
HOUSE BILL 2447

State of Washington 60th Legislature 2008 Regular Session

By Representatives Simpson, Williams, Morrell, and Nelson

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1 AN ACT Relating to clarifying agency facilities in the context of
2 political campaigns; 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 2006 c 215 s 2 are each amended to read
5 as follows:

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

1 (1) Action taken at an open public meeting by members of an elected
2 legislative body or by an elected board, council, or commission of a
3 special purpose district including, but not limited to, fire districts,
4 public hospital districts, library districts, park districts, port
5 districts, public utility districts, school districts, sewer districts,
6 and water districts, to express a collective decision, or to actually
7 vote upon a motion, proposal, resolution, order, or ordinance, or to
8 support or oppose a ballot proposition so long as (a) any required
9 notice of the meeting includes the title and number of the ballot
10 proposition, and (b) members of the legislative body, members of the
11 board, council, or commission of the special purpose district, or
12 members of the public are afforded an approximately equal opportunity
13 for the expression of an opposing view;

14 (2) A statement by an elected official in support of or in
15 opposition to any ballot proposition at an open press conference or in
16 response to a specific inquiry;

17 (3) Activities which are part of the normal and regular conduct of
18 the office or agency.

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

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

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

34 (a) Action taken at an open public meeting by members of an elected
35 legislative body to express a collective decision, or to actually vote
36 upon a motion, proposal, resolution, order, or ordinance, or to support
37 or oppose a ballot proposition as long as (i) required notice of the

1 meeting includes the title and number of the ballot proposition, and
2 (ii) members of the legislative body or members of the public are
3 afforded an approximately equal opportunity for the expression of an
4 opposing view;

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

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

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

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

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