

2 **SHB 1673** - S COMM AMD
3 By Committee on State & Local Government

4 ADOPTED 4/12/99

5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

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

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

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

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

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

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

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6 In line 1 of the title, after "advertising;" strike the remainder
7 of the title and insert "amending RCW 42.17.530; and creating a new
8 section."

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