

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5149

Chapter 320, Laws of 1997

55th Legislature
1997 Regular Session

MAILINGS BY LEGISLATORS--RESTRICTIONS

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 24, 1997
YEAS 33 NAYS 0

IRV NEWHOUSE

President of the Senate

Passed by the House April 22, 1997
YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 12, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5149** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

May 12, 1997 - 3:30 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5149

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

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

Read first time 02/20/97.

1 AN ACT Relating to mailings by legislators; amending RCW 42.17.132;
2 adding a new section to chapter 42.52 RCW; and recodifying RCW
3 42.17.132.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 42.17.132 and 1995 c 397 s 5 are each amended to read
6 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

1 after the start of a regular legislative session (~~and one~~), except
2 that a legislator appointed during a regular legislative session to
3 fill a vacant seat may have up to thirty days from the date of
4 appointment to send out the first mailing. The other mailing may be
5 mailed no later than sixty days after the end of a regular legislative
6 session (~~of identical newsletters to constituents~~).

7 (b) The legislator may mail an individual letter to (i) an
8 individual constituent who (~~(1)~~) has contacted the legislator
9 regarding the subject matter of the letter during the legislator's
10 current term of office; (~~or (2)~~) (ii) an individual constituent who
11 holds a governmental office with jurisdiction over the subject matter
12 of the letter; or (iii) an individual constituent who has received an
13 award or honor of extraordinary distinction of a type that is
14 sufficiently infrequent to be noteworthy to a reasonable person,
15 including, but not limited to: (A) An international or national award
16 such as the Nobel prize or the Pulitzer prize; (B) a state award such
17 as Washington scholar; (C) an Eagle Scout award; and (D) a Medal of
18 Honor.

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

22 (3) A violation of this section constitutes use of the facilities
23 of a public office for the purpose of assisting a campaign under RCW
24 42.52.180.

25 (4) The house of representatives and senate shall specifically
26 limit expenditures per member for the total cost of mailings(~~(7~~
27 ~~including)~~). Those costs include, but are not limited to, production
28 costs, printing costs, and postage costs. The limits imposed under
29 this subsection apply only to the total expenditures on mailings per
30 member and not to any categorical cost within the total.

31 (5) For purposes of this section, persons residing outside the
32 legislative district represented by the legislator are not considered
33 to be constituents, but students, military personnel, or others
34 temporarily employed outside of the district who normally reside in the
35 district are considered to be constituents.

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

Passed the Senate April 24, 1997.

Passed the House April 22, 1997.

Approved by the Governor May 12, 1997.

Filed in Office of Secretary of State May 12, 1997.