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PUBLIC RECORDS - WASHINGTON

Associated Press v. Washington State Legislature

Supreme Court of Washington - December 19, 2019 - P.3d - 2019 WL 6905840

News media organizations brought action under Public Records Act (PRA) against Washington State's Senate, its House of Representatives, four legislative leaders in their official capacities, the legislature as a whole, and state agencies, relating to response to organizations' requests for records of Senate, House, legislature as a whole, and individual legislators.

The Superior Court granted in part and denied in part organizations' motion for summary judgment and defendants' cross-motion for summary judgment, and granted parties' joint motion to certify questions of law to the Supreme Court. Cross-petitions for discretionary review were granted.

The Supreme Court held that:

- Individual legislators are "agencies" and therefore are subject in full to the PRA's general public records disclosure mandate for agencies, but
- Institutional legislative bodies are not "agencies," and thus, they are subject to the PRA's narrower public records disclosure mandate by and through each chambers' respective administrative officer.

Individual legislators are "agencies" and therefore are subject in full to the Public Records Act's (PRA) general public records disclosure mandate for agencies, because individual legislators are expressly included in the definitional chain of "agency" in a closely related statute, i.e., the campaign disclosure and contribution law, which was enacted with the PRA, by initiative, as a single law, with the PRA later separated into its own chapter.

Institutional legislative bodies are not "agencies" and therefore are not subject in full to the Public Records Act's (PRA) general public records disclosure mandate for agencies, and instead, institutional legislative bodies are subject to the PRA's narrower public records disclosure mandate by and through each chambers' respective administrative officer.