

SENATE BILL REPORT

SB 5171

AS OF FEBRUARY 7, 1991

Brief Description: Specifying criminal penalties for false political advertising.

SPONSORS: Senators Owen, McCaslin, Vognild, West, L. Smith and Conner.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Rod McAulay (786-7754)

Hearing Dates: February 12, 1991

BACKGROUND:

The political advertising provisions of the public disclosure statutes prohibit various forms of false political advertising when done with actual malice. The remedies for such violations are to file a complaint with the Public Disclosure Commission, to make a direct complaint to the Attorney General or county prosecutor, or if the Attorney General or county prosecutor fail to act within 45 days, to file a citizen complaint in superior court.

A complaint to the Public Disclosure Commission will trigger a staff investigation. Based upon the results of the investigation, the commission will either conduct a hearing, refer the matter to the Attorney General or county prosecutor, or dismiss the matter. Whether handled by the Public Disclosure Commission or by the courts, sanctions include the imposition of civil penalties and costs, assessment of treble damages, issuance of cease and desist orders or injunctions.

SUMMARY:

Political advertising that contains a false statement of a material fact, that falsely represents that a candidate is an incumbent, or that falsely indicates that a person or organization supports or endorses the candidate, when done with actual malice is a gross misdemeanor. When such a violation has occurred or is about to occur, the person harmed or a county prosecutor may initiate a civil proceeding to enjoin such violation.

Appropriation: none

Revenue: none

Fiscal Note: none requested