



Bob Ferguson


## ATTORNEY GENERAL OF WASHINGTON

Washington State University Division

332 French Administration Bldg. • PO Box 641031 • Pullman, WA 99164-1031

Phone: (509) 335-2636 • FAX: (509) 335-1663

### MEMORANDUM

DATE: May 31, 2016  
TO: WSU Staff and Faculty  
FROM: Danielle Hess, Senior Assistant Attorney General   
SUBJECT: **Restrictions on the Use of State Resources for Political Activities**

Each election season, questions arise regarding the extent to which WSU employees may participate in political activities. The short answer is that Washington laws prohibit the use of state resources to support or oppose candidates or ballot measures, with some limited exceptions. [RCW 42.52.180](#). State employees, however, like other citizens, have the right to campaign and engage in political activities on their own time, provided they do not use state resources and make it clear they are not speaking on behalf of WSU.

Examples of prohibited activities include:

- Soliciting signatures or raising funds for ballot propositions or candidates during work hours;
- Campaigning on public property, except for property that is a recognized “neutral forum” open to the public. WSU has designated limited public forum areas (see [WAC 504-33](#)) which WSU employees may use outside of work hours to the same extent as other citizens;
- Using a WSU-owned laptop or WSU email account during *or after* work hours to support a ballot item;
- Forwarding campaign-related emails using a WSU email address;
- Distributing, on work time or using WSU resources, press clippings or newspaper articles that would tend to support or oppose a candidate for public office, a ballot initiative, or a referendum while an election or initiative is pending before the voters, even if the clipping is one that could otherwise be distributed during a non-election period. Executive Ethics Board (EEB) [Advisory Opinion 02-04](#);
- Using an official WSU title in connection with an election campaign. An employee’s title is considered a “facility of the state” and therefore cannot be used to promote or support the election of a person or a ballot proposition

ATTORNEY GENERAL OF WASHINGTON

May 31, 2016

Page 2

without a disclaimer clearly stating that the employee is not speaking for their agency. [EEB Advisory Opinion 00-08](#);

- Linking on a WSU website to a web page that contains political advocacy. [EEB Advisory Opinion 04-01](#); and
- Wearing campaign buttons and shirts or displaying political signs at work while interacting with the public or students. The EEB will look at whether “the conduct would lead a reasonable person to believe that the [state employee] was making a political endorsement.” [EEB Advisory Opinion 02-02A](#).

Candidates for office and proponents or opponents of ballot measures may rent university facilities to the same extent and on the same basis as other individuals or groups. They also may use WSU’s designated limited public forum areas to the same extent as other groups. Departments and student organizations may sponsor candidate or issue forums on campus in which each candidate or side is granted the opportunity to present their views. In addition, registered student organizations may invite candidates or political speakers to campus, provided they have complied with facility scheduling requirements. [WAC 504-35-030](#).

The EEB vigorously enforces campaign restrictions and may impose a civil penalty of up to \$5,000 per violation or three times the economic value of anything received or sought in violation of the Act, costs, and any damages sustained by the state. [RCW 42.52.490](#). An employee also is subject to disciplinary action for violating the Act. [RCW 42.52.520](#). A supervisor’s “knowing acquiescence” to prohibited use of state resources is also a violation of the law. [RCW 42.52.180](#).

The purpose of this memorandum is to provide general guidance. It is not intended as legal advice. WSU’s Office of Internal Audit is available to provide guidance on interpretation of state ethics laws. The AGO does not provide personal legal advice but is available to provide assistance on WSU activities relating to political campaigns.