

Effective Date: November 1992

## POLICY

Authority: RCW 42.17.128; 42.17.130

Approved: WA State Legislature, 1992; Amended 1994

### **POL U5400.13 -- USING UNIVERSITY PROPERTY FOR POLITICAL ACTIVITY**

*This policy applies to all persons employed by Western Washington University.*

#### **Parameters Regarding Use of State Property for Political Activity are Established by State Law**

State law and rules establish parameters for use of state property in political campaigns and limitations on state officers and employees as to political activity during their on-duty hours. The purpose of this statement is to inform the university community about those parameters and limitations.

#### **Laws regarding use of state resources or facilities**

**RCW 42.17.128 Use of public funds for political purposes.** Public funds, whether derived through taxes, fees, penalties, or any other sources, shall not be used to finance political campaigns for state or local office.

**RCW 42.52.130 Forbids use of public office or agency facilities in campaigns.** No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) 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 so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an

approximately equal opportunity for the expression of an opposing view;

(2) 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;

(3) Activities which are part of the normal and regular conduct of the office or agency.

## **Laws limiting activities of public officers or employees**

### **RCW 42.17.190 (2), (3) and (4) Legislative activities of state agencies, other units of government, elective officials, employees.**

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying: *Provided*, This does not prevent officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: *Provided further*, That this subsection does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency: *Provided*, That public funds may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" means a voluntary transfer of any thing of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business: *Provided further*, that this section does not permit the printing of a state publication which has been otherwise prohibited by law.

(4) No elective official or any employee of his or her office or any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, in any effort to support or oppose an initiative to the legislature. "Facilities of a public office or agency" has the same meaning as in RCW 42.17.130. The provisions of this subsection 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 an initiative to the legislature so long as (i) any required notice of the meeting includes the title and number of the initiative to the legislature, 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 initiative to the legislature at an open press conference or in response to a specific inquiry;

(c) Activities which are part of the normal and regular conduct of the office or agency.

### **State Department of Personnel Rules Regarding Political Activity**

The following rules adopted by the state Department of Personnel apply to classified staff.

**WAC 356-46-010 Political Activity - Regulations.** (1) Solicitation for or payment to any partisan, political organization or for any partisan, political purpose or any compulsory assessment or involuntary contribution is prohibited: *Provided, however,* That officers of employee organizations shall not be prohibited from soliciting dues or contributions from members of their organization. No person shall solicit on state property any contribution to be used for partisan, political purposes.

(2) Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

(3) A classified civil service employee shall not hold a part-time public office in a political subdivision of the state when the holding of such office is incompatible with, or substantially interferes with, the discharge of official duties in state employment as determined by the appointing authority.

(4) The rules and regulations of the United States Office of Personnel Management which pertain to political activities may apply to some employees. Persons engaged in federal loans or grants-in-aid programs should inquire about their own situations and contemplated activities.