

HOUSE BILL REPORT

SSB 5149

As Reported By House Committee On:

Government Administration

Title: An act relating to mailings by legislators.

Brief Description: Revising restrictions on legislators' newsletters.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Long, Spanel, Horn and Kohl; by request of Legislative Ethics Board).

Brief History:

Committee Activity:

Government Administration: 3/28/97 [DPA].

HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

Majority Report: Do pass as amended. Signed by 10 members: Representatives D. Sommers, Vice Chairman; Scott, Ranking Minority Member; Doumit; Dunn; Dunshee; Reams; Smith; L. Thomas; Wensman and Wolfe.

Staff: Steve Lundin (786-7127).

Background: General law prohibits the direct or indirect use of public facilities to assist in the campaign or reelection of any person to any office or to promote or oppose a ballot proposition.

Specific law restricts the use of public funds by a legislator for mailings to a constituent during the 12-month period preceding the last day for certifying election results for the legislator's election to office. Election results are certified 15 days after a general election and 10 days after a primary or special election.

During this 12-month period, a legislator may not use public funds to mail any material to a constituent, except as follows:

- One identical newsletter may be mailed to constituents no later than 30 days after the start of a regular legislative session and one identical newsletter may be mailed to constituents no later than 60 days after the end of a regular legislative session.

- An individual letter may be mailed to an individual constituent who has contacted the legislator concerning the subject matter of the letter during his or her current term of office.
- An individual letter may be mailed to a constituent who holds a governmental office with jurisdiction over the subject matter of the letter.

The House of Representatives and Senate are required to specifically limit expenditures per member for the total costs of mailings made with public funds.

Summary of Amended Bill: Changes are made concerning the limitation on legislators' expending public funds to mail literature to constituents during the 12-month period prior to their election.

The 12-month period is altered, from the 12-month period preceding the last day of certification of the legislator's election to office, to a precise calendar period beginning on December 1 of the year before a general election for a legislator's election to office and continuing through November 30 immediately after the general election.

The general prohibition on legislators expending public funds to mail literature to constituents during this 12-month period is altered. Instead of prohibiting mailings during this period, the prohibition only applies to mailings by regular mail or electronic mail.

The specific authority for legislators to expend public funds to mail literature to constituents during this 12-month period is altered. The description of the two identical-newsletters that are allowed during this 12-month period is altered to clarify that the content of the newsletter is identical but the name and address of the constituents are not identical. A legislator who is appointed to fill a vacancy after the start of a session may mail one identical newsletter to constituents up to 30 days after being appointed. An individual letter is allowed to be mailed during this period to a constituent who has received an award or honor of extraordinary distinction of a type that is infrequent enough to be noteworthy to a reasonable person, including an international award, 100th birthday, or 75th wedding anniversary.

It is clarified that these restrictions only apply to a legislator during this period if the legislator is a candidate for any office.

Restrictions on expending public funds for mailings to constituents during this period only apply to mailings to the current constituents of the legislator and do not apply to mailings to persons residing outside the legislator's legislative district. However, students, military or others temporarily employed outside the district who normally reside in the district are considered to be constituents.

The requirement that the House of Representatives and Senate limit expenditures per member for the total costs of mailings only applies to total expenditures and does not apply to any category of such costs within the total expenditure limit.

Amended Bill Compared to Substitute Bill: Technical changes to clarify that the type of award may be either an international or national award, and to use the term public office— which is the term used in Chapter 42.17 RCW rather than office.—

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is a recommendation of the Legislative Ethics Board to clarify many matters. We gave examples of the types of awards and that students and military personnel who may temporarily reside outside of a district are still considered to be constituents.

Testimony Against: None.

Testified: Senator Long, prime sponsor.