

2009 – 2010 PDC Law and Rule Change Highlights

[underlining denotes change]

Contribution limits extended to county office, mayor, and city council candidates. (NEW) Candidates for county office, city council, and mayor are subject to an \$800 per election contribution limit from anyone other than the candidate or a bona fide political party. A bona fide political party's limit is determined by the number of registered voters in the jurisdiction as of the last general election. [Effective June 10, 2010. Chapter 204, §602, Laws 2010]

County filing requirements eliminated for candidates, political committees, and advertisers. (NEW) Candidates and political committees are no longer required to file copies of "C" reports with their county elections officer. Samples of mailed political ads that are of independent expenditures are no longer filed with the sponsor's county election officer. [Effective June 10, 2010. Chapter 205, Laws of 2010]

Additional sponsor disclosure required on independent expenditure advertising & electioneering communications. (NEW) A political advertisement undertaken as an independent expenditure or an electioneering communication that is sponsored by a political committee, other than a bona fide political party, must include the full name of the individual or entity that established or directly maintains or controls the sponsoring committee (or indirectly maintains or controls the sponsoring committee through the formation of one or more political committees). [Effective March 25, 2010. Chapter 204, §505, Laws 2010]

Public Service Announcement prohibition. (NEW) No state-elected official or municipal officer may speak or appear in a PSA that is broadcast, shown, or distributed in any form whatsoever starting January 1st and continuing through the general election in a calendar year when the official or officer is a candidate. When the official or officer does not control the airing of the PSA, s/he must contractually limit its use to be consistent with this section. (Does not apply to PSAs that are part of the regular duties of the office that only mention or visually display the office, office seal, or logo and do not mention or visually display the name of the official or officer in the announcement.) [Effective March 25, 2010. Chapter 204, §703, Laws 2010]

Authorized uses of bona fide political parties' exempt funds. (NEW) A bona fide political party may use exempt funds for independent expenditures as defined in RCW 42.17.020 or electioneering communications as defined in RCW 42.17.020. [Effective March 25, 2010. Chapter 204, §602, Laws 2010]

False political advertising.

- (1) It is a violation of this chapter for a person to sponsor with actual malice a statement constituting libel or defamation per se under the following circumstances:
 - (a) Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office.
 - (b) Political advertising or an electioneering communication 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 or an electioneering communication 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 candidates does not have such support or endorsement.
- (2) . . . "Libel or defamation per se" means statements that tend (a) to expose a living person to hatred, contempt, ridicule, or obloquy, or to deprive him or her of the benefit of public confidence or social intercourse, or to injure him or her in his or her business or occupation, or (b) to injure any person, corporation, or association in his, her, or its business or occupation.
- (3) It is not a violation of this section for a candidate or his or her agent to make statements described in subsection (1)(a) or (b) about the candidate himself or herself because a person cannot defame himself or herself. It is not a violation of this section for a person or organizationreference3d in subsection (1)(c) of this section to make a statement about that person or organization because such persons and organizations cannot defame themselves.
- (4) Any violation of this section shall be proven by clear and convincing evidence. If a violation is proven, damages are presumed and do not need to be proven. [Effective July 26, 2009. Chapter 222, Laws of 2009]

Out-of-State Political Committees. An out-of-state political committee is one that maintains an office or headquarters in another U. S. state or the District of Columbia and has no office, street address or corporate registered agent in Washington State. If there is no headquarters or office in another U.S. state or the District of Columbia and there is no corporate registered agent in Washington State, the political committee is deemed out-of-state if its treasurer resides in another U. S. state or the District of Columbia.

An out-of-state political committee that is currently organized primarily for engaging in campaign activities in another state that contributes to or spends more than \$50 on behalf of a Washington state, local or judicial candidate or political committee in Washington state must file PDC Form C-5 if it meets these criteria:

- Registered and actively filing campaign disclosure reports in one or more other states and have been filing for the preceding two years,
- Have organizational documents showing it was originally formed and is currently organized for the purpose of making expenditures in another state or soliciting contributions for use in another state's election campaigns, and
- Have spent less than 20 percent of its aggregate expenditures for all political campaign activity nationwide at any point in any calendar year to support and/or oppose Washington candidates for state, local and judicial office, Washington ballot measures and/or Washington political committees.

An out-of-state committee that meets the spending threshold but does not satisfy the above criteria must register and report as an in-state committee. Out-of-state political committees are subject to additional reporting requirements if they make political advertising independent expenditures or sponsor electioneering communications. [Effective November 4, 2009. WAC 390-16-049]

Scheduled for consideration at the May 27, 2010 Commission meeting:

Party affiliation, party preference, etc. (NEW)

- (1) "Party affiliation" as that term is used in chapter 42.17 RCW and Title 390 WAC means the candidate's party preference as expressed on his or her declaration of candidacy. A candidate's preference does not imply that the candidate is nominated or endorsed by that party, or that the party approves of or associates with that candidate.
- (2) A reference to "political party affiliation," "political party," or "party" on disclosure forms adopted by the commission and in Title 390 WAC refers to the candidate's self-identified party preference.

[Proposed effective date: June 30, 2010. emergency WAC 390-05-274]

Bona Fide Political Party. (NEW) An organization that filed a valid certificate of nomination with the secretary of state or a county elections official under chapter 29A.20 RCW in any year from 2002 through 2007 is deemed to have satisfied the definition of bona fide political party in RCW 42.17.020. [Proposed effective date: June 30, 2010. emergency WAC 390-05-196]

Party organization. (NEW) "Party organization," as that term is used in chapter 42.17 RCW and Title 390 WAC, means a bona fide political party as defined in RCW 42.17.020 and applied in WAC 390-05-196. [Proposed effective date: June 30, 2010. emergency WAC 390-05-275]