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HOUSE BILL 3140

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State of Washington                      56th Legislature                      2000 Regular Session

By Representatives D. Schmidt, Constantine and Lambert

Read first time 02/15/2000. Referred to Committee on State Government.

1            AN ACT Relating to clarifying that the use of internet links to web  
2 sites operated by the state does not constitute the use of public  
3 facilities to assist a campaign; and amending RCW 42.52.180.

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

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

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

19            (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) Creation of a link from a web site operated by a state officer  
21 or state employee to a web site operated by the state; and

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

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

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