
HOUSE BILL 2215

State of Washington

66th Legislature

2020 Regular Session

By Representative MacEwen

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1 AN ACT Relating to transferring requirements to maintain records
2 for commercial political advertising to the public disclosure
3 commission; and amending RCW 42.17A.260 and 42.17A.345.

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

5 **Sec. 1.** RCW 42.17A.260 and 2019 c 428 s 23 are each amended to
6 read as follows:

7 (1) The sponsor of political advertising shall file a special
8 report to the commission within twenty-four hours of, or on the first
9 working day after, the date the political advertising is first
10 (~~published, mailed, or otherwise~~) presented to the public(~~(, if the~~
11 ~~political advertising:~~

12 ~~(a) Is published, mailed, or otherwise presented to the public~~
13 ~~within twenty-one days of an election; and~~

14 ~~(b) Either:~~

15 ~~(i) Qualifies as an independent expenditure with a fair market~~
16 ~~value or actual cost of one thousand dollars or more, for political~~
17 ~~advertising supporting or opposing a candidate; or~~

18 ~~(ii) Has a fair market value or actual cost of one thousand~~
19 ~~dollars or more, for political advertising supporting or opposing a~~
20 ~~ballot proposition) or is purchased, whichever is earlier.~~

1 (2) ~~((If a sponsor is required to file a special report under~~
2 ~~this section, the sponsor shall also deliver to the commission within~~
3 ~~the delivery period established in subsection (1) of this section a~~
4 ~~special report for each subsequent independent expenditure of any~~
5 ~~size supporting or opposing the same candidate who was the subject of~~
6 ~~the previous independent expenditure, supporting or opposing that~~
7 ~~candidate's opponent, or, in the case of a subsequent expenditure of~~
8 ~~any size made in support of or in opposition to a ballot proposition~~
9 ~~not otherwise required to be reported pursuant to RCW 42.17A.225,~~
10 ~~42.17A.235, or 42.17A.240, supporting or opposing the same ballot~~
11 ~~proposition that was the subject of the previous expenditure.~~

12 ~~(3))~~ The special report must include:

13 (a) The name and address of the ~~((person making the expenditure))~~
14 sponsor;

15 (b) The name and address of ~~((the person to whom the expenditure~~
16 ~~was made))~~ the company or organization from whom the advertising was
17 purchased and, except as specified in subsection (3) of this section,
18 each commercial advertiser who has accepted or provided the
19 advertising;

20 (c) A detailed description of the ~~((expenditure))~~ political
21 advertising;

22 (d) The date the ~~((expenditure was made and))~~ political
23 advertising was purchased and, if known, the date the political
24 advertising was first published or otherwise presented to the public;

25 (e) The ~~((amount of the expenditure))~~ total cost and manner of
26 payment for the political advertising; and

27 (f) The name of the candidate supported or opposed by the
28 ~~((expenditure))~~ political advertising, the office being sought by the
29 candidate, and whether the ~~((expenditure))~~ political advertising
30 supports or opposes the candidate; or the name of the ballot
31 proposition supported or opposed by the ~~((expenditure))~~ political
32 advertising, and whether the ~~((expenditure))~~ political advertising
33 supports or opposes the ballot proposition~~(; and~~

34 ~~(g) Any other information the commission may require by rule).~~

35 (3) If at the time the sponsor files the special report the
36 sponsor does not know which commercial advertisers will be presenting
37 the advertising, the sponsor must indicate that in the special report
38 and supplement the special report with that information within
39 twenty-four hours of, or on the first working day after, that
40 information becomes known.

1 (4) All (~~persons required to report under RCW 42.17A.225,~~
2 ~~42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305~~) sponsors of
3 political advertising are subject to the requirements of this
4 section. The commission may determine that reports filed pursuant to
5 this section also satisfy the requirements of RCW 42.17A.255.

6 (5) (~~The~~) If the political advertising reportable under this
7 section also qualifies as an independent expenditure supporting a
8 candidate or opposing that candidate's opponent, the sponsor (~~of~~
9 ~~independent expenditures supporting a candidate or opposing that~~
10 ~~candidate's opponent required to report under this section~~) shall
11 file with each required report an affidavit or declaration of the
12 person responsible for making the independent expenditure that the
13 expenditure was not made in cooperation, consultation, or concert
14 with, or at the request or suggestion of, the candidate, the
15 candidate's authorized committee, or the candidate's agent, or with
16 the encouragement or approval of the candidate, the candidate's
17 authorized committee, or the candidate's agent.

18 **Sec. 2.** RCW 42.17A.345 and 2019 c 428 s 26 are each amended to
19 read as follows:

20 (1) (~~Each~~) The commission shall use the reports filed pursuant
21 to RCW 42.17A.260 to create and maintain a record of each commercial
22 advertiser who has accepted or provided political advertising (~~or~~
23 ~~electioneering communications during the election campaign shall~~
24 ~~maintain current books of account and related materials as provided~~
25 ~~by rule that~~). These records shall be open for public inspection
26 during normal business hours during the campaign and for a period of
27 no less than five years after the date of the applicable election.
28 The (~~documents and books of account~~) commission's records shall
29 specify:

30 (a) The names and addresses of persons from whom (~~it~~) each
31 commercial advertiser accepted political advertising (~~or~~
32 ~~electioneering communications~~);

33 (b) The exact nature and extent of the services rendered; and

34 (c) The total cost and the manner of payment for the services.

35 (2) (~~At the request of the commission, each commercial~~
36 ~~advertiser required to comply with subsection (1) of this section~~)
37 Upon request, the commission shall provide (~~to the commission~~)
38 copies of the information that must be maintained and be open for
39 public inspection pursuant to subsection (1) of this section.

1 (3) The commission may satisfy the disclosure requirements of
2 this section by posting the records required by subsection (1) of
3 this section online for the public to access.

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