
SENATE BILL 5074

State of Washington 53rd Legislature 1993 Regular Session

By Senators Vognild, Newhouse, Gaspard, Snyder, Sellar and Erwin

Read first time 01/12/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to political advertising; and adding new sections
2 to chapter 42.17 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17 RCW
5 to read as follows:

6 The legislature finds that the use of false or misleading campaign
7 advertising during the final days of a primary, special, or general
8 election campaign is particularly detrimental to the conduct of free
9 and fair elections because it does not allow time for an opponent to
10 respond or for the media or public to engage in any investigation and
11 evaluation of the issues raised. The use of last-minute attacks by
12 candidates discourages fair debate and fosters public cynicism with
13 regard to the electoral process. The purpose of sections 2 and 3 of
14 this act is to encourage fairness in the conduct of campaigns and to
15 assure the public adequate time to evaluate information presented about
16 each candidate for public office.

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

1 (1) No later than ten days prior to any primary, special, or
2 general election, all candidates for public office seeking to be
3 nominated or elected at that primary or election shall submit copies of
4 all political advertising, of whatever form, that they intend to use
5 during the remaining days of the primary, special, or general election
6 campaign, to the commission and, in the case of a candidate seeking
7 nomination or election to a public office in a district that is
8 entirely within the boundaries of a single county, to the county
9 auditor of such county. The commission shall adopt administrative
10 rules specifying the form of all submissions including, but not limited
11 to, videotapes, printed copy, and transcripts of telephonic and radio
12 messages.

13 (2) On the ninth day prior to any primary, special, or general
14 election, the commission shall publish a list of all candidates for
15 public office seeking to be nominated or elected at such primary or
16 election, identifying those who have complied and those who have not
17 complied with the requirements of subsection (1) of this section. All
18 materials submitted to the commission and county auditors pursuant to
19 subsection (1) of this section shall be made available for public
20 inspection no later than noon of the ninth day prior to the primary or
21 election.

22 (3) Any candidate seeking nomination or election at any primary,
23 special, or general election who, upon inspection of an opponent's
24 submissions made pursuant to subsection (1) of this section, believes
25 that any of the statements or messages contained in the submissions are
26 false or misleading shall, no later than five days prior to the
27 election, submit copies of any political advertising, of whatever form,
28 that has not already been submitted, which he or she intends to use
29 during the remaining days of the primary, special, or general election
30 campaign to respond to the statements or messages which he or she
31 believes are false or misleading. Submissions made pursuant to this
32 subsection shall be delivered to the commission and, in the case of a
33 candidate seeking nomination or election to a public office in a
34 district that is entirely within the boundaries of a single county, to
35 the county auditor of such county. Any submissions made pursuant to
36 this subsection shall only respond to the statements or messages that
37 the candidate believes to be false or misleading and may not address or
38 introduce any new subject. All submissions made pursuant to this

1 subsection shall be made available for public inspection no later than
2 noon of the fourth day prior to the election.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17 RCW
4 to read as follows:

5 Failure to comply with section 2 of this act shall not be the basis
6 for imposition of any of the sanctions authorized by RCW 42.17.390,
7 42.17.395, 42.17.397, or 42.17.400. This limitation shall not impair
8 or alter any authority to bring civil or criminal actions or impose
9 sanctions based upon the violation of any other sections of this
10 chapter, other statutes, or common law.

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