

# PDC Interpretation

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**APPROVAL DATE:** September 28, 2004;  
Amended September 28, 2006;  
Amended August 23, 2012;  
Amended May 22, 2013

**NUMBER:** 04-02

**STATUS:** Approved

**SUPERSEDES:** Interpretation 00-05

**REFERENCES:** RCW 42.17A.555

**APPROVED BY:** The Commission

**SEE ALSO:** WAC 390-05-271 and WAC 390-05-273

**FORMER:** RCW 42.17.130

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## **Guidelines for Local Government Agencies in Election Campaigns\***

### **Public Disclosure Law Re: Use of Public Facilities in Campaigns**

#### **USE OF THE GUIDELINES**

These Guidelines are meant to aid and assist in compliance with the law.

This document is an educational tool that is an expression of the Commission's view of the meaning of RCW 42.17A.555 and relevant administrative rules and case law involving local government and election campaign activity. 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 other persons who may seek to utilize those public facilities. Readers are strongly encouraged to review the statute and rules referenced in these Guidelines.

For ease of reference, the majority of this interpretation is in chart form. In part, the chart identifies categories of persons, some possible activities, and some general considerations. These illustrative examples in the columns of the chart are not intended to be exhaustive.

For example, the categories of persons identified are, in many cases, illustrative only and simply identify groups of persons more likely to undertake or consider undertaking the activity mentioned in the adjacent columns. If an activity is described as being viewed 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 or in a particular column. The same approach is applied to the "Not Permitted" column. Further, the remarks in the chart's "General Considerations" column have relevance for the entire section and are not limited to the specific bullet point immediately to the left of the general consideration.

**Public Disclosure Commission**  
**Guidelines for Local Government Agencies in Election Campaigns**

<b>Persons</b>	<b>Permitted</b>	<b>Not Permitted</b>	<b>General Considerations</b>
<b>Local Government Elected Officials</b>	<ul style="list-style-type: none"> <li>May engage in political activities on his or her own time, if no public equipment, vehicle or facility is used. (An elected official may use his or her title, but should clarify that he/she is speaking on his/her 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>May attend any function or event at any time during the day and voice his or her 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>Shall not direct agency staff to perform tasks to support or oppose campaign activities or ballot measures.</li> <li>Shall not use public facilities or resources to engage in political activities.</li> </ul>	<ul style="list-style-type: none"> <li>Is the elected official using staff time, a public vehicle, or other public resources?</li> <li>Has the agency adopted a resolution? If yes, the elected official can speak on behalf of the agency. If not, has the elected official made it clear that he or she is not speaking on behalf of the agency?</li> <li>For considerations regarding uniforms and related equipment, see pages 14-18.</li> <li>For considerations regarding officials' calendars, see pages 27 - 28.</li> </ul>



**Public Disclosure Commission  
Guidelines for Local Government Agencies in Election Campaigns**

<b>Activities and Resources</b>	<b>Permitted</b>	<b>Not Permitted</b>	<b>General Considerations</b>
<b>Equipment and Supplies</b>	<ul style="list-style-type: none"> <li>Agency employees, in the course of their employment, may use equipment (including but not limited to projectors and computers) 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 objective and fair presentation of the facts using public resources.</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> <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>	<ul style="list-style-type: none"> <li>Do the presentations fairly and objectively present the costs and other anticipated impacts of a ballot measure?</li> </ul>
<b>Uniforms and Related Equipment<sup>8</sup></b>	<p><i>Current Uniforms and Related Equipment</i></p> <ul style="list-style-type: none"> <li>Agency employees may use or wear their own uniforms to assist a campaign including to support or oppose a ballot proposition. This use includes any part of the employee's own uniform (shirt, pants, shoes, hat, etc.). This use includes clothing that may not appear to be a uniform (example, detective's suit). "Own uniform"</li> </ul>	<p><i>Current Uniforms and Related Equipment</i></p> <ul style="list-style-type: none"> <li>Agency employees shall not use or wear their agency-issued, agency-purchased, agency-owned or agency-replaced uniforms to assist a campaign or to support or oppose a ballot proposition.</li> <li>This prohibition applies to use of any part of such a uniform (shirt, pants, shoes, hat, etc.).</li> </ul>	<p><i>Current Uniforms and Related Equipment</i></p> <ul style="list-style-type: none"> <li>Are any public funds used to purchase, reimburse, or replace the uniforms or related equipment? See footnote 9.</li> </ul>

<sup>8</sup> For members of the judiciary subject to the Code of Judicial Conduct, see PDC Interpretation 00-03.

# Public Disclosure Commission Guidelines for Local Government Agencies in Election Campaigns

Activities and Resources	Permitted	Not Permitted	General Considerations
<b>Uniforms and Related Equipment</b> (Continued)	<p>means: The employee has purchased the uniform. The agency has not issued, purchased or replaced the uniform, or has not reimbursed the employee for the employee's purchase of the uniform, in whole or in part (such as reimbursement to the employee through a clothing allowance used to pay for the item).<sup>9</sup></p> <ul style="list-style-type: none"> <li>These same provisions apply to related equipment including but not limited to: firearms; badges; nametags; holsters; handcuffs; hats; jackets; belts; vests; agency patches, logos, insignias, emblems; and radios.</li> </ul>	<ul style="list-style-type: none"> <li>This same prohibition applies to clothing that may not appear to be a uniform (example, a detective's suit).</li> <li>This same prohibition applies to related equipment including but not limited to: firearms; badges; nametags; holsters; handcuffs; jackets; belts; vests; shoes; agency patches, logos, insignias, emblems; and radios.</li> <li>Prohibited uses include but are not limited to using or wearing those uniforms at campaign functions or in political advertisements such as TV commercials.</li> <li>Exceptions for attending campaign functions in uniform may be made on a case-by-case basis under exigent circumstances.<sup>10</sup></li> </ul>	

<sup>9</sup> An agency's reimbursement for or other means of providing for cleaning/maintenance of uniforms or related equipment does not convert the privately-purchased item to a public facility.

<sup>10</sup> For example, in examining all the surrounding circumstances, the Commission may determine that an enforcement action will not proceed when public safety and the demands of the public employee's office with respect to an ongoing law enforcement matter unexpectedly required the official to remain in uniform at a campaign function, and if that uniform use is part of the agency's "normal and regular" activities under those circumstances. However, the Commission anticipates these situations will be rare and isolated. This exception does not apply when campaigns or employees may seek to use agency uniforms and related equipment under other circumstances, or for other campaign activities such as in political advertising.





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Created June 7, 2019  
 Customer Due Date June 28, 2019  
 Total **\$119.08**  
 Outstanding **\$119.08**

**Customer Billing**  
 SOUTH COUNTY FIRE  
 Gary Kaufmann  
 12425 Meridian Avenue South  
 Everett, Washington 98208  
 425-551-1216  
[gkaufmann@southsnofire.org](mailto:gkaufmann@southsnofire.org)

**Customer Shipping**  
 12425 Meridian Avenue South  
 Everett, Washington 98208

**Notes**  
 DELIVER

*DIRECT ORDER  
 ON BEHALF OF  
 DAVID CHAN*

Category	Item #	Color	Description	S	M	L	XL	2XL	3XL	4XL	Qty	Items	Price	Taxed	Total
Embroidery			L/C FULL PATCH									0	\$0.00	X	\$0.00
	SP17	Stone	CornerStone - Long Sleeve SuperPro Twill Shirt			1						1	\$36.95	X	\$36.95
	267020	Vivid Green	Nike - Dri-FIT Classic Polo			1						1	\$48.60	X	\$48.60
	NAME		Personalization								2	2	\$3.95	X	\$7.90
	Below Minimum										1	1	\$15.00	X	\$15.00
Production Instructions												0	\$0.00	X	\$0.00

Bank of America

DAVID F CHAN

9/25/19

Date

SOUTH COUNTY FIRE

\$ 119.08

Pay to the order of  
 ONE HUNDRED NINETEEN & 08/100

Dollars



Bank of America

REIMB OF

Memo SHIRT & POLO SHIRT

*[Signature]*

RE: Response to PDC Case Number 59380

Thank you for sending me the complaint. Below is my response to the complaint:

Response to PDC Case Number 59380

I did not violate the RCW 42.17A,555 rule. I was given clear direction from legal counselw to follow the PDC rule.

1, South Snohomish County Regional Fire Authority (RFA) Fire Commissioners are elected officials. We do not have official uniform.

Had Mr. Gulickson even come to our commissioner meeting once, he would have noticed that none of the commissioners wear uniform.

RFA does provide some shirts that have each of commissioner's name embroidered on it. Each of the commissioner pick his or her color.

2. Base on the direction from legal counsel, I have purchased my "Own Uniform". You can see my payment to these "uniform" in the attachement.

I am not using taxpayer funded money to campaign.

3. For your convenience, I have also attached PDC guidelines and use yellow to highlight the key words:

a. Local Government Elected Officials may attend any function or event at anytime during the day ....

They may wear their " own uniforms" to assist a campaign. "Own uniform" means the employee has purchased the uniform.

In conclusion, I wore my "own uniform" and not using taxpayer funded money to campaign. I respectfully ask this complaint to

be dismissed.

Thanks,

David Chan