
SECOND SUBSTITUTE SENATE BILL 5417

State of Washington

62nd Legislature

2012 Regular Session

By Senate Government Operations, Tribal Relations & Elections
(originally sponsored by Senators Becker, Swecker, Benton, Stevens,
Delvin, Honeyford, Sheldon, Hatfield, Hobbs, Shin, Roach, and Kline)

READ FIRST TIME 01/27/12.

1 AN ACT Relating to the distribution of legislators' contact cards,
2 newsletters, government guides, or similar printed materials produced
3 with legislative resources; and amending RCW 42.52.180.

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

5 **Sec. 1.** RCW 42.52.180 and 2011 c 60 s 30 are each amended to read
6 as follows:

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

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

34 (f) Distributions throughout a legislator's district of contact
35 cards, newsletters, government guides, or similar printed materials
36 produced with legislative resources at community centers, libraries,
37 senior centers, city halls, and similar civic centers or public sites
38 for the purpose of informing the public as to legislative matters or

1 providing information on how the public may contact legislators or
2 participate in legislative proceedings. A legislator may print or
3 distribute a newsletter and his or her contact information in
4 newspapers that are published or circulated in the legislator's
5 legislative district. Provided, however, that no materials may be
6 prepared or distributed for campaign purposes.

7 (3) As to state officers and employees, this section operates to
8 the exclusion of RCW 42.17A.555.

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