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**SUBSTITUTE HOUSE BILL 1673**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on State Government (originally sponsored by Representatives Lambert, O'Brien, Thomas and Sullivan)

Read first time 03/02/1999.

1 AN ACT Relating to false political advertising; adding new sections  
2 to chapter 42.17 RCW; repealing RCW 42.17.530; and prescribing  
3 penalties.

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

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

7 It is a violation of this chapter for a person knowingly to sponsor  
8 with actual malice political advertising relating to a candidate that  
9 falsely represents that a candidate is the incumbent for the office  
10 sought when in fact the candidate is not the incumbent.

11 A violation of this section thirty or fewer days before a primary  
12 or general election is subject to double the maximum civil penalty  
13 provided for a violation of this chapter under RCW 42.17.390.

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

16 It is a violation of this chapter for a person knowingly to sponsor  
17 with actual malice political advertising relating to a candidate that  
18 falsely represents that a candidate has the support or endorsement of

1 any person or organization when in fact the candidate does not have  
2 such support or endorsement.

3 A violation of this section thirty or fewer days before a primary  
4 or general election is subject to double the maximum civil penalty  
5 provided for a violation of this chapter under RCW 42.17.390.

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

8 It is a violation of this chapter for a person knowingly to sponsor  
9 with actual malice political advertising relating to a candidate that  
10 contains a false statement of material fact calculated to benefit or  
11 harm a candidate's campaign. Any violation of this section shall be  
12 proven by clear and convincing evidence.

13 A violation of this section thirty or fewer days before a primary  
14 or general election is subject to double the maximum civil penalty  
15 provided for a violation of this chapter under RCW 42.17.390.

16 NEW SECTION. **Sec. 4.** RCW 42.17.530 (False political advertising)  
17 and 1988 c 199 s 2 & 1984 c 216 s 3 are each repealed.

18 NEW SECTION. **Sec. 5.** If any provision of this act or its  
19 application to any person or circumstance is held invalid, the  
20 remainder of the act or the application of the provision to other  
21 persons or circumstances is not affected.

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