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SECOND SUBSTITUTE HOUSE BILL 1761

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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 and therefore material which is  
26 allowed to be posted is considered not to be campaign material and not  
27 subject to election year restrictions as well;

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

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

36 (3) As to state officers and employees, this section operates to

1 the exclusion of RCW 42.17.130.

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