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**SENATE BILL 5271**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senators Horn, Spanel and Long; by request of Legislative Ethics Board

Read first time 01/21/97. Referred to Committee on Government Operations.

1 AN ACT Relating to elected officials' guest editorials or columns  
2 in newspapers; and amending RCW 42.52.180.

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

4 **Sec. 1.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to read  
5 as follows:

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

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

1 (a) Action taken at an open public meeting by members of an elected  
2 legislative body to express a collective decision, or to actually vote  
3 upon a motion, proposal, resolution, order, or ordinance, or to support  
4 or oppose a ballot proposition as long as (i) required notice of the  
5 meeting includes the title and number of the ballot proposition, and  
6 (ii) members of the legislative body or members of the public are  
7 afforded an approximately equal opportunity for the expression of an  
8 opposing view;

9 (b) A statement by an elected official in support of or in  
10 opposition to any ballot proposition at an open press conference or in  
11 response to a specific inquiry. For the purposes of this subsection,  
12 it is not a violation of this section for an elected official to  
13 respond to an inquiry regarding a ballot proposition, to make  
14 incidental remarks concerning a ballot proposition in an official  
15 communication, or otherwise comment on a ballot proposition without an  
16 actual, measurable expenditure of public funds. The ethics boards  
17 shall adopt by rule a definition of measurable expenditure;

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

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

26 (e) If invited by a newspaper's editorial board or other person or  
27 organization controlling the newspaper's editorial pages, an elected  
28 official's preparing and sending to such board, person, or organization  
29 a guest editorial or column, to appear under the official's name and  
30 official title, that deals with a subject included in a ballot  
31 proposition over which subject the official has constitutional or  
32 statutory jurisdiction or authority. The fact that the official in  
33 such editorial or column argues for or against the proposition, or  
34 urges voters to vote for or against it, does not render the editorial  
35 or column, or the activities of preparing and sending it, outside this  
36 subsection (2)(e).

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

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