
SENATE BILL 5843

State of Washington

65th Legislature

2017 Regular Session

By Senators Schoesler and Nelson

Read first time 02/17/17. Referred to Committee on State Government.

1 AN ACT Relating to authorizing waivers of legislative mailing
2 restrictions in response to manifest error; amending RCW 42.52.185;
3 and declaring an emergency.

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

5 **Sec. 1.** RCW 42.52.185 and 2011 c 60 s 31 are each amended to
6 read as follows:

7 (1) During the twelve-month period beginning on December 1st of
8 the year before a general election for a state legislator's election
9 to office and continuing through November 30th immediately after the
10 general election, the legislator may not mail, either by regular mail
11 or (~~electronic mail~~) email, to a constituent at public expense a
12 letter, newsletter, brochure, or other piece of literature, except as
13 follows:

14 (a)(i) The legislator may mail two mailings of newsletters to
15 constituents. All newsletters within each mailing of newsletters must
16 be identical as to their content but not as to the constituent name
17 or address. One such mailing may be mailed no later than thirty days
18 after the start of a regular legislative session, except that a
19 legislator appointed during a regular legislative session to fill a
20 vacant seat may have up to thirty days from the date of appointment

1 to send out the first mailing. The other mailing may be mailed no
2 later than sixty days after the end of a regular legislative session.

3 (ii) In individual cases of extreme hardship due to manifest
4 error of no fault of the legislator, the senate committee on
5 facilities and operations or the executive rules committee of the
6 house of representatives may grant a waiver on the deadline for a
7 legislator's mailings described in (a)(i) of this subsection.

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

19 (c) In those cases where constituents have specifically indicated
20 that they would like to be contacted to receive regular or periodic
21 updates on legislative matters, legislators may provide such updates
22 by (~~electronic mail~~) email throughout the legislative session and
23 up until thirty days from the conclusion of a legislative session.

24 (2) For purposes of subsection (1) of this section, "legislator"
25 means a legislator who is a "candidate," as defined by RCW
26 42.17A.005, for any public office.

27 (3) A violation of this section constitutes use of the facilities
28 of a public office for the purpose of assisting a campaign under RCW
29 42.52.180.

30 (4) The house of representatives and senate shall specifically
31 limit expenditures per member for the total cost of mailings. Those
32 costs include, but are not limited to, production costs, printing
33 costs, and postage costs. The limits imposed under this subsection
34 apply only to the total expenditures on mailings per member and not
35 to any categorical cost within the total.

36 (5) For purposes of this section, persons residing outside the
37 legislative district represented by the legislator are not considered
38 to be constituents, but students, military personnel, or others
39 temporarily employed outside of the district who normally reside in
40 the district are considered to be constituents.

1 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

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