

HOUSE BILL REPORT

HB 1681

As Reported By House Committee On:
State Government

Title: An act relating to political advertising.

Brief Description: Requiring a statement of responsibility to accompany political advertising.

Sponsors: Representatives Eide, Dyer, Pruitt, Vance, Kessler, Locke, G. Fisher, Anderson, Roland, Zellinsky, Brough, Jones, R. Meyers, Dorn, Leonard, Finkbeiner, J. Kohl and Johanson.

Brief History:

Reported by House Committee on:
State Government, February 25, 1993, DPS.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; King; and Pruitt.

Staff: Kenneth Hirst (786-7105).

Background: The state's public disclosure law includes provisions regulating political advertising. These provisions require a written political ad to include the name and address of the sponsor and require a radio or television ad to include the sponsor's name. An ad for a candidate for a partisan office must identify the party of the candidate. Certain forms of advertising are exempted from these requirements and the Public Disclosure Commission has the authority to provide further exemptions by rule in cases for which the identification is impractical.

A person may not, with actual malice, sponsor political advertising that contains a false statement of material fact, that falsely represents a candidate as being the incumbent for an office, or that makes a false claim stating or implying the support or endorsement of any person or organization. By "actual malice," the disclosure law refers to acting with knowledge of falsity or with reckless disregard as to truth or falsity. In general, the sponsor

of the advertising is responsible for complying with these requirements.

Summary of Substitute Bill: Written political advertising must include the following statement, signed by the responsible party: "I fully accept responsibility for the accuracy of this message." Such a signed statement must also be filed with a broadcasting company before a radio or television political ad is broadcast. The statement filed with the broadcasting company must be available for public inspection.

The "responsible party" is: the candidate, if the ad is sponsored by a candidate or a candidate's political committee; the chief officer or treasurer of a political committee, if the ad is sponsored by any other political committee; and the sponsor of the ad, if it is paid for by an independent expenditure. Such a "responsible party" is added to those who are responsible for a political ad under the disclosure law.

The Public Disclosure Commission must, by rule, exempt from this requirement certain forms of advertising, such as buttons, pens, and skywriting, and may exempt other forms where such a statement is impractical.

Substitute Bill Compared to Original Bill: The substitute bill requires a signed statement of responsibility for a radio or TV ad to be filed before the ad is broadcast; the original bill requires the statement to be filed when time for the ad is arranged.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: A candidate will no longer be able to claim, after a false ad has been circulated for the candidate, that the candidate's staff was responsible and the candidate did not know what the staff was doing.

Testimony Against: A provision of the original bill requires a responsibility statement for a radio or TV ad to be filed when time for the ad is purchased or arranged. This provision should be clarified since there are several steps in the purchasing process.

Witnesses: Representative Eide (in favor); Rebecca Bogard, Washington State Association of Broadcasters (in favor); and Rowland Thompson, Allied Daily Newspapers (in favor).