

TO: City Council  
FROM: Ann Cook, Communications Manager & Karen Kirkpatrick, City Attorney  
DATE: December 13, 2022  
SUBJECT: Elections & the Law

---

1) Recommended Action:

Information only—no action required.

---

2) Background:

Tumwater City Council adopted Joint Resolution No. R2022-014 to form a regional fire authority and providing for the submission to qualified electors of the cities of Olympia and Tumwater at a special election to be held on April 25, 2023.

It is important for elected officials to be aware of what may and may not be done in regard to supporting or opposing a ballot proposition.

Municipal elections, like state elections, are governed by state law. The Office of the Secretary of State has general authority over the conduct of elections. The RCWs include a prohibition on the use of public offices or facilities in election campaigns, for election activities, or in support of or in opposition to ballot measures. The general prohibition against use of public facilities is very broad and comprehensive.

There are three specific exceptions to the broad prohibition on using public facilities to support or oppose a ballot proposition including legislative resolutions, statements by elected officials, and “normal and regular conduct.”

The Public Disclosure Commission (PDC) has regulatory and enforcement authority over the use of public offices and facilities.

---

3) Policy Support:

Tumwater City Council Rules  
[RCW 42.17A.555](#)

---

4) Alternatives:

☐ none

---

5) Fiscal Notes:

none

---

6) Attachments:

- A. 2023 Elections & the Law
- B. RCW.42.17A.555