
SENATE BILL 5071

State of Washington

56th Legislature

1999 Regular Session

By Senators Patterson, Prentice, Shin, Thibaudeau, Hale, Gardner, Fraser, Spanel, Haugen, Snyder, Morton, Loveland, B. Sheldon, Winsley, Wojahn, Costa and McAuliffe

Read first time 01/11/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to false and misleading statements in political
2 campaigns for public office; amending RCW 42.17.530; and creating a new
3 section.

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

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

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

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

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

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

5 (a) Political advertising that contains a false statement of
6 material fact about a candidate for public office. However, this
7 subsection (1)(a) does not apply to statements about a candidate made
8 by the candidate or the candidate's agent;

9 (b) Political advertising that falsely represents that a candidate
10 is the incumbent for the office sought when in fact the candidate is
11 not the incumbent;

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

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

--- END ---