
SUBSTITUTE HOUSE BILL 1129

State of Washington

58th Legislature

2003 Regular Session

By House Committee on State Government (originally sponsored by Representatives Sommers, Haigh, Armstrong, McDermott, Benson, Wallace, Veloria, Hunt, Kenney, Schual-Berke, Fromhold, Wood, Rockefeller, Cody and O'Brien)

READ FIRST TIME 03/03/03.

1 AN ACT Relating to information from public officials on the impact
2 of ballot propositions; and amending RCW 42.17.130 and 42.52.180.

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

4 **Sec. 1.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to
5 read as follows:

6 No elective official nor any employee of his office nor any person
7 appointed to or employed by any public office or agency may use or
8 authorize the use of any of the facilities of a public office or
9 agency, directly or indirectly, for the purpose of assisting a campaign
10 for election of any person to any office or for the promotion of or
11 opposition to any ballot proposition. Facilities of public office or
12 agency include, but are not limited to, use of stationery, postage,
13 machines, and equipment, use of employees of the office or agency
14 during working hours, vehicles, office space, publications of the
15 office or agency, and clientele lists of persons served by the office
16 or agency: PROVIDED, That the foregoing provisions of this section
17 shall not apply to the following activities:

18 (1) 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 so long as (a) any required notice of
3 the meeting includes the title and number of the ballot proposition,
4 and (b) 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 (2) 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;

10 (3) Activities (~~which~~) that are part of the normal and regular
11 conduct of the office or agency, including making an objective and fair
12 presentation of facts relevant to the impact a ballot proposition may
13 have on the office or agency.

14 **Sec. 2.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to read
15 as follows:

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

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

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

1 (b) Use of public facilities by state officers for the preparation
2 or delivery of objective and neutral written or verbal communications
3 initiated by them consisting of explanatory information on the impact
4 of any ballot propositions that foreseeably may affect a matter that
5 falls within their constitutional or statutory responsibilities;

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

15 ~~((c))~~ (d) Activities that are part of the normal and regular
16 conduct of the office or agency; and

17 ~~((d))~~ (e) De minimis use of public facilities by statewide
18 elected officials and legislators incidental to the preparation or
19 delivery of permissible communications(~~(, including written and verbal~~
20 ~~communications initiated by them of their views on ballot propositions~~
21 ~~that foreseeably may affect a matter that falls within their~~
22 ~~constitutional or statutory responsibilities)).~~

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

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