

2 SB 5271 - S AMD - 754

3 By Senators Horn, Patterson and McCaslin

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 42.52.180 and 1995 c 397 s 30 are each amended to
8 read as follows:

9 (1) No state officer or state employee may use or authorize the use
10 of facilities of an agency, directly or indirectly, for the purpose of
11 assisting a campaign for election of a person to an office or for the
12 promotion of or opposition to a ballot proposition. Knowing
13 acquiescence by a person with authority to direct, control, or
14 influence the actions of the state officer or state employee using
15 public resources in violation of this section constitutes a violation
16 of this section. Facilities of an agency include, but are not limited
17 to, use of stationery, postage, machines, and equipment, use of state
18 employees of the agency during working hours, vehicles, office space,
19 publications of the agency, and clientele lists of persons served by
20 the agency.

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

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

30 (b) A statement by an elected official in support of or in
31 opposition to any ballot proposition at an open press conference or in
32 response to a specific inquiry. For the purposes of this subsection,
33 it is not a violation of this section for an elected official to
34 respond to an inquiry regarding a ballot proposition, to make
35 incidental remarks concerning a ballot proposition in an official
36 communication, or otherwise comment on a ballot proposition without an

1 actual, measurable expenditure of public funds. The ethics boards
2 shall adopt by rule a definition of measurable expenditure;

3 (c) Activities that are part of the normal and regular conduct of
4 the office or agency; ~~((and))~~

5 (d) De minimis use of public facilities by state-wide elected
6 officials and legislators incidental to the preparation or delivery of
7 permissible communications, including written and verbal communications
8 initiated by them of their views on ballot propositions that
9 foreseeably may affect a matter that falls within their constitutional
10 or statutory responsibilities; and

11 (e) If invited by a newspaper's editorial board or other person or
12 organization controlling the newspaper's editorial pages, the
13 preparation and delivery to the board, person, or organization of a
14 guest editorial or column that is limited to the subject of a ballot
15 proposition and does not include statements about a candidate, as long
16 as: (i) The guest editorial or column is prepared and delivered by or
17 at the direction of an elected official under whose name and official
18 title it will appear; (ii) the subject of the ballot proposition is
19 within the elected official's constitutional or statutory jurisdiction
20 or authority; and (iii) the elected official has not filed a
21 declaration of candidacy. For the purposes of this subsection (2)(e),
22 it is not a violation of this section for a guest editorial or column
23 by an elected official to argue for or against the proposition or to
24 urge voters to vote for or against it. Nothing in this subsection
25 authorizes any person who has filed a declaration of candidacy to seek
26 or make use of the facilities of an agency for preparation and delivery
27 of a guest editorial or column.

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

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33 On page 1, line 2 of the title, after "newspapers;" strike the
34 remainder of the title and insert "and amending RCW 42.52.180."

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