

HOUSE BILL REPORT

SB 6685

As Passed House:

March 4, 2008

Title: An act relating to ethical restrictions on mailings by legislators.

Brief Description: Regarding the ethical use of e-mail for legislative updates.

Sponsors: By Senators Pflug, Tom, Roach, Fairley, Jacobsen, Marr, Hobbs, Kilmer, Rockefeller, Kohl-Welles, Delvin, Hewitt, Brown, Swecker, Weinstein, Morton, Kline, Parlette, Pridemore, McDermott, Benton, Brandland and Honeyford.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/22/08 [DP].

Floor Activity:

Passed House: 3/4/08, 93-0.

Brief Summary of Bill

- Allows legislators to send electronic mail to constituents who have requested updates on legislative matters without violating the state ethics laws.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz, Liias, Miloscia and Ormsby.

Staff: Marsha Reilly (786-7135).

Background:

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

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Two mailings of newsletters to constituents are allowed, as long as the newsletters are identical in content. One mailing may be made within 30 days after the start of a regular legislative session, and the other mailing must be within 60 days after the end of a regular legislative session.
- Individual letters may be sent in specific response to constituents' requests for information, or to individual constituents who have received an award or honor of extraordinary distinction.

A violation of this statute constitutes use of the facilities of a public office for the purpose of assisting a campaign.

Summary of Bill:

State ethics laws are amended to allow legislators to provide constituents with electronic mail (e-mail) updates on legislative matters throughout the legislative session up until 30 days from the conclusion of the legislative session. Legislative updates may be provided when constituents have specifically indicated that they would like to be contacted to receive regular or periodic updates on legislative matters.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) The bill is important to legislators and to their constituents. Legislators are restricted to two identical mailings and the Ethics Board has ruled that sending e-mail violates the use of facilities of a public office for campaign purposes. Constituents have asked to be updated on issues during the legislative session and it requires more than one mailing. The bill allows e-mail to be sent to those that have asked up until 30 days after the end of session. The bill addresses a key issue. In a democratic society, one is expected to report to constituents on legislative matters, but it is a violation of ethics laws to do so.

(Opposed) None.

Persons Testifying: Senator Pflug, prime sponsor; and Representative Hasegawa.

Persons Signed In To Testify But Not Testifying: None.