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**SUBSTITUTE SENATE BILL 6173**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** Senate Committee on Governmental Operations (originally sponsored by Senators Nelson, McCaslin, Rasmussen, Oke and Cantu)

Read first time 02/06/92.

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

1 or indirect influence of governmental or quasi-governmental  
2 organizations. To promote these goals, and to avoid any undue and  
3 improper influence that may arise between organizations in the private  
4 sector and public agencies, the legislature intends to further restrict  
5 the expenditure of public agency moneys to ensure the impartiality of  
6 the election process as guaranteed under the state Constitution.

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

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

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

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

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

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