

POLITICAL ADVERTISING GUIDE – WASHINGTON STATE
(summarizing Chapter 42.17A RCW and Title 390 WAC)

	CANDIDATE-SPONSORED AD/ CANDIDATE-COORDINATED	BALLOT MEASURE AD (including independent ads)	INDEPENDENT EXPENDITURE ABOUT A CANDIDATE	ELECTIONEERING COMMUNICATION
DEFINITION	<p>Mass communication used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition. [42.17A.005(36)]</p> <p>“Mass communication” means communication intended to reach a large audience, including advertising displays; newspaper; billboards; signs; brochures; articles; tabloids; fliers; periodicals; radio; TV; sample ballots; websites, web-based social media, other online communications; and 100 or more letters, e-mails, text messages, or similar communications that are identical or substantially similar in nature, directed to specific recipients, and sent within a 30-day period. [390-05-290]</p> <p>Does not include letters to the editor, news or feature articles, editorial comment or replies thereto in a regularly published newspaper, periodical, or on a radio or TV broadcast where payment for the space or time is not normally required. [390-05-290]</p>	<p>An advertisement that supports or opposes a candidate for state, local, or judicial office that:</p> <ul style="list-style-type: none"> • is paid for by someone other than the candidate or the candidate’s agent; • is produced independently of any candidate supported in the ad (or the opponent of the candidate opposed), or a candidate’s committee or agent; • is not produced with the encouragement or approval of the candidate; and • either alone, or in combination with other IEs about the candidate, the sponsor spends at least \$1,000. <p>[42.17A.005(26)]</p>	<p>An advertisement that supports or opposes a candidate for state, local, or judicial office that:</p> <ul style="list-style-type: none"> • is paid for by someone other than the candidate or the candidate’s agent; • is produced independently of any candidate supported in the ad (or the opponent of the candidate opposed), or a candidate’s committee or agent; • is not produced with the encouragement or approval of the candidate; and • either alone, or in combination with other IEs about the candidate, the sponsor spends at least \$1,000. <p>[42.17A.005(26)]</p>	<p>A communication that:</p> <ul style="list-style-type: none"> • clearly identifies at least one candidate for state, local, or judicial office, • appears within 60 days of an election in the candidate’s jurisdiction; • is produced through radio, TV, postal mailing, billboard, newspaper, or periodical;* and • either alone, or in combination with other communications by the sponsor identifying the candidate, has a fair market value of \$1,000 or more. <p>[42.17A.005(19)]</p> <p>*Does not include websites, emails, phone calls, or leaflets. [390-05-505]</p>
SPONSOR I.D. REQUIREMENTS and PLACEMENT	<p>“Paid for by” or “Sponsored by” and sponsor’s name and address. [42.17A.320; 390-18-010] If multiple sponsors, each must be identified. [390-18-010]</p> <p>Broadcast ads: Clearly identify or speak sponsor’s name. Address is not required. [42.17A.320(1); 390- 18-010(6)]</p> <p>Written ads: Appears on 1st page or fold in at least 10 point type or, for billboards, posters,</p>	<p><i>In addition to</i> requirements explained in the column to the left, political committees include</p> <ul style="list-style-type: none"> • Top 5 contributors when aggregate spending on ads about a particular ballot measure reaches \$1,000. [42.17A.320(6)] 	<p>“No candidate authorized this ad. It is paid for by <i>name, address, city, state.</i>”** [42.17A.320(4) & (5)]</p> <p>Political Committees, except bona fide political party committees, are required to include</p> <ul style="list-style-type: none"> • Top 5 contributors [42.17A.320(2)(b)] and • 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 committees). [42.17A.320(2)(c)] <p>Written ads: See placement requirements in leftmost column. Broadcast ads: Clearly speak sponsor ID, Top 5, and committee information. Alternative for TV and other</p>	

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	or similar ads, at least 10% or largest type; not half-tone or screened print; and set apart from other text. [42.17A.320(3)]		<p>broadcast ads with visual image: “No candidate authorized...” and political committee disclosures may appear in print, so long as they are visible for at least 4 seconds, appear in letters greater than 4% of the visual screen height, and have a reasonable color contrast with the background.</p> <p>**Use “paid for by” or “sponsored by” and sponsor’s name & address for ads costing less than \$1,000 in the aggregate about a particular candidate. [42.17A.320(1) and (2)]</p>	
TOP 5 CONTRIBUTORS		TOP 5 = five largest contributions exceeding \$700 during the 12 months before the ad appears. [42.17A.320(4) & (5); 390-18-025]		
PARTY PREFERENCE	Required for partisan office candidates. [42.17A.320]		Required for partisan office candidates. [42.17A.320]	
DISCLOSURE REQUIREMENT	<p>Sponsoring committee discloses obligations/orders placed and expenditures on C-4/appropriate schedule. [42.17A.240]</p> <p>Sponsor who coordinates with benefitted campaign and who has a PDC reporting obligation discloses obligations/orders placed and expenditures constituting in-kind contributions:</p> <ul style="list-style-type: none"> • Political committee [in-state 42.17A.240 or out-of-state 42.17A.250] • Lobbyist – 42.17A.610; 390-20-020] • Lobbying Employer 42.17A.630(1)(d)/annual report; 42.17a.630(2)(a)/monthly L-3(c) • Major contributor who contributes more than \$18,000 in calendar year to state office and statewide ballot measure campaigns [42.17A.630(1)] <p>Last minute contribution reporting triggered for recipient campaign and sponsor political committee, lobbyist, or lob emp. [42.17A.265/political committee; 42.17A.625/lobbyists]</p>	<p>Independent expenditures about ballot measures:</p> <ul style="list-style-type: none"> • Report on C-6 within five days of spending \$100 or more, if sponsor has no other PDC filing 	<p>Sponsor files C-6 within 24 hours or first working day after IE ad is first presented to the public if ad appears within 21 days of an election and ad costs ≥ \$1,000. [42.17A.260] C-6 is <i>additional</i> disclosure requirement when sponsor is:</p> <ul style="list-style-type: none"> • Political committee discloses expense on C-4 or C-5 report, whichever is appropriate. • Lobbyist or lobbyist employer discloses expense on appropriate L-report. <p>For IEs not meeting 21-day/ ≥\$1,000 criteria, sponsor who has no other PDC filing requirement files C-6 within 5 days of initial expenditure and follows C-4 reporting schedule if spending continues. [42.17A.255]</p>	<p>Electronically file C-6 within 24 hours of when EC is presented to the public. [42.17A.305]</p>

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		<p>requirement. [42.17A.255]</p> <ul style="list-style-type: none"> Report on C-6 within 24 hours if ad appears within 21 days of election and costs \$1,000 or more. (Required regardless of other filing requirements.) [42.17A.260] 	<p>A sponsor, other than an individual, who has no other PDC filing requirement discloses expense on C-7, if the subject of the IE is a state office candidate. [42.17A.630(1)]</p> <p>NOTE: An advertisement that qualifies as both an independent expenditure and an electioneering communication must be disclosed as an electioneering communication. [390-16-063(3)]</p>	

Care has been taken to make this guide accurate yet concise, but this guide cannot be substituted for the applicable provisions of Chapter 42.17A RCW and Chapter 390 WAC. If the event of any conflict or omission, the laws and rules are controlling.