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HOUSE BILL 1131

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Nixon, Haigh and Shabro

Read first time 01/17/2005. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to restrictions on mailing by legislators; and  
2 amending RCW 42.52.185.

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

4 **Sec. 1.** RCW 42.52.185 and 1997 c 320 s 1 are each amended to read  
5 as follows:

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

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

1 vacant seat may have up to thirty days from the date of appointment to  
2 send out the first mailing. The other mailing may be mailed no later  
3 than sixty days after the end of a regular legislative session.

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

15 (2) For purposes of subsection (1) of this section, "legislator"  
16 means a legislator who is a "candidate," as defined by RCW 42.17.020,  
17 for any public office.

18 (3) A violation of this section constitutes use of the facilities  
19 of a public office for the purpose of assisting a campaign under RCW  
20 42.52.180.

21 (4) The house of representatives and senate shall specifically  
22 limit expenditures per member for the total cost of mailings. Those  
23 costs include, but are not limited to, production costs, printing  
24 costs, and postage costs. The limits imposed under this subsection  
25 apply only to the total expenditures on mailings per member and not to  
26 any categorical cost within the total.

27 (5) For purposes of this section, persons residing outside the  
28 legislative district represented by the legislator are not considered  
29 to be constituents, but students, military personnel, or others  
30 temporarily employed outside of the district who normally reside in the  
31 district are considered to be constituents.

32 (6) During the period beginning on the forty-fifth day after the  
33 date of the adjournment of a regular legislative session in the year of  
34 a general election for a state legislator's election to office and  
35 continuing through November 30th immediately after the general  
36 election, the restrictions in subsection (1) of this section apply to

1 letters, newsletters, brochures, or other pieces of literature sent by  
2 electronic mail at public expense.

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