

Political Advertising Disclaimer Resolution

Whereas the First Amendment of the United States Constitution states, “The Congress shall make no law...abridging the freedom of speech,”; and

Whereas political advertising is deemed free speech; and

Whereas there is no truth in advertising law governing federal candidates; and

Whereas under the Federal Communication Act (U.S. Code: Title 47, Section 315—Candidates for Public Office):

(a)...If any licensee shall permit any person who is legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: provided, that such licensee shall have no power of censorship over the material broadcast under the provision of this section; and

Whereas political campaigns and candidates can be expected to utilize electronic and physical media to persuade voters; and

Whereas there is no prohibition against employing misrepresentation, deceptive and misleading information or outright untruths.

Therefore be it resolved, that the 1st Legislative District Democrats urge the Washington State Legislature to adopt legislation that requires a disclaimer for all political advertising, physical or electronic, to the effect that “This is political advertising and is not bound by the “Truth in Advertising” law; and

Therefore, be it further resolved, that in addition any electronic advertising of fifteen minutes or more shall have this disclaimer at the beginning, at the fifteen-minute mark, each subsequent fifteen-minute increment and at the end of said advertisement; and

Therefore, be it further resolved, that any printed media be required to follow the PDC guidelines for advertising which state: “Display sponsor ID and any party preference in an area set apart from the ad text. Sponsor ID and party preference should be on the first page of a multiple-page ad. Use at least 10-point type; do not screen or half-tone the text”; and

Therefore, be it further resolved that this shall apply to not only a candidate’s advertising, but also to anyone acting on their behalf such as a PAC or surrogate. The disclaimer need not be supplied if the media presented has a simple message such as “Vote for [Candidate]...” or “Elect [Candidate]...”

Therefore be it further resolved, that a copy of this resolution be sent to the 1st LD Legislative Representatives and Senator as well as to the Governor; and

Therefore be it finally resolved, that a copy of this resolution to be sent the WA State Democratic Party for consideration at their next state committee meeting.

Submitted 12/16/19 by Thomas Snyder, 1st LD member
Recommend DO PASS by Issues Committee – January 2, 2020