

ESSB 5284 - S AMD 600

By Senator Nguyen

WITHDRAWN 02/12/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 42.17A.345 and 2019 c 428 s 26 are each amended to
4 read as follows:

5 (1) (a) Each commercial advertiser who has accepted or provided
6 political advertising or electioneering communications during the
7 election campaign shall maintain current books of account and related
8 materials as provided by rule that shall be open for public
9 inspection during normal business hours during the campaign and for a
10 period of no less than five years after the date of the applicable
11 election. The documents and books of account shall specify:

12 ~~((a))~~ (i) The names and addresses of persons from whom it
13 accepted political advertising or electioneering communications;

14 ~~((b))~~ (ii) The exact nature and extent of the services
15 rendered; and

16 ~~((c))~~ (iii) The total cost and the manner of payment for the
17 services.

18 (b) Digital communication platforms are not required to maintain
19 targeted audience information as part of books of account and related
20 materials requirements under this subsection including, but not
21 limited to, descriptions of demographic information, statistical
22 characteristics of audiences targeted and reached, or number of
23 impressions generated by the advertisement or communication.

24 (2) At the request of the commission, each commercial advertiser
25 required to comply with subsection (1) of this section shall provide
26 to the commission copies of the information that must be maintained
27 and be open for public inspection pursuant to subsection (1) of this
28 section.

29 (3) Any person who purchases political advertising or
30 electioneering communications from a commercial advertiser must
31 disclose upon request from the commercial advertiser:

1 (a) That the purchase includes political advertising or
2 electioneering communications;

3 (b) The name of the sponsor, if different than the person making
4 the purchase; and

5 (c) Any other information the commercial advertiser is required
6 to maintain, as provided by this section or rule.

7 (4) (a) Any person who purchases political advertising or
8 electioneering communications directly from a digital communication
9 platform must provide an attestation that the advertisement is a
10 political advertisement or electioneering communication as part of
11 the advertisement.

12 (b) The digital communication platform must establish:

13 (i) A review process to confirm whether advertising purchasers
14 have correctly attested to whether or not the advertisement is a
15 political advertisement or electioneering communication; and

16 (ii) A mechanism that allows users of the digital communication
17 platform to report any advertisement that is not in compliance with
18 this subsection.

19 (5) Any failure to provide the required information in
20 subsections (3) and (4) of this section is a violation under this
21 chapter, but such failure shall not relieve a commercial advertiser
22 of any of the requirements under this section.

23 NEW SECTION. Sec. 2. This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of
25 the state government and its existing public institutions, and takes
26 effect immediately."

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27 On page 1, line 1 of the title, after "to" strike the remainder
28 of the title and insert "modifying commercial advertising
29 requirements related to the disclosure of political advertising and
30 electioneering communications; amending RCW 42.17A.345; and declaring
31 an emergency."

EFFECT: Changes the title. Removes expansion of the period when
political and incidental committees, first meeting filing criteria,
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must file statements of organization on the shortened timeline of three business days. Removes modification of the dates when contribution and expenditure reports must be filed and the period of time included in the reports. Removes the repeal of the prohibitions against contributions, expenditures, and electioneering by foreign nationals and the accompanying certification requirement. Removes the increase in the threshold for triggering special reports on aggregate contributions from a single source and the expansion to the special reporting period. Removes the prohibition on contributions and expenditures by foreign-influenced corporations. Removes the requirement that corporations certify that they are not a foreign-influenced corporation when making an expenditure or contribution.

Requires any person who purchases political advertising or electioneering communications from a digital communication platform to attest that the advertisement is a political advertisement or electioneering communication as part of the advertisement. Requires the digital communication platform to establish a review process to confirm whether advertising purchasers have correctly attested and a mechanism for digital communication platform users to report whether advertisements are in compliance with the attestation requirement. Provides that failure to attest is a violation under public disclosure laws. Specifies that digital communication platforms are not required to maintain targeted audience information as part of commercial advertising records.

Adds an emergency clause for the bill to take effect immediately upon passage.

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