
HOUSE BILL 2852

State of Washington 60th Legislature 2008 Regular Session

By Representatives Miloscia and Haler

Read first time 01/16/08. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to false and defamatory statements about candidates
2 for public office; and amending RCW 42.17.530.

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

4 **Sec. 1.** RCW 42.17.530 and 2005 c 445 s 10 are each amended to read
5 as follows:

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

8 (a) Political advertising or an electioneering communication that
9 contains a false statement of material fact about a candidate for
10 public office, and is defamatory with regard to that candidate.

11 However, this subsection (1)(a) does not apply to statements made by a
12 candidate or the candidate's agent about the candidate himself or
13 herself;

14 (b) Political advertising or an electioneering communication that
15 falsely represents that a candidate is the incumbent for the office
16 sought when in fact the candidate is not the incumbent;

17 (c) Political advertising or an electioneering communication that
18 makes either directly or indirectly, a false claim stating or implying

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

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

--- END ---