
HOUSE BILL 1038

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Appleton, Armstrong, Blake, Frockt, Finn, Roberts, Dickerson, Hurst, and Moeller; by request of Public Disclosure Commission

Prefiled 12/16/10. Read first time 01/10/11. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to the disclosure of telephone campaign advertising
2 in state and local election campaigns; amending RCW 42.17.020,
3 42.17.510, and 42.17A.320; reenacting and amending RCW 42.17A.005;
4 creating a new section; providing an effective date; and providing an
5 expiration date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds an important and even
8 compelling public interest in the disclosure of who is conducting
9 telephone campaign advertising. The legislature finds an important and
10 even compelling public interest in the disclosure of telephone campaign
11 advertising that is portrayed as a poll or survey to gather statistical
12 data but is in fact conveying information designed to persuade the
13 recipient to vote for or against a candidate or ballot measure. The
14 legislature finds that telephone campaign advertising masquerading as
15 research adds to public cynicism about election campaigns and
16 discredits legitimate survey research. Therefore, the legislature
17 intends to provide increased transparency to the citizens of Washington
18 state by requiring timely sponsor identification of telephone
19 advertising including persuasive polls commonly known as push polls.

1 **Sec. 2.** RCW 42.17.020 and 2008 c 6 s 201 are each amended to read
2 as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

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

7 (2) "Agency" includes all state agencies and all local agencies.
8 "State agency" includes every state office, department, division,
9 bureau, board, commission, or other state agency. "Local agency"
10 includes every county, city, town, municipal corporation, quasi-
11 municipal corporation, or special purpose district, or any office,
12 department, division, bureau, board, commission, or agency thereof, or
13 other local public agency.

14 (3) "Authorized committee" means the political committee authorized
15 by a candidate, or by the public official against whom recall charges
16 have been filed, to accept contributions or make expenditures on behalf
17 of the candidate or public official.

18 (4) "Ballot proposition" means any "measure" as defined by RCW
19 29A.04.091, or any initiative, recall, or referendum proposition
20 proposed to be submitted to the voters of the state or any municipal
21 corporation, political subdivision, or other voting constituency from
22 and after the time when the proposition has been initially filed with
23 the appropriate election officer of that constituency prior to its
24 circulation for signatures.

25 (5) "Benefit" means a commercial, proprietary, financial, economic,
26 or monetary advantage, or the avoidance of a commercial, proprietary,
27 financial, economic, or monetary disadvantage.

28 (6) "Bona fide political party" means:

29 (a) An organization that has filed a valid certificate of
30 nomination with the secretary of state under chapter 29A.20 RCW;

31 (b) The governing body of the state organization of a major
32 political party, as defined in RCW 29A.04.086, that is the body
33 authorized by the charter or bylaws of the party to exercise authority
34 on behalf of the state party; or

35 (c) The county central committee or legislative district committee
36 of a major political party. There may be only one legislative district
37 committee for each party in each legislative district.

1 (7) "Depository" means a bank designated by a candidate or
2 political committee pursuant to RCW 42.17.050.

3 (8) "Treasurer" and "deputy treasurer" mean the individuals
4 appointed by a candidate or political committee, pursuant to RCW
5 42.17.050, to perform the duties specified in that section.

6 (9) "Candidate" means any individual who seeks nomination for
7 election or election to public office. An individual seeks nomination
8 or election when he or she first:

9 (a) Receives contributions or makes expenditures or reserves space
10 or facilities with intent to promote his or her candidacy for office;

11 (b) Announces publicly or files for office;

12 (c) Purchases commercial advertising space or broadcast time to
13 promote his or her candidacy; or

14 (d) Gives his or her consent to another person to take on behalf of
15 the individual any of the actions in (a) or (c) of this subsection.

16 (10) "Caucus political committee" means a political committee
17 organized and maintained by the members of a major political party in
18 the state senate or state house of representatives.

19 (11) "Commercial advertiser" means any person who sells the service
20 of communicating messages or producing printed material for broadcast
21 or distribution to the general public or segments of the general public
22 whether through the use of newspapers, magazines, television and radio
23 stations, billboard companies, direct mail advertising companies,
24 printing companies, or otherwise.

25 (12) "Commission" means the agency established under RCW 42.17.350.

26 (13) "Compensation" unless the context requires a narrower meaning,
27 includes payment in any form for real or personal property or services
28 of any kind: PROVIDED, That for the purpose of compliance with RCW
29 42.17.241, the term "compensation" shall not include per diem
30 allowances or other payments made by a governmental entity to reimburse
31 a public official for expenses incurred while the official is engaged
32 in the official business of the governmental entity.

33 (14) "Continuing political committee" means a political committee
34 that is an organization of continuing existence not established in
35 anticipation of any particular election campaign.

36 (15)(a) "Contribution" includes:

37 (i) A loan, gift, deposit, subscription, forgiveness of

1 indebtedness, donation, advance, pledge, payment, transfer of funds
2 between political committees, or anything of value, including personal
3 and professional services for less than full consideration;

4 (ii) An expenditure made by a person in cooperation, consultation,
5 or concert with, or at the request or suggestion of, a candidate, a
6 political committee, the person or persons named on the candidate's or
7 committee's registration form who direct expenditures on behalf of the
8 candidate or committee, or their agents;

9 (iii) The financing by a person of the dissemination, distribution,
10 or republication, in whole or in part, of broadcast, written, graphic,
11 or other form of political advertising or electioneering communication
12 prepared by a candidate, a political committee, or its authorized
13 agent;

14 (iv) Sums paid for tickets to fund-raising events such as dinners
15 and parties, except for the actual cost of the consumables furnished at
16 the event.

17 (b) "Contribution" does not include:

18 (i) Standard interest on money deposited in a political committee's
19 account;

20 (ii) Ordinary home hospitality;

21 (iii) A contribution received by a candidate or political committee
22 that is returned to the contributor within five business days of the
23 date on which it is received by the candidate or political committee;

24 (iv) A news item, feature, commentary, or editorial in a regularly
25 scheduled news medium that is of primary interest to the general
26 public, that is in a news medium controlled by a person whose business
27 is that news medium, and that is not controlled by a candidate or a
28 political committee;

29 (v) An internal political communication primarily limited to the
30 members of or contributors to a political party organization or
31 political committee, or to the officers, management staff, or
32 stockholders of a corporation or similar enterprise, or to the members
33 of a labor organization or other membership organization;

34 (vi) The rendering of personal services of the sort commonly
35 performed by volunteer campaign workers, or incidental expenses
36 personally incurred by volunteer campaign workers not in excess of
37 fifty dollars personally paid for by the worker. "Volunteer services,"

1 for the purposes of this section, means services or labor for which the
2 individual is not compensated by any person;

3 (vii) Messages in the form of reader boards, banners, or yard or
4 window signs displayed on a person's own property or property occupied
5 by a person. However, a facility used for such political advertising
6 for which a rental charge is normally made must be reported as an in-
7 kind contribution and counts towards any applicable contribution limit
8 of the person providing the facility;

9 (viii) Legal or accounting services rendered to or on behalf of:

10 (A) A political party or caucus political committee if the person
11 paying for the services is the regular employer of the person rendering
12 such services; or

13 (B) A candidate or an authorized committee if the person paying for
14 the services is the regular employer of the individual rendering the
15 services and if the services are solely for the purpose of ensuring
16 compliance with state election or public disclosure laws; or

17 (ix) The performance of ministerial functions by a person on behalf
18 of two or more candidates or political committees either as volunteer
19 services defined in (b)(vi) of this subsection or for payment by the
20 candidate or political committee for whom the services are performed as
21 long as:

22 (A) The person performs solely ministerial functions;

23 (B) A person who is paid by two or more candidates or political
24 committees is identified by the candidates and political committees on
25 whose behalf services are performed as part of their respective
26 statements of organization under RCW 42.17.040; and

27 (C) The person does not disclose, except as required by law, any
28 information regarding a candidate's or committee's plans, projects,
29 activities, or needs, or regarding a candidate's or committee's
30 contributions or expenditures that is not already publicly available
31 from campaign reports filed with the commission, or otherwise engage in
32 activity that constitutes a contribution under (a)(ii) of this
33 subsection.

34 A person who performs ministerial functions under this subsection
35 (15)(b)(ix) is not considered an agent of the candidate or committee as
36 long as he or she has no authority to authorize expenditures or make
37 decisions on behalf of the candidate or committee.

1 (c) Contributions other than money or its equivalent are deemed to
2 have a monetary value equivalent to the fair market value of the
3 contribution. Services or property or rights furnished at less than
4 their fair market value for the purpose of assisting any candidate or
5 political committee are deemed a contribution. Such a contribution
6 must be reported as an in-kind contribution at its fair market value
7 and counts towards any applicable contribution limit of the provider.

8 (16) "Elected official" means any person elected at a general or
9 special election to any public office, and any person appointed to fill
10 a vacancy in any such office.

11 (17) "Election" includes any primary, general, or special election
12 for public office and any election in which a ballot proposition is
13 submitted to the voters: PROVIDED, That an election in which the
14 qualifications for voting include other than those requirements set
15 forth in Article VI, section 1 (Amendment 63) of the Constitution of
16 the state of Washington shall not be considered an election for
17 purposes of this chapter.

18 (18) "Election campaign" means any campaign in support of or in
19 opposition to a candidate for election to public office and any
20 campaign in support of, or in opposition to, a ballot proposition.

21 (19) "Election cycle" means the period beginning on the first day
22 of January after the date of the last previous general election for the
23 office that the candidate seeks and ending on December 31st after the
24 next election for the office. In the case of a special election to
25 fill a vacancy in an office, "election cycle" means the period
26 beginning on the day the vacancy occurs and ending on December 31st
27 after the special election.

28 (20) "Electioneering communication" means any broadcast, cable, or
29 satellite television or radio transmission, United States postal
30 service mailing, billboard, newspaper, or periodical that:

31 (a) Clearly identifies a candidate for a state, local, or judicial
32 office either by specifically naming the candidate, or identifying the
33 candidate without using the candidate's name;

34 (b) Is broadcast, transmitted, mailed, erected, distributed, or
35 otherwise published within sixty days before any election for that
36 office in the jurisdiction in which the candidate is seeking election;
37 and

1 (c) Either alone, or in combination with one or more communications
2 identifying the candidate by the same sponsor during the sixty days
3 before an election, has a fair market value of five thousand dollars or
4 more.

5 (21) "Electioneering communication" does not include:

6 (a) Usual and customary advertising of a business owned by a
7 candidate, even if the candidate is mentioned in the advertising when
8 the candidate has been regularly mentioned in that advertising
9 appearing at least twelve months preceding his or her becoming a
10 candidate;

11 (b) Advertising for candidate debates or forums when the
12 advertising is paid for by or on behalf of the debate or forum sponsor,
13 so long as two or more candidates for the same position have been
14 invited to participate in the debate or forum;

15 (c) A news item, feature, commentary, or editorial in a regularly
16 scheduled news medium that is:

17 (i) Of primary interest to the general public;

18 (ii) In a news medium controlled by a person whose business is that
19 news medium; and

20 (iii) Not a medium controlled by a candidate or a political
21 committee;

22 (d) Slate cards and sample ballots;

23 (e) Advertising for books, films, dissertations, or similar works
24 (i) written by a candidate when the candidate entered into a contract
25 for such publications or media at least twelve months before becoming
26 a candidate, or (ii) written about a candidate;

27 (f) Public service announcements;

28 (g) A mailed internal political communication primarily limited to
29 the members of or contributors to a political party organization or
30 political committee, or to the officers, management staff, or
31 stockholders of a corporation or similar enterprise, or to the members
32 of a labor organization or other membership organization;

33 (h) An expenditure by or contribution to the authorized committee
34 of a candidate for state, local, or judicial office; or

35 (i) Any other communication exempted by the commission through rule
36 consistent with the intent of this chapter.

37 (22) "Expenditure" includes a payment, contribution, subscription,
38 distribution, loan, advance, deposit, or gift of money or anything of

1 value, and includes a contract, promise, or agreement, whether or not
2 legally enforceable, to make an expenditure. The term "expenditure"
3 also includes a promise to pay, a payment, or a transfer of anything of
4 value in exchange for goods, services, property, facilities, or
5 anything of value for the purpose of assisting, benefiting, or honoring
6 any public official or candidate, or assisting in furthering or
7 opposing any election campaign. For the purposes of this chapter,
8 agreements to make expenditures, contracts, and promises to pay may be
9 reported as estimated obligations until actual payment is made. The
10 term "expenditure" shall not include the partial or complete repayment
11 by a candidate or political committee of the principal of a loan, the
12 receipt of which loan has been properly reported.

13 (23) "Final report" means the report described as a final report in
14 RCW 42.17.080(2).

15 (24) "General election" for the purposes of RCW 42.17.640 means the
16 election that results in the election of a person to a state office.
17 It does not include a primary.

18 (25) "Gift," is as defined in RCW 42.52.010.

19 (26) "Immediate family" includes the spouse or domestic partner,
20 dependent children, and other dependent relatives, if living in the
21 household. For the purposes of RCW 42.17.640 through 42.17.790,
22 "immediate family" means an individual's spouse or domestic partner,
23 and child, stepchild, grandchild, parent, stepparent, grandparent,
24 brother, half brother, sister, or half sister of the individual and the
25 spouse or the domestic partner of any such person and a child,
26 stepchild, grandchild, parent, stepparent, grandparent, brother, half
27 brother, sister, or half sister of the individual's spouse or domestic
28 partner and the spouse or the domestic partner of any such person.

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

31 (28) "Independent expenditure" means an expenditure that has each
32 of the following elements:

33 (a) It is made in support of or in opposition to a candidate for
34 office by a person who is not (i) a candidate for that office, (ii) an
35 authorized committee of that candidate for that office, (iii) a person
36 who has received the candidate's encouragement or approval to make the
37 expenditure, if the expenditure pays in whole or in part for political
38 advertising supporting that candidate or promoting the defeat of any

1 other candidate or candidates for that office, or (iv) a person with
2 whom the candidate has collaborated for the purpose of making the
3 expenditure, if the expenditure pays in whole or in part for political
4 advertising supporting that candidate or promoting the defeat of any
5 other candidate or candidates for that office;

6 (b) The expenditure pays in whole or in part for political
7 advertising that either specifically names the candidate supported or
8 opposed, or clearly and beyond any doubt identifies the candidate
9 without using the candidate's name; and

10 (c) The expenditure, alone or in conjunction with another
11 expenditure or other expenditures of the same person in support of or
12 opposition to that candidate, has a value of five hundred dollars or
13 more. A series of expenditures, each of which is under five hundred
14 dollars, constitutes one independent expenditure if their cumulative
15 value is five hundred dollars or more.

16 (29)(a) "Intermediary" means an individual who transmits a
17 contribution to a candidate or committee from another person unless the
18 contribution is from the individual's employer, immediate family as
19 defined for purposes of RCW 42.17.640 through 42.17.790, or an
20 association to which the individual belongs.

21 (b) A treasurer or a candidate is not an intermediary for purposes
22 of the committee that the treasurer or candidate serves.

23 (c) A professional fund-raiser is not an intermediary if the fund-
24 raiser is compensated for fund-raising services at the usual and
25 customary rate.

26 (d) A volunteer hosting a fund-raising event at the individual's
27 home is not an intermediary for purposes of that event.

28 (30) "Legislation" means bills, resolutions, motions, amendments,
29 nominations, and other matters pending or proposed in either house of
30 the state legislature, and includes any other matter that may be the
31 subject of action by either house or any committee of the legislature
32 and all bills and resolutions that, having passed both houses, are
33 pending approval by the governor.

34 (31) "Lobby" and "lobbying" each mean attempting to influence the
35 passage or defeat of any legislation by the legislature of the state of
36 Washington, or the adoption or rejection of any rule, standard, rate,
37 or other legislative enactment of any state agency under the state

1 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
2 "lobbying" includes an association's or other organization's act of
3 communicating with the members of that association or organization.

4 (32) "Lobbyist" includes any person who lobbies either in his or
5 her own or another's behalf.

6 (33) "Lobbyist's employer" means the person or persons by whom a
7 lobbyist is employed and all persons by whom he or she is compensated
8 for acting as a lobbyist.

9 (34) "Ministerial functions" means an act or duty carried out as
10 part of the duties of an administrative office without exercise of
11 personal judgment or discretion.

12 (35) "Participate" means that, with respect to a particular
13 election, an entity:

14 (a) Makes either a monetary or in-kind contribution to a candidate;

15 (b) Makes an independent expenditure or electioneering
16 communication in support of or opposition to a candidate;

17 (c) Endorses a candidate prior to contributions being made by a
18 subsidiary corporation or local unit with respect to that candidate or
19 that candidate's opponent;

20 (d) Makes a recommendation regarding whether a candidate should be
21 supported or opposed prior to a contribution being made by a subsidiary
22 corporation or local unit with respect to that candidate or that
23 candidate's opponent; or

24 (e) Directly or indirectly collaborates or consults with a
25 subsidiary corporation or local unit on matters relating to the support
26 of or opposition to a candidate, including, but not limited to, the
27 amount of a contribution, when a contribution should be given, and what
28 assistance, services or independent expenditures, or electioneering
29 communications, if any, will be made or should be made in support of or
30 opposition to a candidate.

31 (36) "Person" includes an individual, partnership, joint venture,
32 public or private corporation, association, federal, state, or local
33 governmental entity or agency however constituted, candidate,
34 committee, political committee, political party, executive committee
35 thereof, or any other organization or group of persons, however
36 organized.

37 (37) "Person in interest" means the person who is the subject of a

1 record or any representative designated by that person, except that if
2 that person is under a legal disability, the term "person in interest"
3 means and includes the parent or duly appointed legal representative.

4 (38) "Persuasive poll" or "push poll" means in-person or automated
5 telephone calls to voters that:

6 (a) Canvass persons by means other than an established method of
7 scientific sampling;

8 (b) Ask questions or provide other information in a manner designed
9 to appeal, directly or indirectly, for votes or for financial or other
10 support or opposition in any election campaign for any state, local, or
11 judicial office, or ballot proposition; and

12 (c) Are conducted in such a manner as to masquerade as a scientific
13 survey or poll.

14 (39) "Political advertising" includes any advertising displays,
15 newspaper ads, billboards, signs, brochures, articles, tabloids,
16 flyers, letters, radio or television presentations, or other means of
17 mass communication, used for the purpose of appealing, directly or
18 indirectly, for votes or for financial or other support or opposition
19 in any election campaign.

20 ~~((+39+))~~ (40) "Political committee" means any person (except a
21 candidate or an individual dealing with his or her own funds or
22 property) having the expectation of receiving contributions or making
23 expenditures in support of, or opposition to, any candidate or any
24 ballot proposition.

25 ~~((+40+))~~ (41) "Primary" for the purposes of RCW 42.17.640 means the
26 procedure for nominating a candidate to state office under chapter
27 29A.52 RCW or any other primary for an election that uses, in large
28 measure, the procedures established in chapter 29A.52 RCW.

29 ~~((+41+))~~ (42) "Public office" means any federal, state, judicial,
30 county, city, town, school district, port district, special district,
31 or other state political subdivision elective office.

32 ~~((+42+))~~ (43) "Public record" includes any writing containing
33 information relating to the conduct of government or the performance of
34 any governmental or proprietary function prepared, owned, used, or
35 retained by any state or local agency regardless of physical form or
36 characteristics. For the office of the secretary of the senate and the
37 office of the chief clerk of the house of representatives, public
38 records means legislative records as defined in RCW 40.14.100 and also

1 means the following: All budget and financial records; personnel
2 leave, travel, and payroll records; records of legislative sessions;
3 reports submitted to the legislature; and any other record designated
4 a public record by any official action of the senate or the house of
5 representatives.

6 ~~((43))~~ (44) "Recall campaign" means the period of time beginning
7 on the date of the filing of recall charges under RCW 29A.56.120 and
8 ending thirty days after the recall election.

9 ~~((44))~~ (45) "Sponsor of an electioneering communications,
10 independent expenditures, or political advertising" means the person
11 paying for the electioneering communication, independent expenditure,
12 or political advertising. If a person acts as an agent for another or
13 is reimbursed by another for the payment, the original source of the
14 payment is the sponsor.

15 ~~((45))~~ (46) "State legislative office" means the office of a
16 member of the state house of representatives or the office of a member
17 of the state senate.

18 ~~((46))~~ (47) "State office" means state legislative office or the
19 office of governor, lieutenant governor, secretary of state, attorney
20 general, commissioner of public lands, insurance commissioner,
21 superintendent of public instruction, state auditor, or state
22 treasurer.

23 ~~((47))~~ (48) "State official" means a person who holds a state
24 office.

25 ~~((48))~~ (49) "Surplus funds" mean, in the case of a political
26 committee or candidate, the balance of contributions that remain in the
27 possession or control of that committee or candidate subsequent to the
28 election for which the contributions were received, and that are in
29 excess of the amount necessary to pay remaining debts incurred by the
30 committee or candidate prior to that election. In the case of a
31 continuing political committee, "surplus funds" mean those
32 contributions remaining in the possession or control of the committee
33 that are in excess of the amount necessary to pay all remaining debts
34 when it makes its final report under RCW 42.17.065.

35 ~~((49))~~ (50) "Writing" means handwriting, typewriting, printing,
36 photostating, photographing, and every other means of recording any
37 form of communication or representation, including, but not limited to,
38 letters, words, pictures, sounds, or symbols, or combination thereof,

1 and all papers, maps, magnetic or paper tapes, photographic films and
2 prints, motion picture, film and video recordings, magnetic or punched
3 cards, discs, drums, diskettes, sound recordings, and other documents
4 including existing data compilations from which information may be
5 obtained or translated.

6 As used in this chapter, the singular shall take the plural and any
7 gender, the other, as the context requires.

8 **Sec. 3.** RCW 42.17.510 and 2010 c 204 s 505 are each amended to
9 read as follows:

10 (1) All written political advertising, whether relating to
11 candidates or ballot propositions, shall include the sponsor's name and
12 address. All telephone political advertising of five hundred or more
13 identical or substantially similar calls in the twelve-month period
14 prior to the election, whether relating to candidates or ballot
15 propositions, shall include the sponsor's name, city, and state clearly
16 spoken or recorded. All telephone political advertising conducted as
17 a persuasive poll, whether relating to candidates or ballot
18 propositions, shall include the sponsor's name, city, and state clearly
19 spoken or recorded. This telephone sponsor information shall be
20 provided at the beginning of the call. All radio and television
21 political advertising, whether relating to candidates or ballot
22 propositions, shall include the sponsor's name. The use of an assumed
23 name for the sponsor of electioneering communications, independent
24 expenditures, or political advertising shall be unlawful. For partisan
25 office, if a candidate has expressed a party or independent preference
26 on the declaration of candidacy, that party or independent designation
27 shall be clearly identified in electioneering communications,
28 independent expenditures, or political advertising.

29 (2) In addition to the information required by subsection (1) of
30 this section, except as specifically addressed in subsections (4) and
31 (5) of this section, all political advertising undertaken as an
32 independent expenditure or an electioneering communication by a person
33 or entity other than a bona fide political party must include as part
34 of the communication:

35 (a) The statement: "No candidate authorized this ad. It is paid
36 for by (name, address, city, state)";

1 (b) If the sponsor is a political committee, the statement: "Top
2 Five Contributors," followed by a listing of the names of the five
3 persons or entities making the largest contributions in excess of seven
4 hundred dollars reportable under this chapter during the twelve-month
5 period before the date of the advertisement or communication; and

6 (c) If the sponsor is a political committee established,
7 maintained, or controlled directly, or indirectly through the formation
8 of one or more political committees, by an individual, corporation,
9 union, association, or other entity, the full name of that individual
10 or entity.

11 (3) The information required by subsections (1) and (2) of this
12 section shall:

13 (a) Appear on the first page or fold of the written advertisement
14 or communication in at least ten-point type, or in type at least ten
15 percent of the largest size type used in a written advertisement or
16 communication directed at more than one voter, such as a billboard or
17 poster, whichever is larger;

18 (b) Not be subject to the half-tone or screening process; and

19 (c) Be set apart from any other printed matter.

20 (4) In an independent expenditure or electioneering communication
21 transmitted via television or other medium that includes a visual
22 image, the following statement must either be clearly spoken, or appear
23 in print and be visible for at least four seconds, appear in letters
24 greater than four percent of the visual screen height, and have a
25 reasonable color contrast with the background: "No candidate
26 authorized this ad. Paid for by (name, city, state)." If the
27 advertisement or communication is undertaken by a nonindividual other
28 than a party organization, then the following notation must also be
29 included: "Top Five Contributors" followed by a listing of the names
30 of the five persons or entities making the largest contributions in
31 excess of seven hundred dollars reportable under this chapter during
32 the twelve-month period before the date of the advertisement.
33 Abbreviations may be used to describe contributing entities if the full
34 name of the entity has been clearly spoken previously during the
35 broadcast advertisement.

36 (5) The following statement shall be clearly spoken in an
37 independent expenditure or electioneering communication transmitted by
38 a method that does not include a visual image: "No candidate

1 authorized this ad. Paid for by (name, city, state)." If the
2 independent expenditure or electioneering communication is undertaken
3 by a nonindividual other than a party organization, then the following
4 statement must also be included: "Top Five Contributors" followed by
5 a listing of the names of the five persons or entities making the
6 largest contributions in excess of seven hundred dollars reportable
7 under this chapter during the twelve-month period before the date of
8 the advertisement. Abbreviations may be used to describe contributing
9 entities if the full name of the entity has been clearly spoken
10 previously during the broadcast advertisement.

11 (6) Political yard signs are exempt from the requirement of
12 subsections (1) and (2) of this section that the name and address of
13 the sponsor of political advertising be listed on the advertising. In
14 addition, the public disclosure commission shall, by rule, exempt from
15 the identification requirements of subsections (1) and (2) of this
16 section forms of political advertising such as campaign buttons,
17 balloons, pens, pencils, sky-writing, inscriptions, and other forms of
18 advertising where identification is impractical.

19 (7) For the purposes of this section, "yard sign" means any outdoor
20 sign with dimensions no greater than eight feet by four feet.

21 **Sec. 4.** RCW 42.17A.005 and 2010 c 204 s 101 are each reenacted and
22 amended to read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

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

27 (2) "Agency" includes all state agencies and all local agencies.
28 "State agency" includes every state office, department, division,
29 bureau, board, commission, or other state agency. "Local agency"
30 includes every county, city, town, municipal corporation, quasi-
31 municipal corporation, or special purpose district, or any office,
32 department, division, bureau, board, commission, or agency thereof, or
33 other local public agency.

34 (3) "Authorized committee" means the political committee authorized
35 by a candidate, or by the public official against whom recall charges
36 have been filed, to accept contributions or make expenditures on behalf
37 of the candidate or public official.

1 (4) "Ballot proposition" means any "measure" as defined by RCW
2 29A.04.091, or any initiative, recall, or referendum proposition
3 proposed to be submitted to the voters of the state or any municipal
4 corporation, political subdivision, or other voting constituency from
5 and after the time when the proposition has been initially filed with
6 the appropriate election officer of that constituency before its
7 circulation for signatures.

8 (5) "Benefit" means a commercial, proprietary, financial, economic,
9 or monetary advantage, or the avoidance of a commercial, proprietary,
10 financial, economic, or monetary disadvantage.

11 (6) "Bona fide political party" means:

12 (a) An organization that has been recognized as a minor political
13 party by the secretary of state;

14 (b) The governing body of the state organization of a major
15 political party, as defined in RCW 29A.04.086, that is the body
16 authorized by the charter or bylaws of the party to exercise authority
17 on behalf of the state party; or

18 (c) The county central committee or legislative district committee
19 of a major political party. There may be only one legislative district
20 committee for each party in each legislative district.

21 (7) "Candidate" means any individual who seeks nomination for
22 election or election to public office. An individual seeks nomination
23 or election when he or she first:

24 (a) Receives contributions or makes expenditures or reserves space
25 or facilities with intent to promote his or her candidacy for office;

26 (b) Announces publicly or files for office;

27 (c) Purchases commercial advertising space or broadcast time to
28 promote his or her candidacy; or

29 (d) Gives his or her consent to another person to take on behalf of
30 the individual any of the actions in (a) or (c) of this subsection.

31 (8) "Caucus political committee" means a political committee
32 organized and maintained by the members of a major political party in
33 the state senate or state house of representatives.

34 (9) "Commercial advertiser" means any person who sells the service
35 of communicating messages or producing printed material for broadcast
36 or distribution to the general public or segments of the general public
37 whether through the use of newspapers, magazines, television and radio

1 stations, billboard companies, direct mail advertising companies,
2 printing companies, or otherwise.

3 (10) "Commission" means the agency established under RCW
4 42.17A.100.

5 (11) "Compensation" unless the context requires a narrower meaning,
6 includes payment in any form for real or personal property or services
7 of any kind. For the purpose of compliance with RCW 42.17A.710,
8 "compensation" does not include per diem allowances or other payments
9 made by a governmental entity to reimburse a public official for
10 expenses incurred while the official is engaged in the official
11 business of the governmental entity.

12 (12) "Continuing political committee" means a political committee
13 that is an organization of continuing existence not established in
14 anticipation of any particular election campaign.

15 (13)(a) "Contribution" includes:

16 (i) A loan, gift, deposit, subscription, forgiveness of
17 indebtedness, donation, advance, pledge, payment, transfer of funds
18 between political committees, or anything of value, including personal
19 and professional services for less than full consideration;

20 (ii) An expenditure made by a person in cooperation, consultation,
21 or concert with, or at the request or suggestion of, a candidate, a
22 political committee, the person or persons named on the candidate's or
23 committee's registration form who direct expenditures on behalf of the
24 candidate or committee, or their agents;

25 (iii) The financing by a person of the dissemination, distribution,
26 or republication, in whole or in part, of broadcast, written, graphic,
27 or other form of political advertising or electioneering communication
28 prepared by a candidate, a political committee, or its authorized
29 agent;

30 (iv) Sums paid for tickets to fund-raising events such as dinners
31 and parties, except for the actual cost of the consumables furnished at
32 the event.

33 (b) "Contribution" does not include:

34 (i) Standard interest on money deposited in a political committee's
35 account;

36 (ii) Ordinary home hospitality;

37 (iii) A contribution received by a candidate or political committee

1 that is returned to the contributor within five business days of the
2 date on which it is received by the candidate or political committee;

3 (iv) A news item, feature, commentary, or editorial in a regularly
4 scheduled news medium that is of primary interest to the general
5 public, that is in a news medium controlled by a person whose business
6 is that news medium, and that is not controlled by a candidate or a
7 political committee;

8 (v) An internal political communication primarily limited to the
9 members of or contributors to a political party organization or
10 political committee, or to the officers, management staff, or
11 stockholders of a corporation or similar enterprise, or to the members
12 of a labor organization or other membership organization;

13 (vi) The rendering of personal services of the sort commonly
14 performed by volunteer campaign workers, or incidental expenses
15 personally incurred by volunteer campaign workers not in excess of
16 fifty dollars personally paid for by the worker. "Volunteer services,"
17 for the purposes of this subsection, means services or labor for which
18 the individual is not compensated by any person;

19 (vii) Messages in the form of reader boards, banners, or yard or
20 window signs displayed on a person's own property or property occupied
21 by a person. However, a facility used for such political advertising
22 for which a rental charge is normally made must be reported as an in-
23 kind contribution and counts towards any applicable contribution limit
24 of the person providing the facility;

25 (viii) Legal or accounting services rendered to or on behalf of:

26 (A) A political party or caucus political committee if the person
27 paying for the services is the regular employer of the person rendering
28 such services; or

29 (B) A candidate or an authorized committee if the person paying for
30 the services is the regular employer of the individual rendering the
31 services and if the services are solely for the purpose of ensuring
32 compliance with state election or public disclosure laws; or

33 (ix) The performance of ministerial functions by a person on behalf
34 of two or more candidates or political committees either as volunteer
35 services defined in (b)(vi) of this subsection or for payment by the
36 candidate or political committee for whom the services are performed as
37 long as:

38 (A) The person performs solely ministerial functions;

1 (B) A person who is paid by two or more candidates or political
2 committees is identified by the candidates and political committees on
3 whose behalf services are performed as part of their respective
4 statements of organization under RCW 42.17A.205; and

5 (C) The person does not disclose, except as required by law, any
6 information regarding a candidate's or committee's plans, projects,
7 activities, or needs, or regarding a candidate's or committee's
8 contributions or expenditures that is not already publicly available
9 from campaign reports filed with the commission, or otherwise engage in
10 activity that constitutes a contribution under (a)(ii) of this
11 subsection.

12 A person who performs ministerial functions under this subsection
13 (13)(b)(ix) is not considered an agent of the candidate or committee as
14 long as he or she has no authority to authorize expenditures or make
15 decisions on behalf of the candidate or committee.

16 (c) Contributions other than money or its equivalent are deemed to
17 have a monetary value equivalent to the fair market value of the
18 contribution. Services or property or rights furnished at less than
19 their fair market value for the purpose of assisting any candidate or
20 political committee are deemed a contribution. Such a contribution
21 must be reported as an in-kind contribution at its fair market value
22 and counts towards any applicable contribution limit of the provider.

23 (14) "Depository" means a bank, mutual savings bank, savings and
24 loan association, or credit union doing business in this state.

25 (15) "Elected official" means any person elected at a general or
26 special election to any public office, and any person appointed to fill
27 a vacancy in any such office.

28 (16) "Election" includes any primary, general, or special election
29 for public office and any election in which a ballot proposition is
30 submitted to the voters. An election in which the qualifications for
31 voting include other than those requirements set forth in Article VI,
32 section 1 (Amendment 63) of the Constitution of the state of Washington
33 shall not be considered an election for purposes of this chapter.

34 (17) "Election campaign" means any campaign in support of or in
35 opposition to a candidate for election to public office and any
36 campaign in support of, or in opposition to, a ballot proposition.

37 (18) "Election cycle" means the period beginning on the first day
38 of January after the date of the last previous general election for the

1 office that the candidate seeks and ending on December 31st after the
2 next election for the office. In the case of a special election to
3 fill a vacancy in an office, "election cycle" means the period
4 beginning on the day the vacancy occurs and ending on December 31st
5 after the special election.

6 (19) "Electioneering communication" means any broadcast, cable, or
7 satellite television or radio transmission, United States postal
8 service mailing, billboard, newspaper, or periodical that:

9 (a) Clearly identifies a candidate for a state, local, or judicial
10 office either by specifically naming the candidate, or identifying the
11 candidate without using the candidate's name;

12 (b) Is broadcast, transmitted, mailed, erected, distributed, or
13 otherwise published within sixty days before any election for that
14 office in the jurisdiction in which the candidate is seeking election;
15 and

16 (c) Either alone, or in combination with one or more communications
17 identifying the candidate by the same sponsor during the sixty days
18 before an election, has a fair market value of five thousand dollars or
19 more.

20 (20) "Electioneering communication" does not include:

21 (a) Usual and customary advertising of a business owned by a
22 candidate, even if the candidate is mentioned in the advertising when
23 the candidate has been regularly mentioned in that advertising
24 appearing at least twelve months preceding his or her becoming a
25 candidate;

26 (b) Advertising for candidate debates or forums when the
27 advertising is paid for by or on behalf of the debate or forum sponsor,
28 so long as two or more candidates for the same position have been
29 invited to participate in the debate or forum;

30 (c) A news item, feature, commentary, or editorial in a regularly
31 scheduled news medium that is:

32 (i) Of primary interest to the general public;

33 (ii) In a news medium controlled by a person whose business is that
34 news medium; and

35 (iii) Not a medium controlled by a candidate or a political
36 committee;

37 (d) Slate cards and sample ballots;

1 (e) Advertising for books, films, dissertations, or similar works
2 (i) written by a candidate when the candidate entered into a contract
3 for such publications or media at least twelve months before becoming
4 a candidate, or (ii) written about a candidate;

5 (f) Public service announcements;

6 (g) A mailed internal political communication primarily limited to
7 the members of or contributors to a political party organization or
8 political committee, or to the officers, management staff, or
9 stockholders of a corporation or similar enterprise, or to the members
10 of a labor organization or other membership organization;

11 (h) An expenditure by or contribution to the authorized committee
12 of a candidate for state, local, or judicial office; or

13 (i) Any other communication exempted by the commission through rule
14 consistent with the intent of this chapter.

15 (21) "Expenditure" includes a payment, contribution, subscription,
16 distribution, loan, advance, deposit, or gift of money or anything of
17 value, and includes a contract, promise, or agreement, whether or not
18 legally enforceable, to make an expenditure. "Expenditure" also
19 includes a promise to pay, a payment, or a transfer of anything of
20 value in exchange for goods, services, property, facilities, or
21 anything of value for the purpose of assisting, benefiting, or honoring
22 any public official or candidate, or assisting in furthering or
23 opposing any election campaign. For the purposes of this chapter,
24 agreements to make expenditures, contracts, and promises to pay may be
25 reported as estimated obligations until actual payment is made.
26 "Expenditure" shall not include the partial or complete repayment by a
27 candidate or political committee of the principal of a loan, the
28 receipt of which loan has been properly reported.

29 (22) "Final report" means the report described as a final report in
30 RCW 42.17A.235(2).

31 (23) "General election" for the purposes of RCW 42.17A.405 means
32 the election that results in the election of a person to a state or
33 local office. It does not include a primary.

34 (24) "Gift" has the definition in RCW 42.52.010.

35 (25) "Immediate family" includes the spouse or domestic partner,
36 dependent children, and other dependent relatives, if living in the
37 household. For the purposes of the definition of "intermediary" in
38 this section, "immediate family" means an individual's spouse or

1 domestic partner, and child, stepchild, grandchild, parent, stepparent,
2 grandparent, brother, half brother, sister, or half sister of the
3 individual and the spouse or the domestic partner of any such person
4 and a child, stepchild, grandchild, parent, stepparent, grandparent,
5 brother, half brother, sister, or half sister of the individual's
6 spouse or domestic partner and the spouse or the domestic partner of
7 any such person.

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

10 (27) "Independent expenditure" means an expenditure that has each
11 of the following elements:

12 (a) It is made in support of or in opposition to a candidate for
13 office by a person who is not (i) a candidate for that office, (ii) an
14 authorized committee of that candidate for that office, (iii) a person
15 who has received the candidate's encouragement or approval to make the
16 expenditure, if the expenditure pays in whole or in part for political
17 advertising supporting that candidate or promoting the defeat of any
18 other candidate or candidates for that office, or (iv) a person with
19 whom the candidate has collaborated for the purpose of making the
20 expenditure, if the expenditure pays in whole or in part for political
21 advertising supporting that candidate or promoting the defeat of any
22 other candidate or candidates for that office;

23 (b) The expenditure pays in whole or in part for political
24 advertising that either specifically names the candidate supported or
25 opposed, or clearly and beyond any doubt identifies the candidate
26 without using the candidate's name; and

27 (c) The expenditure, alone or in conjunction with another
28 expenditure or other expenditures of the same person in support of or
29 opposition to that candidate, has a value of eight hundred dollars or
30 more. A series of expenditures, each of which is under eight hundred
31 dollars, constitutes one independent expenditure if their cumulative
32 value is eight hundred dollars or more.

33 (28)(a) "Intermediary" means an individual who transmits a
34 contribution to a candidate or committee from another person unless the
35 contribution is from the individual's employer, immediate family, or an
36 association to which the individual belongs.

37 (b) A treasurer or a candidate is not an intermediary for purposes
38 of the committee that the treasurer or candidate serves.

1 (c) A professional fund-raiser is not an intermediary if the fund-
2 raiser is compensated for fund-raising services at the usual and
3 customary rate.

4 (d) A volunteer hosting a fund-raising event at the individual's
5 home is not an intermediary for purposes of that event.

6 (29) "Legislation" means bills, resolutions, motions, amendments,
7 nominations, and other matters pending or proposed in either house of
8 the state legislature, and includes any other matter that may be the
9 subject of action by either house or any committee of the legislature
10 and all bills and resolutions that, having passed both houses, are
11 pending approval by the governor.

12 (30) "Legislative office" means the office of a member of the state
13 house of representatives or the office of a member of the state senate.

14 (31) "Lobby" and "lobbying" each mean attempting to influence the
15 passage or defeat of any legislation by the legislature of the state of
16 Washington, or the adoption or rejection of any rule, standard, rate,
17 or other legislative enactment of any state agency under the state
18 administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor
19 "lobbying" includes an association's or other organization's act of
20 communicating with the members of that association or organization.

21 (32) "Lobbyist" includes any person who lobbies either in his or
22 her own or another's behalf.

23 (33) "Lobbyist's employer" means the person or persons by whom a
24 lobbyist is employed and all persons by whom he or she is compensated
25 for acting as a lobbyist.

26 (34) "Ministerial functions" means an act or duty carried out as
27 part of the duties of an administrative office without exercise of
28 personal judgment or discretion.

29 (35) "Participate" means that, with respect to a particular
30 election, an entity:

31 (a) Makes either a monetary or in-kind contribution to a candidate;

32 (b) Makes an independent expenditure or electioneering
33 communication in support of or opposition to a candidate;

34 (c) Endorses a candidate before contributions are made by a
35 subsidiary corporation or local unit with respect to that candidate or
36 that candidate's opponent;

37 (d) Makes a recommendation regarding whether a candidate should be

1 supported or opposed before a contribution is made by a subsidiary
2 corporation or local unit with respect to that candidate or that
3 candidate's opponent; or

4 (e) Directly or indirectly collaborates or consults with a
5 subsidiary corporation or local unit on matters relating to the support
6 of or opposition to a candidate, including, but not limited to, the
7 amount of a contribution, when a contribution should be given, and what
8 assistance, services or independent expenditures, or electioneering
9 communications, if any, will be made or should be made in support of or
10 opposition to a candidate.

11 (36) "Person" includes an individual, partnership, joint venture,
12 public or private corporation, association, federal, state, or local
13 governmental entity or agency however constituted, candidate,
14 committee, political committee, political party, executive committee
15 thereof, or any other organization or group of persons, however
16 organized.

17 (37) "Persuasive poll" or "push poll" means in-person or automated
18 telephone calls to voters that:

19 (a) Canvass persons by means other than an established method of
20 scientific sampling;

21 (b) Ask questions or provide other information in a manner designed
22 to appeal, directly or indirectly, for votes or for financial or other
23 support or opposition in any election campaign for any state, local, or
24 judicial office, or ballot proposition; and

25 (c) Are conducted in such a manner as to masquerade as a scientific
26 survey or poll.

27 (38) "Political advertising" includes any advertising displays,
28 newspaper ads, billboards, signs, brochures, articles, tabloids,
29 flyers, letters, radio or television presentations, or other means of
30 mass communication, used for the purpose of appealing, directly or
31 indirectly, for votes or for financial or other support or opposition
32 in any election campaign.

33 ((+38)) (39) "Political committee" means any person (except a
34 candidate or an individual dealing with his or her own funds or
35 property) having the expectation of receiving contributions or making
36 expenditures in support of, or opposition to, any candidate or any
37 ballot proposition.

1 ~~((+39+))~~ (40) "Primary" for the purposes of RCW 42.17A.405 means
2 the procedure for nominating a candidate to state or local office under
3 chapter 29A.52 RCW or any other primary for an election that uses, in
4 large measure, the procedures established in chapter 29A.52 RCW.

5 ~~((+40+))~~ (41) "Public office" means any federal, state, judicial,
6 county, city, town, school district, port district, special district,
7 or other state political subdivision elective office.

8 ~~((+41+))~~ (42) "Public record" has the definition in RCW 42.56.010.

9 ~~((+42+))~~ (43) "Recall campaign" means the period of time beginning
10 on the date of the filing of recall charges under RCW 29A.56.120 and
11 ending thirty days after the recall election.

12 ~~((+43+))~~ (44) "Sponsor of an electioneering communications,
13 independent expenditures, or political advertising" means the person
14 paying for the electioneering communication, independent expenditure,
15 or political advertising. If a person acts as an agent for another or
16 is reimbursed by another for the payment, the original source of the
17 payment is the sponsor.

18 ~~((+44+))~~ (45) "State office" means state legislative office or the
19 office of governor, lieutenant governor, secretary of state, attorney
20 general, commissioner of public lands, insurance commissioner,
21 superintendent of public instruction, state auditor, or state
22 treasurer.

23 ~~((+45+))~~ (46) "State official" means a person who holds a state
24 office.

25 ~~((+46+))~~ (47) "Surplus funds" mean, in the case of a political
26 committee or candidate, the balance of contributions that remain in the
27 possession or control of that committee or candidate subsequent to the
28 election for which the contributions were received, and that are in
29 excess of the amount necessary to pay remaining debts incurred by the
30 committee or candidate with respect to that election. In the case of
31 a continuing political committee, "surplus funds" mean those
32 contributions remaining in the possession or control of the committee
33 that are in excess of the amount necessary to pay all remaining debts
34 when it makes its final report under RCW 42.17A.255.

35 ~~((+47+))~~ (48) "Treasurer" and "deputy treasurer" mean the
36 individuals appointed by a candidate or political committee, pursuant
37 to RCW 42.17A.210, to perform the duties specified in that section.

1 **Sec. 5.** RCW 42.17A.320 and 2010 c 204 s 505 are each amended to
2 read as follows:

3 (1) All written political advertising, whether relating to
4 candidates or ballot propositions, shall include the sponsor's name and
5 address. All telephone political advertising of five hundred or more
6 identical or substantially similar calls in the twelve-month period
7 prior to the election, whether relating to candidates or ballot
8 propositions, shall include the sponsor's name, city, and state clearly
9 spoken or recorded. All telephone political advertising conducted as
10 a persuasive poll, whether relating to candidates or ballot
11 propositions, shall include the sponsor's name, city, and state clearly
12 spoken or recorded. This telephone sponsor information shall be
13 provided at the beginning of the call. All radio and television
14 political advertising, whether relating to candidates or ballot
15 propositions, shall include the sponsor's name. The use of an assumed
16 name for the sponsor of electioneering communications, independent
17 expenditures, or political advertising shall be unlawful. For partisan
18 office, if a candidate has expressed a party or independent preference
19 on the declaration of candidacy, that party or independent designation
20 shall be clearly identified in electioneering communications,
21 independent expenditures, or political advertising.

22 (2) In addition to the information required by subsection (1) of
23 this section, except as specifically addressed in subsections (4) and
24 (5) of this section, all political advertising undertaken as an
25 independent expenditure or an electioneering communication by a person
26 or entity other than a bona fide political party must include as part
27 of the communication:

28 (a) The statement: "No candidate authorized this ad. It is paid
29 for by (name, address, city, state)";

30 (b) If the sponsor is a political committee, the statement: "Top
31 Five Contributors," followed by a listing of the names of the five
32 persons or entities making the largest contributions in excess of seven
33 hundred dollars reportable under this chapter during the twelve-month
34 period before the date of the advertisement or communication; and

35 (c) If the sponsor is a political committee established,
36 maintained, or controlled directly, or indirectly through the formation
37 of one or more political committees, by an individual, corporation,

1 union, association, or other entity, the full name of that individual
2 or entity.

3 (3) The information required by subsections (1) and (2) of this
4 section shall:

5 (a) Appear on the first page or fold of the written advertisement
6 or communication in at least ten-point type, or in type at least ten
7 percent of the largest size type used in a written advertisement or
8 communication directed at more than one voter, such as a billboard or
9 poster, whichever is larger;

10 (b) Not be subject to the half-tone or screening process; and

11 (c) Be set apart from any other printed matter.

12 (4) In an independent expenditure or electioneering communication
13 transmitted via television or other medium that includes a visual
14 image, the following statement must either be clearly spoken, or appear
15 in print and be visible for at least four seconds, appear in letters
16 greater than four percent of the visual screen height, and have a
17 reasonable color contrast with the background: "No candidate
18 authorized this ad. Paid for by (name, city, state)." If the
19 advertisement or communication is undertaken by a nonindividual other
20 than a party organization, then the following notation must also be
21 included: "Top Five Contributors" followed by a listing of the names
22 of the five persons or entities making the largest contributions in
23 excess of seven hundred dollars reportable under this chapter during
24 the twelve-month period before the date of the advertisement.
25 Abbreviations may be used to describe contributing entities if the full
26 name of the entity has been clearly spoken previously during the
27 broadcast advertisement.

28 (5) The following statement shall be clearly spoken in an
29 independent expenditure or electioneering communication transmitted by
30 a method that does not include a visual image: "No candidate
31 authorized this ad. Paid for by (name, city, state)." If the
32 independent expenditure or electioneering communication is undertaken
33 by a nonindividual other than a party organization, then the following
34 statement must also be included: "Top Five Contributors" followed by
35 a listing of the names of the five persons or entities making the
36 largest contributions in excess of seven hundred dollars reportable
37 under this chapter during the twelve-month period before the date of

1 the advertisement. Abbreviations may be used to describe contributing
2 entities if the full name of the entity has been clearly spoken
3 previously during the broadcast advertisement.

4 (6) Political yard signs are exempt from the requirement of
5 subsections (1) and (2) of this section that the name and address of
6 the sponsor of political advertising be listed on the advertising. In
7 addition, the public disclosure commission shall, by rule, exempt from
8 the identification requirements of subsections (1) and (2) of this
9 section forms of political advertising such as campaign buttons,
10 balloons, pens, pencils, sky-writing, inscriptions, and other forms of
11 advertising where identification is impractical.

12 (7) For the purposes of this section, "yard sign" means any outdoor
13 sign with dimensions no greater than eight feet by four feet.

14 NEW SECTION. **Sec. 6.** Sections 4 and 5 of this act take effect
15 January 1, 2012.

16 NEW SECTION. **Sec. 7.** Sections 2 and 3 of this act expire January
17 1, 2012.

--- END ---