

Seattle City Clerk's Office

Comptroller File

223849

(GENERAL)

23849

FILE NO.

Petition

OF

Robert A. Yohlers

FOR

enactment of ordinance controlling and regulating political advertising devices and the identification of the sponsors of same, etc.

3-18-54 - Report done + o.c.

7-1-54 - held

(see 9074796) off

12-15-54 - MAR 15 1954

FILED

W. C. THOMAS

CLERK

BY: M. A. ...

ACTION OF THE COUNCIL

Departmental Efficiency

REFERRED MAY 13 1954

TO

REFERRED DEC 20 1954

TO

COMMITTEE OF WHOLE

DISPOSITION

On File

TO

DISPOSITION

REPORT OF COMMITTEE

Mr. President:

Your Departmental Efficiency & Personnel Committee

to which was referred the within petition

would respectfully report that we have considered the same and respectfully recommend that

the same be referred to the Committee of the Whole.

Cardell

CHAIRMAN

CHAIRMAN

(GENERAL)

233849

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3-18-54 - Refer to chm. + c.o.

9-1-54 - hold

(see 9-7-78) with

12-15-54 - hold

FILED

W. C. THOMAS
COMPTROLLER AND CITY CLERK

DEPUTY

ACTION OF THE COUNCIL

Department of Efficiency

NOV 16 1954

TO

REFERRED

COMMITTEE OF WHOLE

DEC 20 1954

TO

REFERRED

DISPOSITION

REPORTED

On File

JAN 10 1955

TO

RE-REFERRED

DISPOSITION

REPORTED

REPORT OF COMMITTEE

Mr. President:

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Committee

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CHAIRMAN

CHAIRMAN

Carroll

(GENERAL)

223849

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3-18-54 - Refer to chmn. + c.o.

7-1-54 - hold

(see B. 74786) copy

12-15-54 - held for conference

FILED

W. C. THOMAS
COMPTROLLER AND CITY CLERK

BY Mr. A. D. Bevil DEPUTY

ACTION OF THE COUNCIL

REFERRED TO Departmental Efficiency

MAY 10 1954

REFERRED

DEC 20 1954

REFERRED

TO

COMMITTEE OF WHOLE

TO

DISPOSITION

On File

TO

REPORTED

JAN 10 1955

RE-REFERRED

DISPOSITION

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Departmental Efficiency & Personnel

Committee

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CHAIRMAN

Carroll

CHAIRMAN

ORDINANCE NO. _____

AN ORDINANCE relating to city elections; providing for the identification by true name and address of the source of all published statements concerning any candidate for city elective office, or concerning any issue, proposal, or proposition submitted to the voters at any such election; prescribing offenses and providing penalties.

WHEREAS, anonymous and unidentified written statements published concerning any candidate for public office or concerning any issue, proposal or proposition submitted to the voters at any election may well constitute a fraud on the public; and may leave such candidate without recourse by libel suit or otherwise; or may adversely affect, without responsibility, the defeat of meritorious propositions submitted to the voters; Now, therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. It is unlawful to, within the City of Seattle, publish or distribute, by broadcast or otherwise, or cause to be printed for such purpose, any multigraphed, photographed, typewritten printed or written pamphlet, circular, card, dodger, poster, advertisement, or any other statement relating to or concerning any candidate for public office in any city election; or concerning any issue, proposal or proposition submitted to the voters at any such election, unless such statement includes at the foot thereof identification of the source thereof by true name or names, and address or addresses of the person or persons, association, committee or corporation responsible for or sponsoring such statement, provided that when an association, committee or corporation sponsors or is otherwise responsible for such statement, there shall also be included thereon the true name of the principal officer thereof, or the head of such association or committee.

Section 2. Any one violating or failing to comply with any of the provisions of this ordinance, shall, upon conviction thereof, be subject to a fine of not more than \$ 300 or imprisonment in the city jail for not more than 90 days, or both such fine and imprisonment, and each day's violation or failure to comply shall constitute a separate offense.

Section 3. (30 day ending)

THE CITY OF SEATTLE

LAW DEPARTMENT

515 County City Building

A. C. Van Soelen, Corporation Counsel

August 26, 1954

Re: C.F. Nos. 223849
and 223903

Departmental Efficiency & Personnel Committee
City Council

Gentlemen:

Pursuant to your request of some time ago, we have prepared and herewith transmit proposed ordinance relating to city elections; providing for the identification by true name and address of the source of all written, printed, etc. statements concerning any candidate for city elective office, or concerning any issue, proposal or proposition submitted to the voters at any city election; and prescribing offenses and providing penalties. We have withheld compliance with such request until the present time pending light thrown on this problem by your recent investigation under Resolution No. 16610 pursuant to Ord. No. 61133.

We suggest that you scrutinize the proposed ordinance to see whether it complies with the policy you have in mind. The wording is similar to that contained in Senate Bill 39 which was introduced in the 1953 Session of the State Legislature, with certain additions and changes. The ordinance is restricted to written, printed, etc. statements affecting city elections only, as there is some question whether the city may, or if it may, whether it should regulate such matter in connection with other elections which are properly the subject of state legislative action.

We are of the opinion that such a regulation is a reasonable exercise of the city's police powers and that it does not conflict with the rights of free speech, etc. guaranteed by the State and Federal Constitutions.

The above numbered Comptroller's Files have been previously returned to you.

Yours very truly,

/s/ A. C. Van Soelen

A. C. VAN SOELEN
Corporation Counsel

ACV:FF
Enc.

COPY: ej

COPY

ORDINANCE NO. _____

AN ORDINANCE relating to city elections; providing for the identification by true name and address of the author, printer or publisher of all publications concerning any candidate for city elective office, or concerning any issue, proposal or proposition submitted to the voters at any such election; prescribing offenses and providing penalties.

WHEREAS anonymous and unidentified written publications concerning any candidate for public office or concerning any issue, proposal or proposition submitted to the voters at any election may well constitute a fraud on the public; and may leave such candidate without recourse by libel suit or otherwise; or may adversely effect, without responsibility, the defeat of meritorious propositions submitted to the voters; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. It is unlawful within the City of Seattle to publish or distribute, by broadcast or otherwise, or cause to be printed for such purpose, any multigraphed, photographed, typewritten, printed or written pamphlet, circular, card, dodger, poster, advertisement, or any other publication relating to or concerning any candidate for public office in any city election; concerning any issue, proposal or proposition submitted to the voters at any such election, unless such publication identifies the author, printer or publisher thereof by true name or names, and address or addresses of the person or persons, association, committee or corporation responsible for or sponsoring or printing or broadcasting such ~~statement~~ ^{publication}, provided that when an association or committee sponsors or is otherwise responsible for such publication there shall also be included thereon the true name of its head or principal officer.

Section 2. Anyone violating or failing to comply with any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine of not more than \$300 or imprisonment in the city jail for not more than 90 days, or both such fine and imprisonment, and each day's violation or failure to comply shall constitute a separate offense.

Section 3. (30 day ending)

Approved:

March 25, 1954

COPY

Hon. A. C. Van Soelen
Corporation Counsel
City of Seattle

Dear Mr. Van Soelen:

Attached are File No. 223849, petition of Robert A. Yothers for enactment of ordinance controlling and regulating political advertising devices and the identification of the sponsors of same, etc., and File No. 223903, petition of Associated Clubs of the North End for legislation to stop unsponsored and unidentified political campaign pamphlets.

Will you please prepare legislation to effectuate the control and regulation of political advertising to the extent that identification of sponsors of printed matter might be possible. This legislation will be along the lines of that agreed upon previously and in accordance with conferences on the subject.

Yours very truly,

Alfred R. Rochester, Chairman
Departmental Efficiency and Personnel Committee

ARR:ej

Att. - 2

THE CITY COUNCIL OF
THE CITY OF SEATTLE

MEMORANDUM

To Mr. Alfred R. Rochester, Chairman, Departmental Efficiency & Personnel Committee
From Mr. Howard Embree Date March 19 19 54
Subject Files Nos. 223849, 223903, Petitions of Robert A. Yethers and Associated
Clubs of the North End for legislation to stop
unsponsored and unidentified political campaign
devices.

The subject files were referred to you by the committee for
consultation with the Corporation Counsel's office.

VH
2 att.

Yothers, Luckerath & Dore

ROBERT A. YOTHERS
CARL B. LUCKERATH
JOHN F. DORE

ROBERT J. MILLIGAN
ROBERT M. ELIAS

ATTORNEYS AT LAW
304 SPRING STREET

Seattle 4, Washington

ELLIOTT 4400

OF COUNSEL
ALLAN POMEROY

March 9, 1954.

Honorable Seattle City Council
County - City Building
Seattle, Washington.

Honorable Members of City Council:

During the past municipal campaign for election of members of the City Council I have studiously avoided participation in the campaign. My position has been influenced largely because of my association as a former law partner with the present Mayor.

Not having participated actively in the municipal campaign for or against any of the candidates I felt that I was able to perhaps view the campaign without any bias or prejudice as to the candidates and the issues raised.

With this objective viewpoint it was called very forcefully to my attention the political device used by some of the candidates which I feel is a sad commentary upon the voting public and its intelligence. I refer particularly to the device of using smear sheets and advertisements and broadcasting reported to be issued by various committees and groups with certain high-sounding names and titles. A search of the telephone directory and of the records in the County Courthouse or with the Secretary of State of course fails to reveal exactly who these persons, associations, groups, committees or corporations actually are. It also fails to reveal who is responsible for the publication and distribution of these smear sheets and such a search also fails to reveal the names and officers of such associations, committees or corporations.

I have for several years felt that this political device should definitely be frowned upon and prohibited.

and Senator Kimball

At the request of Senator Happy/during the last session of the Legislature I prepared a bill designed to regulate and control such political devices and I think it well that before another political campaign is entered that the City Council

Page 2.

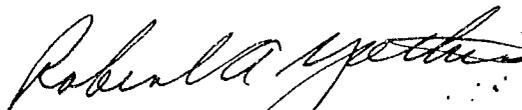
might well consider the enactment of a similar ordinance. The bill I have referred to was drafted by me and introduced by Senator Happy as Senate Bill No. 39. This bill was passed by the Senate with a vote of 37 to 4, transmitted to the House and read for the first time and referred to the House Judiciary Committee, where however it was not reported out.

I enclose for your information a copy of the measure drafted by me.

It would seem apparent to me that any candidate aspiring to public office and any person supporting such candidacy of any candidate or any issue, if willing to accept the responsibility which a campaign for office necessarily entails, should be equally as ready, willing and able to reveal the names of any person, association or committee supporting them and further that if there is any association, committee or corporation which takes on the responsibility of the publication and distribution or broadcasting of any material or statement concerning such candidacy or concerning any issue should be required to publicly state who they are.

I feel personally that it is about time that we stop this practice of issuing anonymous smear sheets and the use thereof in political campaigns.

Respectfully submitted,



Robert A. Yothers

RAY:e

Also to Stub Nelson, Political Editor Seattle Post Intelligencer
Ross Cunningham, Political Editor, Seattle Times
Voice of the People, Seattle Post Intelligencer.

Section 1. No person, association, organization, committee or corporation shall publish, distribute, or broadcast, or cause to be published, distributed, or broadcast, multigraphed, photographed, typewritten, or written pamphlet, circular, card, dodger, poster, advertisement, radio or television program or announcement, or any other statement relating to or concerning any candidate for public office or concerning any issue or proposal which is the subject matter of any election, unless such pamphlet, circular, card, dodger, poster, advertisement, or statement contains the name or names of the person or persons, association, committee or corporation responsible for the publication or distribution of same, and if an association, committee, or corporation is responsible for the publication or distribution of the same, there shall be attached the names of the officers of such association, committee, or corporation.

Section 2. Any violation of this act shall constitute a gross misdemeanor and shall be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both.