
HOUSE BILL 2943

State of Washington 57th Legislature 2002 Regular Session

By Representatives Mitchell, Fisher, Ogden, Hankins, McIntire and Chase

Read first time 02/11/2002. Referred to Committee on State Government.

1 AN ACT Relating to referenda; and amending RCW 42.52.180.

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

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

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

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

18 (a) Action taken at an open public meeting by members of an elected
19 legislative body to express a collective decision, or to actually vote

1 upon a motion, proposal, resolution, order, or ordinance, or to support
2 or oppose a ballot proposition as long as (i) required notice of the
3 meeting includes the title and number of the ballot proposition, and
4 (ii) members of the legislative body or members of the public are
5 afforded an approximately equal opportunity for the expression of an
6 opposing view;

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

16 (c) Activities that are part of the normal and regular conduct of
17 the office or agency. "Normal and regular conduct" for a legislator
18 includes discussing a ballot proposition placed on the ballot by the
19 legislature. Legislators are permitted to discuss such a ballot
20 measure, including its merits and demerits. Legislators may state
21 their position on such a ballot measure, including advocacy expressions
22 of support or opposition. Such discussions are permitted in all manner
23 of communications, whether initiated by the legislator or in response
24 to an inquiry, and including newsletters, letters, press releases, and
25 public meetings undertaken in the conduct of the official's office; and

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

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

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