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**HOUSE BILL 2215**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representative MacEwen

AN ACT Relating to transferring requirements to maintain records for commercial political advertising to the public disclosure commission; and amending RCW 42.17A.260 and 42.17A.345.

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

**Sec.**  RCW 42.17A.260 and 2019 c 428 s 23 are each amended to read as follows:

(1) The sponsor of political advertising shall file a special report to the commission within twenty-four hours of, or on the first working day after, the date the political advertising is first ((~~published, mailed, or otherwise~~)) presented to the public((~~, if the political advertising:~~

~~(a) Is published, mailed, or otherwise presented to the public within twenty-one days of an election; and~~

~~(b) Either:~~

~~(i) Qualifies as an independent expenditure with a fair market value or actual cost of one thousand dollars or more, for political advertising supporting or opposing a candidate; or~~

~~(ii) Has a fair market value or actual cost of one thousand dollars or more, for political advertising supporting or opposing a ballot proposition~~)) or is purchased, whichever is earlier.

(2) ((~~If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a special report for each subsequent independent expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's opponent, or, in the case of a subsequent expenditure of any size made in support of or in opposition to a ballot proposition not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240, supporting or opposing the same ballot proposition that was the subject of the previous expenditure.~~

~~(3)~~)) The special report must include:

(a) The name and address of the ((~~person making the expenditure~~)) sponsor;

(b) The name and address of ((~~the person to whom the expenditure was made~~)) the company or organization from whom the advertising was purchased and, except as specified in subsection (3) of this section, each commercial advertiser who has accepted or provided the advertising;

(c) A detailed description of the ((~~expenditure~~)) political advertising;

(d) The date the ((~~expenditure was made and~~)) political advertising was purchased and, if known, the date the political advertising was first published or otherwise presented to the public;

(e) The ((~~amount of the expenditure~~)) total cost and manner of payment for the political advertising; and

(f) The name of the candidate supported or opposed by the ((~~expenditure~~)) political advertising, the office being sought by the candidate, and whether the ((~~expenditure~~)) political advertising supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the ((~~expenditure~~)) political advertising, and whether the ((~~expenditure~~)) political advertising supports or opposes the ballot proposition((~~; and~~

~~(g) Any other information the commission may require by rule~~)).

(3) If at the time the sponsor files the special report the sponsor does not know which commercial advertisers will be presenting the advertising, the sponsor must indicate that in the special report and supplement the special report with that information within twenty-four hours of, or on the first working day after, that information becomes known.

(4) All ((~~persons required to report under RCW 42.17A.225, 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305~~)) sponsors of political advertising are subject to the requirements of this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255.

(5) ((~~The~~)) If the political advertising reportable under this section also qualifies as an independent expenditure supporting a candidate or opposing that candidate's opponent, the sponsor ((~~of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section~~)) shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent.

**Sec.**  RCW 42.17A.345 and 2019 c 428 s 26 are each amended to read as follows:

(1) ((~~Each~~)) The commission shall use the reports filed pursuant to RCW 42.17A.260 to create and maintain a record of each commercial advertiser who has accepted or provided political advertising ((~~or electioneering communications during the election campaign shall maintain current books of account and related materials as provided by rule that~~)). These records shall be open for public inspection during normal business hours during the campaign and for a period of no less than five years after the date of the applicable election. The ((~~documents and books of account~~)) commission's records shall specify:

(a) The names and addresses of persons from whom ((~~it~~)) each commercial advertiser accepted political advertising ((~~or electioneering communications~~));

(b) The exact nature and extent of the services rendered; and

(c) The total cost and the manner of payment for the services.

(2) ((~~At the request of the commission, each commercial advertiser required to comply with subsection (1) of this section~~)) Upon request, the commission shall provide ((~~to the commission~~)) copies of the information that must be maintained and be open for public inspection pursuant to subsection (1) of this section.

(3) The commission may satisfy the disclosure requirements of this section by posting the records required by subsection (1) of this section online for the public to access.

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