

SENATE BILL REPORT

SHB 2106

As of Second Reading

Title: An act relating to election year restrictions on state legislators.

Brief Description: Concerning election year restrictions on state legislators.

Sponsors: House Committee on State Govt, Elections & IT (originally sponsored by Representatives Koster, Hudgins, Taylor and Shea).

Brief History: Passed House: 2/22/17, 96-1.

Committee Activity:

Brief Summary of Bill

- Modifies timelines relating to restrictions on the legislative use of state resources for constituent communications.
- Permits legislators up for re-election to mail two official newsletters at any time before the beginning of the candidate filing period.
- Prohibits legislators from updating official legislative websites between the candidate filing period and the general election.

Staff: Samuel Brown (786-7470)

Background: Use of State Resources by Legislators. With limited exceptions, state employees and officials may not use or authorize the use of agency facilities, directly or indirectly, to assist a campaign for election of a person to an office or for the promotion or opposition of a ballot measure. State legislators are specifically restricted from certain activities during the period starting December 1st of the year before the legislator's general election through November 30th after the election.

Legislators seeking re-election may, using state resources, mail two newsletters to constituents in the 12-month period before the election. One must be mailed within 30 days of the start of the regular legislative session, or within 30 days of appointment for a legislator

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appointed to fill a vacancy. The other mailing must be mailed within 60 days after the end of the regular legislative session.

Legislators may not update their official legislative webpages between June 30th and November 15th of their election year. During the restriction period, legislators may not send constituent letters or other literature by mail or electronic mail (email) at public expense. Violations of the communication restrictions are subject to enforcement by the Legislative Ethics Board.

Candidate Filing Period. Candidates for elective office must file a declaration of candidacy in order to appear on the ballot. The filing period begins at the opening of business on the Monday two weeks before Memorial Day and ends at the close of business that Friday.

Summary of Bill: Timelines relating to restrictions on the use of state resources by legislators to communicate with their constituents are modified. The election year restriction period during which a state legislator may not send literature to constituents or post updates on an official website ends on the day after the election. The deadline is extended to the date of the election certification for any legislator whose vote count results are within 1 percent over the threshold for a mandatory recount as posted by the end of the day of the election.

The two permitted newsletters may be mailed at any time before the beginning of the candidate filing period. Legislators may mail or email updates to constituents on distribution lists during the legislative session until the beginning of the candidate filing period, as well as during any special legislative session.

The freeze on updates to a legislator's official website starts with the candidate filing period and continues through the general election, and is applied to legislators seeking election to any office, not simply re-election.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.