Ethics in Public Service Act

RCW 42.52.180

Use of Public Resources for Political Campaigns

Washington State Executive Ethics Board
PO Box 40149
Olympia WA 98504
(360) 664-0871 ethics@atg.wa.gov

RCW 42.52.180, Use of public resources for political campaigns, states:

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

(2) Subsection (1) of this section shall not apply to the following activities:

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

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

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

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

What does this mean?

The state's ethics law prohibits the use of state facilities and resources for political campaigns. Facilities and resources include, but are not limited to, stationery, postage, machines, equipment, use of state employees during working hours, vehicles, office space, publications of the agency, and clientele list of persons served by the agency. Be careful. You can actually violate the ethics

law if you witness the use of public resources for political campaigns and do not act to stop the use.

Exceptions to this rule: Elected officials are exempt from RCW 42.52.180 as well as any activities that are the normal and regular conduct of a state agency. Contact your Ethics Officer, the ethics board staff, or the Assistant Attorney General for guidance on whether an exception may apply to your activities.

Scenarios

1. Fred, a classified employee, has a fixed schedule of 8am-5pm, Monday through Friday. During the heated campaign for city dog catcher, Fred often stays until 8 or 9pm making telephone calls or sending e-mails on behalf of his candidate using agency equipment. Violation?

2. Lori, a state employee, is excited about the presidential elections coming up and feels very passionate that her friends need to vote. She sends 20 e-mails from her work the day before elections to urge people to "get out and vote" and encourages people to vote for her candidate. One of her friends, Sam, is a co-worker and gets the e-mail. Sam doesn't say anything to his supervisor about it. Violation on Sam's part?