
HOUSE BILL 2465

State of Washington 56th Legislature 2000 Regular Session

By Representatives Constantine, Pennington, Ruderman and Mitchell

Read first time 01/13/2000. Referred to Committee on State Government.

1 AN ACT Relating to prohibiting use of a public office for assisting
2 appointments to vacant elective offices; and amending RCW 42.52.180 and
3 42.17.130.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to read
6 as follows:

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

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

2 (a) Action taken at an open public meeting by members of an elected
3 legislative body to express a collective decision, or to actually vote
4 upon a motion, proposal, resolution, order, or ordinance, or to support
5 or oppose a ballot proposition as long as (i) required notice of the
6 meeting includes the title and number of the ballot proposition, and
7 (ii) members of the legislative body or members of the public are
8 afforded an approximately equal opportunity for the expression of an
9 opposing view;

10 (b) A statement by an elected official in support of or in
11 opposition to any ballot proposition at an open press conference or in
12 response to a specific inquiry. For the purposes of this subsection,
13 it is not a violation of this section for an elected official to
14 respond to an inquiry regarding a ballot proposition, to make
15 incidental remarks concerning a ballot proposition in an official
16 communication, or otherwise comment on a ballot proposition without an
17 actual, measurable expenditure of public funds. The ethics boards
18 shall adopt by rule a definition of measurable expenditure;

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

21 (d) De minimis use of public facilities by state-wide elected
22 officials and legislators incidental to the preparation or delivery of
23 permissible communications, including written and verbal communications
24 initiated by them of their views on ballot propositions that
25 foreseeably may affect a matter that falls within their constitutional
26 or statutory responsibilities.

27 (3) As to state officers and employees, this section operates to
28 the exclusion of RCW 42.17.130 and 42.17.190.

29 **Sec. 2.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to
30 read as follows:

31 No elective official nor any employee of his or her office nor any
32 person appointed to or employed by any public office or agency may use
33 or authorize the use of any of the facilities of a public office or
34 agency, directly or indirectly, for the purpose of assisting a campaign
35 for election of any person to any office, for the purpose of assisting
36 the appointment of a person to a vacancy in an elective office, or for
37 the promotion of or opposition to any ballot proposition. Facilities
38 of public office or agency include, but are not limited to, use of

1 stationery, postage, machines, and equipment, use of employees of the
2 office or agency during working hours, vehicles, office space,
3 publications of the office or agency, and clientele lists of persons
4 served by the office or agency: PROVIDED, That the foregoing
5 provisions of this section shall not apply to the following activities:

6 (1) Action taken at an open public meeting by members of an elected
7 legislative body to express a collective decision, or to actually vote
8 upon a motion, proposal, resolution, order, or ordinance, or to support
9 or oppose a ballot proposition so long as (a) any required notice of
10 the meeting includes the title and number of the ballot proposition,
11 and (b) members of the legislative body or members of the public are
12 afforded an approximately equal opportunity for the expression of an
13 opposing view;

14 (2) A statement by an elected official in support of or in
15 opposition to any ballot proposition at an open press conference or in
16 response to a specific inquiry;

17 (3) Activities which are part of the normal and regular conduct of
18 the office or agency.

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