
HOUSE BILL 2682

State of Washington

57th Legislature

2002 Regular Session

By Representatives Sommers, Kessler, Van Luven, Edwards, Chase, Kenney, Darneille, Ogden, Schual-Berke, Santos and Kagi

Read first time 01/23/2002. Referred to Committee on State Government.

1 AN ACT Relating to information from public officials on the impact
2 of ballot propositions; and amending RCW 42.17.130 and 42.52.180.

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

4 **Sec. 1.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to
5 read as follows:

6 No elective official nor any employee of his or her office nor any
7 person appointed to or employed by any public office or agency may use
8 or authorize the use of any of the facilities of a public office or
9 agency, directly or indirectly, for the purpose of assisting a campaign
10 for election of any person to any office or for the promotion of or
11 opposition to any ballot proposition. Facilities of public office or
12 agency include, but are not limited to, use of stationery, postage,
13 machines, and equipment, use of employees of the office or agency
14 during working hours, vehicles, office space, publications of the
15 office or agency, and clientele lists of persons served by the office
16 or agency: PROVIDED, That the foregoing provisions of this section
17 shall not apply to the following activities:

18 (1) Action taken at an open public meeting by members of an elected
19 legislative body to express a collective decision, or to actually vote

1 upon a motion, proposal, resolution, order, or ordinance, or to support
2 or oppose a ballot proposition so long as (a) any required notice of
3 the meeting includes the title and number of the ballot proposition,
4 and (b) members of the legislative body or members of the public are
5 afforded an approximately equal opportunity for the expression of an
6 opposing view;

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

10 (3) Activities (~~which~~) that are part of the normal and regular
11 conduct of the office or agency;

12 (4) Use of public facilities by elected officials for the
13 preparation or delivery of written or verbal communications initiated
14 by them consisting of information on the impact of ballot propositions
15 that foreseeably may affect a matter that falls within their
16 constitutional or statutory responsibilities.

17 **Sec. 2.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to read
18 as follows:

19 (1) No state officer or state employee may use or authorize the use
20 of facilities of an agency, directly or indirectly, for the purpose of
21 assisting a campaign for election of a person to an office or for the
22 promotion of or opposition to a ballot proposition. Knowing
23 acquiescence by a person with authority to direct, control, or
24 influence the actions of the state officer or state employee using
25 public resources in violation of this section constitutes a violation
26 of this section. Facilities of an agency include, but are not limited
27 to, use of stationery, postage, machines, and equipment, use of state
28 employees of the agency during working hours, vehicles, office space,
29 publications of the agency, and clientele lists of persons served by
30 the agency.

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

32 (a) Action taken at an open public meeting by members of an elected
33 legislative body to express a collective decision, or to actually vote
34 upon a motion, proposal, resolution, order, or ordinance, or to support
35 or oppose a ballot proposition as long as (i) required notice of the
36 meeting includes the title and number of the ballot proposition, and
37 (ii) members of the legislative body or members of the public are

1 afforded an approximately equal opportunity for the expression of an
2 opposing view;

3 (b) Use of public facilities by state officers for the preparation
4 or delivery of written or verbal communications initiated by them
5 consisting of information on the impact of ballot propositions that
6 foreseeably may affect a matter that falls within their constitutional
7 or statutory responsibilities;

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

17 ~~((e))~~ (d) Activities that are part of the normal and regular
18 conduct of the office or agency; and

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

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

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