

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE HOUSE BILL 1761

Chapter 185, Laws of 2010

61st Legislature
2010 Regular Session

LEGISLATIVE WEB SITES--ETHICAL USE

EFFECTIVE DATE: 06/10/10

Passed by the House March 8, 2010
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 5, 2010
Yeas 41 Nays 7

BRAD OWEN

President of the Senate

Approved March 24, 2010, 1:29 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1761** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 24, 2010

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1761

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representatives Hasegawa, Appleton, and Hurst)

READ FIRST TIME 01/26/10.

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 may contain
20 any discretionary material which was also specifically prepared for the
21 legislator in the course of his or her duties as a legislator,
22 including newsletters and press releases. The official legislative web
23 sites of legislators seeking reelection shall not be altered between
24 June 30th and November 15th of the election year. The web site shall
25 not be used for campaign purposes;

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

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

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

Passed by the House March 8, 2010.

Passed by the Senate March 5, 2010.

Approved by the Governor March 24, 2010.

Filed in Office of Secretary of State March 24, 2010.