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# LEGISLATIVE ETHICS BOARD

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## **ETHICS ALERT**

Initiatives to the Legislature  
January 2024

There have been several initiatives to the legislature (ITL) this year, four of which have been finally certified by the Secretary of State and introduced in the legislature.

When an initiative, including an ITL, is first filed with the Secretary of State (SOS) and during the signature process, the initiative is considered a ballot measure and is subject to the restrictions contained in RCW 42.52.180(1). This section provides that no legislator may use public resources to promote or oppose a ballot measure. RCW 42.52.180(2) provides an exception to this prohibition. A legislator may make a statement supporting or opposing a ballot measure without violating the Act at an open press conference or in response to a specific inquiry.

The SOS certifies initiatives, making certain that there are sufficient, valid signatures on each. The SOS can provisionally certify a ballot measure before finally certifying it. Neither of these certification actions by the SOS change the ITL from a ballot measure to one on which legislators can use public resources to comment except as noted above.

Once an ITL is “before” the legislature, it is no longer considered a ballot measure. Members may treat it as they do any other bill and may use public resources to comment on it, including opposing or supporting it. The question has arisen recently about at what point in the process an ITL is considered to be “before the legislature” so that members may use public resources to comment on it without violating the Act. The Board has determined that an ITL is “before the legislature” when the final certification is received from the Secretary of State by either chamber of the legislature. Once the final certification is received, an ITL is no longer considered a ballot measure and members may use public resources to comment on, oppose or support the ITL.

If the ITL is not enacted by the legislature, it will be placed on the November ballot. Once the legislative session during which the ITL was introduced adjourns, the ITL reverts to being considered a ballot measure and the restrictions imposed by RCW 42.52.180(1) will apply once again.