

# HOUSE BILL REPORT

## HB 2851

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**As Reported by House Committee On:**  
Local Government & Housing

**Title:** An act relating to restricting mailings by local officials.

**Brief Description:** Restricting mailings by local officials.

**Sponsors:** Representatives White and Nelson.

**Brief History:**

**Committee Activity:**

Local Government & Housing: 1/25/10, 2/1/10 [DPS].

**Brief Summary of Substitute Bill**

- Limits the number of mailings (regular or electronic) an elected local official can send in the 12-month period before their next election.
- Exempts certain official duties of local elected officials from mailing restrictions

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan, Miloscia, Short, White and Williams.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Springer and Upthegrove.

**Staff:** Becca Kenna-Schenk (786-7291) and Ethan Moreno (786-7386).

**Background:**

Ethical Standards for Municipal Officials.

State law establishes a code of ethics establishing minimum conduct standards for municipal officers that prohibit certain activities that would personally benefit the officer. Municipalities are responsible for the enforcement of these restrictions and local

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governments are authorized to impose stricter ethical standards through a city or county charter. In addition, under the state's Public Disclosure Act, local elected officials are prohibited from the direct or indirect use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition unless such use is stated in a constitutional, charter, or statutory provision. Public facilities include, but are not limited to, stationery, office space, publications, and use of state employees.

#### Mailing Restrictions Applicable to State Legislators.

Current law restricts the number of mailings a state legislator may send at public expense during the 12-month period preceding the general election for his or her office. The 12-month period begins December 1 of the year before the legislator is elected and continues through November 30 immediately after the election. These restrictions apply to both regular mail and electronic mail.

There are several exceptions to the mailing restrictions. The legislator may:

- send two newsletters during the 12-month period, one no later than 30 days after the start of a regular session and one no later than 60 days after the end of a regular session;
- respond to constituent inquiries;
- send a letter to a constituent who holds a government office having jurisdiction over the subject of the letter; and
- send a letter to a constituent who has won an award or honor of extraordinary distinction.

In cases where a constituent has requested regular updates on legislative matters, the legislator may provide such updates via electronic mail during the legislative session and until 30 days after the end of the session.

There is no express restriction on mailings for local elected officials.

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#### **Summary of Substitute Bill:**

The current mailing restrictions for state legislators are imposed on local elected officials. For the 12-month period preceding a general election in which a local official is running for office, the official may not send to a constituent, either by regular or electronic mail, a letter, newsletter, brochure, or other piece of literature at public expense. The 12-month period begins on December 1 of the year before a general election in which the local official is a candidate for office and continues through November 30 immediately following the general election.

There are several exceptions to the mailing restrictions. The local official may:

- send two newsletters during the 12-month period, one prior to February 15 and one prior to April 15;
- respond to constituent inquiries;
- send official notices that are required by law;

- send a letter to a constituent who holds a government office having jurisdiction over the subject of the letter; and
- send a letter to a constituent who has won an award or honor of extraordinary distinction.

In cases where a constituent has requested regular updates on legislative matters, the local official may provide such updates via electronic mail during the legislative session and until 30 days after the end of the session. In addition, communications between members of the judiciary and current or former jurors is permitted.

**Substitute Bill Compared to Original Bill:**

The substitute bill makes the following change to the original bill:

- exempts certain official duties of local elected officials from mailing restrictions.
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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill brings local officials into compliance with mailing restrictions that are currently in place for state legislators. There are no restrictions on responding to constituent inquiries. The bill would only restrict proactive, unsolicited correspondence to two mailings during an election year. Citizens expect their local elected officials to be held to the same ethical standards as their state elected officials.

(Opposed) Many county officials are required to send notifications to constituents as part of their job, such as ballot box location notifications, coroner notices, or property tax statements. The Public Disclosure Commission has guidelines in place that prevent the use of public facilities and funds by local elected officials for campaign purposes. Amendatory language is needed.

**Persons Testifying:** (In support) Representative White, prime sponsor; and Rose Bowman, Washington Association of County Treasurers.

(Opposed) James McMahan, Washington Association of County Officials.

**Persons Signed In To Testify But Not Testifying:** None.