

2 **SHB 1673** - S COMM AMD

3 By Committee on State & Local Government (S2547.1)

4 ADOPTED AS AMENDED (FLR 467) 4/21/99

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** (1) The Washington supreme court in a case  
8 involving a ballot measure, *State v. 119 Vote No! Committee*, 135 Wn.2d  
9 618 (1998), found the statute that prohibits persons from sponsoring,  
10 with actual malice, political advertising containing false statements  
11 of material fact to be invalid under the First Amendment to the United  
12 States Constitution.

13 (2) The legislature finds that a review of the opinions indicates  
14 that a majority of the supreme court may find valid a statute that  
15 limited such a prohibition on sponsoring with actual malice false  
16 statements of material fact in a political campaign to statements about  
17 a candidate in an election for public office.

18 (3) It is the intent of the legislature to amend the current law to  
19 provide protection for candidates for public office against false  
20 statements of material fact sponsored with actual malice.

21 **Sec. 2.** RCW 42.17.530 and 1988 c 199 s 2 are each amended to read  
22 as follows:

23 (1) It is a violation of this chapter for a person to sponsor with  
24 actual malice:

25 (a) Political advertising that contains a false statement of  
26 material fact about a candidate for public office. However, this  
27 subsection (1)(a) does not apply to statements made by a candidate or  
28 the candidate's agent about the candidate himself or herself;"

29 (b) Political advertising that falsely represents that a candidate  
30 is the incumbent for the office sought when in fact the candidate is  
31 not the incumbent;

32 (c) Political advertising that makes either directly or indirectly,  
33 a false claim stating or implying the support or endorsement of any  
34 person or organization when in fact the candidate does not have such  
35 support or endorsement.

1 (2) Any violation of this section shall be proven by clear and  
2 convincing evidence."

3 **SHB 1673** - S COMM AMD  
4 By Committee on State & Local Government

ADOPTED 4/12/99

5  
6 In line 1 of the title, after "advertising;" strike the remainder  
7 of the title and insert "amending RCW 42.17.530; and creating a new  
8 section."

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