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[Summer O'Neill](#) reported 22 days ago (Mon, 14 Aug at 4:48 PM) via Portal Meta

On Longview city council voted 4-2 to defy the state law and allow campaign speeches, even after their attorney advised them they would open the city up to a fine.

Longview council to continue allowing campaign speeches

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Despite advice from their attorney, Longview City council members Thursday decided to allow citizens to continue using council meetings to voice support for political candidates.

The discussion occurred after Geoffrey Richie, husband and campaign manager for council candidate Megan Richie, spoke during the constituent comments section.

“Elections can sometimes get not dirty, not nasty, but sometimes downright mean,” he said. “I’m here tonight to lift up the vision of the founder of our city. ... In order to honor that vision, I’m going to read a poem into the record tonight.”

He then sang an excerpt from “I’d Like to Teach the World to Sing,” with backup vocals from people in the audience. At the end he said, “Vote for Megan Richie, Longview City Council.”

The last comment prompted City Attorney James McNamara to advise the council that he believes state law prohibits the use of council time to campaign for political office.

McNamara said both the Municipal Research and Services Center, a nonprofit that provides legal advice for local governments, and the Public Disclosure Commission agreed with his interpretation of the law.

“This is not a traditional public forum and it is not a facility that can be used for a political candidate,” McNamara said.

On June 22, Longview City Council candidate MaryAlice Wallis used the public comment portion of a council meeting to speak about her qualifications for the position. She had asked city staff if it was legal to do so, and was given the green light.

At the council meeting on July 27, however, the council planned to discuss prohibiting the use of city facilities to promote a political candidate.

The agenda item quoted the Revised Code of Washington 42.17A.555, which states, “No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.”

However, at the beginning of that meeting, Councilman Mike Wallin moved to strike the item from the agenda, arguing that it limits the freedom of speech. Only Councilwoman Mary Jane Melink — whose seat Wallis and Richie are running for — voted to keep the item on the agenda.

The council took no action on the matter at the July 27 meeting.

“Council was given the option to address that policy,” McNamara said Thursday. “Council declined and that’s council’s prerogative. I feel, though, as city attorney, it is my obligation to advise you of my understanding of the law. ... My advice is that it is not permissible, and it is not appropriate to use City Council time for advocacy of a campaign.”

Councilman Mike Wallin disagreed.

“I believe this is the appropriate place to hear from people on all issues that may be coming before the city, whether it’s how we’re going to vote, or spend money on their behalf or a ballot measure,” Wallin said. “City hall is the place where we expect political speech to happen.”

Councilmember Chet Makinster said campaign speeches only get out of hand when more members of the public get up to speak than can fit in the allotted 30 minutes.

“I don’t have a problem with my opponent getting up and talking if she wants to,” Makinster said.

He also added that the council was caught off-guard because candidates don’t normally advocate for themselves at council meetings.

Councilwoman Mary Jane Melink said that the council should follow McNamara’s recommendation.

“He is the attorney in the room and he is assigned to represent us,” Melink said. “The RCW that he recited is an issue that has been reviewed in the courts in the past. I think we need to pay attention to it.”

Councilman Steve Moon said that citizens should be allowed to speak about whatever they want.

“If the candidates want to use the constituents comments time as their time to speak, that’s fine,” Moon said. “But they’re also taking the opportunity from other citizens that have concerns or issues that may need to be brought up to this council.”

McNamara told the council it might be subject to a state Public Disclosure Commission fine if it allows campaign speeches at council meetings,

The council voted on whether to follow the advice of the city attorney, but only Melink and Botero supported it, leaving it defeated on a 4-2 vote.

Jensen said Friday that the council chose freedom of speech over legal advice.

“The city council said ... they felt that it was a free speech item and even though we were advised by the city attorney to not allow that, we decided as a council to allow political speeches.”

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http://tdn.com/news/local/article_42aca583-bf70-5d30-a0e9-73021d068c1f.html

RCW: 42.17A.555

<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.17A.555>

Longview City Council - June 22, 2017

<http://kelso-longview.vod.castus.tv/vod//?video=3b078a9f-0d67-4e56-abf4-8d9bd61983e6&nav=search/longview%20city%20council%20-%20June%2022,%202017>

Longview City Council - July 27, 2017

<http://kelso-longview.vod.castus.tv/vod//?video=2bab5696-0eb3-4075-a420-5ab991e9c358&nav=search/longview%20city%20council%20-%20July%2027,%202017>

Longview City Council - August 10, 2017

<http://kelso-longview.vod.castus.tv/vod//?video=413112a7-bbec-464d-8b7e-ef0bd62639ce&nav=search/longview%20city%20council%20-%20August%2010,%202017>