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**SUBSTITUTE SENATE BILL 5661**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** Senate Government Operations & Security (originally sponsored by Senators Roach, Llias, Mullet, Keiser, and Benton)

READ FIRST TIME 02/19/15.

1 AN ACT Relating to the legislature holding work sessions on state  
2 ballot measures; and amending RCW 42.52.180.

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

4 **Sec. 1.** RCW 42.52.180 and 2011 c 60 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  
8 purpose of assisting a campaign for election of a person to an office  
9 or for the promotion of or opposition to a ballot proposition. The  
10 legislature may hold work sessions on state ballot measures. Knowing  
11 acquiescence by a person with authority to direct, control, or  
12 influence the actions of the state officer or state employee using  
13 public resources in violation of this section constitutes a violation  
14 of this section. Facilities of an agency include, but are not limited  
15 to, use of stationery, postage, machines, and equipment, use of state  
16 employees of the agency during working hours, vehicles, office space,  
17 publications of the agency, and clientele lists of persons served by  
18 the agency.

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

20 (a) Action taken at an open public meeting by members of an  
21 elected legislative body to express a collective decision, or to

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

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

16 (c) The maintenance of official legislative web sites throughout  
17 the year, regardless of pending elections. The web sites may contain  
18 any discretionary material which was also specifically prepared for  
19 the legislator in the course of his or her duties as a legislator,  
20 including newsletters and press releases. The official legislative  
21 web sites of legislators seeking reelection shall not be altered  
22 between June 30th and November 15th of the election year. The web  
23 site shall not be used for campaign purposes;

24 (d) Activities that are part of the normal and regular conduct of  
25 the office or agency; and

26 (e) De minimis use of public facilities by statewide elected  
27 officials and legislators incidental to the preparation or delivery  
28 of permissible communications, including written and verbal  
29 communications initiated by them of their views on ballot  
30 propositions that foreseeably may affect a matter that falls within  
31 their constitutional or statutory responsibilities.

32 (3) As to state officers and employees, this section operates to  
33 the exclusion of RCW 42.17A.555.

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