

CITY OF SPOKANE ADMINISTRATIVE POLICY	ADMIN 0620-11-62 LGL 2011-0026
TITLE: EMPLOYEE ACTIVITIES AND USE OF PUBLIC FACILITIES FOR ELECTION ADVOCACY EFFECTIVE DATE: September 14, 1995 REVISION EFFECTIVE DATE: July 6, 2011	

1.0 GENERAL

1.1 Each year questions arise regarding the use of public facilities for election campaigns and what role, if any, City officers and employees, boards, and commissions may have in election campaigns. This document provides the City of Spokane's policy regarding this matter.

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2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to all City divisions, departments and facilities.

3.0 REFERENCES

Spokane City Charter, Article IV, Section 22 (b)
RCW 42.17.128
RCW 42.17.130
WAC 390-05-273

4.0 DEFINITIONS

4.1 "Normal and regular conduct" of a public office or agency 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.

- 4.2 "Public Facilities" include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees during working hours, vehicles, office space, City publications, and clientele lists of persons served by the City.

5.0 POLICY

- 5.1 State law prohibits the use of facilities of a public office to support or oppose a ballot measure or an election campaign for public office. With respect to a ballot measure, the prohibition applies as soon as the measure is filed with the appropriate officer prior to it being circulated for signatures. Thus, the prohibition applies before a measure even qualifies, if it ever does, for the ballot. With respect to a campaign for public office, it applies once an individual becomes a candidate for elected office, which may occur before the time period for filing for office.

- 5.2 There are three (3) specific exemptions to the general prohibition.

5.2.1 An elected legislative body, such as the City Council, may vote at an open public meeting 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.

5.2.2 An elected official, such as a City Council member, may make statements in support of or opposition to a ballot proposition at an open press conference or in response to a specific inquiry.

5.2.3 Activities which are part of the normal and regular conduct of the office or agency are allowed.

- 5.3 The City charter prohibits an employee, while fulfilling the duties of City employment, from actively engaging in a political campaign for an elective City office, or taking an active part in securing or contributing money toward any candidate's campaign for an elective City office. City employees shall not use their positions, offices, facilities, or public resources to attempt to persuade anyone else to participate in or

contribute to a political campaign for elective office in the City or any other jurisdiction.

6.0 PROCEDURE

6.1 Normal and Regular Conduct Activities.

- 6.1.1 Under the normal and regular activities exception, the City may make its facilities available in a nondiscriminatory, equal access basis for a candidates' forum or a neutral public forum on a ballot measure.
- 6.1.2 City staff can make an "objective and fair" presentation of facts concerning a ballot measure, if such action is part of the normal and regular conduct of the department or City.
- 6.1.3 Neutral "fact sheets" can be an effective way to respond to citizen questions about a measure. They can also prove helpful for voters to evaluate the potential financial or operational impact of a ballot measure, both personally and to the local government.
- 6.1.4 The State Public Disclosure Commission has held 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 governments.
- 6.15 Factual information prepared by City staff regarding a ballot measure and legislative action by the City Council regarding a ballot measure taken pursuant to RCW 42.17.130 may be disseminated through ordinary city communication channels including, but not limited to, media releases, posting to the City's web site or social media sites and City Channel 5.

6.2 Examples Of Prohibited Activities.

- 6.2.1 City officers or employees campaigning or preparing campaign materials during working hours, or while wearing a uniform or clothing clearly identifying themselves as a City employee.
- 6.2.2 The City charter prohibits an employee, while fulfilling the duties of City employment, from actively engaging in a political campaign for an elective office, or taking an active part in securing or contributing money toward any candidate's campaign for an elective office. City employees shall not use their positions, offices, facilities, or public

resources to attempt to persuade any one else to participate in or contribute to a political campaign for elective office.

- 6.2.2 Using City supplies or equipment, such as a copying machine, computer, word processor or telephone, whether during or after work hours, to prepare or distribute materials for election or ballot measures.
- 6.2.3 Non-elected, non-legislative boards or commissions, such as the Plan Commission, taking a collective position on a ballot measure.
- 6.2.4 City Council voting to endorse a candidate for elective office.
- 6.2.5 Using City vehicles to carry or display campaign materials.
- 6.2.6 Using public property for campaign purposes, except in the context of a neutral forum. This includes political signs or posters in individual office areas.
- 6.2.7 Employees wearing partisan buttons or similar displays of personal affiliation while "on duty", regardless of where they may be at the time.
- 6.2.8 Pressuring or coercing employees to participate in campaign activities.

6.3 Examples of Allowed Activities.

- 6.3.1 A City officer or employee, on his or her own time (outside working hours or on leave), may campaign for or against a ballot proposition or a candidate for elected office without using public resources.
- 6.3.2 A City officer or employee writing, on his or her own time, a letter to the editor of the local newspaper expressing a position on a ballot measure or a candidate for elective office and identifying his or her position with the City. (There should, however, be no implication in the letter that the writer is expressing a position on behalf of the City.)
- 6.3.3 Bumper stickers on the private vehicles of City officers or employees that may be parked on public property during working hours.
- 6.3.4 Researching the impact of a ballot proposition for the purpose of gathering facts, where it is not designed to support or oppose the measure and it is part of the normal and regular conduct of the City.

- 6.3.5 Providing public records, even if the records will be used in support or opposition to a candidate or measure, as long as the record is not exempt from disclosure under state law.
- 6.3.6 City officials or employees actively promoting, including soliciting petition signatures, for a petition method of annexation, since no election is involved.
- 6.3.7 City official or employees may respond to questions regarding a ballot measure if the activity is consistent with his/her normal and regular activities.
- 6.3.8 City officials and employees may encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections.
- 6.4 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.


7.0 RESPONSIBILITIES

The Human Resources Department shall administer this policy. Issues relating to the use of City facilities shall be administered by the Administrative Services Division.

8.0 APPENDICES

None

APPROVED BY:



 City Attorney (Asst)

6-14-11

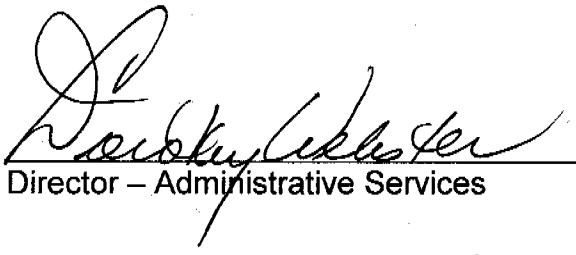
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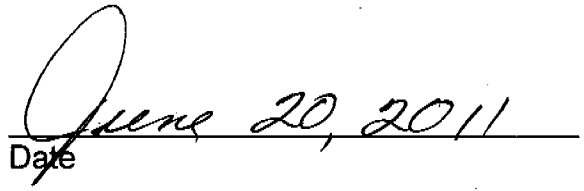


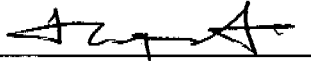
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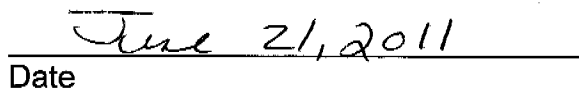
6-16-11

 Date


Director – Administrative Services


Date


City Administrator


Date