

# SENATE BILL REPORT

## SB 5019

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As of January 23, 2013

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

**Brief Description:** Concerning the use of public resources by office holders during campaigns.

**Sponsors:** Senator Benton.

**Brief History:**

**Committee Activity:** Governmental Operations: 1/22/13.

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### SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Staff:** Samuel Brown (786-7470)

**Background:** With limited exceptions, state employees and officials may not use or authorize the use of agency facilities, directly or indirectly, to assist a campaign for election of a person to an office or for the promotion or opposition of a ballot measure. It is a violation for a person with supervisory authority to direct, control, or influence an employee or official to use a public resource by either passive or active means.

Agency facilities include, but are not limited to:

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

Legislators may maintain official legislative web sites throughout the year. However, the official legislative web sites of legislators seeking re-election must not be altered between June 30th and November 15th of the election year.

In the 12-month period beginning on December 1st of the year before the election, legislators seeking re-election may mail two mailings of newsletters to constituents. One must be mailed no later than 30 days after the start of the regular legislative session, or within 30 days

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of appointment for a legislator appointed to fill a vacancy. The other mailing must be mailed no later than 60 days after the end of the regular legislative session.

**Summary of Bill:** The prohibition on the maintenance of legislative web sites of legislators seeking re-election between June 30th and November 15th of an election year is removed.

Activities that are part of normal and regular conduct of an office or agency are exempt from restrictions on the use of agency facilities for campaign purposes, regardless of a pending campaign or election.

Legislators have complete discretionary control of the content, text, language, and format of newsletters, subject only to budget limitations. Newsletter content is not considered campaign activity. Restrictions on the time when legislators may mail newsletters to constituents are removed.

**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:** PRO: There was a time in the Legislature when state resources were abused. That has changed, and that is good. However, the pendulum has swung too far to inhibit your First Amendment rights if you are in the Legislature. This is a reasonable pushback to a moderate position. My duties as a legislator do not cease because there's an election coming up. I continue to represent my constituents beyond June 30th. If there is a change in my staff or I've been put on a different committee, my website should be able to say that.

CON: We need to have bright line rules in our ethics laws. There used to be a lot of illegal campaign activity, but that is not all in the past. In the last election, a lot of state resources were being used to promote an initiative. The City of Seattle got some slack on an ethical violation because they were not aware of the laws. Ethics laws should be clear so everyone can understand them. This is a dangerous and slippery slope. If campaigning is allowed, it will become pervasive. I do not have a problem with updating websites, but we should not weaken ethics laws in other regards.

**Persons Testifying:** PRO: Sen. Benton, prime sponsor.

CON: Arthur West, citizen.