7.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to
5 read as follows:

6 (1) No state officer or state employee may use or authorize the
7 use of facilities of an agency, directly or indirectly, for the purpose
8 of assisting a campaign for election of a person to an office or for
9 the promotion of or opposition to a ballot proposition. Knowing
10 acquiescence by a person with authority to direct, control, or
11 influence the actions of the state officer or state employee using
12 public resources in violation of this section constitutes a violation
13 of this section. Facilities of an agency include, but are not limited
14 to, use of stationery, postage, machines, and equipment, use of state
15 employees of the agency during working hours, vehicles, office space,
16 publications of the agency, and clientele lists of persons served by
17 the agency.

18 (2) This section shall not apply to the following activities:

19 (a) Action taken at an open public meeting by members of an
20 elected legislative body to express a collective decision, or to
21 actually vote upon a motion, proposal, resolution, order, or ordinance,
22 or to support or oppose a ballot proposition as long as (i) required
23 notice of the meeting includes the title and number of the ballot
24 proposition, and (ii) members of the legislative body or members of the
25 public are afforded an approximately equal opportunity for the
26 expression of an opposing view;

27 (b) A statement by an elected official in support of or in
28 opposition to any ballot proposition at an open press conference or in
29 response to a specific inquiry. For the purposes of this subsection,
30 it is not a violation of this section for an elected official to
31 respond to an inquiry regarding a ballot proposition, to make
32 incidental remarks concerning a ballot proposition in an official
33 communication, or otherwise comment on a ballot proposition without an
34 actual, measurable expenditure of public funds. The ethics boards
35 shall adopt by rule a definition of measurable expenditure;

1 (c) Activities that are part of the normal and regular conduct of
2 the office or agency; ((and))

3 (d) Creation of an electronic link from a web site operated by a
4 state officer or state employee to a web site operated by the state;
5 and

6 (e) De minimis use of public facilities by state-wide elected
7 officials and legislators incidental to the preparation or delivery of
8 permissible communications, including written and verbal communications
9 initiated by them of their views on ballot propositions that
10 foreseeably may affect a matter that falls within their constitutional
11 or statutory responsibilities.

12 (3) As to state officers and employees, this section operates to
13 the exclusion of RCW 42.17.130.

EFFECT: Clarifies that the use of electronic internet links by a state officer or state employee to web sites operated by the state does not constitute the use of public facilities to assist a campaign.