

HOUSE BILL REPORT

SHB 2904

As Passed House:

February 18, 2008

Title: An act relating to the use of publicly funded television stations in city and county elections.

Brief Description: Prohibiting county and city incumbent candidates from appearing on publicly funded television during the election.

Sponsors: By House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Haler and Hailey).

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/1/08, 2/5/08 [DPS].

Floor Activity:

Passed House: 2/18/08, 81-14.

Brief Summary of Substitute Bill

- Prohibits incumbent candidates for city or county legislative or executive office from appearing on publicly funded television except in an official capacity.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Assistant Ranking Minority Member; Liias, Miloscia and Ormsby.

Minority Report: Do not pass. Signed by 2 members: Representatives Chandler, Ranking Minority Member; Kretz.

Staff: Tracey Taylor (786-7196).

Background:

Candidates for public office are subject to numerous laws regarding campaigning. These laws include filing campaign contribution and expenditure reports. Incumbent candidates also face

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additional restrictions to ensure they do not use public resources for campaign purposes. For example, elective officials, their employees, or their agency's employees may not use any of the facilities of a public agency or office, directly or indirectly, for the purpose of assisting a campaign for election of any person or any office or for the promotion or opposition to a ballot measure. This includes stationery, postage, use of employees during working hours, and agency publications.

Summary of Substitute Bill:

Local government access channels must develop policies to avoid preferential treatment of incumbent candidates for the county or city legislature or for city or county executive. These policies should apply beginning June 1 of an election year and continue through the general election in November.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) There is a loophole in the law that does not prohibit an interview of a city council member running for re-election, to be constantly broadcast on local government access television during an election season. This puts challengers at a distinct disadvantage. Incumbents barely need to campaign for re-election with all this free television paid for by taxpayers. Legislators face many restrictions on their use of state resources, including mailings, why shouldn't local elected officials be held to a similar standard? This bill would allow the incumbent candidate to still appear in an official capacity.

(Opposed) The phrase "publicly funded television stations" is too broad. In addition, many local channels televise video voter guides, candidate forums and other voter education programs in which incumbents need to appear. This bill is unconstitutional on its face. It violates the First Amendment protection of freedom of expression and freedom of the press. And it flies in the face of the 14th Amendment's guarantee to equal protection under the law. By singling out incumbent county and city officials and limiting their access to media resources, the bill establishes a grossly unlevel playing field during the election season.

Persons Testifying: (In support) Representative Haler, prime sponsor.

(Opposed) Jon Funfar, City of Enumclaw; Dave Arbaugh, City of Richland; Barbara Seitle, League of Women Voters; Deborah Vinsel, Thurston Community TV; and Julie Murray, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.