
SUBSTITUTE HOUSE BILL 1761

State of Washington

61st Legislature

2009 Regular Session

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

READ FIRST TIME 02/23/09.

1 AN ACT Relating to the ethical use of legislative web sites;
2 amending RCW 42.52.180; and adding a new section to chapter 42.52 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.52 RCW
5 to read as follows:

6 This chapter shall not be interpreted to hold a legislator or
7 legislative employee responsible for nonlegislative material found on
8 nonlegislative web sites in cases where links are established from
9 their official legislative web sites to any other internet web site,
10 except those paid for by a candidate as defined by RCW 42.17.020(9) or
11 political committee as defined by RCW 42.17.020(39).

12 **Sec. 2.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to read
13 as follows:

14 (1) No state officer or state employee may use or authorize the use
15 of facilities of an agency, directly or indirectly, for the purpose of
16 assisting a campaign for election of a person to an office or for the
17 promotion of or opposition to a ballot proposition. Knowing
18 acquiescence by a person with authority to direct, control, or

1 influence the actions of the state officer or state employee using
2 public resources in violation of this section constitutes a violation
3 of this section. Facilities of an agency include, but are not limited
4 to, use of stationery, postage, machines, and equipment, use of state
5 employees of the agency during working hours, vehicles, office space,
6 publications of the agency, and clientele lists of persons served by
7 the agency.

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

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

17 (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. For the purposes of this subsection,
20 it is not a violation of this section for an elected official to
21 respond to an inquiry regarding a ballot proposition, to make
22 incidental remarks concerning a ballot proposition in an official
23 communication, or otherwise comment on a ballot proposition without an
24 actual, measurable expenditure of public funds. The ethics boards
25 shall adopt by rule a definition of measurable expenditure;

26 (c) The maintenance of official legislative web sites throughout
27 the year, regardless of pending elections. The web sites may contain
28 any discretionary material which was also specifically prepared for the
29 legislator in the course of his or her duties as a legislator,
30 including newsletters and press releases. The official legislative web
31 sites of legislators seeking reelection shall not be altered between
32 June 30th and November 15th of the election year. The web site shall
33 not be used for campaign purposes and therefore material which is
34 allowed to be posted is considered not to be campaign material and not
35 subject to election year restrictions as well;

36 (d) Usage of an official legislative web site under section 1 of
37 this act;

1 (e) Activities that are part of the normal and regular conduct of
2 the office or agency; and

3 (~~(d)~~) (f) De minimis use of public facilities by statewide
4 elected officials and legislators incidental to the preparation or
5 delivery of permissible communications, including written and verbal
6 communications initiated by them of their views on ballot propositions
7 that foreseeably may affect a matter that falls within their
8 constitutional or statutory responsibilities.

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

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