

1 **SSB 5149 - H AMD 705**

2 By Representative D. Schmidt

3 Strike everything after the enacting clause and insert the
4 following:

5 "Sec. 1. RCW 42.17.132 and 1995 c 397 s 5 are each amended to
6 read as follows:

7 (1) During the twelve-month period (~~preceding the last day for~~
8 ~~certification of the election results for a state legislator's election~~
9 ~~to office)~~ beginning on December 1st of the year before a general
10 election for a state legislator's election to office and continuing
11 through November 30th immediately after the general election, the
12 legislator may not mail, either by regular mail or electronic mail, to
13 a constituent at public expense a letter, newsletter, brochure, or
14 other piece of literature, except as (~~provided in this section.~~)
15 follows:

16 (a) The legislator may mail (~~one~~) two mailings of newsletters to
17 constituents. All newsletters within each mailing of newsletters must
18 be identical as to their content but not as to the constituent name or
19 address. One such mailing may be mailed no later than thirty days
20 after the start of a regular legislative session (~~and one~~), except
21 that a legislator appointed during a regular legislative session to
22 fill a vacant seat may have up to thirty days from the date of
23 appointment to send out the first mailing. The other mailing may be
24 mailed no later than sixty days after the end of a regular legislative
25 session (~~of identical newsletters to constituents~~).

26 (b) The legislator may mail an individual letter to (i) an
27 individual constituent who (~~(1)~~) has contacted the legislator
28 regarding the subject matter of the letter during the legislator's
29 current term of office; (~~or (2)~~) (ii) an individual constituent who
30 holds a governmental office with jurisdiction over the subject matter
31 of the letter; or (iii) an individual constituent who has received an
32 award or honor of extraordinary distinction of a type that is
33 sufficiently infrequent to be noteworthy to a reasonable person,
34 including, but not limited to: (A) An international or national award
35 such as the Nobel prize or the Pulitzer prize; (B) a state award such

1 as Washington scholar; (C) an Eagle Scout award; and (D) a Medal of
2 Honor.

3 (2) For purposes of subsection (1) of this section, "legislator"
4 means a legislator who is a "candidate," as defined by RCW 42.17.020,
5 for any public office.

6 (3) A violation of this section constitutes use of the facilities
7 of a public office for the purpose of assisting a campaign under RCW
8 42.52.180.

9 (4) The house of representatives and senate shall specifically
10 limit expenditures per member for the total cost of mailings(~~(7~~
11 including)). Those costs include, but are not limited to, production
12 costs, printing costs, and postage costs. The limits imposed under
13 this subsection apply only to the total expenditures on mailings per
14 member and not to any categorical cost within the total.

15 (5) For purposes of this section, persons residing outside the
16 legislative district represented by the legislator are not considered
17 to be constituents, but students, military personnel, or others
18 temporarily employed outside of the district who normally reside in the
19 district are considered to be constituents.

20 NEW SECTION. Sec. 2. RCW 42.17.132, as amended by this act, is
21 recodified as a new section in chapter 42.52 RCW, to be placed between
22 RCW 42.52.180 and 42.52.190."

EFFECT: Makes a variety of changes to laws limiting mailings by legislators during the 12-month period before their election to an office. The amendment is identical to the amendment passed by the House of Representatives, except that it reinserts a list of examples of the types of awards or honors of extraordinary distinction which, if a constituent receives such an award, would allow a legislator to send a letter to the constituent during this 12-month period. This list of types of awards is identical to the list included in the legislation that passed the Senate, except that the one hundredth birthday and seventy-fifth anniversary were deleted.