
**State Government & Tribal Relations
Committee**

HB 2253

Brief Description: Concerning disclaimers for election-related advertising that encourages votes or includes endorsements for people that are not candidates in that election or for that office.

Sponsors: Representatives Thai, Hudgins, Kilduff, Ryu, Appleton, Frame, Senn, Ormsby and Gregerson.

Brief Summary of Bill

- Requires a disclaimer in an election-related advertisement that encourages people to vote for a person who is not a candidate for that office as of that date.
- Requires a disclaimer in an election-related advertisement that directly or indirectly conveys that a person has an endorsement for an office in an election, when in truth the person does not have that endorsement for that office in that election.
- Specifies the display requirements for those disclaimers.

Hearing Date: 1/17/20

Staff: Jason Zolle (786-7124).

Background:

Political Advertisement Disclaimers.

The Fair Campaign Practices Act (FCPA) requires political advertisements to include certain disclaimers.

Political advertisements on the radio or television must include the sponsor's name, and written ads must include the sponsor's name and address. It is illegal for the sponsor to use an assumed name. Additional disclaimer requirements apply when the advertisement is an independent expenditure or an electioneering communication sponsored by a person or entity other than a

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political party: they must include the statement "No candidate authorized this advertisement. It is paid for by [the sponsor's name and address]." Finally, if the sponsor is a political committee, the advertisement must include a statement disclosing the committee's top five contributors and the top three contributors to any of the top five contributors that are also political committees.

In a written political advertisement, all required disclaimers must:

- appear on the first page or fold;
- be in at least 10-point size type, or be at least 10 percent of the largest type used in the advertisement, whichever is larger;
- use continuous tone rather than half tone printing; and
- be set apart from any other printed matter.

In a television or other visual advertisement, all required disclaimers must:

- be clearly spoken; or
- appear in large print for at least four seconds in letters greater than 4 percent of the visual screen height, with a reasonable color contrast with the background.

False Statements in Political Advertisements.

The FCPA also prohibits political advertising that contains certain false statements made when the speaker knows they are false or acts with reckless disregard of their truth or falsity. These statements are:

- false statements of material fact about a candidate for public office;
- false representations that a candidate is the incumbent for the office sought; and
- claims that falsely state or imply the support or endorsement of any person or organization.

To be prohibited, the false statement must also:

- expose a living person to hatred, contempt, ridicule, or obloquy;
- deprive a person of the benefit of public confidence or social intercourse; or
- injure a person, corporation, or association in his, her, or its business or occupation.

Summary of Bill:

Advertising related to an election that directly or indirectly encourages people to vote for a person who is not a candidate for that office as of that date must include a disclaimer: "This ad encourages you to vote for a person who is not a candidate for this office as of [the date the advertisement is first presented to the public]."

Advertising related to an election that directly or indirectly conveys that a person has an endorsement for an office in an election, when in truth the person does not have that endorsement for that office in that election, must include a disclaimer: "As of [the date the advertisement is first presented to the public], this person does not actually have the endorsement of [list individuals or entities] for this office in this election."

In a written communication, the disclaimers must:

- appear in a size equal to or greater than the largest size type otherwise used in the communication;
- appear adjacent to the text that encourages a vote or conveys an endorsement;

- not be subject to the half-tone or screening process; and
- be set apart from other printed matter, except for the text that encourages a vote or conveys an endorsement.

In a television or other visual advertisement, the disclaimers must:

- be clearly spoken; or
- appear in print and be visible for at least four seconds, in letters greater than 4 percent of the visual screen height, with a reasonable color contrast with the background.

In a communication that does not include a visual image, the disclaimers must be clearly spoken.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.