

## Guidelines for Local Officials and Employees Who Engage in Election Campaigns

### • 10 Basic Principles •

*This document is an expression of the Commission's view of the meaning of RCW 42.17A.555 and relevant rules and case law. It is intended to provide guidance regarding the Commission's approach and interpretation of how the statutory prohibition on the use of public facilities for campaigns impacts activities that may be contemplated by government employees and others who may seek to utilize those public facilities. Readers are strongly encouraged to review the statute and rules referenced in these guidelines.*

*The PDC urges agencies to review the guidelines in their entirety, and to consult with their own legal counsel and with the PDC. **For additional information, visit [www.pdc.wa.gov](http://www.pdc.wa.gov) or use your phone's camera to scan the QR code.***



1. Public facilities may not be used to support or oppose a candidate or ballot proposition. [RCW 42.17A.555](#). Facilities include local government agency equipment, buildings, supplies, employee work time, and agency publications. The statute includes an exception to the prohibition for "activities which are part of the normal and regular conduct of the office or agency." **(See page 3 for definition of "normal and regular.")**
2. The Public Disclosure Commission holds that it is not only the right, but the responsibility of local government to inform the general public of the operational and maintenance issues facing local agencies. This includes informing the community of the needs of the agency that the community may not realize exist. Local governments may expend funds for this purpose provided that the preparation and distribution of information is not for the purpose of influencing the outcome of an election.
3. Public employees do not forfeit their rights to engage in political activity because of their employment. Neither may agency employees be subjected to coercion, pressure, or undue influence to participate in political activity or to take a particular position. Public officials and employees should make it clear that any participation is personal rather than officially sponsored.
4. Supervisory personnel have a duty to know, apply, and communicate to their staffs the difference between acceptable information activities and inappropriate promotional activities in support of local government ballot measures.

5. Local elected officials are free to support agency ballot issues and engage in other political activities as long as such activities do not make use of government facilities, time or resources and do not either pressure or condone employees' use of agency facilities, time or resources to support ballot issues.
6. The PDC is charged with enforcing RCW 42.17A.555. This requires consideration and analysis of activities, which may or may not be determined to be in violation of the statute. The PDC has, over the years, developed methods of considering and analyzing activities engaged in by public offices. Among the factors considered are the normal and regular conduct and the timing, tone, and tenor of activities in relation to ballot measure elections. As in any matter where intent is to be considered, hard and fast rules, which will be applicable to all situations, are difficult to establish.

The combination of a number of activities into a coordinated campaign involving close coordination between agency activities and citizens' committee activities which closely resembles traditional election campaign activities and which is targeted at and/or occurs close in time to a ballot measure election is likely to draw close scrutiny and careful consideration by the PDC as to whether a violation has occurred.

7. a. Historically, the PDC has routinely advised and held that with respect to election-related publications, one jurisdiction-wide objective and fair presentation of the facts per ballot measure is appropriate.

In addition, if an agency\* has also customarily distributed this information through means other than a jurisdiction-wide mailing (e.g. regularly scheduled newsletter, website, bilingual documents, or other format), that conduct has also been permitted under RCW 42.17A.555 so long as the activity has been normal and regular for the government agency.

- b. The PDC will presume that every agency may distribute throughout its jurisdiction an objective and fair presentation of the facts for each ballot measure. If the agency distributes more than this jurisdiction-wide single publication, the agency must be able to demonstrate to the PDC that this conduct is normal and regular for that agency. In other words, the agency must be able to demonstrate that for other major policy issues facing the government jurisdiction, the agency has customarily communicated with its residents in a manner similar to that undertaken for the ballot measure.

c. Agencies are urged to read the definitions of "normal and regular" at WAC [390-05-271](#) and [WAC 390-05-273](#). **Agencies need to be aware, however, that in no case will the PDC view a marketing or sales effort related to a campaign or election as normal and regular conduct.**

8. The PDC attributes publications or other informational activity of a department or subdivision as the product of the local agency as a whole.
9. Providing an objective and fair presentation of facts to the public of ballot measures that directly impact a jurisdiction's maintenance and operation, even though the measure is not offered by the jurisdiction, may be considered part of the normal and regular conduct of the local agency. The agency must be able to demonstrate that for other major policy issues facing the jurisdiction, the agency has customarily communicated with its residents in a manner similar to that undertaken for the ballot measure.
10. State law provides certain exemptions from the prohibition on the use of public office or agency facilities in campaigns for an elected legislative body, an elected board, council or commission of a special purpose district, and elected officials that are not afforded appointed officials. RCW 42.17A.555 (1) and (2) apply only to these elected bodies and elected officials.\*\*

\*Agency means any county, city, town, port district, special district, or other state political subdivision.

\*\*See [Chapter 215, Laws of 2006](#) and [AGO 2005 No. 4](#).

### **Definition of Normal and Regular Conduct** [WAC 390-05-273](#)

Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17A.555, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

## Guidelines for Local Officials and Employees Who Engage in Election Campaigns

### • Chart by Group Category •

*The categories of persons identified below identify groups more likely to consider undertaking the activity mentioned in the adjacent columns. If an activity is described as "Permitted," it is viewed as permitted for all agency personnel otherwise having the authority under law or agency policy to undertake that action, not just the persons identified in the chart. The same approach is applied to the "Not Permitted" column. The remarks in the chart's "General Considerations" column have relevance for the entire section.*

Group	Permitted (May...)	Not Permitted (Shall not...)
Administrators (City Manager, PUD Manager, Fire Chief, etc.)	<ul style="list-style-type: none"> <li>• Inform staff during non-work hours of opportunities to participate in campaign activities</li> <li>• Communicate to staff the difference between acceptable and unacceptable activities related to a ballot measure</li> <li>• In the course of normal publications for the agency, distribute an objective and fair presentation of the facts based on and expanded upon the information prepared by the agency in accordance with the normal and regular conduct of the agency</li> <li>• Speak at community forums and clubs to present factual and objective information on a ballot measure during regular work hours</li> <li>• Encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections</li> <li>• Respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties</li> </ul>	<ul style="list-style-type: none"> <li>• Pressure or coerce employees to participate in campaign activities</li> <li>• Use internal memoranda solely for the purpose of informing employees of meetings supporting or opposing ballot measures</li> <li>• Coordinate informational activities with campaign efforts, in a manner that makes the agency appear to be supporting or opposing a ballot measure</li> <li>• Use public resources to operate a speakers' bureau in a manner that may be viewed as promoting a ballot measure</li> </ul>

Group	Permitted (May...)	Not Permitted (Shall not...)
	<ul style="list-style-type: none"> <li>• Wear campaign buttons or similar items while on the job if the agency's policy generally permits employees to wear political buttons</li> <li>• Engage in campaign activities on their own time, during non-work hours and without using public resources</li> </ul>	
Community Groups	<ul style="list-style-type: none"> <li>• Use agency facilities for meetings supporting or opposing a ballot measure to the extent that the facilities are made available on an equal access, nondiscriminatory basis, and it is part of the normal and regular activity of the jurisdiction</li> </ul>	<ul style="list-style-type: none"> <li>• Use agency facilities to produce materials that support or oppose a ballot measure</li> </ul>
Local Elected Legislative Body	<ul style="list-style-type: none"> <li>• Collectively vote to support or oppose a ballot measure at a properly noticed public meeting, where opponents of the measure are given an equal opportunity to express views</li> </ul>	<ul style="list-style-type: none"> <li>• Pressure or coerce agency management to participate in campaign activities</li> <li>• Explicitly include passage of a ballot measure in the agency's annual goals</li> </ul>
Local Elected Officials	<ul style="list-style-type: none"> <li>• Engage in political activities on his or her own time, if no public equipment, vehicle or facility is used (An elected official may use their title but should clarify that they are speaking on their own behalf, and not on behalf of the agency. If the elected legislative body has adopted a resolution, the official can then speak on behalf of the agency.)</li> <li>• Attend any function or event at any time during the day and voice their opinion about a candidate or ballot proposition as long as they are not being compensated and are not using any public equipment, vehicle or other facility</li> </ul>	<ul style="list-style-type: none"> <li>• Direct agency staff to perform tasks to support or oppose campaign activities or ballot measures</li> <li>• Use public facilities or resources to engage in political activities</li> </ul>
Appointed Officials	<ul style="list-style-type: none"> <li>• Engage in political activities on his or her own time, if no public equipment, vehicle or facility is</li> </ul>	<ul style="list-style-type: none"> <li>• Direct agency staff to perform tasks to support or oppose campaign activities or ballot measures</li> </ul>

Group	Permitted (May...)	Not Permitted (Shall not...)
	<p>used (they may use their title, but should clarify that they are speaking on their own behalf, and not on behalf of the agency)</p> <ul style="list-style-type: none"> <li>• Attend any function or event at any time during the day and voice their opinion about a candidate or ballot proposition as long as they are not being compensated and are not using any public equipment, vehicle or other facility</li> </ul>	<ul style="list-style-type: none"> <li>• Use public facilities or resources to engage in political activities</li> <li>• Use public facilities to express a collective decision or actually vote upon a motion or resolution to support or oppose a ballot proposition</li> <li>• Use public facilities to make a statement at a press conference or responding to an inquiry in support or opposition to any ballot proposition</li> </ul>
Management Staff or Designees	<ul style="list-style-type: none"> <li>• Speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours</li> <li>• Participate in campaign activities, including meeting with citizens' campaign committees to plan strategies, during non-work hours and without the use of public resources</li> <li>• Inform staff during non-work hours of opportunities to participate in campaign activities</li> <li>• Respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties</li> <li>• Wear campaign buttons or similar items while on the job if the agency's policy generally permits employees to wear political buttons</li> <li>• Place window signs or bumper stickers on their privately owned cars, even if those cars are parked on government property during working hours</li> <li>• Communicate to staff the difference between acceptable and unacceptable activities related to a ballot measure</li> </ul>	<ul style="list-style-type: none"> <li>• Use public resources to operate a speakers' bureau in a manner that may be viewed as promoting a ballot measure</li> <li>• Use public resources to promote or defeat a candidate or ballot measure</li> <li>• Pressure or coerce employees to participate in campaign activities</li> <li>• Use agency resources to organize the distribution of campaign materials</li> </ul>

Group	Permitted (May...)	Not Permitted (Shall not...)
	<ul style="list-style-type: none"> <li>• Encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections</li> </ul>	
Agency Employees	<ul style="list-style-type: none"> <li>• Speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours</li> <li>• Inform staff during non-work hours of opportunities to participate in campaign activities</li> <li>• Engage in campaign activities on their own time, during non-work hours and without using public resources</li> <li>• Respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties</li> <li>• Wear campaign buttons or similar items while on the job if the agency's policy generally allows employees to wear political buttons</li> <li>• During non-work hours, make available campaign materials to employees in lunchrooms and break rooms that are used only by staff or other authorized individuals</li> <li>• Place window signs or bumper stickers on their cars, even if those cars are parked on government agency property during working hours</li> <li>• Encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections</li> </ul>	<ul style="list-style-type: none"> <li>• Use work hours or public resources to promote or oppose a candidate or ballot measure (such as gathering signatures, distributing campaign materials, arranging speaking engagements, coordinating phone banks, or fundraising)</li> <li>• Pressure or coerce other employees to participate in campaign activities</li> <li>• Use agency resources to organize the distribution of campaign materials</li> </ul>
Union Representatives	<ul style="list-style-type: none"> <li>• During non-work hours, make available campaign materials to union members in lunchrooms and</li> </ul>	<ul style="list-style-type: none"> <li>• Use the agency's internal mail or email system to communicate campaign-related information, including endorsements</li> </ul>

Group	Permitted (May...)	Not Permitted (Shall not...)
	<p>break rooms that are used only by staff or other authorized individuals</p> <ul style="list-style-type: none"> <li>• Distribute campaign materials at union-sponsored meetings</li> <li>• Post campaign materials on a bulletin board, if such a board is in an area that is not accessible to the general public and if such activity is consistent with the agency's policy and the collective bargaining agreements</li> </ul>	<ul style="list-style-type: none"> <li>• Distribute promotional materials in public areas</li> </ul>



## Guidelines for Local Government Agencies in Election Campaigns

### • Chart by Tool Category •

*Public facilities may not be used to support or oppose a candidate or ballot proposition. RCW 42.17A.555. Facilities include local government agency equipment, buildings, supplies, employee work time, and agency publications. The statute includes an exception to the prohibition for "activities which are part of the normal and regular conduct of the office or agency."*

*The Public Disclosure Commission holds that it is not only the right, but the responsibility of local government to inform the general public of the operational and maintenance issues facing local agencies. This includes informing the community of the needs of the agency that the community may not realize exist. Local governments may expend funds for this purpose provided that the preparation and distribution of information is not for the purpose of influencing the outcome of an election.*

*Guidance around use of common communication tools is summarized below. For a full list, visit [www.pdc.wa.gov](http://www.pdc.wa.gov) or use your phone's camera to scan the QR code.*



Tool	Permitted	Not Permitted
Agency Publications (Specific to Elections)	<ul style="list-style-type: none"> <li>• Agencies may develop an objective and fair presentation of the facts regarding agency needs and the anticipated impact of a ballot measure and may distribute it in the agency's customary manner. This information may be printed in various languages and communicated in other formats as required by the ADA.</li> <li>• In the course of regular publications for the agency, the agency may distribute an objective and fair presentation of the facts for each ballot measure in accordance with the normal and regular conduct of the agency.</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies shall not distribute election-related information in a manner that targets specific subgroups. Targeting does not refer to mailing information to agency constituencies such as community leaders, or some other group, or to the agency's regular distribution list to provide information in a manner that is consistent with the normal and regular conduct of the agency.</li> <li>• Agencies shall not publicize information supporting or opposing a candidate or ballot measure.</li> </ul>

Tool	Permitted	Not Permitted
Agency Publications (Regular)	<ul style="list-style-type: none"> <li>• Agencies may include all or part of the information regarding agency needs and the anticipated impacts of a ballot measure in the agency's regular publications, such as agency and department newsletters. (For example, a department newsletter may specifically describe the projects and/or programs planned for that department.)</li> <li>• Agencies may inform staff and/or others of community meetings related to ballot measures if other such information is normally published in a newsletter or community calendar, and if both those supporting or opposing a ballot measure have the opportunity to appear on the calendar or in the newsletter.</li> <li>• Agencies may factually report jurisdictional support for a ballot measure, so long as it is the normal and regular conduct for the agency. (For example, a community newsletter that ordinarily reports on governmental actions may report that the jurisdiction adopted a resolution supporting a ballot measure.)</li> <li>• Agencies may thank citizens for their support after an election in agency publications.</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies shall not use internal memoranda or other agency publications to encourage employees to participate in campaign activities.</li> <li>• Agencies shall not publish materials supporting or opposing a candidate or ballot measure.</li> </ul>
Equipment and Supplies	<ul style="list-style-type: none"> <li>• Agency employees, in the course of their employment, may use equipment to make an objective and fair presentation of the facts at community forums and clubs.</li> <li>• Agency employees, in the course of their employment, may produce information that is an</li> </ul>	<ul style="list-style-type: none"> <li>• Public resources (including but not limited to internal mail systems, email systems, copiers, telephone) shall not be used to support or oppose a candidate or ballot measure, whether during or outside of work hours.</li> </ul>

Tool	Permitted	Not Permitted
	<p>objective and fair presentation of the facts using public resources.</p>	<ul style="list-style-type: none"> <li>• Citizens' campaign committees and other community groups shall not use agency equipment (including but not limited to internal mail systems, projectors, computers, and copiers) to prepare materials for meetings regarding ballot measures.</li> </ul>
<p>Technology (Websites, Calling Systems, etc.)</p>	<ul style="list-style-type: none"> <li>• An agency may develop an objective and fair presentation of the facts and post that information on its website, including information regarding agency needs and the anticipated impacts of a ballot measure. This information may be reformatted so that it is consistent with the manner in which the agency customarily presents information on its website.</li> <li>• Agency websites may permit viewers to make selections to learn about the anticipated impacts of a ballot measure for a specific division, or otherwise allow readers to explore issues in greater or lesser detail.</li> <li>• Agencies may update the information on their websites in a manner that is customary for the agency.</li> <li>• Staff may respond to inquiries regarding a ballot measure in an objective and fair manner, via email or by telephone, if it is part of their normal and regular duties.</li> </ul>	<ul style="list-style-type: none"> <li>• Agency computers, email systems, telephones, and other information technology systems shall not be used to aid a campaign for or against a candidate or ballot measure.</li> <li>• Electronic communication systems shall not be used to generate or forward information that supports or opposes a candidate or ballot measure.</li> <li>• Agency websites shall not be used for the purposes of supporting or opposing a candidate or ballot measure.</li> </ul>
<p>Reader Boards and Posters</p>	<ul style="list-style-type: none"> <li>• Information encouraging staff and members of the public to vote, or providing the dates of upcoming elections such as "vote on February ___", may be posted, as long as such encouragement is</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies shall not display a "Vote for ." sign or other promotional messages on reader boards or posters.</li> </ul>

Tool	Permitted	Not Permitted
	<p>customarily posted for elections other than just an agency's ballot measure.</p> <ul style="list-style-type: none"> <li>• Agencies may thank citizens on their reader boards for their support after an election.</li> <li>• May post objective and fair information at an agency or at a future site regarding anticipated improvements to be funded by a ballot measure that is specific to that agency or site.</li> </ul>	<ul style="list-style-type: none"> <li>• Signs advocating for or against candidates or ballot measures shall not be posted on agency property in any area accessible to the general public.</li> <li>• Publicly owned vehicles shall not be used to carry or display political material.</li> </ul>
Meeting Facilities	<ul style="list-style-type: none"> <li>• Agency meeting facilities, including audio visual equipment, may be used by campaign committees for activities on the same terms and conditions available to other community groups, subject to the provisions of the agency's policy.</li> <li>• Use of agency meeting facilities is permitted when the facility is merely a "neutral forum" where the activity is taking place, and the public agency in charge of the facility is not actively endorsing or supporting the activity that is occurring.</li> </ul>	
Lists	<ul style="list-style-type: none"> <li>• Lists of names (such as agency vendors or customers) that an agency has obtained or created in the course of transacting its regular public business are subject to public disclosure requirements; thus, unless otherwise exempt, the lists must be released subject to public records requests.</li> <li>• Agencies may charge a pre-established fee to cover the costs of providing copies of such lists on an equal access, nondiscriminatory basis.</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies shall not sell copies of such lists (though they may charge a pre-established fee to recover the costs of providing copies of the lists).</li> <li>• If a list is generally available as a public record, it cannot be denied to a person or group on the grounds that it might be used in a campaign.</li> </ul>

<p>Agency Calendars</p>	<ul style="list-style-type: none"> <li>• Agency officials, appointees and employees may place on their individual agency calendar the basic information that they are scheduled to be out of the office to attend campaign events. They may synchronize their personal electronic calendars with agency electronic calendars if only basic information gets placed on the agency calendar about campaign events.</li> <li>• Agency officials, appointees and employees may respond to public inquiries, including from campaigns, about the employee's, appointee's or official's availability on their schedule to attend a campaign event.</li> <li>• A supervising employee, appointee or official may request their scheduling staff to block out time on the supervising employee's, appointee's or official's calendar for campaign events.</li> <li>• A scheduling assistant may receive information and block out time on the supervising employee's, appointee's or official's individual calendar for campaign events, as directed by that person.</li> <li>• A scheduling assistant may respond to public inquiries, including from campaigns, about the supervising employee's, appointee's or official's availability to attend a campaign event.</li> <li>• Agencies may inform staff and others of community meetings related to ballot measures if other such information is normally published in a community calendar, and if both those supporting or opposing a ballot measure have the opportunity to appear on the calendar.</li> </ul>	<ul style="list-style-type: none"> <li>• Agency officials, appointees and employees shall not use, nor direct their staff to use, public facilities or resources to arrange or plan campaign activities, or to assist with a campaign activity. Arranging details of the official's, appointee's or employee's appearance or participation in the campaign activity such as travel logistics, tickets, invitations to other participants, or agenda while at the event, are not permitted. Communicating about the individual's interest and/or potential for participating in planned or possible future campaign events or activities, including endorsement interviews, are not permitted. Those activities must use campaign resources and staff, not public agency resources and staff.</li> <li>• Agency officials, appointees and employees shall not place their individual campaign-related events on agency-wide distributed calendars such as monthly calendars of agency events, or regularly scheduled newsletters with agency events provided or distributed to staff or the public.</li> </ul>
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