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HOUSE BILL 2961

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Kraft and Hudgins

Read first time 01/30/18. Referred to Committee on State Govt,  
Elections & IT.

1 AN ACT Relating to election year restrictions on email updates  
2 from state legislators; 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 2017 c 7 s 3 are each amended to read  
5 as follows:

6 (1) During the period beginning on December 1st of the year  
7 before a general election for a state legislator's election to office  
8 and continuing through the date of certification of the general  
9 election, the legislator may not mail, either by regular mail or  
10 email, to a constituent at public expense a letter, newsletter,  
11 brochure, or other piece of literature, except for routine  
12 legislative correspondence, such as scheduling, and 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  
16 or address. Both mailings must be mailed before the first day of the  
17 declaration of candidacy filing period specified in RCW 29A.24.050.

18 (b) The legislator may mail an individual letter to (i) an  
19 individual constituent who has contacted the legislator regarding the  
20 subject matter of the letter during the legislator's current term of  
21 office; (ii) an individual constituent who holds a governmental

1 office with jurisdiction over the subject matter of the letter; or  
2 (iii) an individual constituent who has received an award or honor of  
3 extraordinary distinction of a type that is sufficiently infrequent  
4 to be noteworthy to a reasonable person, including, but not limited  
5 to: (A) An international or national award such as the Nobel prize or  
6 the Pulitzer prize; (B) a state award such as Washington scholar; (C)  
7 an Eagle Scout award; and (D) a Medal of Honor.

8 (c) In those cases where constituents have specifically indicated  
9 that they would like to be contacted to receive regular or periodic  
10 updates on legislative matters or been added to a distribution list  
11 and provided regular opportunities to unsubscribe from that mailing  
12 list, legislators may provide such updates by email (~~throughout the~~  
13 ~~legislative session and~~) up until the first day of the declaration  
14 of candidacy filing period specified in RCW 29A.24.050. Legislators  
15 may also provide these updates by email during any special  
16 legislative session.

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

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

26 (4) For purposes of this section:

27 (a) "Legislator" means a legislator who is a "candidate," as  
28 defined in RCW 42.17A.005, for any public office; and

29 (b) Persons residing outside the legislative district represented  
30 by the legislator are not considered to be constituents, but  
31 students, military personnel, or others temporarily employed outside  
32 of the district who normally reside in the district are considered to  
33 be constituents.

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