
SENATE BILL 6173

State of Washington 52nd Legislature 1992 Regular Session

By Senators Nelson, McCaslin, Rasmussen, Oke and Cantu

Read first time 01/20/92. Referred to Committee on Governmental Operations.

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.