

## CHAPTER 199

[Substitute House Bill No. 657]  
POLITICAL ADVERTISING

AN ACT Relating to political advertising; amending RCW 42.17.530; and adding a new section to chapter 42.17 RCW.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. A new section is added to chapter 42.17 RCW to read as follows:

The definitions set forth in this section apply throughout RCW 42.17-.510 through 42.17.540.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Sponsor" means the candidate, political committee, or person paying for the advertisement. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(3) "Incumbent" means a person who is in present possession of an elected office.

Sec. 2. Section 3, chapter 216, Laws of 1984 and RCW 42.17.530 are each amended to read as follows:

~~((A person shall not sponsor political advertising which contains information that the person knows, or should reasonably be expected to know, to be false. No political advertising may falsely represent that a candidate is an incumbent for the office sought. A person or candidate shall not make, either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization:))~~ (1) It is a violation of this chapter for a person to sponsor with actual malice:

(a) Political advertising that contains a false statement of material fact;

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

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

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

Passed the House January 18, 1988.

Passed the Senate March 10, 1988.

Approved by the Governor March 22, 1988.

Filed in Office of Secretary of State March 22, 1988.