

HOUSE BILL REPORT

SSB 5381

As Passed House:

April 10, 2023

Title: An act relating to letters of recommendation or congratulations sent by legislators.

Brief Description: Concerning letters of recommendation or congratulations sent by legislators.

Sponsors: Senate Committee on State Government & Elections (originally sponsored by Senators Braun, Pedersen, Boehnke, Conway, Dhingra, Hunt, Keiser, King, Kuderer, Nguyen, Randall, Saldaña, Warnick, Wilson, C. and Wilson, J.).

Brief History:

Committee Activity:

State Government & Tribal Relations: 3/14/23, 3/22/23 [DP].

Floor Activity:

Passed House: 4/10/23, 98-0.

Brief Summary of Substitute Bill

- Specifies that the Ethics in Public Service Act is not violated when a legislator sends letters of recommendation on behalf of and requested by a constituent, as well as certain congratulatory letters to constituents.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 7 members: Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson, Low and Mena.

Staff: Jason Zolle (786-7124).

Background:

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

The Ethics in Public Service Act.

The Ethics in Public Service Act (Ethics Act) prohibits state officers and state employees from using their public employment for personal gain or private advantage, or creating the appearance of such impropriety. Some prohibited activities include:

- having financial interests or engaging in business activity that conflicts with the proper discharge of official duties;
- using public resources for private gain;
- receiving gifts or outside compensation for official duties;
- receiving compensation for certain activity outside one's official duties;
- using public resources for private benefit or political campaigns; and
- using one's position to secure special privileges or exemptions for oneself or others, except as required to perform duties within the scope of employment.

The Ethics Act is enforced by the state ethics boards. Any person may initiate a complaint, and state employees who file complaints have whistleblower protections. Each branch of government has its own board that investigates, conducts hearings, and issues civil sanctions for its respective employees' violations of these ethics rules. The Attorney General may investigate persons not under the jurisdiction of an ethics board who were involved in unlawful transactions.

Election Year Freeze.

Under the Ethics Act, certain communications by legislators are prohibited during a specified period in an election year. This prohibition is known as the "election year freeze." Beginning on the first day of the candidacy filing period, i.e., the Monday two weeks before Memorial Day, through the date of the certification of the general election, the official legislative website of a legislator seeking reelection or election to any public office may not be altered.

In addition, a legislator who is a candidate may not mail or email a constituent during the first day of the candidacy filing period through the date of certification of the general election. There are exemptions for routine legislative correspondence, letters responding to constituents, and congratulatory letters. Congratulatory letters may be sent when a constituent has received an award or honor of extraordinary distinction of a type that is sufficiently infrequent to be noteworthy to a reasonable person, such as an Eagle Scout award or the Medal of Honor.

Summary of Bill:

Language is added to the Ethics Act to specify that the act is not violated when a legislator sends:

- a letter of recommendation on behalf of an individual constituent, if requested by the constituent;
- a congratulatory letter to a constituent who has received an award or honor of extraordinary distinction of a type that sufficiently infrequent to be noteworthy to a

- reasonable person; or
- except during an election year freeze, a congratulatory letter to a constituent who received an honor or award, if requested by the constituent or a third party on their behalf.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This is a straightforward and simple bill. The current rules around legislators sending congratulatory letters and letters of recommendation are complex and every member interprets them differently. This bill takes guidance from the Legislative Ethics Board and sets it in statute, giving very clear guidance.

(Opposed) None.

Persons Testifying: Senator John Braun, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.