
SENATE BILL 5556

State of Washington

57th Legislature

2001 Regular Session

By Senators T. Sheldon, Prentice, Roach, Rasmussen, Franklin and McCaslin

Read first time 01/26/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to the use of public assets for political
2 purposes; and amending RCW 42.17.128, 42.17.130, and 42.52.180.

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

4 **Sec. 1.** RCW 42.17.128 and 1993 c 2 s 24 are each amended to read
5 as follows:

6 Public funds, whether derived through taxes, fees, penalties,
7 or any other sources, shall not be used to finance political
8 campaigns for state or local office or for the promotion of or
9 opposition to any ballot proposition.

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

12 (1) No elective official nor any employee of his or her office
13 nor any person appointed to or employed by any public office or
14 agency may use or authorize the use of any of the facilities of a
15 public office or agency, directly or indirectly, for the purpose
16 of assisting a campaign for election of any person to any office
17 or for the promotion of or opposition to any ballot proposition.

1 Facilities of public office or agency include, but are not limited
2 to, funds, use of stationery, postage, machines, and equipment,
3 use of employees of the office or agency during working hours,
4 vehicles, office space, publications of the office or agency, and
5 clientele lists of persons served by the office or
6 agency: PROVIDED, That the foregoing provisions of this section
7 shall not apply to the following activities:

8 ~~((1))~~ (a) Action taken at an open public meeting by members
9 of an elected legislative body to express a collective decision,
10 or to actually vote upon a motion, proposal, resolution, order, or
11 ordinance, or to support or oppose a ballot proposition so long as
12 ~~((a))~~ (i) any required notice of the meeting includes the title
13 and number of the ballot proposition, and ~~((b))~~ (ii) members of
14 the legislative body or members of the public are afforded an
15 approximately equal opportunity for the expression of an opposing
16 view;

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

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

22 (2) An association or nonprofit corporation that has a majority
23 of officers or members who are public officials and that derives
24 more than twenty-five percent of its income from dues,
25 assessments, or membership fees paid with public funds may not
26 provide any financial support or use of their facilities for or
27 against a ballot proposition, to a political committee, or to a
28 candidate for public office.

29 (3) The entities described in subsection (2) of this section
30 are subject to the public disclosure requirements of chapter 42.17
31 RCW.

32 **Sec. 3.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to
33 read as follows:

34 (1) No state officer or state employee may use or authorize the
35 use of facilities of an agency, directly or indirectly, for the
36 purpose of assisting a campaign for election of a person to an
37 office or for the promotion of or opposition to a ballot

1 proposition. Knowing acquiescence by a person with authority to
2 direct, control, or influence the actions of the state officer or
3 state employee using public resources in violation of this section
4 constitutes a violation of this section. Facilities of an agency
5 include, but are not limited to, use of stationery, postage,
6 machines, and equipment, use of state employees of the agency
7 during working hours, vehicles, office space, publications of the
8 agency, and clientele lists of persons served by the agency.

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

10 (a) Action taken at an open public meeting by members of an
11 elected legislative body to express a collective decision, or to
12 actually vote upon a motion, proposal, resolution, order, or
13 ordinance, or to support or oppose a ballot proposition as long as
14 (i) required notice of the meeting includes the title and number
15 of the ballot proposition, and (ii) members of the legislative
16 body or members of the public are afforded an approximately equal
17 opportunity for the expression of an opposing view;

18 (b) A statement by an elected official in support of or in
19 opposition to any ballot proposition at an open press conference
20 or in response to a specific inquiry. For the purposes of this
21 subsection, it is not a violation of this section for an elected
22 official to respond to an inquiry regarding a ballot proposition,
23 to make incidental remarks concerning a ballot proposition in an
24 official communication, or otherwise comment on a ballot
25 proposition without an actual, measurable expenditure of public
26 funds. The ethics boards shall adopt by rule a definition of
27 measurable expenditure;

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

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

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

1 (4) For the purposes of this section, "facilities" includes
2 local government facilities.

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