

COMMENTS ON HB 2716-4: ADVERTISING DISCLAIMERS

Dan Meek
May 20, 2019

This bill is very inadequate.

In previous drafts, the most important defect was the lack of a drill down provision. This version is far worse, because it completely eliminates the funder identification requirement for all ads placed by a candidate committee.

I have attached the text of Washington Chapter 261, Laws of 2019, which does include a drill down provision very similar to the one in the Portland charter amendment, Measure 26-200 (2018). Without a drill down provision, HB 2716-4 will certainly not accomplish the purpose of informing voters about who or what is paying for political advertisements.

I note that nearly all of my comments on HB 2716-3 (May 6) have been disregarded. In fact, **HB 2716-4 is far worse than its predecessor, and neither comes close to the effectiveness of the tagline provisions in Measure 47 (2016) or the Portland charter Measure 26-200 (2018).**

Almost Zero Funder Identification Requirement and Very Inadequate Drill Down Provision

HB 2716-4 appears to have no drill down requirements at all and almost no funder identification requirement. Section 2 establishes the funder identification requirement but then exempts all communications by candidates and candidate committees.

SECTION 2.

- (1) Except as otherwise provided by a local provision, a communication in support of or in opposition to a clearly identified candidate must state the name of the persons that paid for the communication.
- (2) For the purpose of complying with subsection (1) of this section:
 - (a) Except as provided in paragraph (b) of this subsection, a communication by a political committee or petition committee must state:

- (A) The name of the political committee or petition committee; and
 - (B) The names of the five persons that have made the largest aggregate contributions to the candidate or committee in the election cycle in which the communication is made.
- (b) A communication by an individual, a for-profit business entity or a candidate or the principal campaign committee of a candidate must state the name of the individual, for-profit business entity or candidate.

Note that all communications in subsection (2)(b) are exempt from any requirement that any funders be identified. This renders the bill quite nearly useless. It applies only to political committees (other than candidate committees) or petition committees (for unknown reasons; see discussion below).

Even for non-candidate political committees, HB 2716-4 has a very limited provision for determining the true original sources of the funds used to disseminate political advertisements. An ad placed by a political committee needs to disclose the top 5 funders to the campaign. All of those funders could be political committees and/or nonprofit corporations with euphonious names. So the disclaimer could convey no actual information to voters.

A communication placed by an individual or a for-profit corporation does not have to disclose anything except the name of the individual or corporation, regardless of where the funds originated. This also could provide no actual information to voters.

If the communication is placed by an entity that is neither an individual nor a for-profit corporation, then it must disclose "the names of the five persons that have made the largest aggregate donations of \$10,000 or more to the person in the election cycle in which the communication is made," except for donations that are restricted from political use by the donors or by law.

This provision is designed to apply to nonprofit corporations, associations, and other groups. But all of the persons making the \$10,000 contributions could be political committees or other nonprofit entities with euphonious names, again thwarting the purpose of the disclaimer requirement.

There needs to be some level of drill down to the true original sources of the funds. The Portland Measure 26-200 (2018) provides:

If any of the five largest Dominant Contributors or Dominant Independent Spenders is a Political Committee (other than a Small Donor Committee) or nonprofit organization, the prominent disclosure shall include its top three funders during the current Election Cycle.

This solves the problem in several ways. First, it makes it more difficult to avoid disclosing the true sources of the funds by requiring at least one level of drill down. Second, it requires a longer disclaimer by entities that may be serving as cover for the true original sources.

I provided another solution to legislative staff on May 7:

I have thought more about the drill down for nonprofit corporations. How about this: If one of the top 5 contributors is a nonprofit corporation, then in place of the name of the nonprofit corporation the disclaimer would name the single largest donor of funds (that can be used for political purposes, not 501c3 funds or restricted funds) to the nonprofit corporation in the current election cycle; provided, that the donor is itself not a nonprofit corporation or political committee. If it is, then its name would be replaced with its own largest donor of funds, and so on.

In other words, it would be a drill down with a width of one.

This same approach would work for political committees as contributors.

On May 14 I further noted:

Minnesota has a top-3 funder disclaimer law. It has this interesting provision regarding tagline drill-down:

25. [211B.0445] DISCLOSURE CIRCUMVENTION PROHIBITION.

A committee placing a campaign advertisement or persons acting in concert with that committee is prohibited from creating or using another committee to avoid, or that results in the avoidance of, the disclosure of any individual, industry, business entity, or another committee as a top contributor.

HB 2716-4 adopts neither of my suggestions.

As noted above, I have attached the text of Washington Chapter 261, Laws of 2019, which does include a drill down provision very similar to the one in the Portland charter amendment, Measure 26-200 (2018). It states:

(2) If one or more of the top five contributors identified under subsection (1) of this section is a political committee, the top three contributors to each of those political committees during the same period must then be identified, and so on, until the individuals or entities other than political committees with the largest aggregate contributions to each political committee identified under subsection (1) of this section have also been identified. The sponsor must identify the three individuals or entities, not including political committees, who made the largest aggregate contributions to any political committee identified under subsection (1) of this section in excess of the threshold aggregate value to be considered an independent expenditure in an election for public office under RCW 42.17A.005(29)(a)(iv) reportable under this chapter during the same period, and the names of those individuals or entities must be displayed in the advertisement alongside the statement "Top Three Donors to PAC Contributors.

The Local Provision Reverse Preemption Problem

HB 2716-4 conditions any disclaimer requirement with this: "Except as otherwise provided by a local provision * * *." This is a "reverse preemption" clause that would allow any local government to preempt any disclaimer requirements in this proposal.

This language probably meant to protect the Portland and Multnomah County disclaimer provisions from preemption, but the wording is wrong. It should be deleted, and elsewhere should be this provision:

Local governments may enact and enforce provisions requiring that political advertisements state the names and other information about the persons that paid for the advertisements. Those who place political advertisements shall comply with the requirements stated in this 2019 Act and with such local government provisions to the highest possible extent.

Applies Only 30 or 60 Days Before Election

The proposal requires disclaimers only if the communication is printed or transmitted "within the time frame provided in ORS 260.005 (10)(c)(B)(iii)." That is 30 days before the date of a primary election or 60 days before the date of a general election.

These timeframes are too short. There are no timeframes in the Portland or Multnomah County measures. The timeframe in California is 120 days before the primary election and continues until the date of the general election. We suggest that approach, at a minimum.

Needs Definition of Political Committee

Since this proposal refers to requirements upon a "political committee," that term should be defined as including:

- Caucus committees
- Multicandidate political committees
- Political party committees
- Recall political committees
- Small donor committees (SDCs)

I believe that the workgroup more or less agreed that the disclaimer requirements would not be imposed on ads for or against measures, so measure committees would not be included. Nor would petition committees, so that references to such committees should be stricken.

Need to Have Nature of Business Disclosed

The proposal does not require any disclaimer to identify the business(es) engaged in by the individual or for-profit entity paying for the advertisement. Many individuals have names that are not recognized by the public. Many corporations have names that do not identify their businesses. For both reasons, the Portland charter amendment requires that the disclaimer include:

- The types of businesses from which the maker of the Contribution has obtained a majority of income over the previous 5 years, with each business identified by the name associated with its 6-digit code of the North American Industry Classification System (NAICS).

Every corporation has an NAICS code, as it is required for federal tax filings.

Stating the type of business of the contributor is critical to the effectiveness of the disclaimer requirement.

Donation Threshold is Either Too High or Too Low

While the proposal is not sufficiently stringent in some areas, it is overly stringent in others. For example, it would require a political committee (but not a candidate committee) to disclose its top 5 contributors, even if none of them had contributed any significant amount to the campaign. It would apparently require even a small donor committee (SDC) to disclose its top 5 contributors, even if they are all very small.

On the other hand, it would require a nonprofit entity to disclose only its top 5 contributors who have donated \$10,000 or more in the election cycle, which is too high. The threshold in the Multnomah County and Portland measures is \$500. The threshold in Washington is \$700.

I suggest setting the threshold at \$1,000 and making the requirements the same: the disclaimer must name the top 5 contributors to the campaign (candidate or independent expenditure) of \$_____ or more, with political committees and nonprofit organizations subject to the "drill down" provisions of the Portland measure, described above.

Need to Go Backward to Previous Election Cycle

One way to evade the proposal would be for a committee to accept large contributions in, say, October 2020 (near the end of the 2020 election cycle) and then use those funds during the 2022 election cycle). As written, the proposal would require no disclaimers regarding those funds.

We should add a provision stating:

If the funds used for the political advertisements exceed the amounts contributed to the person during the election cycle in which the communication is made, then the names to be stated in the advertisements shall include the names of the five persons that have made the largest aggregate donations of \$_____ or more in the current or previous election cycle.

Exempt Sources of Funds

The provision allowing "restricted donations" could be improved:

- (ii) A restricted donation received from a foundation or other person that may not be used to make a communication in support of or

in opposition to a candidate under federal or state tax law or at the instruction of the donor.

Digital Communication Exemption

The proposal allows a digital communication to not disclose the funders but merely present a link to that information. That is insufficient.

If this provision stays, it should at least require that the landing website "prominently display the additional information required by this subsection."

Anonymous Donations

All anonymous donations to the person making the communications should be disqualified from use in paying for the communication. Otherwise, the person could simply claim that the ad was paid for by a bunch of anonymous donations of \$1,000 or less. I see no reason for this loophole.

The 10 Days from Payment Accuracy Loophole

The proposal allows the disclaimer to be accurate "as of 10 days before the most recent payment to print or transmit the communication." The proposal provides a similar loophole for digital communications.

But payment for the communication can take place either long before or long after the communication itself. That is why the Portland measure refers to the actual printing or actual transmission.

The disclosure shall be current to within ten (10) days of the printing of printed material or within five (5) days of the transmitting of a video or audio communication.

That requires that the list of disclosed contributors must be kept somewhat current and not be frozen as of 10 days before the most recent payment. California also requires that the disclaimer information be current to within 5 business days for TV, radio, phone, electronic billboards or other electronic media and to within 5 business days of placing any new or modified order for additional printing of a print ad. It does not refer to a payment date.

De Minimis Value Exemption

The proposal seems to conflate items of de minimis value with items for which the disclaimer requirement would be impractical. For example, the proposal states that skywriting is of de minimis value. But the "value" of the method of communication is not relevant.

The Portland measure excludes various items in its definition of "communication":

"Communication" means any written, printed, digital, electronic or broadcast communications but does not include communication by means of small items worn or carried by Individuals, bumper stickers, Small Signs, or a distribution of five hundred (500) or fewer substantially similar pieces of literature within any 10-day period.

"Small Sign" means a sign smaller than six (6) square feet.

This itemization is superior to a generic reference to items of de minimis value. It also helps preserve the validity of the requirement under the U.S. Constitution by exempting "a distribution of five hundred (500) or fewer substantially similar pieces of literature within any 10-day period."

Specifications are Inadequate

The proposal directs the Secretary of State to adopt rules so that the disclaimers are perceptible to average persons. It suggests some elementary specifications for "print or digital" and then "audio" communications, but it does not mention video communications.

The Portland measure is more specific:

- (o) "Prominently Disclose" means that the disclosure shall be readily comprehensible to a person with average reading, vision, and hearing faculties, with:
 - (1) any printed disclosure appearing in a type of contrasting color and in the same or larger font size as used for the majority of text in the printed material;
 - (2) any video disclosure remaining readable on the regular screen (not closed captioning) for a not less than 4 seconds;

- (3) any auditory disclosure spoken at a maximum rate of five words per second;
- (4) any website or email message in type of a contrasting color in the same or larger font size as used for the majority of text in the message;
- (5) any billboard or sign other than a Small Sign: in type of a contrasting color and not smaller than 10 percent of the height of the billboard or sign.

We suggest using the Portland measure's specifications.

Another loophole allows the Secretary of State to subjectively exempt campaign communications that are "too small to feasibly include the identifying information required by this section." That language should be changed so that the determination is an objective one and applies only to physical items: "Any other physical item that is too small to feasibly include the identifying information required by this section."

\$500 Exemptions Needs Clarification

The proposal exempts print ads "with a fair market value of less than \$500." It is not clear whether that means \$500 per ad or \$500 in total spent by the committee or other source of the funds. Exempting all individual ads costing less than \$500 per ad would be a huge loophole, particularly for digital ads. The same ambiguity applies to the exemption for "communications made via telephone that have a fair market value of less than \$500."

The language should be changed to:

- (ii) "Communication in support of or in opposition to a clearly identified candidate" does not include newspaper editorials, one or more printed advertisements with an aggregate fair market value of less than \$500, or one or more communications made via telephone with an aggregate fair market value of less than \$500.

"Investments" Loophole

Another loophole is the exemption for money "received in the form of investments in the person." "Investments" is not defined. I could consider

giving money to an entity for the purpose of running political ads as an "investment." This loophole should be removed.

Operative Date

The operative date should be changed to the first day of the 2022 election cycle, which is November 6, 2020.

Need for Severability Clause

The proposal is long and complex. Ultimately, one or more provisions might be found to violate the U.S. Constitution. Without a severability clause, the court might find that the invalidity of one provision results in the invalidity of the entire statute. The absence of a severability clause is often seen as a sort of silent poison pill in bills that the legislators do not really want to have implemented.

I suggest the severability clause from Measure 47 (2006):

The provisions of this Act shall supersede any provision of law with which they may conflict. For the purpose of determining constitutionality, every section, subsection, and subdivision thereof of this Act, at any level of subdivision, shall be evaluated separately. If any section, subsection or subdivision at any level is held invalid, the remaining sections, subsections and subdivisions shall not be affected and shall remain in full force and effect. The courts shall sever those sections, subsections, and subdivisions necessary to render this Act consistent with the United States Constitution and with the Oregon Constitution. Each section, subsection, and subdivision thereof, at any level of subdivision, shall be considered severable, individually or in any combination.

Need for Legislative Findings

The determination of validity under the U.S. Constitution involves issues of fact. If the statute at issue does not have legislative findings, then the defenders of the law in court may face difficult evidentiary issues.

Legislative findings in statutes are accorded near complete deference by the courts. *State ex rel. Van Winkle v. Farmers Union Co-op Creamery of Sheridan*, 160 Or 205, 219-220, 84 P2d 471, 476-77 (1938), adopted the reasoning of *United States v. Carolene Products Co.*, 304 US 144, 58 SCt

778, 82 LEd 1234 (1938), instructing courts to give great weight to legislative findings in considering the constitutionality of an Oregon law.

Measure 47 (2006) has extensive findings (its Section 1). The findings for HB 2716 need not be that long.

ENGROSSED SUBSTITUTE HOUSE BILL 1379

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1379

Chapter 261, Laws of 2019

66th Legislature
2019 Regular Session

POLITICAL COMMITTEE CONTRIBUTION DISCLOSURES

EFFECTIVE DATE: July 28, 2019

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Pellicciotti, Hudgins, Appleton, Gregerson, Pollet, Macri, Valdez, Kloba, Bergquist, Tarleton, Doglio, Frame, Goodman, Reeves, and Fey)

READ FIRST TIME 02/05/19.

Passed by the House April 22, 2019
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 15, 2019
Yeas 27 Nays 21

CYRUS HABIB

President of the Senate

Approved May 7, 2019 10:24 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 1379 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 13, 2019

Secretary of State
State of Washington

1 AN ACT Relating to disclosure of contributions from political
2 committees to other political committees; amending RCW 42.17A.320;
3 adding a new section to chapter 42.17A RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the public has
7 the right to know who is contributing to election campaigns in
8 Washington state and that campaign finance disclosure deters
9 corruption, increases public confidence in Washington state
10 elections, raises the level of debate, and strengthens our
11 representative democracy.

12 The legislature finds that campaign finance disclosure is
13 overwhelmingly supported by the citizens of Washington state as
14 evidenced by the two initiatives that largely established
15 Washington's current system. Both passed with more than seventy-two
16 percent of the popular vote, as well as winning margins in every
17 county in the state.

18 One of the cornerstones of Washington state's campaign finance
19 disclosure laws is the requirement that political advertisements
20 disclose the sponsor and the sponsor's top five donors. Many
21 political action committees have avoided this important transparency

1 requirement by funneling money from political action committee to
2 political action committee so the top five donors listed are
3 deceptive political action committee names rather than the real
4 donors. The legislature finds that this practice, sometimes called
5 "gray money" or "donor washing," undermines the intent of Washington
6 state's campaign finance laws and impairs the transparency required
7 for fair elections and a healthy democracy.

8 Therefore, the legislature intends to close this disclosure
9 loophole, increase transparency and accountability, raise the level
10 of discourse, deter corruption, and strengthen confidence in the
11 election process by prohibiting political committees from receiving
12 an overwhelming majority of their funds from one or a combination of
13 political committees.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17A
15 RCW to read as follows:

16 (1) For any requirement to include the top five contributors
17 under RCW 42.17A.320 or any other provision of this chapter, the
18 sponsor must identify the five persons or entities making the largest
19 contributions to the sponsor in excess of the threshold aggregate
20 value to be considered an independent expenditure in an election for
21 public office under RCW 42.17A.005(29)(a)(iv) reportable under this
22 chapter during the twelve-month period preceding the date on which
23 the advertisement is initially to be published or otherwise presented
24 to the public.

25 (2) If one or more of the top five contributors identified under
26 subsection (1) of this section is a political committee, the top
27 three contributors to each of those political committees during the
28 same period must then be identified, and so on, until the individuals
29 or entities other than political committees with the largest
30 aggregate contributions to each political committee identified under
31 subsection (1) of this section have also been identified. The sponsor
32 must identify the three individuals or entities, not including
33 political committees, who made the largest aggregate contributions to
34 any political committee identified under subsection (1) of this
35 section in excess of the threshold aggregate value to be considered
36 an independent expenditure in an election for public office under RCW
37 42.17A.005(29)(a)(iv) reportable under this chapter during the same
38 period, and the names of those individuals or entities must be

1 displayed in the advertisement alongside the statement "Top Three
2 Donors to PAC Contributors."

3 (3) Contributions to the sponsor or a political committee that
4 are earmarked, tracked, and used for purposes other than the
5 advertisement in question should not be counted in identifying the
6 top five contributors under subsection (1) of this section or the top
7 three contributors under subsection (2) of this section.

8 (4) The sponsor shall not be liable for a violation of this
9 section that occurs because a contribution to any political committee
10 identified under subsection (1) of this section has not been reported
11 to the commission.

12 (5) The commission is authorized to adopt rules, as needed, to
13 prevent ways to circumvent the purposes of the required disclosures
14 in this section to inform voters about the individuals and entities
15 sponsoring political advertisements.

16 **Sec. 3.** RCW 42.17A.320 and 2013 c 138 s 1 are each amended to
17 read as follows:

18 (1) All written political advertising, whether relating to
19 candidates or ballot propositions, shall include the sponsor's name
20 and address. All radio and television political advertising, whether
21 relating to candidates or ballot propositions, shall include the
22 sponsor's name. The use of an assumed name for the sponsor of
23 electioneering communications, independent expenditures, or political
24 advertising shall be unlawful. For partisan office, if a candidate
25 has expressed a party or independent preference on the declaration of
26 candidacy, that party or independent designation shall be clearly
27 identified in electioneering communications, independent
28 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
33 person or entity other than a bona fide political party must include
34 as part of the communication:

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

37 (b) If the sponsor is a political committee, the statement: "Top
38 Five Contributors," followed by a listing of the names of the five
39 persons (~~or entities~~) making the largest contributions (~~in excess~~

1 ~~of seven hundred dollars reportable under this chapter during the~~
2 ~~twelve-month period before the date of the advertisement or~~
3 ~~communication)) as determined by section 2(1) of this act; and if~~
4 ~~necessary, the statement "Top Three Donors to PAC Contributors,"~~
5 ~~followed by a listing of the names of the three individuals or~~
6 ~~entities, other than political committees, making the largest~~
7 ~~aggregated contributions as determined by section 2(2) of this act;~~
8 and

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

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

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

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

22 (c) Be set apart from any other printed matter. No text may be
23 before, after, or immediately adjacent to the information required by
24 subsections (1) and (2) of this section.

25 (4) In an independent expenditure or electioneering communication
26 transmitted via television or other medium that includes a visual
27 image, the following statement must either be clearly spoken, or
28 appear in print and be visible for at least four seconds, appear in
29 letters greater than four percent of the visual screen height on a
30 solid black background on the entire bottom one-third of the
31 television or visual display screen, or bottom one-fourth of the
32 screen if the sponsor does not have or is otherwise not required to
33 list its top five contributors, and have a reasonable color contrast
34 with the background: "No candidate authorized this ad. Paid for by
35 (name, city, state)." If the advertisement or communication is
36 undertaken by a nonindividual other than a party organization, then
37 the following notation must also be included: "Top Five Contributors"
38 followed by a listing of the names of the five persons (~~or~~
39 ~~entities)) making the largest aggregate contributions ((~~in excess of~~
40 ~~seven hundred dollars reportable under this chapter during the~~~~

1 ~~twelve-month period preceding the date on which the advertisement is~~
2 ~~initially published or otherwise presented to the public)) as~~
3 ~~determined by section 2(1) of this act; and if necessary, the~~
4 ~~statement "Top Three Donors to PAC Contributors," followed by a~~
5 ~~listing of the names of the three individuals or entities other than~~
6 ~~political committees making the largest aggregate contributions to~~
7 ~~political committees as determined by section 2(2) of this act.~~
8 Abbreviations may be used to describe contributing entities if the
9 full name of the entity has been clearly spoken previously during the
10 broadcast advertisement.

11 (5) The following statement shall be clearly spoken in an
12 independent expenditure or electioneering communication transmitted
13 by a method that does not include a visual image: "No candidate
14 authorized this ad. Paid for by (name, city, state)." If the
15 independent expenditure or electioneering communication is undertaken
16 by a nonindividual other than a party organization, then the
17 following statement must also be included: "Top Five Contributors"
18 followed by a listing of the names of the five persons (~~or~~
19 ~~entities)) making the largest contributions ((~~in excess of seven~~
20 ~~hundred dollars reportable under this chapter during the twelve-month~~
21 ~~period preceding the date on which the advertisement is initially~~
22 ~~published or otherwise presented to the public)) as determined by~~
23 ~~section 2(1) of this act; and if necessary, the statement "Top Three~~
24 ~~Donors to PAC Contributors," followed by a listing of the names of~~
25 ~~the three individuals or entities, other than political committees,~~
26 ~~making the largest aggregate contributions to political committees as~~
27 ~~determined by section 2(2) of this act.~~ Abbreviations may be used to
28 describe contributing entities if the full name of the entity has
29 been clearly spoken previously during the broadcast advertisement.~~

30 (6) Political advertising costing one thousand dollars or more
31 supporting or opposing ballot measures sponsored by a political
32 committee must include the information on the (~~"Top Five~~
33 ~~Contributors" consistent with subsections (2), (4), and (5) of this~~
34 ~~section)) top five contributors and top three contributors, other
35 than political committees, as required by section 2 of this act. A
36 series of political advertising sponsored by the same political
37 committee, each of which is under one thousand dollars, must include
38 the (~~"Top Five Contributors" information required by this section))
39 top five contributors and top three contributors, other than~~~~

1 political committees, as required by section 2 of this act once their
2 cumulative value reaches one thousand dollars or more.

3 (7) Political yard signs are exempt from the requirements of this
4 section that the sponsor's name and address, and (~~"Top Five~~
5 ~~Contributor" information~~) the top five contributors and top three
6 PAC contributors as required by section 2 of this act, be listed on
7 the advertising. In addition, the public disclosure commission shall,
8 by rule, exempt from the identification requirements of this section
9 forms of political advertising such as campaign buttons, balloons,
10 pens, pencils, sky-writing, inscriptions, and other forms of
11 advertising where identification is impractical.

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

Passed by the House April 22, 2019.

Passed by the Senate April 15, 2019.

Approved by the Governor May 7, 2019.

Filed in Office of Secretary of State May 13, 2019.

--- END ---