



CITY OF MERCER ISLAND, WASHINGTON
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Campaigning For or Promoting a Levy Lid Lift Ballot Measure

If the City places a ballot measure before the voters to authorize an increase in the regular property tax levy—a “levy lid lift”¹—the City must comply with RCW 42.17A.555, which restricts how the City may use public facilities to promote this ballot measure.

An Overview of RCW 42.17A.555 and the Use of Public Facilities

Prohibitions

- RCW 42.17A.555 prohibits an elected official or City employee from authorizing the use of public facilities to directly or indirectly assist a personal campaign for election or to promote or oppose a ballot proposition.
- Public facilities include city equipment, supplies and employee work time. RCW 42.17A.555.
- A ballot proposition includes any measure (proposition or question) submitted to the voters. RCW 42.17A.005(4); RCW 29A.04.091.
- City councils may not allow campaign-related public comment during a council meeting under RCW 42.17A.555.

Exceptions

- There are three exceptions to using public facilities to promote or oppose a ballot proposition in RCW 42.17A.555:
 - (1) City Council may vote on a motion or resolution to express support or opposition to a ballot proposition if the following procedural steps are first taken:
 - The notice for the meeting must include the title and number of the ballot proposition; and
 - Members of City Council or members of the public must be allowed an approximately equal opportunity to express an opposing view.
 - (2) An elected official may make a statement at an open press conference in support or opposition to a ballot proposition or in response to a specific inquiry.
 - (3) Activities are allowed which are part of the normal and regular conduct of the local government. This means the City may prepare an objective and neutral presentation of facts concerning a ballot measure. For example, details could be provided to citizens concerning the financial impact of the levy lid lift on the local government, such as how revenues would be affected by its passage. Care must be taken that this information be presented in a fair, objective manner.
 - Examples of information provided to citizens complying with RCW 42.17A.555 within the context of a levy lid lift can be found at the following links:

¹ RCW 84.55.050.

- [Kirkland 2012 Levy Lid Lift Fact Sheet](#)
- [Lake Forest Park 2010 Levy Lid Lift Frequently Asked Questions](#)

Limiting the Use of Public Facilities for Campaign-Related Speech Does Not Violate the First Amendment

City Council meetings are considered limited public forums. As a result, restrictions on speech are not subject to strict scrutiny, and restrictions must instead be viewpoint neutral and reasonable.

- Preventing all campaign-related speech at public appearances is viewpoint neutral because supporters and opponents are equally restricted.
- Restricting all campaign-related speech is also reasonable insofar as it is required by RCW 42.17A.555.

RCW 42.17A.555 Does Not Apply if There Is No Use of Public Facilities

RCW 42.17A.555 does not restrict the right of an individual, whether that person is an elective or appointive public official or a public employee, to express his or her personal views supporting or opposing a ballot proposition so long as that expression does not involve using public facilities. This means that elected officials and appointed staff may campaign on their own time, using their own supplies and equipment, for or against a ballot proposition by preparing brochures, mailings, doorbelling, and other such activities.

Also, the limitations on public comments at council meetings do not affect other opportunities to provide input to the City Council on this matter. For example, comments may be submitted via email to: council@mercergov.org or hand-delivered or mailed to: City Council, 9611 SE 36th Street, Mercer Island, WA 98040.