

# SENATE BILL REPORT

## SB 5991

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As Reported by Senate Committee On:  
Government Operations & Elections, February 23, 2009

**Title:** An act relating to use of public resources by office holders during campaigns.

**Brief Description:** Identifying permissible use of public resources by office holders during campaigns.

**Sponsors:** Senator Benton.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/19/09, 2/23/09 [DPS].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5991 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott and Pridemore.

**Staff:** Sharon Swanson (786-7447)

**Background:** With limited exceptions, no state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources constitutes a violation.

Facilities of an agency include, but are not limited to, the use of:

- stationary;
- postage;
- machines and equipment;
- state employees of the agency during working hours;
- vehicles;
- office space;
- publications of the agency; and
- clientele lists of persons served by the agency.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill (Recommended Substitute):** The list of exceptions on the prohibition on the use of facilities of an agency for the purpose of assisting a campaign for election is expanded to include:

- activities that are part of the normal and regular conduct of the office or agency, regardless of whether or not an office holder is running for election or reelection to office. The timing of pending elections or campaigns must not operate to prohibit legislators from producing materials, utilizing staff and other state resources, attending functions, maintaining websites, or engaging in all other legislative activities properly associated with their offices; and
- members have complete discretionary control, subject only to budget limitations, as to the context, text, language, and format of newsletters. In no case must any newsletter content be considered campaign activity for purposes of this chapter.

**EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute):** Narrows the bill to the maintenance of official legislative websites.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** None.

**Persons Testifying:** No one.