
SENATE BILL 5900

State of Washington

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By Senators Patterson, Haugen, Bauer, Franklin, B. Sheldon, Snyder, Rasmussen, Kohl-Welles, McAuliffe, Thibaudeau, Fairley, Fraser, Prentice, Spanel and Eide

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1 AN ACT Relating to political advertising and independent
2 expenditures in political campaigns; amending RCW 42.17.020, 42.17.040,
3 42.17.100, 42.17.510, 42.17.550, and 42.36.040; and adding new sections
4 to chapter 42.17 RCW.

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

6 **Sec. 1.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read
7 as follows:

8 (1) "Agency" includes all state agencies and all local agencies.
9 "State agency" includes every state office, department, division,
10 bureau, board, commission, or other state agency. "Local agency"
11 includes every county, city, town, municipal corporation, quasi-
12 municipal corporation, or special purpose district, or any office,
13 department, division, bureau, board, commission, or agency thereof, or
14 other local public agency.

15 (2) "Authorized committee" means the political committee authorized
16 by a candidate, or by the public official against whom recall charges
17 have been filed, to accept contributions or make expenditures on behalf
18 of the candidate or public official.

1 (3) "Ballot proposition" means any "measure" as defined by RCW
2 29.01.110, or any initiative, recall, or referendum proposition
3 proposed to be submitted to the voters of the state or any municipal
4 corporation, political subdivision, or other voting constituency from
5 and after the time when the proposition has been initially filed with
6 the appropriate election officer of that constituency prior to its
7 circulation for signatures.

8 (4) "Benefit" means a commercial, proprietary, financial, economic,
9 or monetary advantage, or the avoidance of a commercial, proprietary,
10 financial, economic, or monetary disadvantage.

11 (5) "Bona fide political party" means:

12 (a) An organization that has filed a valid certificate of
13 nomination with the secretary of state under chapter 29.24 RCW;

14 (b) The governing body of the state organization of a major
15 political party, as defined in RCW 29.01.090, that is the body
16 authorized by the charter or bylaws of the party to exercise authority
17 on behalf of the state party; or

18 (c) The county central committee or legislative district committee
19 of a major political party. There may be only one legislative district
20 committee for each party in each legislative district.

21 (6) "Depository" means a bank designated by a candidate or
22 political committee pursuant to RCW 42.17.050.

23 (7) "Treasurer" and "deputy treasurer" mean the individuals
24 appointed by a candidate or political committee, pursuant to RCW
25 42.17.050, to perform the duties specified in that section.

26 (8) "Candidate" means any individual who seeks nomination for
27 election or election to public office. An individual seeks nomination
28 or election when he or she first:

29 (a) Receives contributions or makes expenditures or reserves space
30 or facilities with intent to promote his or her candidacy for office;

31 (b) Announces publicly or files for office;

32 (c) Purchases commercial advertising space or broadcast time to
33 promote his or her candidacy; or

34 (d) Gives his or her consent to another person to take on behalf of
35 the individual any of the actions in (a) or (c) of this subsection.

36 (9) "Caucus political committee" means a political committee
37 organized and maintained by the members of a major political party in
38 the state senate or state house of representatives.

1 (10) "Commercial advertiser" means any person who sells the service
2 of communicating messages or producing printed material for broadcast
3 or distribution to the general public or segments of the general public
4 whether through the use of newspapers, magazines, television and radio
5 stations, billboard companies, direct mail advertising companies,
6 printing companies, or otherwise.

7 (11) "Commission" means the agency established under RCW 42.17.350.

8 (12) "Compensation" unless the context requires a narrower meaning,
9 includes payment in any form for real or personal property or services
10 of any kind: PROVIDED, That for the purpose of compliance with RCW
11 42.17.241, the term "compensation" shall not include per diem
12 allowances or other payments made by a governmental entity to reimburse
13 a public official for expenses incurred while the official is engaged
14 in the official business of the governmental entity.

15 (13) "Continuing political committee" means a political committee
16 that is an organization of continuing existence not established in
17 anticipation of any particular election campaign.

18 (14)(a) "Contribution" includes:

19 (i) A loan, gift, deposit, subscription, forgiveness of
20 indebtedness, donation, advance, pledge, payment, transfer of funds
21 between political committees, or anything of value, including personal
22 and professional services for less than full consideration;

23 (ii) An expenditure made by a person in cooperation, consultation,
24 or concert with, or at the request or suggestion of, a candidate, a
25 political committee, or their agents;

26 (iii) The financing by a person of the dissemination, distribution,
27 or republication, in whole or in part, of broadcast, written, graphic,
28 or other form of political advertising prepared by a candidate, a
29 political committee, or its authorized agent;

30 (iv) Sums paid for tickets to fund-raising events such as dinners
31 and parties, except for the actual cost of the consumables furnished at
32 the event.

33 (b) "Contribution" does not include:

34 (i) Standard interest on money deposited in a political committee's
35 account;

36 (ii) Ordinary home hospitality;

37 (iii) A contribution received by a candidate or political committee
38 that is returned to the contributor within five business days of the
39 date on which it is received by the candidate or political committee;

1 (iv) A news item, feature, commentary, or editorial in a regularly
2 scheduled news medium that is of primary interest to the general
3 public, that is in a news medium controlled by a person whose business
4 is that news medium, and that is not controlled by a candidate or a
5 political committee;

6 (v) An internal political communication primarily limited to the
7 members of or contributors to a political party organization or
8 political committee, or to the officers, management staff, or
9 stockholders of a corporation or similar enterprise, or to the members
10 of a labor organization or other membership organization;

11 (vi) The rendering of personal services of the sort commonly
12 performed by volunteer campaign workers, or incidental expenses
13 personally incurred by volunteer campaign workers not in excess of
14 fifty dollars personally paid for by the worker. "Volunteer services,"
15 for the purposes of this section, means services or labor for which the
16 individual is not compensated by any person;

17 (vii) Messages in the form of reader boards, banners, or yard or
18 window signs displayed on a person's own property or property occupied
19 by a person. However, a facility used for such political advertising
20 for which a rental charge is normally made must be reported as an in-
21 kind contribution and counts towards any applicable contribution limit
22 of the person providing the facility;

23 (viii) Legal or accounting services rendered to or on behalf of:

24 (A) A political party or caucus political committee if the person
25 paying for the services is the regular employer of the person rendering
26 such services; or

27 (B) A candidate or an authorized committee if the person paying for
28 the services is the regular employer of the individual rendering the
29 services and if the services are solely for the purpose of ensuring
30 compliance with state election or public disclosure laws.

31 (c) Contributions other than money or its equivalent are deemed to
32 have a monetary value equivalent to the fair market value of the
33 contribution. Services or property or rights furnished at less than
34 their fair market value for the purpose of assisting any candidate or
35 political committee are deemed a contribution. Such a contribution
36 must be reported as an in-kind contribution at its fair market value
37 and counts towards any applicable contribution limit of the provider.

1 (15) "Elected official" means any person elected at a general or
2 special election to any public office, and any person appointed to fill
3 a vacancy in any such office.

4 (16) "Election" includes any primary, general, or special election
5 for public office and any election in which a ballot proposition is
6 submitted to the voters: PROVIDED, That an election in which the
7 qualifications for voting include other than those requirements set
8 forth in Article VI, section 1 (Amendment 63) of the Constitution of
9 the state of Washington shall not be considered an election for
10 purposes of this chapter.

11 (17) "Election campaign" means any campaign in support of or in
12 opposition to a candidate for election to public office and any
13 campaign in support of, or in opposition to, a ballot proposition.

14 (18) "Election cycle" means the period beginning on the first day
15 of December after the date of the last previous general election for
16 the office that the candidate seeks and ending on November 30th after
17 the next election for the office. In the case of a special election to
18 fill a vacancy in an office, "election cycle" means the period
19 beginning on the day the vacancy occurs and ending on November 30th
20 after the special election.

21 (19) "Expenditure" includes a payment, contribution, subscription,
22 distribution, loan, advance, deposit, or gift of money or anything of
23 value, and includes a contract, promise, or agreement, whether or not
24 legally enforceable, to make an expenditure. The term "expenditure"
25 also includes a promise to pay, a payment, or a transfer of anything of
26 value in exchange for goods, services, property, facilities, or
27 anything of value for the purpose of assisting, benefiting, or honoring
28 any public official or candidate, or assisting in furthering or
29 opposing any election campaign. For the purposes of this chapter,
30 agreements to make expenditures, contracts, and promises to pay may be
31 reported as estimated obligations until actual payment is made. The
32 term "expenditure" shall not include the partial or complete repayment
33 by a candidate or political committee of the principal of a loan, the
34 receipt of which loan has been properly reported.

35 (20) "Final report" means the report described as a final report in
36 RCW 42.17.080(2).

37 (21) "General election" means the election that results in the
38 election of a person to a state office. It does not include a primary.

39 (22) "Gift," is as defined in RCW 42.52.010.

1 (23) "Immediate family" includes the spouse, dependent children,
2 and other dependent relatives, if living in the household. For the
3 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
4 an individual's spouse, and child, stepchild, grandchild, parent,
5 stepparent, grandparent, brother, half brother, sister, or half sister
6 of the individual and the spouse of any such person and a child,
7 stepchild, grandchild, parent, stepparent, grandparent, brother, half
8 brother, sister, or half sister of the individual's spouse and the
9 spouse of any such person.

10 (24)(a) "Independent expenditure" means an expenditure that (~~has~~
11 ~~each of the following elements~~):

12 (~~(a) It~~) (i) Is made in support of or in opposition to a
13 candidate for office by a person who is not (~~(i)~~) (A) a candidate for
14 that office, (~~(ii)~~) (B) an authorized committee of that candidate for
15 that office, (~~(iii)~~) (C) a person who has received the candidate's
16 encouragement or approval to make the expenditure, if the expenditure
17 pays in whole or in part for political advertising supporting that
18 candidate or promoting the defeat of any other candidate or candidates
19 for that office, or (~~(iv)~~) (D) a person with whom the candidate has
20 collaborated for the purpose of making the expenditure, if the
21 expenditure pays in whole or in part for political advertising
22 supporting that candidate or promoting the defeat of any other
23 candidate or candidates for that office;

24 (~~(b) The expenditure~~) (ii) Pays in whole or in part for political
25 advertising that either specifically names the candidate supported or
26 opposed, or clearly and beyond any doubt identifies the candidate
27 without using the candidate's name; and

28 (~~(c) The expenditure, alone or in conjunction with another~~
29 ~~expenditure or other expenditures of the same person in support of or~~
30 ~~opposition to that candidate,~~) (iii) Has a value of five hundred
31 dollars or more, alone or in conjunction with another expenditure or
32 other expenditures of that person in support of or opposition to that
33 candidate. A series of expenditures, each of which is under five
34 hundred dollars, constitutes one independent expenditure if their
35 cumulative value is five hundred dollars or more.

36 (b) "Independent expenditure" does not include: (i) An internal
37 political communication primarily limited to the contributors to a
38 political party organization or political action committee, or the
39 officers, management staff, and stockholders of a corporation or

1 similar enterprise, or the members of a labor organization or other
2 membership organization; or (ii) the rendering of personal services of
3 the sort commonly performed by volunteer campaign workers, or
4 incidental expenses personally incurred by volunteer campaign workers
5 not in excess of fifty dollars personally paid for by the worker.

6 (25) "Independent expenditure committee" means a political
7 committee established for the purpose of making independent
8 expenditures.

9 (26)(a) "Intermediary" means an individual who transmits a
10 contribution to a candidate or committee from another person unless the
11 contribution is from the individual's employer, immediate family as
12 defined for purposes of RCW 42.17.640 through 42.17.790, or an
13 association to which the individual belongs.

14 (b) A treasurer or a candidate is not an intermediary for purposes
15 of the committee that the treasurer or candidate serves.

16 (c) A professional fund-raiser is not an intermediary if the fund-
17 raiser is compensated for fund-raising services at the usual and
18 customary rate.

19 (d) A volunteer hosting a fund-raising event at the individual's
20 home is not an intermediary for purposes of that event.

21 (~~((26))~~) (27) "Legislation" means bills, resolutions, motions,
22 amendments, nominations, and other matters pending or proposed in
23 either house of the state legislature, and includes any other matter
24 that may be the subject of action by either house or any committee of
25 the legislature and all bills and resolutions that, having passed both
26 houses, are pending approval by the governor.

27 (~~((27))~~) (28) "Lobby" and "lobbying" each mean attempting to
28 influence the passage or defeat of any legislation by the legislature
29 of the state of Washington, or the adoption or rejection of any rule,
30 standard, rate, or other legislative enactment of any state agency
31 under the state Administrative Procedure Act, chapter 34.05 RCW.
32 Neither "lobby" nor "lobbying" includes an association's or other
33 organization's act of communicating with the members of that
34 association or organization.

35 (~~((28))~~) (29) "Lobbyist" includes any person who lobbies either in
36 his or her own or another's behalf.

37 (~~((29))~~) (30) "Lobbyist's employer" means the person or persons by
38 whom a lobbyist is employed and all persons by whom he or she is
39 compensated for acting as a lobbyist.

1 (~~(30)~~) (31) "Mass telephone or electronic communications" means
2 any recorded, scripted, or written message that is made, conveyed,
3 sent, delivered, or relayed, by telephone wires, satellite hook-up, or
4 the Internet, to one thousand or more individuals. Messages that are
5 nearly identical or closely related in content, and that are made,
6 conveyed, sent, delivered, or relayed within seven days of each other,
7 are considered to be identical and must be counted accordingly.

8 (32) "Person" includes an individual, partnership, joint venture,
9 public or private corporation, association, federal, state, or local
10 governmental entity or agency however constituted, candidate,
11 committee, political committee, political party, executive committee
12 thereof, or any other organization or group of persons, however
13 organized.

14 (~~(31)~~) (33) "Person in interest" means the person who is the
15 subject of a record or any representative designated by that person,
16 except that if that person is under a legal disability, the term
17 "person in interest" means and includes the parent or duly appointed
18 legal representative.

19 (~~(32)~~) (34) "Political advertising" includes any advertising
20 displays, newspaper ads, billboards, signs, brochures, articles,
21 tabloids, flyers, letters, radio or television presentations, mass
22 telephone or electronic communications, or other means of mass
23 communication, used for the purpose of appealing, directly or
24 indirectly, for votes or for financial or other support in any election
25 campaign.

26 (~~(33)~~) (35) "Political committee" means any person (except a
27 candidate or an individual dealing with his or her own funds or
28 property) having the expectation of receiving contributions or making
29 expenditures in support of, or opposition to, any candidate or any
30 ballot proposition.

31 (~~(34)~~) (36) "Primary" means the procedure for nominating a
32 candidate to state office under chapter 29.18 or 29.21 RCW or any other
33 primary for an election that uses, in large measure, the procedures
34 established in chapter 29.18 or 29.21 RCW.

35 (~~(35)~~) (37) "Public office" means any federal, state, county,
36 city, town, school district, port district, special district, or other
37 state political subdivision elective office.

38 (~~(36)~~) (38) "Public record" includes any writing containing
39 information relating to the conduct of government or the performance of

1 any governmental or proprietary function prepared, owned, used, or
2 retained by any state or local agency regardless of physical form or
3 characteristics. For the office of the secretary of the senate and the
4 office of the chief clerk of the house of representatives, public
5 records means legislative records as defined in RCW 40.14.100 and also
6 means the following: All budget and financial records; personnel
7 leave, travel, and payroll records; records of legislative sessions;
8 reports submitted to the legislature; and any other record designated
9 a public record by any official action of the senate or the house of
10 representatives.

11 ~~((37))~~ (39) "Recall campaign" means the period of time beginning
12 on the date of the filing of recall charges under RCW 29.82.015 and
13 ending thirty days after the recall election.

14 ~~((38))~~ (40) "State legislative office" means the office of a
15 member of the state house of representatives or the office of a member
16 of the state senate.

17 ~~((39))~~ (41) "State office" means state legislative office or the
18 office of governor, lieutenant governor, secretary of state, attorney
19 general, commissioner of public lands, insurance commissioner,
20 superintendent of public instruction, state auditor, or state
21 treasurer.

22 ~~((40))~~ (42) "State official" means a person who holds a state
23 office.

24 ~~((41))~~ (43) "Surplus funds" mean, in the case of a political
25 committee or candidate, the balance of contributions that remain in the
26 possession or control of that committee or candidate subsequent to the
27 election for which the contributions were received, and that are in
28 excess of the amount necessary to pay remaining debts incurred by the
29 committee or candidate prior to that election. In the case of a
30 continuing political committee, "surplus funds" mean those
31 contributions remaining in the possession or control of the committee
32 that are in excess of the amount necessary to pay all remaining debts
33 when it makes its final report under RCW 42.17.065.

34 ~~((42))~~ (44) "Writing" means handwriting, typewriting, printing,
35 photostating, photographing, and every other means of recording any
36 form of communication or representation, including, but not limited to,
37 letters, words, pictures, sounds, or symbols, or combination thereof,
38 and all papers, maps, magnetic or paper tapes, photographic films and
39 prints, motion picture, film and video recordings, magnetic or punched

1 cards, discs, drums, diskettes, sound recordings, and other documents
2 including existing data compilations from which information may be
3 obtained or translated.

4 As used in this chapter, the singular shall take the plural and any
5 gender, the other, as the context requires.

6 **Sec. 2.** RCW 42.17.040 and 1989 c 280 s 2 are each amended to read
7 as follows:

8 (1) Every political committee other than an independent expenditure
9 committee, within two weeks after its organization or, within two weeks
10 after the date when it first has the expectation of receiving
11 contributions or making expenditures in any election campaign,
12 whichever is earlier, shall file a statement of organization with the
13 commission and with the county auditor or elections officer of the
14 county in which the candidate resides, or in the case of any other
15 political committee, the county in which the treasurer resides. Every
16 independent expenditure committee must file a statement of organization
17 at least thirty days before the election regarding which it expects to
18 receive contributions or make expenditures. However, a political
19 committee organized within the last three weeks before an election and
20 having the expectation of receiving contributions or making
21 expenditures during and for that election campaign shall file a
22 statement of organization within three business days after its
23 organization or when it first has the expectation of receiving
24 contributions or making expenditures in the election campaign,
25 whichever is earlier.

26 (2) The statement of organization shall include but not be limited
27 to:

28 (a) The name and address of the committee;

29 (b) The names and addresses of all related or affiliated committees
30 or other persons, and the nature of the relationship or affiliation;

31 (c) The names, addresses, and titles of its officers; or if it has
32 no officers, the names, addresses, and titles of its responsible
33 leaders;

34 (d) The name and address of its treasurer and depository;

35 (e) A statement whether the committee is a continuing one;

36 (f) The name, office sought, and party affiliation of each
37 candidate whom the committee is supporting or opposing, and, if the

1 committee is supporting the entire ticket of any party, the name of the
2 party;

3 (g) The ballot proposition concerned, if any, and whether the
4 committee is in favor of or opposed to such proposition;

5 (h) The general nature of the interest or interests represented by
6 the political committee, except when the political committee is a
7 candidate's authorized committee;

8 (i) What distribution of surplus funds will be made, in accordance
9 with RCW 42.17.095, in the event of dissolution;

10 ((+i)) (j) The street address of the place and the hours during
11 which the committee will make available for public inspection its books
12 of account and all reports filed in accordance with RCW 42.17.080; and

13 ((+j)) (k) Such other information as the commission may ((by
14 regulation)) prescribe by rule, in keeping with the policies and
15 purposes of this chapter.

16 (3) Any material change in information previously submitted in a
17 statement of organization shall be reported to the commission and to
18 the appropriate county elections officer within the ten days following
19 the change.

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

22 Every statement of organization, report, or other filing required
23 by this chapter to be filed by an independent expenditure committee
24 must be filed with the commission and the appropriate county elections
25 officer. The appropriate county elections officer for an independent
26 expenditure committee is the county auditor or other elections officer
27 of the county in which any candidate supported or opposed resides.

28 **Sec. 4.** RCW 42.17.100 and 1995 c 397 s 28 are each amended to read
29 as follows:

30 (1) ~~((For the purposes of this section and RCW 42.17.550 the term~~
31 ~~"independent expenditure" means any expenditure that is made in support~~
32 ~~of or in opposition to any candidate or ballot proposition and is not~~
33 ~~otherwise required to be reported pursuant to RCW 42.17.060, 42.17.080,~~
34 ~~or 42.17.090. "Independent expenditure" does not include: An internal~~
35 ~~political communication primarily limited to the contributors to a~~
36 ~~political party organization or political action committee, or the~~
37 ~~officers, management staff, and stockholders of a corporation or~~

1 similar enterprise, or the members of a labor organization or other
2 membership organization; or the rendering of personal services of the
3 sort commonly performed by volunteer campaign workers, or incidental
4 expenses personally incurred by volunteer campaign workers not in
5 excess of fifty dollars personally paid for by the worker. "Volunteer
6 services," for the purposes of this section, means services or labor
7 for which the individual is not compensated by any person.

8 ~~((2))~~ Within five days after the date of making an independent
9 expenditure ~~((that by itself or when added to all other such
10 independent expenditures made during the same election campaign by the
11 same person equals one hundred dollars or more, or within five days
12 after the date of making an independent expenditure for which no
13 reasonable estimate of monetary value is practicable, whichever occurs
14 first))~~, the person who made the independent expenditure shall file
15 ~~((with the commission and the county elections officer of the county of
16 residence for the candidate supported or opposed by the independent
17 expenditure (or in the case of an expenditure made in support of or in
18 opposition to a local ballot proposition, the county of residence for
19 the person making the expenditure))~~) an initial report of all
20 independent expenditures made during the campaign prior to and
21 including such date.

22 ~~((3))~~ (2) At the following intervals each person who is required
23 to file an initial report pursuant to subsection ~~((2))~~ (1) of this
24 section shall file ~~((with the commission and the county elections
25 officer of the county of residence for the candidate supported or
26 opposed by the independent expenditure (or in the case of an
27 expenditure made in support of or in opposition to a ballot
28 proposition, the county of residence for the person making the
29 expenditure))~~) a further report of the independent expenditures made
30 since the date of the last report:

31 (a) On the twenty-first day and the seventh day preceding the date
32 on which the election is held; and

33 (b) On the tenth day of the first month after the election; and

34 (c) On the tenth day of each month in which no other reports are
35 required to be filed pursuant to this section. However, the further
36 reports required by this subsection ~~((3))~~ (2) shall only be filed if
37 the reporting person has made an independent expenditure since the date
38 of the last previous report filed.

1 The report filed pursuant to (~~paragraph (a)~~) (b) of this
2 subsection (~~(3)~~) shall be the final report, and upon submitting such
3 final report the duties of the reporting person shall cease, and there
4 shall be no obligation to make any further reports.

5 (~~(4)~~) (3) All reports filed pursuant to this section shall be
6 certified as correct by the reporting person.

7 (~~(5)~~) (4) Each report required by subsections (1) and (2) (~~and~~
8 ~~(3)~~) of this section shall disclose for the period beginning at the
9 end of the period for the last previous report filed or, in the case of
10 an initial report, beginning at the time of the first independent
11 expenditure, and ending not more than one business day before the date
12 the report is due:

13 (a) The name and address of the person filing the report;

14 (b) The name and address of each person to whom an independent
15 expenditure was made (~~in the aggregate amount of more than fifty~~
16 ~~dollars~~), and the amount, date, and purpose of each such
17 expenditure(~~. If no reasonable estimate of the monetary value of a~~
18 ~~particular independent expenditure is practicable, it is sufficient to~~
19 ~~report instead~~), including a precise description of services,
20 property, or rights furnished through the expenditure (~~and where~~
21 ~~appropriate to attach a copy of the item produced or distributed by the~~
22 ~~expenditure~~);

23 (c) The total sum of all independent expenditures made during the
24 campaign to date; and

25 (d) Such other information as shall be required by the commission
26 by rule in conformance with the policies and purposes of this chapter.

27 (5) No person may make independent expenditures in support of or in
28 opposition to a specific candidate that in the aggregate exceed five
29 thousand dollars within the twenty-one days before a primary or general
30 election.

31 NEW SECTION. Sec. 5. A new section is added to chapter 42.17 RCW
32 to read as follows:

33 A person making an independent expenditure within the twenty-one
34 days before a primary or general election shall file one or more
35 special reports for the contribution or aggregate of contributions and
36 for subsequent contributions made during that period under the same
37 circumstances and to the same extent that a contributing political
38 committee must file such a report or reports under RCW 42.17.105. The

1 special report must be filed in the same manner provided under RCW
2 42.17.105 for a special report of a contributing political committee.

3 **Sec. 6.** RCW 42.17.510 and 1995 c 397 s 19 are each amended to read
4 as follows:

5 (1) All written political advertising, whether relating to
6 candidates or ballot propositions, shall include the sponsor's name and
7 address. All radio and television political advertising, whether
8 relating to candidates or ballot propositions, shall include the
9 sponsor's name. All mass telephone and electronic political
10 advertising, other than that used to solicit financial support, that is
11 undertaken by or at the instigation of a political committee, must
12 include the sponsor's name. The use of an assumed name shall be
13 unlawful. The party with which a candidate files shall be clearly
14 identified in political advertising for partisan office.

15 (2) In addition (~~to the materials required by subsection (1) of~~
16 ~~this section~~), all written political advertising relating to a
17 candidate undertaken as an independent expenditure (~~by a person or~~
18 ~~entity other than a party organization~~) must include the following
19 statement on the communication "NOTICE TO VOTERS (Required by law):
20 This advertisement is an independent expenditure of funds not
21 authorized or approved by any candidate. It is paid for by (name,
22 address, city, state, committee president's name, employer, daytime
23 address and telephone number, treasurer's name, employer, daytime
24 address and telephone number)." If (~~the~~) an advertisement relating
25 to a candidate undertaken as an independent expenditure is (~~undertaken~~
26 ~~by a nonindividual other than a party organization~~) paid for by an
27 independent expenditure committee, then the notice must (a) disclose
28 the general nature of the interests represented by the independent
29 expenditure committee, as determined by the commission under section 8
30 of this act, immediately after the name of the committee; and (b)
31 include the following notation (~~must also be included~~): "Top Five
32 Contributors," followed by a listing of the name(~~s~~) of each of the
33 five persons or entities making the largest contributions reportable
34 under this chapter during the twelve-month period before the date of
35 the advertisement. The nature of interests represented by each person
36 other than an individual making such a contribution, as determined by
37 the commission under section 8 of this act, must be disclosed
38 immediately after the name of that person or entity.

1 (3) The statements and listings of contributors required by
2 (~~subsections (1) and (2) of~~) this section shall:

3 (a) Appear on the first page or fold of the written communication
4 in at least ten-point type, or in type at least ten percent of the
5 largest size type used in a written communication directed at more than
6 one voter, such as a billboard or poster, whichever is larger;

7 (b) Not be subject to the half-tone or screening process;

8 (c) Be set apart from any other printed matter; and

9 (d) Be clearly spoken on any broadcast advertisement.

10 (4) Political yard signs are exempt from the requirement of
11 (~~subsections (1) and (2) of~~) this section that the name and address
12 of the sponsor of political advertising be listed on the advertising.
13 In addition, the (~~public disclosure~~) commission shall, by rule,
14 exempt from the identification requirements of (~~subsections (1) and~~
15 ~~(2) of~~) this section forms of political advertising such as campaign
16 buttons, balloons, pens, pencils, sky-writing, inscriptions, and other
17 forms of advertising where identification is impractical.

18 (5) For the purposes of this section, "yard sign" means any outdoor
19 sign with dimensions no greater than eight feet by four feet.

20 **Sec. 7.** RCW 42.17.550 and 1993 c 2 s 23 are each amended to read
21 as follows:

22 A person or entity other than a party organization making an
23 independent expenditure by mailing one thousand or more identical or
24 nearly identical cumulative pieces of political advertising in a single
25 calendar year shall, within two working days after the date of the
26 mailing, file a statement disclosing the number of pieces in the
27 mailing and (~~an example~~) a sample of the mailed political advertising
28 (~~with the election officer of the county or residence for the~~
29 ~~candidate supported or opposed by the independent campaign expenditure~~
30 ~~or, in the case of an expenditure made in support of or in opposition~~
31 ~~to a ballot proposition, the county of residence for the person making~~
32 ~~the expenditure~~)).

33 NEW SECTION. **Sec. 8.** A new section is added to chapter 42.17 RCW
34 to read as follows:

35 (1) The commission shall assign a brief descriptive phrase
36 indicating the general nature of interests represented by each
37 independent expenditure committee. As provided under RCW 42.17.510,

1 this phrase must be included immediately after the name of the
2 committee in each advertisement relating to a candidate that the
3 committee undertakes as an independent contribution.

4 (2) The commission shall assign a brief descriptive phrase
5 indicating the general nature of interests represented by each person
6 or entity making a contribution to an independent expenditure
7 committee. As provided under RCW 42.17.510, this phrase must be
8 included immediately after the name of each person or entity listed as
9 one of the top five contributors to the committee making the
10 advertisement.

11 (3) When assigning descriptive phrases under subsections (1) and
12 (2) of this section, the commission may give consideration to the
13 information supplied by the political committee in its statement of
14 organization submitted in compliance with RCW 42.17.040(2)(h). The
15 commission shall make a determination of the validity of that
16 information supplied by the political committee and, if the information
17 is found to be false, inaccurate, or misleading, the commission shall
18 disregard the information supplied by the political committee and
19 assign a phrase that more accurately reflects the general interests of
20 the independent expenditure committee and its contributors.

21 **Sec. 9.** RCW 42.36.040 and 1982 c 229 s 4 are each amended to read
22 as follows:

23 Prior to declaring as a candidate for public office or while
24 campaigning for public office as defined by RCW 42.17.020 (~~((5) and~~
25 ~~(25))~~), no public discussion or expression of an opinion by a person
26 subsequently elected to a public office, on any pending or proposed
27 quasi-judicial actions, shall be a violation of the appearance of
28 fairness doctrine.

29 NEW SECTION. **Sec. 10.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

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