

October 29, 1996

Advisory Opinion 1996 - No. 12
Constituent Updates Limited

The Board has received a request for an advisory opinion from Representative Tom Campbell, who has waived confidentiality.

QUESTION

Would it be a violation of RCW 42.17.132, the statute which limits legislator's mailings during approximately the last twelve months of his or her term of office, for a legislator to provide a second, written mailed letter to a constituent who has contacted the legislator where the information in the letter provides an update on the particular issue and is based on a material change in the facts of the issue, even though the constituent contact is not in response to the legislator's return card or other invitation to the constituent to request additional information.

OPINION

The answer is yes, such a mailing would violate the ethics law.

Even though this question is broadly framed, the Board finds that based upon the facts stated in this request and the proposed letter, the mailing restrictions found in RCW 42.17.132 would be violated if public resources were used by a legislator to mail letters of the type suggested in the advisory opinion request.

Although no single fact in this cases is dispositive, the Board notes the following significant circumstances: the letter in this case is announcing a federal agency decision; the subject of the letter was previously reported by the press; the proposed letter would be mailed within a month prior to a contested election involving this Representative; and there is no sense of urgency surrounding the subject of the proposed letter.

RETIRED JULY 2022 See Advisory Opinion 2021 - No. 1