
SENATE BILL 5910

State of Washington

56th Legislature

1999 Regular Session

By Senators McCaslin and Rasmussen

Read first time 02/16/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to use of public resources for political campaigns;
2 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 1995 c 397 s 30 are each amended to read
5 as follows:

6 (1) No state officer or state employee may use or authorize the use
7 of facilities of an agency, directly or indirectly, for the purpose of
8 assisting a campaign for election of a person to an office or for the
9 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:

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

9 (b) A statement by an elected official in support of or in
10 opposition to any ballot proposition at an open press conference or in
11 response to a specific inquiry. For the purposes of this subsection,
12 it is not a violation of this section for an elected official to: (i)
13 Respond to an inquiry regarding a ballot proposition, ((to)) (ii) make
14 incidental remarks concerning a ballot proposition in an official
15 communication, (iii) as a state senator or state representative,
16 initiate one individualized letter to his or her legislative district
17 constituents explaining his or her position on a ballot proposition, or
18 (iv) otherwise comment on a ballot proposition without an actual,
19 measurable expenditure of public funds. The ethics boards shall adopt
20 by rule a definition of measurable expenditure;

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

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

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

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