

HOUSE BILL REPORT

HB 2716

As Reported By House Committee On:

Government Administration

Title: An act relating to the use of public facilities for campaign purposes.

Brief Description: Prohibiting political ads on public employee bulletin boards.

Sponsors: Representatives D. Schmidt, D. Sommers, L. Thomas, Smith, Wensman, Schoesler, Mulliken, Carrell and Thompson.

Brief History:

Committee Activity:

Government Administration: 2/3/98, 2/5/98 [DPS].

HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives D. Schmidt, Chairman; D. Sommers, Vice Chairman; Dunn; Reams; Smith; L. Thomas and Wensman.

Minority Report: Do not pass. Signed by 6 members: Representatives Scott, Ranking Minority Member; Gardner, Assistant Ranking Minority Member; Doumit; Dunshee; Murray and Wolfe.

Staff: Steve Lundin (786-7127).

Background: Public facilities may not be used, directly or indirectly, to assist in the campaign of a person for elective public office or to promote or oppose a ballot proposition. Examples of public facilities that may not be used for such purposes include stationary, postage, machines, and equipment, use of public employees during working hours, vehicles, office space, publications, and clientele lists of persons served by a public agency.

However, this restriction does not apply to the following uses of local government public facilities:

- Members of a local elected legislative body may use public facilities to take collective action at a public meeting expressing their decision, or voting on a motion or resolution, to support or oppose a ballot proposition, if notice of the meeting is given

and members of the general public are afforded an approximately equal opportunity to express a view opposing the collective position that is taken.

- Local elected officials may use public facilities to make a statement in support or in opposition to any ballot proposition if the statement is made at an open press conference or made in response to a specific inquiry.
- Local government public facilities may be used for such purposes if involved in activities that are part of the normal and regular conduct of the office or agency.

Summary of Substitute Bill: The general prohibition on using local government public facilities for campaign purposes includes a prohibition on using public facilities to display or post campaign materials containing statements or articles supporting or opposing a campaign to elect a person to public office or to promote or oppose a ballot proposition. This includes posting such materials on employee bulletin boards located in employee lounges that are off limits to the general public.

Substitute Bill Compared to Original Bill: References to union newsletter and labor agreements were deleted.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This makes restrictions on the use of public facilities for campaign purposes uniform. No campaign materials on public facilities.

Testimony Against: What's the problem? This interferes with fundamental First Amendment freedoms and is unconstitutional. Why pick on teachers?

Testified: Representative Dave Schmidt, prime sponsor (pro); Barbara Ferguson, teacher (con); John Walker, teacher (con); Matt Berntson, retired teacher (con); and Lyle Attebery, teacher, (con).