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SENATE BILL 5390

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State of Washington

58th Legislature

2003 Regular Session

By Senators Haugen, Horn, Jacobsen and Schmidt

Read first time 01/23/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to permissible uses of state resources by elected  
2 officials with regard to ballot propositions; and amending RCW  
3 42.52.180.

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 or for the  
10 promotion of or opposition to a ballot proposition. 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.

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) Written and verbal communications of the views of statewide  
22 elected officials and legislators, including written and verbal  
23 communications initiated by them, of their views on ballot propositions  
24 that foreseeably may affect a matter that falls within their  
25 constitutional or statutory responsibilities; and

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

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

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