
SENATE BILL 6543

State of Washington

53rd Legislature

1994 Regular Session

By Senators Nelson, Deccio, L. Smith, Amondson, Sellar, Morton, Oke, Anderson, Winsley, Moyer and Hochstatter

Read first time 01/26/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to a prohibition on the use of public funds to
2 support or oppose ballot propositions; amending RCW 42.17.130; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The Washington state Constitution
6 prohibits the credit of the state or any political subdivision to be
7 given or loaned to any individual, association, company, or
8 corporation. In addition, the Public Disclosure Act forbids the use of
9 public office or agency facilities in election campaigns or for the
10 promotion of or opposition to any ballot proposition. The legislature
11 continues to recognize the need to prohibit the use of public resources
12 for private purposes and to keep public funds and facilities removed
13 from the election process. The legislature also finds that it is
14 imperative that ballot propositions continue to be free from the direct
15 or indirect influence of governmental or quasi-governmental
16 organizations. To promote these goals, and to avoid any undue and
17 improper influence that may arise between organizations in the private
18 sector and public agencies, the legislature intends to further restrict

1 the expenditure of public agency moneys to ensure the impartiality of
2 the election process as guaranteed under the state Constitution.

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

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

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

25 ~~((2))~~ (b) A statement by an elected official in support of or in
26 opposition to any ballot proposition at an open press conference or in
27 response to a specific inquiry;

28 ~~((3))~~ (c) Activities which are part of the normal and regular
29 conduct of the office or agency.

30 (2) An agency may not disburse funds in the form of dues or
31 membership fees to an entity that uses any portion of the dues or
32 membership fees for the support of or opposition to a ballot
33 proposition. This subsection does not apply to funds deducted from a
34 public employee's pay and forwarded to a bargaining representative
35 pursuant to RCW 41.56.110.

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