

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1673

56th Legislature
1999 Regular Session

Passed by the House April 23, 1999
Yeas 96 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 21, 1999
Yeas 41 Nays 3

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1673** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1673

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

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; amending RCW
2 42.17.530; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** (1) The Washington supreme court in a case
5 involving a ballot measure, *State v. 119 Vote No! Committee*, 135 Wn.2d
6 618 (1998), found the statute that prohibits persons from sponsoring,
7 with actual malice, political advertising containing false statements
8 of material fact to be invalid under the First Amendment to the United
9 States Constitution.

10 (2) The legislature finds that a review of the opinions indicates
11 that a majority of the supreme court may find valid a statute that
12 limited such a prohibition on sponsoring with actual malice false
13 statements of material fact in a political campaign to statements about
14 a candidate in an election for public office.

15 (3) It is the intent of the legislature to amend the current law to
16 provide protection for candidates for public office against false
17 statements of material fact sponsored with actual malice.

1 **Sec. 2.** RCW 42.17.530 and 1988 c 199 s 2 are each amended to read
2 as follows:

3 (1) It is a violation of this chapter for a person to sponsor with
4 actual malice:

5 (a) Political advertising that contains a false statement of
6 material fact about a candidate for public office. However, this
7 subsection (1)(a) does not apply to statements made by a candidate or
8 the candidate's agent about the candidate himself or herself;"

9 (b) Political advertising that falsely represents that a candidate
10 is the incumbent for the office sought when in fact the candidate is
11 not the incumbent;

12 (c) Political advertising that makes either directly or indirectly,
13 a false claim stating or implying the support or endorsement of any
14 person or organization when in fact the candidate does not have such
15 support or endorsement.

16 (2) Any violation of this section shall be proven by clear and
17 convincing evidence.

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