

Washington State Attorney General Argues Legislator Records are Subject to Public Disclosure

Legal Alert
January 17, 2018

The Washington State Attorney General filed an [amicus brief](#) on Wednesday, January 10, 2018, arguing that the Public Records Act, Chapter 42.56 RCW, applies to the Washington State Legislature and individual legislators. The brief was filed in a lawsuit pending in Thurston County Superior Court.

The plaintiffs in the matter, a group of news organizations including the Associated Press and *The Seattle Times*, submitted public records requests to individual legislators. In its own motion, the legislature takes the position that several amendments to the PRA, including amendments in 2007, removed legislators from the PRA. The 2007 amendments essentially removed the definition of “state legislative office” from the PRA by removing a cross reference to the campaign finance statutes, formerly Chapter 42.17 RCW.

The Attorney General, in contrast, asserts that the PRA applies to the two houses of the legislature through the offices of the Chief Clerk of the House of Representatives and the Secretary of the Senate. State law requires these two entities to retain certain documents for the legislature (Chapter 40.14 RCW), and the PRA includes certain records maintained by these entities in the definition of a public record (RCW 42.56.010(3)). The Attorney General’s brief also asserts that individual legislative offices are “state agencies” under the PRA, citing RCW 42.56.010(1) (defining state agency as “every state office, department, division, bureau, board, commission, or other state agency”). The Attorney General’s brief contends that the 2007 amendments did not remove legislators from the PRA because “the PRA continues to cover those offices implicitly under the definition of ‘state agency.’”

Contact

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The summary judgment hearing in this case is set for January 19, 2018, in Thurston County Superior Court before the Hon. Christopher Lanese.

If you have any questions, contact a member of our [Public Records & Open Government](#) team.