
SENATE BILL 6164

State of Washington

63rd Legislature

2014 Regular Session

By Senator Roach

Read first time 01/16/14. Referred to Committee on Governmental Operations.

1 AN ACT Relating to the legislature holding a public hearing on a
2 ballot proposition; and 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 2011 c 60 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. Nothing in this
10 chapter shall prohibit or limit a standing committee of the legislature
11 from holding a public hearing on a ballot proposition. Knowing
12 acquiescence by a person with authority to direct, control, or
13 influence the actions of the state officer or state employee using
14 public resources in violation of this section constitutes a violation
15 of this section. Facilities of an agency include, but are not limited
16 to, use of stationery, postage, machines, and equipment, use of state
17 employees of the agency during working hours, vehicles, office space,
18 publications of the agency, and clientele lists of persons served by
19 the agency.

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

2 (a) Action taken at an open public meeting by members of an elected
3 legislative body to express a collective decision, or to actually vote
4 upon a motion, proposal, resolution, order, or ordinance, or to support
5 or oppose a ballot proposition as long as (i) required notice of the
6 meeting includes the title and number of the ballot proposition, and
7 (ii) members of the legislative body or members of the public are
8 afforded an approximately equal opportunity for the expression of an
9 opposing view;

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

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

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

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

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

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