
HOUSE BILL 2437

State of Washington

64th Legislature

2016 Regular Session

By Representatives Hudgins and S. Hunt

1 AN ACT Relating to election year restrictions on state
2 legislators; amending RCW 42.52.185; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the prohibition
5 on the use of public resources for campaign purposes serves an
6 important purpose, but that the period prohibiting state legislators
7 from communicating with constituents at public expense is unnecessary
8 once the election, and the campaign itself, has ended. Furthermore,
9 the delay in constituent outreach after the election only hinders a
10 legislator's ability to quickly and effectively respond to requests
11 and keep the public informed about current state issues. For these
12 reasons, the legislature intends to reduce the prohibition period on
13 constituent communications to the day after the election, in order to
14 allow legislators to actively engage with the public on official
15 legislative business in a timely and effective manner.

16 **Sec. 2.** RCW 42.52.185 and 2011 c 60 s 31 are each amended to
17 read as follows:

18 (1) During the ((~~twelve-month~~)) period beginning on December 1st
19 of the year before a general election for a state legislator's
20 election to office and continuing through ((~~November 30th immediately~~

1 after)) the ((general)) date of the election, the legislator may not
2 mail, either by regular mail or ((~~electronic mail~~)) email, to a
3 constituent at public expense a letter, newsletter, brochure, or
4 other piece of literature, except as follows:

5 (a) The legislator may mail two mailings of newsletters to
6 constituents. All newsletters within each mailing of newsletters must
7 be identical as to their content but not as to the constituent name
8 or address. One such mailing may be mailed no later than thirty days
9 after the start of a regular legislative session, except that a
10 legislator appointed during a regular legislative session to fill a
11 vacant seat may have up to thirty days from the date of appointment
12 to send out the first mailing. The other mailing may be mailed no
13 later than sixty days after the end of a regular legislative session.

14 (b) The legislator may mail an individual letter to (i) an
15 individual constituent who has contacted the legislator regarding the
16 subject matter of the letter during the legislator's current term of
17 office; (ii) an individual constituent who holds a governmental
18 office with jurisdiction over the subject matter of the letter; or
19 (iii) an individual constituent who has received an award or honor of
20 extraordinary distinction of a type that is sufficiently infrequent
21 to be noteworthy to a reasonable person, including, but not limited
22 to: (A) An international or national award such as the Nobel prize or
23 the Pulitzer prize; (B) a state award such as Washington scholar; (C)
24 an Eagle Scout award; and (D) a Medal of Honor.

25 (c) In those cases where constituents have specifically indicated
26 that they would like to be contacted to receive regular or periodic
27 updates on legislative matters, legislators may provide such updates
28 by ((~~electronic mail~~)) email throughout the legislative session and
29 up until thirty days from the conclusion of a legislative session.

30 (2) For purposes of subsection (1) of this section, "legislator"
31 means a legislator who is a "candidate," as defined by RCW
32 42.17A.005, for any public office.

33 (3) A violation of this section constitutes use of the facilities
34 of a public office for the purpose of assisting a campaign under RCW
35 42.52.180.

36 (4) The house of representatives and senate shall specifically
37 limit expenditures per member for the total cost of mailings. Those
38 costs include, but are not limited to, production costs, printing
39 costs, and postage costs. The limits imposed under this subsection

1 apply only to the total expenditures on mailings per member and not
2 to any categorical cost within the total.

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

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