

HOUSE BILL REPORT

HB 1119

As Passed House:

February 4, 2004

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

Brief Description: Regulating mail to constituents.

Sponsors: By Representatives Ruderman, Nixon, Haigh, McDermott, Tom, Miloscia, Clibborn, Hudgins, Cody, Hunter, Kessler and Darneille.

Brief History:

Committee Activity:

State Government: 2/4/03, 2/7/03 [DP].

Floor Activity:

Passed House: 2/14/03, 81-16.

Floor Activity:

Passed House: 2/4/04, 73-23.

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.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Anne Warwick (786-7291); Katie Blinn (786-7114).

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, such as the Nobel prize or Pulitzer prize.

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.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: Many members e-mail their constituents weekly updates during the legislative session. Constituents believe it is part of a legislator's job to keep them informed. The intent is to communicate with people who are interested in getting updates. Constituents rely on communications legislators provide in e-mail. E-mail is the most effective way to keep constituents informed. However, under current statute, these e-mail updates must not go out during the 60-day session. In recognizing the continued loss of trust in government, communication with constituents is an essential element in building a trusting relationship. Unlike a paper newsletter, an electronic newsletter goes out to far fewer people, and traditionally only people that have requested the update.

Questions have been raised that these e-mails provide an advantage to the incumbent during an election year. As both a constituent and a prospective candidate, challengers also want legislators to be able to send out e-mail to constituents. The e-mail newsletters can be used as quotable information for opposition research. E-mail newsletters are governed under the same ethical requirements that govern paper newsletters and the Ethics Board would have the same oversight. The concern over staff use is not a fair concern because the cost of e-mail is de minimis.

Testimony Against: None.

Testified: Representative Ruderman, prime sponsor; and Representative Nixon, sponsor.