

HOUSE OF REPRESENTATIVES

Olympia Washington

Bil Analysis

Bil No. SSB 5149
(See HB 1168)

Restrictions on legislators newsletters
Brief title

Public Arg: 3/28/97

Senator Long/Spanel/Horn
Sponsor (Leg Ethics Bd Req.)

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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 to promote or oppose a ballot proposition.

Specific law restricts use of public funds by a legislator for mailing to a constituent during the 12-month period preceding the last day for certifying election results to the legislative election office. Election results are recertified 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:

- o 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.
- o 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.
- o An individual letter may be mailed to a constituent who holds a government 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.

Continued

SUMMARY:

Changes are made concerning the limitation on legislators expending public funds to mail literature to constituents during the 12-month period prior to the election.

The 12-month period is altered from the 12-month period preceding the last day of certification of the legislators to the election office, to a precise calendar period beginning on December 1 of the year before a general election for a legislator's election 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 news letters that are allowed during this 12-month period is altered to clarify that the content of the newsletters is identical but the name and address of the constituents are not identical. A legislator who is appointed to fill a vacancy after the start of a session may mail a few newsletters up to 30 days after being appointed. An individual is allowed to be mailed during this period to a constituent who has received an award or honor of extraordinary distinction of a type that is infrequent to be noteworthy to a reasonable person, including an international award, 100th birthday or 75 wedding anniversary.

It is clarified that for these restrictions to apply to a legislator during this period of the legislative session, the candidate for any office.

Restrictions on expending public funds for mailings to constituents during this period only apply to mailings to the current constituents of the legislator and do not apply to mailings to persons residing outside of the legislator's legislative district. However, students, military, or other temporarily employed outside of the district who normally reside in the district are considered to be constituents.

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.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bills passed.