

HOUSE BILL REPORT

HB 2376

*As Reported By House Committee on:
State Government*

Title: An act relating to political advertising.

Brief Description: Requiring a statement of responsibility to accompany political advertising.

Sponsor(s): Representatives Hine, Prince, Anderson, Miller, Pruitt, G. Fisher, Cooper, Jacobsen, Winsley, Brough, Jones, Heavey, Paris, Wineberry, Roland, G. Cole, J. Kohl, Ludwig, Mitchell, Bowman, Wynne, Spanel, Ogden, Haugen, Valle, McLean, Ferguson, Sprenkle and O'Brien.

Brief History:

Reported by House Committee on:
State Government, February 5, 1992, DPS.

**HOUSE COMMITTEE ON
STATE GOVERNMENT**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 10 members: Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Staff: Kenneth Hirst (786-7105).

Background: The state's public disclosure law includes provisions regulating political advertising. These provisions require a written political ad to include the name and address of the sponsor and require a radio or television ad to include the sponsor's name. An ad for a candidate for partisan office must identify the party of the candidate. Certain forms of advertising are exempted from these requirements and the Public Disclosure Commission has the authority to provide further exemptions by rule in cases for which the identification is impractical.

A person may not, with actual malice, sponsor political advertising that contains a false statement of material fact, that falsely represents a candidate as being the incumbent for an office, or that makes a false claim stating or implying the support or endorsement of any person or

organization. By "actual malice," the disclosure law refers to acting with knowledge of falsity or with reckless disregard as to truth or falsity. In general, the sponsor of the advertising is responsible for complying with these requirements.

Summary of Substitute Bill: Written political advertising must include the following statement, signed by the responsible party: "I fully accept responsibility for the accuracy of this message." Such a signed statement must also be filed with a broadcasting company when time for a radio or television political ad is purchased or arranged. The statement filed with the broadcasting company must be available for public inspection.

The "responsible party" is: the candidate, if the ad is sponsored by a candidate or a candidate's political committee; the chief officer or treasurer of a political committee, if the ad is sponsored by a political committee other than a candidate's committee; and the sponsor of the ad, if it is paid for by an independent expenditure. Responsibility for complying with the political advertising portion of the disclosure law is expanded to include such a responsible party.

The Public Disclosure Commission must, by rule, exempt from this requirement certain forms of advertising, such as buttons, pens, and skywriting, and may exempt other forms where such a statement is impractical.

Substitute Bill Compared to Original Bill: In the original bill, a statement of responsibility for the accuracy of a radio or television political ad is to be included in the ad. In the substitute bill, the statement is filed with the broadcasting company. The substitute bill also adds the "responsible party" to the list of those who must assume actual responsibility for an ad under the disclosure law.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (1) If candidates must publicly accept responsibility for their ads, they will think twice before sponsoring a smear campaign. (2) Currently there is far too much tearing down of opponents and not enough promotion of candidates' own campaigns. The original bill should be amended to add the candidates and other responsible parties to those who are legally responsible for their ads under the disclosure law.

Testimony Against: (Original bill): If the "responsibility" statement is added to the sponsorship tag line in a radio or TV ad, too much of the ad will be devoted to those statements and not to content. A responsibility statement should just be filed for a broadcast.

Witnesses: Representative Lorraine Hine (in favor); Graham Johnson, Public Disclosure Commission (in favor); Becky Bogard, Washington Association of Broadcasters; and Rowland Thompson, Allied Daily Newspapers.