

# HOUSE BILL REPORT

## SHB 2106

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### As Amended by the Senate

**Title:** An act relating to election year restrictions on state legislators.

**Brief Description:** Concerning election year restrictions on state legislators.

**Sponsors:** House Committee on State Govt, Elections & IT (originally sponsored by Representatives Koster, Hudgins, Taylor and Shea).

#### **Brief History:**

##### **Committee Activity:**

State Government, Elections & Information Technology: 2/17/17 [DPS].

##### **Floor Activity:**

Passed House: 2/22/17, 96-1.

Senate Amended.

Passed Senate: 3/1/17, 49-0.

#### **Brief Summary of Substitute Bill**

- Changes the election year restriction period for legislative mailings to end on the date of the general election, instead of the end of November.
- Requires that legislators' permitted communications with constituents during the election restriction period applies during the legislative session until the beginning of the candidate filing period, or during a special session.
- Provides that the period restricting updates to legislators' websites runs from the beginning of the candidate filing period until the date of the general election.

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### HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Hudgins, Chair; Dolan, Vice Chair; Koster, Ranking Minority Member; Volz, Assistant Ranking Minority Member; Appleton, Gregerson, Irwin, Kraft and Pellicciotti.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Sean Flynn (786-7124).

**Background:**

With some exceptions, state officers and employees are prohibited from using state agency facilities and resources to assist with any election campaign. State legislators are specifically restricted from certain activities during the period starting December 1 of the year before the legislator's general election through November 30 after the election. In addition, legislators may not update their official legislative webpages between June 30 and November 15 of their election year. Violations of the communication restrictions are subject to enforcement by the Legislative Ethics Board.

During the restriction period, legislators may not send constituent letters or other literature by mail or electronic mail (email) at public expense. However, legislators may mail two general newsletters to constituents before and after the regular legislative session. Legislators also may send mail and email to individual constituents who request information during the legislative session.

**Summary of Substitute Bill:**

The election year restriction period during which a state legislator may not send literature to constituents or post updates on an official website is shortened to end on the day after the election. The deadline is extended to the date of the election certification for any legislator whose vote count results are within 1 percent over the threshold for a mandatory recount as posted by the end of the day of the election.

The periods for certain permitted activities are aligned with the beginning of the candidate filing period, two weeks before Memorial Day. The two permitted newsletters must be mailed before the beginning of the candidate filing period. Legislators may mail or email updates to constituents on distribution lists during the legislative session until the beginning of the candidate filing period, as well as during any special legislative session. Finally, the freeze on updates posted to a legislator's official website starts with the candidate filing period and goes through the general election.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment changes the duration of the election year period limiting legislative mailings and website activities to end on the date of the election certification, instead of the date of the election.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) The election year reporting deadlines can be confusing, and changing deadlines to track the election dates will help to clarify the applicable timeframes.

(Opposed) None.

**Persons Testifying:** Representative Koster, prime sponsor.

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