

# HOUSE BILL REPORT

## EHB 1027

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### As Passed House

January 21, 1998

**Title:** An act relating to restrictions on mailings and public service broadcasts by state officials.

**Brief Description:** Restricting mailings and public service broadcasts by state officials.

**Sponsors:** By House Committee on Government Administration (originally sponsored by Representatives Schoesler, Chandler, Sheahan, Sterk, McMorris, Honeyford, Dyer, Mielke and D. Schmidt).

### Brief History:

#### Committee Activity:

Government Administration: 1/22/97, 2/4/97 [DP].

#### Floor Activity:

Passed House: 2/28/97, 96-0;

Passed House: 1/21/98, 98-0.

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### HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

**Majority Report:** Do pass. Signed by 10 members: Representatives D. Schmidt, Chairman; D. Sommers, Vice Chairman; Scott, Ranking Minority Member; Gardner, Assistant Ranking Minority Member; Doumit; Dunn; Reams; Smith; L. Thomas and Wensman.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Dunshee and Wolfe.

**Staff:** Steve Lundin (786-7127).

**Background:** General restrictions exist prohibiting the use of public facilities to promote a political campaign.

In addition, restrictions exist on mailings that a legislator may make to constituents using public funds during a 12-month period around their election to an office. The 12-month period begins on December 1 of the year before the legislator is elected to an office and continues through November 30 immediately after the election. These restrictions apply to both regular mail and electronic mail.

During this period legislators are authorized to use public funds to mail two identical newsletters to constituents, one no later than 30 days after the start of a regular legislative session and another no later than 60 days after the end of a regular session.

In addition, a legislator may use public funds to mail an individual letter to an individual constituent who has contacted the legislator regarding the subject of the letter during the legislator's current term of office, or who holds a governmental office with jurisdiction over the subject matter of the letter, or who has received an award or honor of extraordinary distinction.

No express restrictions exist on mailings that may be made by other state-elected officials. No express authority exists for other state-elected officials to mail identical newsletters to constituents.

**Summary of Bill:** State officials, other than legislators, are prohibited from using public funds to mail letters to constituents during the 12-month period around their election to an office that are identical with restrictions on legislators using public funds to mail letters to constituents.

These state officials may use public funds to mail two newsletters to constituents, and certain individual letters to constituents, during this period that are identical with the authority granted to legislators. One newsletter must be mailed no later than March 30 and the other newsletter must be mailed no later than June 30.

The mailing restrictions do not apply to brochures mailed as a part of the regular duties of the state office that only refer to the office and do not include the name of the state official. The mailing restrictions do not apply to correspondence on state office letterhead mailed by employees of the state office that are part of the regular duties of the state office.

These state officials are prohibited from using public funds to make public service broadcasts during this 12-month period, except for those public service broadcasts that are part of the regular duties of the state office that only mention or visually display the state office and do not mention or visually display the name of the state official.

A violation of these restrictions constitutes a violation of the ethics in public service law.

A state official is defined for purposes of these provisions as the governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, and state treasurer.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Initiative 134 limits legislators. This applies similar limitations to statewide-elected officials. Level the playing field. A public service announcement need not use the name of the official.

**Testimony Against:** The public service announcement limitations could be hard to work for broadcasters. An inadvertent error could be made by a broadcaster.

**Testified:** Rep. Schoesler, prime sponsor (pro); and Becky Bogard, Washington State Broadcasters Association (with concerns).