

2 **HB 1168** - S AMD - 416
3 By Senators Long and Spanel

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5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

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

1 such as the Nobel prize or the Pulitzer prize; (B) a state award such
2 as Washington scholar; (C) an Eagle Scout award; (D) a Medal of Honor;
3 (E) a one-hundredth birthday; and (F) a seventy-fifth wedding
4 anniversary.

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

8 (3) A violation of this section constitutes use of the facilities
9 of a public office for the purpose of assisting a campaign under RCW
10 42.52.180.

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

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

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

25 Correct the title.

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EFFECT: 1. Clarifies the meaning of the phrase "An award or honor of extraordinary distinction."

2. Clarifies that the award can be an international or national award, but need not be both.

3. Allows a legislator appointed during a regular legislative session at least 30 days to send out a first newsletter to constituents, but this does not apply to legislators appointed after the regular legislative session adjourns.

4. Clarifies that a legislator restricted by this section must be a candidate for a public office, not just a candidate for office.

5. Clarifies who is a constituent.