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**SUBSTITUTE SENATE BILL 6513**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Frockt, Hunt, Nguyen, Billig, Hasegawa, Kuderer, and Wilson, C.)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to restricting the use of synthetic media in  
2 campaigns for elective office; amending RCW 42.17A.005 and  
3 42.17A.340; and adding a new section to chapter 42.17A RCW.

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

5 **Sec. 1.** RCW 42.17A.005 and 2019 c 428 s 3 are each amended to  
6 read as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9 (1) "Actual malice" means to act with knowledge of falsity or  
10 with reckless disregard as to truth or falsity.

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

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

1 (4) "Ballot proposition" means any "measure" as defined by RCW  
2 29A.04.091, 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 before its  
7 circulation for signatures.

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

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

12 (a) An organization that has been recognized as a minor political  
13 party by the secretary of state;

14 (b) The governing body of the state organization of a major  
15 political party, as defined in RCW 29A.04.086, that is the body  
16 authorized by the charter or bylaws of the party to exercise  
17 authority on behalf of the state party; or

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

22 (7) "Books of account" means:

23 (a) In the case of a campaign or political committee, a ledger or  
24 similar listing of contributions, expenditures, and debts, such as a  
25 campaign or committee is required to file regularly with the  
26 commission, current as of the most recent business day; or

27 (b) In the case of a commercial advertiser, details of political  
28 advertising or electioneering communications provided by the  
29 advertiser, including the names and addresses of persons from whom it  
30 accepted political advertising or electioneering communications, the  
31 exact nature and extent of the services rendered and the total cost  
32 and the manner of payment for the services.

33 (8) "Candidate" means any individual who seeks nomination for  
34 election or election to public office. An individual seeks nomination  
35 or election when the individual first:

36 (a) Receives contributions or makes expenditures or reserves  
37 space or facilities with intent to promote the individual's candidacy  
38 for office;

39 (b) Announces publicly or files for office;

1 (c) Purchases commercial advertising space or broadcast time to  
2 promote the individual's candidacy; or

3 (d) Gives consent to another person to take on behalf of the  
4 individual any of the actions in (a) or (c) of this subsection.

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

8 (10) "Commercial advertiser" means any person that sells the  
9 service of communicating messages or producing material for broadcast  
10 or distribution to the general public or segments of the general  
11 public whether through brochures, fliers, newspapers, magazines,  
12 television, radio, billboards, direct mail advertising, printing,  
13 paid internet or digital communications, or any other means of mass  
14 communications used for the purpose of appealing, directly or  
15 indirectly, for votes or for financial or other support in any  
16 election campaign.

17 (11) "Commission" means the agency established under RCW  
18 42.17A.100.

19 (12) "Committee" unless the context indicates otherwise, includes  
20 a political committee such as a candidate, ballot proposition,  
21 recall, political, or continuing political committee.

22 (13) "Compensation" unless the context requires a narrower  
23 meaning, includes payment in any form for real or personal property  
24 or services of any kind. For the purpose of compliance with RCW  
25 42.17A.710, "compensation" does not include per diem allowances or  
26 other payments made by a governmental entity to reimburse a public  
27 official for expenses incurred while the official is engaged in the  
28 official business of the governmental entity.

29 (14) "Continuing political committee" means a political committee  
30 that is an organization of continuing existence not limited to  
31 participation in any particular election campaign or election cycle.

32 (15)(a) "Contribution" includes:

33 (i) A loan, gift, deposit, subscription, forgiveness of  
34 indebtedness, donation, advance, pledge, payment, transfer of funds,  
35 or anything of value, including personal and professional services  
36 for less than full consideration;

37 (ii) An expenditure made by a person in cooperation,  
38 consultation, or concert with, or at the request or suggestion of, a  
39 candidate, a political or incidental committee, the person or persons  
40 named on the candidate's or committee's registration form who direct

1 expenditures on behalf of the candidate or committee, or their  
2 agents;

3 (iii) The financing by a person of the dissemination,  
4 distribution, or republication, in whole or in part, of broadcast,  
5 written, graphic, digital, or other form of political advertising or  
6 electioneering communication prepared by a candidate, a political or  
7 incidental committee, or its authorized agent;

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

11 (b) "Contribution" does not include:

12 (i) Accrued interest on money deposited in a political or  
13 incidental committee's account;

14 (ii) Ordinary home hospitality;

15 (iii) A contribution received by a candidate or political or  
16 incidental committee that is returned to the contributor within ten  
17 business days of the date on which it is received by the candidate or  
18 political or incidental committee;

19 (iv) A news item, feature, commentary, or editorial in a  
20 regularly scheduled news medium that is of interest to the public,  
21 that is in a news medium controlled by a person whose business is  
22 that news medium, and that is not controlled by a candidate or a  
23 political or incidental committee;

24 (v) An internal political communication primarily limited to the  
25 members of or contributors to a political party organization or  
26 political or incidental committee, or to the officers, management  
27 staff, or stockholders of a corporation or similar enterprise, or to  
28 the members of a labor organization or other membership organization;

29 (vi) The rendering of personal services of the sort commonly  
30 performed by volunteer campaign workers, or incidental expenses  
31 personally incurred by volunteer campaign workers not in excess of  
32 fifty dollars personally paid for by the worker. "Volunteer  
33 services," for the purposes of this subsection, means services or  
34 labor for which the individual is not compensated by any person;

35 (vii) Messages in the form of reader boards, banners, or yard or  
36 window signs displayed on a person's own property or property  
37 occupied by a person. However, a facility used for such political  
38 advertising for which a rental charge is normally made must be  
39 reported as an in-kind contribution and counts toward any applicable  
40 contribution limit of the person providing the facility;

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

2 (A) A political party or caucus political committee if the person  
3 paying for the services is the regular employer of the person  
4 rendering such services; or

5 (B) A candidate or an authorized committee if the person paying  
6 for the services is the regular employer of the individual rendering  
7 the services and if the services are solely for the purpose of  
8 ensuring compliance with state election or public disclosure laws; or

9 (ix) The performance of ministerial functions by a person on  
10 behalf of two or more candidates or political or incidental  
11 committees either as volunteer services defined in (b)(vi) of this  
12 subsection or for payment by the candidate or political or incidental  
13 committee for whom the services are performed as long as:

14 (A) The person performs solely ministerial functions;

15 (B) A person who is paid by two or more candidates or political  
16 or incidental committees is identified by the candidates and  
17 political committees on whose behalf services are performed as part  
18 of their respective statements of organization under RCW 42.17A.205;  
19 and

20 (C) The person does not disclose, except as required by law, any  
21 information regarding a candidate's or committee's plans, projects,  
22 activities, or needs, or regarding a candidate's or committee's  
23 contributions or expenditures that is not already publicly available  
24 from campaign reports filed with the commission, or otherwise engage  
25 in activity that constitutes a contribution under (a)(ii) of this  
26 subsection.

27 A person who performs ministerial functions under this subsection  
28 (15)(b)(ix) is not considered an agent of the candidate or committee  
29 as long as the person has no authority to authorize expenditures or  
30 make decisions on behalf of the candidate or committee.

31 (c) Contributions other than money or its equivalent are deemed  
32 to 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.

38 (16) "Depository" means a bank, mutual savings bank, savings and  
39 loan association, or credit union doing business in this state.

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

4 (18) "Election" includes any primary, general, or special  
5 election for public office and any election in which a ballot  
6 proposition is submitted to the voters. 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 (19) "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 (20) "Election cycle" means the period beginning on the first day  
15 of January after the date of the last previous general election for  
16 the office that the candidate seeks and ending on December 31st after  
17 the next election for the office. In the case of a special election  
18 to fill a vacancy in an office, "election cycle" means the period  
19 beginning on the day the vacancy occurs and ending on December 31st  
20 after the special election.

21 (21)(a) "Electioneering communication" means any broadcast,  
22 cable, or satellite television, radio transmission, digital  
23 communication, United States postal service mailing, billboard,  
24 newspaper, or periodical that:

25 (i) Clearly identifies a candidate for a state, local, or  
26 judicial office either by specifically naming the candidate, or  
27 identifying the candidate without using the candidate's name;

28 (ii) Is broadcast, transmitted electronically or by other means,  
29 mailed, erected, distributed, or otherwise published within sixty  
30 days before any election for that office in the jurisdiction in which  
31 the candidate is seeking election; and

32 (iii) Either alone, or in combination with one or more  
33 communications identifying the candidate by the same sponsor during  
34 the sixty days before an election, has a fair market value or cost of  
35 one thousand dollars or more.

36 (b) "Electioneering communication" does not include:

37 (i) Usual and customary advertising of a business owned by a  
38 candidate, even if the candidate is mentioned in the advertising when  
39 the candidate has been regularly mentioned in that advertising

1 appearing at least twelve months preceding the candidate becoming a  
2 candidate;

3 (ii) Advertising for candidate debates or forums when the  
4 advertising is paid for by or on behalf of the debate or forum  
5 sponsor, so long as two or more candidates for the same position have  
6 been invited to participate in the debate or forum;

7 (iii) A news item, feature, commentary, or editorial in a  
8 regularly scheduled news medium that is:

9 (A) Of interest to the public;

10 (B) In a news medium controlled by a person whose business is  
11 that news medium; and

12 (C) Not a medium controlled by a candidate or a political or  
13 incidental committee;

14 (iv) Slate cards and sample ballots;

15 (v) Advertising for books, films, dissertations, or similar works  
16 (A) written by a candidate when the candidate entered into a contract  
17 for such publications or media at least twelve months before becoming  
18 a candidate, or (B) written about a candidate;

19 (vi) Public service announcements;

20 (vii) An internal political communication primarily limited to  
21 the members of or contributors to a political party organization or  
22 political or incidental committee, or to the officers, management  
23 staff, or stockholders of a corporation or similar enterprise, or to  
24 the members of a labor organization or other membership organization;

25 (viii) An expenditure by or contribution to the authorized  
26 committee of a candidate for state, local, or judicial office; or

27 (ix) Any other communication exempted by the commission through  
28 rule consistent with the intent of this chapter.

29 (22) "Expenditure" includes a payment, contribution,  
30 subscription, distribution, loan, advance, deposit, or gift of money  
31 or anything of value, and includes a contract, promise, or agreement,  
32 whether or not legally enforceable, to make an expenditure.  
33 "Expenditure" also includes a promise to pay, a payment, or a  
34 transfer of anything of value in exchange for goods, services,  
35 property, facilities, or anything of value for the purpose of  
36 assisting, benefiting, or honoring any public official or candidate,  
37 or assisting in furthering or opposing any election campaign. For the  
38 purposes of this chapter, agreements to make expenditures, contracts,  
39 and promises to pay may be reported as estimated obligations until  
40 actual payment is made. "Expenditure" shall not include the partial

1 or complete repayment by a candidate or political or incidental  
2 committee of the principal of a loan, the receipt of which loan has  
3 been properly reported.

4 (23) "Final report" means the report described as a final report  
5 in RCW 42.17A.235(11) (a).

6 (24) "General election" for the purposes of RCW 42.17A.405 means  
7 the election that results in the election of a person to a state or  
8 local office. It does not include a primary.

9 (25) "Gift" has the definition in RCW 42.52.010.

10 (26) "Immediate family" includes the spouse or domestic partner,  
11 dependent children, and other dependent relatives, if living in the  
12 household. For the purposes of the definition of "intermediary" in  
13 this section, "immediate family" means an individual's spouse or  
14 domestic partner, and child, stepchild, grandchild, parent,  
15 stepparent, grandparent, brother, half brother, sister, or half  
16 sister of the individual and the spouse or the domestic partner of  
17 any such person and a child, stepchild, grandchild, parent,  
18 stepparent, grandparent, brother, half brother, sister, or half  
19 sister of the individual's spouse or domestic partner and the spouse  
20 or the domestic partner of any such person.

21 (27) "Incidental committee" means any nonprofit organization not  
22 otherwise defined as a political committee but that may incidentally  
23 make a contribution or an expenditure in excess of the reporting  
24 thresholds in RCW 42.17A.235, directly or through a political  
25 committee. Any nonprofit organization is not an incidental committee  
26 if it is only remitting payments through the nonprofit organization  
27 in an aggregated form and the nonprofit organization is not required  
28 to report those payments in accordance with this chapter.

29 (28) "Incumbent" means a person who is in present possession of  
30 an elected office.

31 (29) (a) "Independent expenditure" means an expenditure that has  
32 each of the following elements:

33 (i) It is made in support of or in opposition to a candidate for  
34 office by a person who is not:

35 (A) A candidate for that office;

36 (B) An authorized committee of that candidate for that office;

37 and

38 (C) A person who has received the candidate's encouragement or  
39 approval to make the expenditure, if the expenditure pays in whole or  
40 in part for political advertising supporting that candidate or

1 promoting the defeat of any other candidate or candidates for that  
2 office;

3 (ii) It is made in support of or in opposition to a candidate for  
4 office by a person with whom the candidate has not collaborated for  
5 the purpose of making the expenditure, if the expenditure pays in  
6 whole or in part for political advertising supporting that candidate  
7 or promoting the defeat of any other candidate or candidates for that  
8 office;

9 (iii) The expenditure pays in whole or in part for political  
10 advertising that either specifically names the candidate supported or  
11 opposed, or clearly and beyond any doubt identifies the candidate  
12 without using the candidate's name; and

13 (iv) The expenditure, alone or in conjunction with another  
14 expenditure or other expenditures of the same person in support of or  
15 opposition to that candidate, has a value of one thousand dollars or  
16 more. A series of expenditures, each of which is under one thousand  
17 dollars, constitutes one independent expenditure if their cumulative  
18 value is one thousand dollars or more.

19 (b) "Independent expenditure" does not include: Ordinary home  
20 hospitality; communications with journalists or editorial staff  
21 designed to elicit a news item, feature, commentary, or editorial in  
22 a regularly scheduled news medium that is of primary interest to the  
23 general public, controlled by a person whose business is that news  
24 medium, and not controlled by a candidate or a political committee;  
25 participation in the creation of a publicly funded voters pamphlet  
26 statement in written or video form; an internal political  
27 communication primarily limited to contributors to a political party  
28 organization or political action committee, the officers, management  
29 staff, and stockholders of a corporation or similar enterprise, or  
30 the members of a labor organization or other membership organization;  
31 or the rendering of personal services of the sort commonly performed  
32 by volunteer campaign workers or incidental expenses personally  
33 incurred by volunteer campaign workers not in excess of two hundred  
34 fifty dollars personally paid for by the worker.

35 (30) (a) "Intermediary" means an individual who transmits a  
36 contribution to a candidate or committee from another person unless  
37 the contribution is from the individual's employer, immediate family,  
38 or an association to which the individual belongs.

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

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

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

6 (31) "Legislation" means bills, resolutions, motions, amendments,  
7 nominations, and other matters pending or proposed in either house of  
8 the state legislature, and includes any other matter that may be the  
9 subject of action by either house or any committee of the legislature  
10 and all bills and resolutions that, having passed both houses, are  
11 pending approval by the governor.

12 (32) "Legislative office" means the office of a member of the  
13 state house of representatives or the office of a member of the state  
14 senate.

15 (33) "Lobby" and "lobbying" each mean attempting to influence the  
16 passage or defeat of any legislation by the legislature of the state  
17 of Washington, or the adoption or rejection of any rule, standard,  
18 rate, or other legislative enactment of any state agency under the  
19 state administrative procedure act, chapter 34.05 RCW. Neither  
20 "lobby" nor "lobbying" includes an association's or other  
21 organization's act of communicating with the members of that  
22 association or organization.

23 (34) "Lobbyist" includes any person who lobbies either on the  
24 person's own or another's behalf.

25 (35) "Lobbyist's employer" means the person or persons by whom a  
26 lobbyist is employed and all persons by whom the lobbyist is  
27 compensated for acting as a lobbyist.

28 (36) "Ministerial functions" means an act or duty carried out as  
29 part of the duties of an administrative office without exercise of  
30 personal judgment or discretion.

31 (37) "Participate" means that, with respect to a particular  
32 election, an entity:

33 (a) Makes either a monetary or in-kind contribution to a  
34 candidate;

35 (b) Makes an independent expenditure or electioneering  
36 communication in support of or opposition to a candidate;

37 (c) Endorses a candidate before contributions are made by a  
38 subsidiary corporation or local unit with respect to that candidate  
39 or that candidate's opponent;

1 (d) Makes a recommendation regarding whether a candidate should  
2 be supported or opposed before a contribution is made by a subsidiary  
3 corporation or local unit with respect to that candidate or that  
4 candidate's opponent; or

5 (e) Directly or indirectly collaborates or consults with a  
6 subsidiary corporation or local unit on matters relating to the  
7 support of or opposition to a candidate, including, but not limited  
8 to, the amount of a contribution, when a contribution should be  
9 given, and what assistance, services or independent expenditures, or  
10 electioneering communications, if any, will be made or should be made  
11 in support of or opposition to a candidate.

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

18 (39) "Political advertising" includes any advertising displays,  
19 newspaper ads, billboards, signs, brochures, articles, tabloids,  
20 flyers, letters, radio or television presentations, digital  
21 communication, or other means of mass communication, used for the  
22 purpose of appealing, directly or indirectly, for votes or for  
23 financial or other support or opposition in any election campaign.

24 (40) "Political committee" means any person (except a candidate  
25 or an individual dealing with the candidate's or individual's own  
26 funds or property) having the expectation of receiving contributions  
27 or making expenditures in support of, or opposition to, any candidate  
28 or any ballot proposition.

29 (41) "Primary" for the purposes of RCW 42.17A.405 means the  
30 procedure for nominating a candidate to state or local office under  
31 chapter 29A.52 RCW or any other primary for an election that uses, in  
32 large measure, the procedures established in chapter 29A.52 RCW.

33 (42) "Public office" means any federal, state, judicial, county,  
34 city, town, school district, port district, special district, or  
35 other state political subdivision elective office.

36 (43) "Public record" has the definition in RCW 42.56.010.

37 (44) "Recall campaign" means the period of time beginning on the  
38 date of the filing of recall charges under RCW 29A.56.120 and ending  
39 thirty days after the recall election.

1 (45) "Remediable violation" means any violation of this chapter  
2 that:

3 (a) Involved expenditures or contributions totaling no more than  
4 the contribution limits set out under RCW 42.17A.405(2) per election,  
5 or one thousand dollars if there is no statutory limit;

6 (b) Occurred:

7 (i) More than thirty days before an election, where the  
8 commission entered into an agreement to resolve the matter; or

9 (ii) At any time where the violation did not constitute a  
10 material violation because it was inadvertent and minor or otherwise  
11 has been cured and, after consideration of all the circumstances,  
12 further proceedings would not serve the purposes of this chapter;

13 (c) Does not materially harm the public interest, beyond the harm  
14 to the policy of this chapter inherent in any violation; and

15 (d) Involved:

16 (i) A person who:

17 (A) Took corrective action within five business days after the  
18 commission first notified the person of noncompliance, or where the  
19 commission did not provide notice and filed a required report within  
20 twenty-one days after the report was due to be filed; and

21 (B) Substantially met the filing deadline for all other required  
22 reports within the immediately preceding twelve-month period; or

23 (ii) A candidate who:

24 (A) Lost the election in question; and

25 (B) Did not receive contributions over one hundred times the  
26 contribution limit in aggregate per election during the campaign in  
27 question.

28 (46) (a) "Sponsor" for purposes of an electioneering  
29 communications, independent expenditures, or political advertising  
30 means the person paying for the electioneering communication,  
31 independent expenditure, or political advertising. If a person acts  
32 as an agent for another or is reimbursed by another for the payment,  
33 the original source of the payment is the sponsor.

34 (b) "Sponsor," for purposes of a political or incidental  
35 committee, means any person, except an authorized committee, to whom  
36 any of the following applies:

37 (i) The committee receives eighty percent or more of its  
38 contributions either from the person or from the person's members,  
39 officers, employees, or shareholders;

1 (ii) The person collects contributions for the committee by use  
2 of payroll deductions or dues from its members, officers, or  
3 employees.

4 (47) "Sponsored committee" means a committee, other than an  
5 authorized committee, that has one or more sponsors.

6 (48) "State office" means state legislative office or the office  
7 of governor, lieutenant governor, secretary of state, attorney  
8 general, commissioner of public lands, insurance commissioner,  
9 superintendent of public instruction, state auditor, or state  
10 treasurer.

11 (49) "State official" means a person who holds a state office.

12 (50) "Surplus funds" mean, in the case of a political committee  
13 or candidate, the balance of contributions that remain in the  
14 possession or control of that committee or candidate subsequent to  
15 the election for which the contributions were received, and that are  
16 in excess of the amount necessary to pay remaining debts or expenses  
17 incurred by the committee or candidate with respect to that election.  
18 In the case of a continuing political committee, "surplus funds" mean  
19 those contributions remaining in the possession or control of the  
20 committee that are in excess of the amount necessary to pay all  
21 remaining debts or expenses when it makes its final report under RCW  
22 42.17A.255.

23 (51) "Synthetic media" means an image, an audio recording, or a  
24 video recording of an individual's appearance, speech, or conduct  
25 that has been intentionally manipulated with the use of generative  
26 adversarial network techniques or other digital technology in a  
27 manner to create a realistic but false image, audio, or video that  
28 produces:

29 (a) A depiction that to a reasonable individual is of a real  
30 individual in appearance, action, or speech that did not actually  
31 occur in reality; and

32 (b) A fundamentally different understanding or impression of the  
33 appearance, action, or speech than a reasonable person would have  
34 from the unaltered, original version of the image, audio recording,  
35 or video recording.

36 (52) "Technical correction" means the correction of a minor or  
37 ministerial error in a required report that does not materially harm  
38 the public interest and needs to be corrected for the report to be in  
39 full compliance with the requirements of this chapter.

1       (~~(52)~~) (53) "Treasurer" and "deputy treasurer" mean the  
2 individuals appointed by a candidate or political or incidental  
3 committee, pursuant to RCW 42.17A.210, to perform the duties  
4 specified in that section.

5       (~~(53)~~) (54) "Violation" means a violation of this chapter that  
6 is not a remediable violation, minor violation, or an error  
7 classified by the commission as appropriate to address by a technical  
8 correction.

9       NEW SECTION.   **Sec. 2.** A new section is added to chapter 42.17A  
10 RCW to read as follows:

11       (1) No person may, with actual malice, distribute an  
12 electioneering communication that contains any synthetic media that  
13 alters the appearance, action, or speech of a candidate unless it  
14 includes a disclosure stating: "This (image/video/audio) has been  
15 manipulated."

16       (2)(a) For visual media, the text of the disclosure shall appear  
17 in size easily readable by the average viewer and no smaller than the  
18 largest font size of other text appearing in the visual media. If the  
19 visual media does not include any other text, the disclosure shall  
20 appear in a size that is easily readable by the average viewer. For  
21 visual media that is a video, the disclosure shall appear for the  
22 duration of the video.

23       (b) If the media consists of audio only, the disclosure shall be  
24 read in a clearly spoken manner and in a pitch that can be easily  
25 heard by the average listener, at the beginning of the audio, at the  
26 end of the audio, and, if the audio is greater than two minutes in  
27 length, interspersed within the audio at intervals of not more than  
28 two minutes each.

29       (3)(a) This section does not alter or negate any rights,  
30 obligations, or immunities of an information content provider under  
31 the communications decency act, 47 U.S.C. Sec. 230, or the rights or  
32 obligations of a radio or television station, including a cable or  
33 satellite television operator, programmer, or producer, under the  
34 provisions of the federal communications act governing political  
35 broadcasting, 47 U.S.C. Sec. 315(a).

36       (b) This section does not apply to a radio or television  
37 broadcasting station, including a cable or satellite television  
38 operator, programmer, or producer:

1 (i) That broadcasts synthetic media prohibited by this section as  
2 part of a bona fide newscast, news interview, news documentary, or  
3 on-the-spot coverage of bona fide news events, if the broadcast  
4 clearly acknowledges through content or a disclosure, in a manner  
5 that can be easily heard or read by the average listener or viewer,  
6 that there are questions about the authenticity of the synthetic  
7 media; or

8 (ii) When it is paid to broadcast synthetic media.

9 (c) This section does not apply to an internet web site, or a  
10 regularly published newspaper, magazine, or other periodical of  
11 general circulation, including an internet or electronic publication,  
12 that routinely carries news and commentary of general interest, and  
13 that publishes synthetic media prohibited by this section, if the  
14 publication clearly states that the synthetic media does not  
15 accurately represent the speech or conduct of the candidate.

16 (d) This section does not apply to synthetic media that  
17 constitutes satire or parody.

18 (4) (a) A candidate whose voice or likeness appears in a synthetic  
19 media distributed in violation of this section may seek injunctive or  
20 other equitable relief prohibiting the distribution of audio or  
21 visual media in violation of this section. An action under this  
22 subsection takes precedence over other cases, and must be speedily  
23 heard and determined.

24 (b) A candidate whose voice or likeness appears in a synthetic  
25 media distributed in violation of this section may bring an action  
26 for general or special damages against the person, committee, or  
27 entity that distributed the synthetic media. The court may also award  
28 a prevailing party reasonable attorneys' fees and costs. This  
29 subsection does not limit or preclude a plaintiff from securing or  
30 recovering any other available remedy.

31 (c) In any action alleging a violation of this section, the  
32 plaintiff bears the burden of establishing the violation through  
33 clear and convincing evidence.

34 **Sec. 3.** RCW 42.17A.340 and 2010 c 204 s 507 are each amended to  
35 read as follows:

36 (1) Except as provided in subsection (2) of this section, the  
37 responsibility for compliance with RCW 42.17A.320 through 42.17A.335  
38 and section 2 of this act shall be with the sponsor of the political  
39 advertising and not with the broadcasting station or other medium.

1           (2) If a broadcasting station or other medium changes the content  
2 of a political advertisement, the station or medium shall be  
3 responsible for any failure of the advertisement to comply with RCW  
4 42.17A.320 through 42.17A.335 and section 2 of this act that results  
5 from that change.

6           NEW SECTION.    **Sec. 4.**    If any provision of this act or its  
7 application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

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