

# HOUSE BILL REPORT

## HB 1131

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**As Passed House:**  
February 28, 2005

**Title:** An act relating to restrictions on mailing by legislators.

**Brief Description:** Regulating mail to constituents.

**Sponsors:** By Representatives Nixon, Haigh and Shabro.

**Brief History:**

**Committee Activity:**

State Government Operations & Accountability: 1/28/05, 2/2/05 [DP].

**Floor Activity:**

Passed House: 2/28/05, 95-0.

**Brief Summary of Bill**

- Allows campaign year legislative mailings via electronic mail beginning December 1 prior to a legislator's election and ending 45 days after the end of session.

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**HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY**

**Majority Report:** Do pass. Signed by 8 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, Miloscia, Schindler and Sump.

**Staff:** Jim Morishima (786-7191).

**Background:**

For the 12 month period preceding a general election in which a legislator is running for office, the legislator may not send to constituents, either by regular mail or electronic mail, a letter, newsletter, brochure, or other piece of literature. There are several exceptions to the rule:

- the legislator may send two newsletters during the 12 month period;
- the legislator may respond to constituent inquiries;
- the legislator may send a letter to a constituent who holds a government office having jurisdiction over the subject matter of the letter; and

- the legislator may send a letter to a constituent who has received an award or honor of extraordinary distinction of a type that is sufficiently infrequent to be noteworthy to a reasonable person, including the Nobel Prize or the Pulitzer Prize.

A violation of the statute constitutes use of the facilities of a public office for the purpose of assisting a campaign. The law gives the House and Senate the duty to limit expenditures per member for the total cost of the mailings.

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**Summary of Bill:**

The prohibition against legislative mailings by electronic mail only applies for the period beginning 45 days after the regular session in the year a legislator is running for office and continuing through November 30 immediately following the general election.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Constituents want to be kept informed during the legislative session. Many legislators use e-mail lists to keep their constituents informed of issues that arise during the session. However, legislators are prohibited from using the lists during election years, which frustrates many constituents. The cost of e-mail is de minimis. This bill does not affect restrictions on the content of e-mails, which the ethics board would scrutinize. The exemption for e-mails would end 45 days after session ends.

**Testimony Against:** None.

**Persons Testifying:** (In support) Representative Nixon, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.