

Legislative Ethics Board

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ADVISORY OPINION 2025 – No. 1

Use of State Resources to Produce Various Items Identifying the Member to be Distributed to the Public
May 2025

The Board received a request for an advisory opinion on February 12, 2025 from Ohad Lowy, House Counsel, who waives confidentiality.

A. INTRODUCTION

Legislators have made various requests to Legislative Support Services (LSS)¹ for staff to produce various items including pens embossed with the member's name, stickers containing various messages and often a picture of the member and bookmarks with member contact information. The items are intended to be distributed to constituents and the general public and the members wish to pay for these items with public funds.

B. QUESTION

Is the use of public resources to print non-traditional items to be distributed to the public a violation of the Ethics Act?

C. OPINION

Possibly. The use of state resources to pay for the creation and/or production of traditional items creates a presumption that those items fall into within the "normal and regular" exemption to the prohibition that public resources cannot be used for campaign purposes.

D. ANALYSIS

1. Background

LSS has received various requests for stickers, pens etc. For example, recently, a legislator requested that LSS print 200 stickers containing his picture and the slogan "Count Me In – "Making

¹ The LSS production staff produce and deliver all printed bills, amendments, and daily schedules. Additionally, the staff produces everything from standard copies and prints, to fully bound documents, books, lamination, engraving and more. The following list illustrates what the production staff do: Print/Copy Requests; Finishing; Engraving and sign production; Mail Services; Newsletters, Mailers, Flyers and Handouts; Stationery; District maps, Charts and graphs; Posters for hearings, press conferences, town hall meetings; and Certificates.

Your Voice Heard.” Several members requested that rather than the traditional business cards that LSS print stickers containing the information that is included in a traditional business card. The stickers would contain the member’s pictures along with contact information. In one case, 500 stickers were ordered. Legislators have also requested that the state and US constitutions be printed with introductions and signatures by the members. In the past, pens and bookmarks have been requested that contain the member’s name and sometimes their contact information. The legislators intend to pay for these various requests from their production budgets.

LSS has traditionally created and/or printed the following items for legislators upon request. These items are paid from the legislator’s production budget:²

- Stationery – business cards (standard, gold foil, dome photo); letterhead (printed and electronic); memo pads; FYI cards; #10 envelopes; formal notecards with envelopes
- Sign-in booklets
- Postcards (non-mailing)
- District maps
- District photos
- Page photos
- Comment cards
- Bill tracking posters
- Town hall products (posters, handouts, signage)
- Constitution booklets
- Coloring books
- Student Guides (grades K-12)
- Certificates
- Budget universe poster
- District office signage
- Sen. Government Guides

2. House and Senate Printing Policies

The Senate policy requires the following: “all requests for printing . . . at public expense shall be approved by the Secretary of the Senate or the Secretary’s designee. In the event the Secretary determines that there is a possible or probable violation of chapter 42.17 RCW or 42.52 RCW or that the proposed printing . . . is intended for electoral purposes rather than legislative in nature, the Secretary shall inform the member submitting the request of the reasons for disapproval.” The member may appeal the Secretary’s decision to the F&O Committee.

House Policy 12 provides, in pertinent part, that “all publications must be relevant to the normal and regular process, conduct, activities, issues and/or business of the House. All publications must comply with applicable provisions of legislative rules on Standards of Conduct Regarding the use of Public facilities.” Further, “slogans that promote individual legislators are not permitted. Publications of a personal nature are not permitted.”

² The production budget for House members is \$ 30,500 every two years. The production budget for Senate members is \$30,000 per year.

Generally, if the production or printing request is for an item **not** included on the list in section D.1. above, LSS will request prior approval for the item from either House or Senate administration or seek ethics advice.

3. Legal Analysis

The production of stickers, pens, bookmarks etc. containing members' pictures and contact information appears to be designed to get information about the legislator into the hands of the public. The production of these items using public funds appears to be more campaign related than legislative in nature.

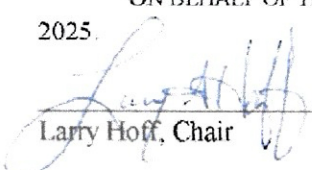
RCW 42.52.180 prohibits the use of public funds to assist the campaign for election of a person to an office. An exception to this prohibition is for activities are part of the "normal and regular" conduct of a legislative office. *See* RCW 42.52.180 (1)(d).

In *Advisory Opinion* 1997 – No. 7, the Board was asked whether it is ever "normal and regular conduct" for a legislator to go door-to-door to contact constituents for the purposes of presenting legislative information and obtaining constituent opinions. In stating that doorbelling is usually a campaign activity, the Board stated that it is not seeking to discourage member communication with constituents, which is one of the fundamental aspects of representative government. However, the Board cautioned members that the use of legislative materials in the doorbelling context is likely to create confusion about the proper use of public resources.

Stickers, pens and other items identifying a member or containing a slogan appear to be items that are often distributed during a political campaign. One of the purposes of campaigning is to achieve name recognition with constituents so they are more likely to vote for a particular candidate. Stickers have been used in political campaigns since the 1952 presidential campaign.³ Stickers are meant to be placed on different items: water bottles, windows, notebooks, bumpers etc. Pens and bookmarks passed out by legislators have the same purpose: get the legislator's name into the public domain.

Distributing non-traditional items produced with public funds to constituents and others to increase name recognition is not communication with constituents as there is often no personal communication between the legislator and the public. *See Advisory Opinion* 1997, *supra*. The Board reiterates that communication with constituents is a fundamental aspect of representative government but using non-traditional items with which to do so could violate the Ethics Act. The items listed in section D.1 of this opinion that are produced in the traditional format are presumed to fall within the "normal and regular" exemption to the prohibition against the use of public resources for campaign purposes. This presumption is not met if the content of the item, the method by which it is produced or the use to which the item will be put is more campaign-related than legislative in nature.

ON BEHALF OF THE LEGISLATIVE ETHICS BOARD, this opinion is signed this 15 day of May, 2025.



Larry Hoff, Chair

³ The History & Benefits of Political Stickers, Bumper Stickers & Campaign Buttons, BIGLEAP, June 4, 2024.
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