
HOUSE BILL 1207

State of Washington

56th Legislature

1999 Regular Session

By Representatives Carrell, Koster, Sump, Mielke, Campbell, Boldt, Pennington, D. Sommers and Dunn

Read first time 01/19/1999. Referred to Committee on State Government.

1 AN ACT Relating to protecting political free speech from excessive
2 government intrusion; and adding new sections to chapter 42.17 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17 RCW
5 to read as follows:

6 (1) It is clear the First Amendment protects political speech,
7 giving it greater protection over other forms of speech. The
8 constitutional protections afforded political speech apply fully,
9 urgently, and precisely to the conduct of campaigns for political
10 office and ballot issues.

11 (2) Traditional public forums include places that by long tradition
12 or by government decree, have been devoted to assembly and debate, such
13 as parks, streets, and sidewalks, including parking strips. Because
14 these places occupy a special position in terms of First Amendment
15 protection, the government's ability to restrict expressive activity in
16 them is very limited.

17 (3) Restrictions on political signs for any purpose, including
18 time, place, and manner restrictions, may be imposed only upon a

1 showing by government that the restriction is necessary and narrowly
2 drawn to accomplish a compelling state interest.

3 (4) Because of the eminent status provided the fundamental right of
4 political speech in our representative democracy and its essential
5 relation to an informed and free electorate, the people of this state,
6 and not government, should properly determine for themselves whether
7 the duration, size, and placement of political signs offends or
8 attracts voters or fellow citizens as reflected in their vote or in the
9 social sanctions they may or may not choose to impose on their
10 neighbors.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW
12 to read as follows:

13 Neither the state nor any county, city, town, or other municipal
14 subdivision may impose durational limitations on the posting of
15 political signs:

16 (1) In a public forum other than that allowed under this section;

17 (2) In a public forum on behalf of a person from the time the
18 person becomes a candidate, as defined in RCW 42.17.020(8), and the
19 results of the election are certified by the appropriate election
20 officer of the constituency voting for or against the candidate;

21 (3) In a public forum on behalf of a ballot issue from the time the
22 issue becomes a ballot proposition, as defined in RCW 42.17.020(3), and
23 the results of the election are certified by the appropriate election
24 officer of the constituency voting for or against the ballot
25 proposition;

26 (4) On private property on behalf of a candidate or a ballot issue
27 or any other lobbying, electoral, or other political or ideological
28 activity, speech, or advocacy.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17 RCW
30 to read as follows:

31 (1) Neither the state nor any county, city, town, or other
32 municipal subdivision may impose placement or size limitations on the
33 posting of political signs in a public forum or on private property
34 other than that allowed under this section.

35 (2) The state, any county, city, town, or other municipal
36 subdivision may impose placement or size limitations on the posting of
37 political signs in a public forum or on private property only if the

1 limitation is necessary and narrowly drawn to protect and preserve the
2 public safety.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17 RCW
4 to read as follows:

5 Neither the state nor any county, city, town, or other municipal
6 subdivision may impose or require a fee, charge, bond, or other
7 monetary liability on or from a person in order for the person to be
8 able to freely exercise the person's fundamental right of political
9 speech through the use of political signs.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.17 RCW
11 to read as follows:

12 A wide and diverse range of local and cross-jurisdictional time,
13 place, and manner restrictions placed on political signs impose
14 unnecessary, unreasonable, and impermissible burdens on political
15 speech.

16 The state hereby preempts the field of regulating the time, place,
17 and manner of political speech and no county, city, town, or other
18 municipal subdivision may impose such regulations upon such speech.

19 The preemption authorized by this act does not impair the ability
20 of a county, city, town, or other municipal subdivision to impose time,
21 place, and manner limitations upon political speech otherwise in
22 accordance with this act.

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