

HOUSE BILL REPORT

HB 1168

As Passed House

February 21, 1997

Title: An act relating to mailings by legislators.

Brief Description: Revising restrictions on legislators' newsletters.

Sponsors: By House Committee on Government Administration (originally sponsored by Representatives Pennington, Appelwick, Carlson, Murray, Regala, Cooper and Mielke; by request of Legislative Ethics Board).

Brief History:

Committee Activity:

Government Administration: 1/29/97, 1/31/97 [DP].

Floor Activity:

Passed House: 2/21/97, 96-0.

HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

Majority Report: Do pass. Signed by 12 members: Representatives D. Schmidt, Chairman; D. Sommers, Vice Chairman; Scott, Ranking Minority Member; Gardner, Assistant Ranking Minority Member; Doumit; Dunn; Dunshee; Reams; Smith; L. Thomas; Wensman and Wolfe.

Staff: Steve Lundin (786-7127).

Background: General law prohibits the direct or indirect use of public facilities to assist in the campaign or reelection of any person to any office, or to promote or oppose a ballot proposition.

Specific law restricts the use of public funds by a legislator for mailings to a constituent during the 12-month period preceding the last day for certifying election results for the legislator's election to office. Election results are certified 15 days after a general election and 10 days after a primary or special election.

During this 12-month period, a legislator may not use public funds to mail any material to a constituent, except as follows:

- One identical newsletter may be mailed to constituents no later than 30 days after the start of a regular legislative session and one identical newsletter may be mailed to constituents no later than 60 days after the end of a regular legislative session.
- An individual letter may be mailed to an individual constituent who has contacted the legislator concerning the subject matter of the letter during his or her current term of office.
- An individual letter may be mailed to a constituent who holds a governmental office with jurisdiction over the subject matter of the letter.

The House of Representatives and Senate are required to specifically limit expenditures per member for the total costs of mailings made with public funds.

Summary of Bill: Changes are made concerning the limitation on legislators' expending public funds to mail literature to constituents during the 12-month period prior to their election.

The 12-month period is altered to a precise calendar period beginning on December 1 of the year before a general election for a legislator's election to office and continuing through November 30, immediately after the general election.

The general prohibition on legislators expending public funds to mail literature to constituents during this 12-month period is altered. Instead of prohibiting mailings during this period, the prohibition only applies to mailings by regular mail or electronic mail.

The specific authority for legislators to expend public funds to mail literature to constituents during this 12-month period is altered. The description of the two identical- newsletters that are allowed during this 12-month period is altered to clarify that the content of the newsletter is identical but the name and address of the constituents are not identical. An individual letter is allowed to be mailed during this period to a constituent who has received an award or honor of extraordinary distinction.

It is clarified that these restrictions only apply to a legislator during this period if the legislator is a candidate for any office.

Restrictions on expending public funds for mailings to constituents during this period only applies to mailings to the current constituents of the legislator and does not apply to mailings to persons residing outside of the legislator's legislative district.

The requirement that the House of Representatives and Senate limit expenditures per member for the total costs of mailings only applies to total expenditures and does not apply to any category of such costs within the total expenditure limit.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is a recommendation of the Legislative Ethics Board to clarify many matters. This enjoys bipartisan support.

Testimony Against: None.

Testified: Representatives Pennington and Appelwick, sponsors; and William Asbury, Chairman, Legislative Ethics Board.