
HOUSE BILL 3042

State of Washington

60th Legislature

2008 Regular Session

By Representatives Roach, McCune, and Haler

Read first time 01/21/08. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to violation of laws pertaining to the use of
2 public resources for political campaigns; amending RCW 42.17.130 and
3 42.52.520; and prescribing penalties.

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

5 **Sec. 1.** RCW 42.17.130 and 2006 c 215 s 2 are each amended to read
6 as follows:

7 (1) No elective official nor any employee of his ((~~for her~~)) or
8 her office nor any person appointed to or employed by any public office
9 or agency may use or authorize the use of any of the facilities of a
10 public office or agency, directly or indirectly, for the purpose of
11 assisting a campaign for election of any person to any office or for
12 the promotion of or opposition to any ballot proposition. Knowing
13 acquiescence by a person with authority to direct, control, or
14 influence the actions of the state officer or state employee using
15 public resources in violation of this section constitutes a violation
16 of this section. Facilities of a public office or agency include, but
17 are not limited to, use of stationery, postage, machines, and
18 equipment, use of employees of the office or agency during working

1 hours, vehicles, office space, publications of the office or agency,
2 and clientele lists of persons served by the office or agency.
3 However, this does not apply to the following activities:

4 ~~((1))~~ (a) Action taken at an open public meeting by members of an
5 elected legislative body or by an elected board, council, or commission
6 of a special purpose district including, but not limited to, fire
7 districts, public hospital districts, library districts, park
8 districts, port districts, public utility districts, school districts,
9 sewer districts, and water districts, to express a collective decision,
10 or to actually vote upon a motion, proposal, resolution, order, or

11 ordinance, or to support or oppose a ballot proposition so long as
12 ~~((a))~~ (i) any required notice of the meeting includes the title and
13 number of the ballot proposition, and ~~((b))~~ (ii) members of the
14 legislative body, members of the board, council, or commission of the
15 special purpose district, or members of the public are afforded an
16 approximately equal opportunity for the expression of an opposing view;

17 ~~((2))~~ (b) A statement by an elected official in support of or in
18 opposition to any ballot proposition at an open press conference or in
19 response to a specific inquiry; and

20 ~~((3))~~ (c) Activities which are part of the normal and regular
21 conduct of the office or agency.

22 (2) A violation of this section by an elected official shall be
23 considered malfeasance of office and, therefore, subject to recall
24 action.

25 **Sec. 2.** RCW 42.52.520 and 1994 c 154 s 222 are each amended to
26 read as follows:

27 (1) A violation of this chapter or rules adopted under it is
28 grounds for disciplinary action. A violation of RCW 42.52.180 by the
29 head of an agency or a state employee who is exempt from civil service
30 is cause for dismissal.

31 (2) The procedures for any such action shall correspond to those
32 applicable for disciplinary action for employee misconduct generally;
33 for those state officers and state employees not specifically exempted
34 in chapter 41.06 RCW, the rules set forth in chapter 41.06 RCW shall
35 apply. Any action against the state officer or state employee shall be
36 subject to judicial review to the extent provided by law for

1 disciplinary action for misconduct of state officers and state
2 employees of the same category and grade.

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