

2008 – 2009 PDC Law and Rule Change Highlights

[underlining denotes change]

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 organization reference3d 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]

21-day pre-election C-4 reports. The report filed 21 days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. [Effective June 12, 2008. Chapter 73, Laws of 2008]

Identifying persons authorized to make expenditures. (NEW)

1. Persons who perform solely ministerial functions for a candidate or committee are distinguished from persons who are agents of campaigns or authorized to make expenditures or decisions on behalf of a candidate or committee. [Effective January 1, 2008. Chapter 358, Laws of 2007.]
2. New WAC 390-05-243 defining ministerial functions effective January 14, 2008.

Out-of-State Political Committees. (NEW) 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 June 30, 2009. Emergency WAC 390-16-049]

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.

[Effective June 30, 2009. 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. [Effective June 30, 2009. 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. [Effective June 30, 2009. emergency WAC 390-05-275]

Registered domestic partners.

1. An individual who files a Personal Financial Affairs Statement must name a registered domestic partner and disclose reportable assets. [Effective June 12, 2008, Chapter 6, Laws of 2008]
2. Candidates can use, as personal funds of the candidate, his or her portion of assets owned jointly with a domestic partner. [Effective January 11, 2009. WAC .390-17-305]

Mini reporting eligibility. A candidate seeking office in a jurisdiction of 1,000 or more registered voters may select the mini reporting option, provided the candidate does not expect to spend or receive contributions totaling more than \$5,000 and does not accept more than \$500 from any one contributor other than him or herself. A ballot measure committee may select the mini reporting option, provided the committee does not expect to spend or receive contributions totaling more than \$5,000 and does not accept more than \$500 from any one contributor. A continuing political committee may select the mini reporting option, provided the committee does not, in a calendar year, expect to spend or receive contributions totaling more than \$5,000 and does not accept more than \$500 from any one contributor. [Effective January 14, 2008. WAC 390-16-105.]

Adjustments to contribution limits in RCW 42.17.645 and the sections of law enacted by I-134:

<u>New Limit Amount</u>	<u>Recipients</u>
\$800 per election	legislative candidate; county office candidate in a jurisdiction with more than 200,000 reg. voters
\$1,600 per election	statewide executive candidate; judicial candidate; port commissioner candidate in a jurisdiction with more than 200,000 reg. voters
\$800 per calendar year	caucus political committee
\$4,000 per calendar year from contributor other than an individual	political party non-exempt account
80¢ per reg. voter per cycle from both state political party and caucus political committee	statewide executive and legislative candidates; county office and port commissioner candidates in a jurisdiction with more than 200,000 reg. voters
40¢ per reg. voter per cycle from county and legislative district committees, jointly	statewide executive and legislative candidates; county office and port commissioner candidates in a jurisdiction with more than 200,000 reg. voters

The candidate loan repayment limit was raised to \$4,700. [Effective February 28, 2008. WAC 390-05-400.]