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HOUSE BILL 1382

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Clements, Haigh, Nixon, Chase, Linville, Sump,  
Anderson and McCoy

Read first time 01/21/2005.            Referred to Committee on State  
Government Operations & Accountability.

1            AN ACT Relating to restrictions on mailings by state legislators;  
2 and 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, to a constituent at public expense a letter,  
11 newsletter, brochure, or other piece of literature, except as follows:

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

1 send out the first mailing. The other mailing may be mailed no later  
2 than sixty days after the end of a regular legislative session.

3 (b) The legislator may mail an individual letter to:

4 (i) An individual constituent who has contacted the legislator  
5 regarding the subject matter of the letter during the legislator's  
6 current term of office;

7 (ii) An individual constituent who might be affected by rule making  
8 proposed by an agency implementing enacted legislation sponsored by the  
9 legislator, as long as the subject matter of the letter is the agency  
10 action;

11 (iii) An individual constituent who holds a governmental office  
12 with jurisdiction over the subject matter of the letter; or

13 (~~(iii)~~) (iv) An individual constituent who has received an award  
14 or honor of extraordinary distinction of a type that is sufficiently  
15 infrequent to be noteworthy to a reasonable person, including, but not  
16 limited to: (A) An international or national award such as the Nobel  
17 prize or the Pulitzer prize; (B) a state award such as Washington  
18 scholar; (C) an Eagle Scout award; and (D) a Medal of Honor.

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

22 (3) A violation of this section constitutes use of the facilities  
23 of a public office for the purpose of assisting a campaign under RCW  
24 42.52.180.

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

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

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