
HOUSE BILL 1761

State of Washington 61st Legislature 2009 Regular Session

By Representatives Hasegawa, Appleton, and Hurst

Read first time 01/28/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to the ethical use of legislative web sites; and
2 amending RCW 42.52.180.

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

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

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

18 (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) The maintenance of official legislative web sites throughout
19 the year, regardless of pending elections. The web sites do not need
20 to be altered after June 30th of an election year for legislators
21 seeking reelection and may contain any discretionary material which was
22 also specifically prepared for the legislator in the course of his or
23 her duties as a legislator, including newsletters and press releases.
24 The web site shall not be used for campaign purposes and therefore
25 material which is allowed to be posted is considered not to be campaign
26 material and not subject to election year restrictions as well;

27 (d) Activities that are part of the normal and regular conduct of
28 the office or agency; and

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

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

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