

SENATE BILL REPORT

SB 5655

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 21, 2011

Title: An act relating to voters' pamphlets.

Brief Description: Providing criminal penalties for false statements in voters' pamphlets.

Sponsors: Senators Roach and Harper.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/21/11 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Chase, Nelson and Roach.

Staff: Sharon Swanson (786-7447)

Background: If a person knowingly provides false information on his or her declaration of candidacy or petition of nomination, the person is guilty of a class C felony.

The laws relating to political advertising provide that it is not considered defamatory or slander for a candidate or his or her agent to make false statements or false representations about the candidate himself or herself because a person cannot defame himself or herself.

Summary of Bill: Any person who knowingly makes or allows to be made on his or her behalf a false statement of material fact in a voters' pamphlet is guilty of a gross misdemeanor.

A false statement of material fact includes a statement that would lead a person of ordinary intelligence to reasonably understand the statement as conveying information that is false.

The Public Disclosure Commission may impose a civil penalty not to exceed \$5,000 per violation

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Third parties are in favor of this bill. Our aim is to make the maximum amount of information about the candidates and their positions maximally available to the public. We would like an amendment to the bill that allows political parties to state their objections to candidates using that party as a preference. Parties should be able to exclude a person who does not reflect the party ideals.

CON: The government should not determine the truth or falsehood of political speech. The voters can decide if speech is true or false. This bill takes unconstitutional provisions and places them in statute. This is not a good direction for the Legislature to move in. Please do not support this bill.

Persons Testifying: PRO: Janet Jordan, Green Party, Third Party Coalition.

CON: Shankar Narayan, ACLU - Washington.