

Title 2

ELECTIONS¹

This title is intended for those provisions of the Code which relate to election campaigns and procedures.

Chapters:

- 2.04 Election Campaign Contributions
- 2.08 Initiative Petitions
- 2.12 Referendum Petitions
- 2.16 Initiative and Referendum—Petition Signatures
- 2.20 Smoking in Polling Places
- 2.24 Temporary Political Signs

1. Editor's Note: Election precinct boundaries are not included in this Code. Questions regarding precinct boundaries should be directed to the King County Department of Records and Elections.

Seattle Municipal Code
as adopted in 1980
For current SMC, contact
the Office of the City Clerk

ELECTION CAMPAIGN CONTRIBUTIONS

Chapter 2.04

ELECTION CAMPAIGN CONTRIBUTIONS

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Statutory Reference: For Charter provisions on disclosure of campaign contributions, see Charter Art. XVIII § 4.

Severability: If any portion of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provisions to other persons or circumstances is not affected.¹ (Ord. 106653 § 25, 1977.)

1. Editor's Note: Ord. 108400, which adds § 14-A and amends § 21 of Ord. 106653 (§§ 2.04.310 and 2.04.500 of this chapter), also contains a severability provision in § 12 thereof.

Subchapter I Definitions

2.04.010 Definitions.

1. "Administrative Code" means the Administrative Code of the city, Ordinance 102228,¹ as amended.

2. "Administrator" means the Administrator of the Office of Election Administration of the city.

3. "Agency" means all offices, boards, departments, divisions, commissions and similar subdivisions of the city.

4. "Ballot proposition" means any measure, question, initiative, referendum, recall, or Charter amendment submitted to, or proposed for submission to, the voters of the city.

5. "Campaign depository" means a bank designated by a candidate or political committee pursuant to Section 2.04.170.

6. "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to Section 2.04.170 to perform the duties specified in this chapter.

7. "Campaign year" means that period beginning twelve months before the general election and ending when a campaign is officially closed, as determined by the Office of Election Administration.

8. "Candidate" means any individual who seeks election to public office in the city, whether or not successfully. An individual shall be deemed to seek election when he or she first:

a. Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; or

b. Announces publicly or files for office.

9. "Charter" means the Charter of the city of Seattle.

10. "City" means the city of Seattle.

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

12. "Continuing political committee" means a political committee which is an organization of continuing existence not established in anticipation of any particular election.

13. "Contribution" means a loan, loan guarantee, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services, for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality, the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses not in excess of Twenty-five Dollars (\$25.00) personally paid for by a volunteer campaign worker. For the purposes of this chapter, "part-time personal services" means services in addition to regular fulltime employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fundraising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

14. "Elected official" means any person elected at a general or special election to any public office of the city and any person appointed to fill a vacancy in any such office.

15. "Election" includes any primary, general, or special election for public office by the city or any election in which a ballot proposition is submitted to the voters of the city; provided, that an election in which the qualifications for voting include requirements other than those set forth in Article VI, Section 1 (Amendment 63) of the Constitution of the state shall not be considered an election for purposes of this chapter.

16. "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office of the city and any campaign in support of or in opposition to a ballot proposition.

17. "Expenditure" means a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agree-

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ment, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay; and a payment or transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For purposes of this chapter, expenditures other than money or its equivalent shall be deemed to have a monetary value equal to the fair market value of the expenditure. "Expenditure" shall not include: (a) the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or (b) payment of service charges against a political committee's campaign account, or (c) the value of in-kind labor, or (d) fines or any amounts returned to the election campaign account as a result of any penalties imposed on a candidate for violating this chapter.

18. "Fair Campaign Practices Commission (FCPC)" means the Fair Campaign Practices Commission established by Section 2.04.080.

19. "Final report" means the report described as a final report in Section 2.04.250.

20. "In-kind labor" means services provided by a person who volunteers all, or a portion, of his/her time to a candidate's election campaign, and who is not paid by any person for such services.

21. "Independent expenditure" means expenditure on behalf of, or opposing the election of, any candidate, when such expenditure is made independently of the candidate, his/her political committee, or agent, and when such expenditure is made without the prior consent, or the collusion, or the cooperation, of the candidate or his/her agent or political committee.

22. "Person" means an individual, partnership, joint venture, public or private corporation, association, federal, state or local government entity or agency however constituted, candidate, committee, political committee, continuing political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

23. "Political advertising" means any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly,

for votes or for financial or other support in any election campaign.

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

25. "Public Disclosure Commission (PDC)" means the Public Disclosure Commission established by RCW 42.17.350.

26. "Public office" means any elective office of the city.

27. As used in this chapter, the singular shall include the plural and conversely, and any gender, any other, as the context requires.

(Ord. 107978 § 2, 1979; Ord. 107772 § 2, 1979; Ord. 106653 § 2, 1977.)

1. Editor's Note: Ord. 102228 is codified in Chapter 3.02 of this Code.

Subchapter II Administration

2.04.050 Office of Election Administration.

There is established an Office of Election Administration to implement this chapter.

(Ord. 106653 § 15, 1977.)

2.04.060 Administrator—Duties.

A. The executive head of the Office of Election Administration shall be the Administrator, whose office shall not be included in the classified Civil Service. The Administrator must have had employment experience as an auditor and shall be appointed by the FCPC. Each Administrator shall be appointed to an initial term of one year, subject to confirmation by a two-thirds' vote of the members of the City Council, and may thereafter be reappointed to subsequent four-year terms subject to a like vote. The Administrator shall be removed from that position only for cause and subject to a two-thirds' vote of the City Council. The rate of compensation for such position shall be as provided by the Salary Ordinance¹; provided, that no appointment shall be made under the authority of this section except upon the filing by the Civil Service Commission as a permanent record in the office of the City Comptroller of its recommendation that such office, as a professional or administrative office or position similar to offices and positions designated in Article XVI, Section 11 of the City Charter, should not be included in the classified Civil Service.

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B. The Administrator of the Office of Election Administration shall be responsible for the management of said office, may in the exercise of such duties consult with the Fair Practices Commission and in that connection is authorized to:

1. Adopt, promulgate, amend, and rescind suitable administrative rules and regulations to carry out the policies and purposes of this chapter, which rules and regulations shall be promulgated pursuant to the provisions of the Administrative Code (Ordinance 102228)²; provided, that administrative rules and regulations adopted by the PDC shall be applicable in the construction, interpretation and implementation of such provisions of this chapter as are substantially the same as provisions of RCW Chapter 42.17;

2. Relieve, by published regulations of general applicability, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures of more than One Thousand Dollars (\$1,000.00) in connection with any election campaign; and

3. Require that forms developed and prepared by the PDC be utilized for the reports and statements required to be made under this chapter; provided, that whenever the Administrator determines that any such form is not reasonably appropriate for the purposes of this chapter, he may develop and provide suitable forms as are reasonably necessary, and require such forms to be utilized for such purposes;

4. Encourage persons required to make reports under this chapter to use the PDC-published manual that sets forth recommended uniform methods of bookkeeping and reporting;

5. Compile and maintain a current list of all filed reports and statements;

6. Investigate whether properly completed statements and reports have been filed within the times required by this chapter;

7. Review all disclosure reports for completeness and internal consistency;

8. Independently verify entries on disclosure reports and other forms selected on an arithmetically random basis;

9. Prepare and publish, not less than ten days before newly elected officers take office, a report setting forth, as to each candidate who filed a final report, the amounts and sources of

all contributions and the amounts and purposes of all expenditures set forth in such final report; and the names and addresses of any candidates who failed to file a final report or who filed an incomplete final report; and prepare and publish such other reports as in his judgment will tend to promote the purposes of this chapter;

10. Determine upon written complaint or upon his or her own initiative, in accordance with Section 2.04.070, that a violation of this chapter has occurred, and report such apparent violation to either the FCPC or the PDC; provided that the Administrator shall have the authority to resolve with the person who has apparently violated this chapter, what the Administrator determines to be inadvertent, de minimus violations without referring the matter to the FCPC or the PDC for a hearing; provided further that the Administrator shall report violations to the PDC only in the event the FCPC is unable to hear the matter;

11. Have access to reports filed with the City Comptroller in accordance with this chapter and make copies thereof available at no charge for public inspection with duplicates available during regular office hours at a reasonable cost to the person requesting such duplicates;

12. Keep, for a period of time not less than five years from the date of filing, copies of all official reports, records and statements furnished by the City Comptroller to the Administrator for public inspection;

13. Review, four months prior to the beginning of any campaign year, the costs of campaigning, and recommend to the City Council whether or not Sections 2.04.370 through 2.04.450 should be amended;

14. Determine whether the evidence submitted by a candidate for Mayor, City Council, City Attorney, City Comptroller, and City Treasurer meets the eligibility requirements for receiving public matching funds;

15. Accept campaign contracts from candidates for Mayor, City Council, City Attorney, City Comptroller or City Treasurer;

16. Monitor contributions and expenditures of candidates, and notify candidates who are close to their voluntary expenditure limitations;

17. Attempt to secure grants or other sources of funding for the Election Campaign Account in the General Fund.

(Ord. 107772 § 3, 1979; Ord. 106653 § 16, 1977.)

1. Editor's Note: The Salary Ordinance is codified in Chapter 4.20 of this Code.
2. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

2.04.070 Complaint procedure.

Any registered voter of the city may file with the Administrator a complaint under oath alleging a violation of this chapter. Upon receipt of such complaint, the Administrator shall conduct a preliminary investigation and, if he determines that there are no reasonable grounds to believe that a violation has occurred, shall dismiss such complaint; otherwise, he shall refer such complaint to the FCPC or to the PDC for a hearing. (Ord. 106653 § 17, 1977.)

2.04.080 Fair Campaign Practices Commission—Established.

A. There is established a Fair Campaign Practices Commission (abbreviated in this chapter as FCPC) for the city, composed of seven members appointed as follows:

1. Three members shall be appointed by the Mayor.
2. Three members shall be appointed by a two-thirds' vote of the members of the City Council.
3. The seventh member shall be appointed by the six other members of the FCPC and shall serve as chairperson.
4. The chairperson shall have no less than five years experience as an arbitrator, hearing officer, attorney experienced in litigation or administrative hearings, or judge, or any combination thereof, prior to his/her selection.

B. Members of the FCPC shall serve without compensation and shall hold office for a term of three years ending December 31st, of the third year of such term and until their successors are appointed and qualify; provided that of the original appointees to the FCPC the chairperson and two members shall serve for a term of three years, two members shall serve for a term of two years, and two members shall serve for a term of one year, the holders of such terms of office, other than the chairperson, to be decided by lot. Members shall be eligible for reappointment.

C. A vacancy on the FCPC shall be filled within thirty days of the vacancy by the appropriate appointing authority in the same manner as original appointments and shall serve for the remaining term of his or her predecessor. A vacancy shall not impair the powers of the

remaining members to exercise all of the powers of the FCPC.

D. No member of the FCPC, during his or her term shall: (1) hold or campaign for elective office, (2) be an officer of any political party or any political committee, (3) permit his or her name to be used or make contributions, in support of or in opposition, to any candidate or proposition, (4) participate in any election campaign, (5) lobby or employ or assist a lobbyist.

E. Any member of the FCPC may be removed by the appointing authority for neglect of duty or misconduct in office, which removal shall be subject to concurrence by a two-thirds' vote of the City Council. Subverting or attempting to influence the independence and separation of the Office of Election Administrator from the FCPC by an FCPC member shall be considered misconduct in office. (Ord. 106653 § 18, 1977.)

2.04.090 Fair Campaign Practices Commission—Powers and duties.

The FCPC shall have the following duties and powers:

A. All hearings shall be conducted by the chairperson. Other members of the FCPC may, at the discretion of the chairperson, hear and rule on complaints; provided that: (1) only members who are present during the entire hearing on a particular complaint may participate and vote on the FCPC decision with respect to that complaint, and (2) members of the FCPC may not participate in a hearing involving candidates who appointed them or whose opponent appointed them. In the event that the three appointees of the Mayor and the three appointees of the City Council are all disqualified from participating in any one hearing, the chairperson shall appoint four persons to serve as FCPC members pro tempore for that hearing.

B. The FCPC shall adopt, promulgate, amend and rescind suitable administrative rules and regulations for the conduct of hearings which rules and regulations shall be promulgated pursuant to the provisions of the Administrative Code¹; provided, that the administrative rules and regulations adopted by the PDC pursuant to RCW Chapter 42.17 shall be applicable in the construction, interpretation and implementation of such provisions of this chapter as are substantially the same as provisions of RCW Chapter 42.17.

C. The FCPC shall, upon application made to it, conduct hearings and, when appropriate,

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grant exemptions from the disclosure requirements of this chapter as provided in Section 2.04.320.

D. The FCPC shall make public not less than twenty-four hours in advance the time and date of any formal hearing set to determine whether a violation has occurred, the question or issues to be considered, and when the hearing is completed, the results thereof. (Ord. 106653 § 19, 1977.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

2.04.100 Complaint resolution procedure.

A. All hearings that are held to evaluate whether the provisions of this chapter have been violated shall be conducted in conformance with FCPC rules and regulations regarding hearing procedure except as otherwise provided in this chapter.

B. The FCPC shall conduct a hearing on each complaint referred to it by the Administrator and shall rule thereon; provided such hearings shall be held and rulings made within ten days following the date a complaint is referred to it by the Administrator or within half the time from the date the complaint is referred to it to the date of the election, whichever is less.

C. All hearings shall be conducted as "contested case" hearings under the Administrative Code.¹

D. The FCPC may require any person against whom a complaint has been referred or any person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the city, to give such information under oath and to produce all accounts, bills, receipts, books, papers, and documents which may be relevant or material to any investigation authorized under this chapter.

E. Upon the completion of the hearing on each complaint referred to it by the Administrator, the FCPC shall, within seventy-two hours, issue a written determination stating whether this chapter has been violated and a statement setting forth the facts and provisions of law upon which the determination is based. Except that if the subject of the complaint relates to an election which is to be held within seven days of the complaint, then the written determination of the FCPC must be made within forty-eight hours of the completion of the

hearing. In each case where the FCPC's determination is that a violation has occurred, the chairperson shall immediately forward the written determination to the Corporation Counsel's office for prosecution pursuant to Section 2.04.510A.

(Ord. 106653 § 20, 1977.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

Subchapter III Campaign Disclosure

2.04.150 Intent of chapter—Interpretation—Construction.

A. It is the public policy of the city:

1. That political campaign contributions and expenditures be fully disclosed to the public and that secrecy in the sources and application of such contributions be avoided;

2. That the people have the right to expect from their elected representatives the utmost of integrity, honesty, and fairness in their dealings;

3. That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest;

4. That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people;

5. That public confidence in municipal government is essential and must be promoted by all possible means;

6. That public confidence in municipal government can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions;

7. That it is desirable to have legislation at the municipal level complementary to the concept of disclosure established in Initiative 276 (RCW Chapter 42.17);

8. That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions;

9. That the public's right to know of the financing of political campaigns far out-

weighs any right that this matter remain secret and private; and

10. That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of municipal government must be assured as a fundamental and necessary precondition to the sound governance of a free society.

B. The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns so as to assure continuing public confidence of fairness of elections, and so as to assure that the public interest will be fully protected. In promoting such complete disclosure, however, this chapter shall be enforced so as to ensure that the information disclosed will not be misused for arbitrary and capricious purposes and to ensure that all persons reporting under this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed.

C. It is the intent of the Council that the Fair Campaign Practices Commission and the Office of Election Administration created by this chapter shall be separate and independent from each other and both shall be free from political influence with regard to the responsibilities given to them under this chapter or subsequent ordinances.

D. Further, it is the intent of the Council that this chapter be interpreted and applied consistent with the de minimus maxim, that inadvertent minor violations of this chapter may be corrected and cured without full hearing in a manner consistent with the spirit and intent of this chapter.

(Ord. 106653 § 1, 1977.)

2.04.160 Political committees to file statement of organization.

A. Every political committee, within ten days after its organization or within ten days after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the City Comptroller.

B. The statement of organization shall include but not be limited to:

1. The name and address of the committee;

2. The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

3. The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

4. The names and addresses of its campaign treasurer and campaign depository;

5. A statement whether the committee is a continuing one;

6. The name and office sought of each candidate whom the committee is supporting or opposing;

7. The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

8. What distribution of surplus funds will be made in the event of dissolution;

9. The hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with Section 2.04.250; and

10. Such other information as the Administrator, in keeping with the policies and purposes of this chapter, requires by rule adopted pursuant to the Administrative Code.¹

C. Any material change in information previously submitted in a statement of organization shall be reported to the City Comptroller within ten days of such change.

(Ord. 106653 § 3, 1977.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

2.04.170 Campaign treasurer—Depository—Identified.

A. Each candidate, at or before the time he or she announces publicly or files for office, and each political committee, at or before the time it files a statement of organization, shall designate and file with the City Comptroller the names and addresses of:

1. One legally competent individual, who may be the candidate, to serve as a campaign treasurer; and

2. One bank doing business in the state to serve as campaign depository.

B. A candidate, political committee, or campaign treasurer may appoint as many deputy campaign treasurers as is considered necessary. The candidate or political committee shall file the names and addresses of the deputy campaign treasurers with the City Comptroller

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within ten days after their appointment.

C. 1. A candidate or political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository.

2. In the event of the death, resignation, removal, or change of a campaign treasurer, deputy campaign treasurer, or depository, the candidate or political committee shall designate and file with the City Comptroller within ten days after such designation, the name and address of any successor.

D. No campaign treasurer, deputy campaign treasurer, or campaign depository shall act or perform any function as such until its name and address are filed with the City Comptroller. (Ord. 106653 § 4, 1977.)

2.04.180 Deposit of contributions in designated account.

All monetary contributions received by a candidate, political committee, campaign treasurer or deputy campaign treasurer shall be deposited by the campaign treasurer or deputy campaign treasurer in a campaign depository in an account designated, "Campaign Fund of " (name of candidate or political committee). (Ord. 106653 § 5(a), 1977.)

2.04.190 Statement to accompany deposit.

All deposits of contributions made by a campaign treasurer or deputy campaign treasurer shall be accompanied by a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person; provided, that contributions not exceeding Ten Dollars (\$10.00) from any one person may be deposited without identifying the contributor. The statement shall be in triplicate, upon a form prescribed by the Administrator. One copy of such statement shall be retained by the campaign depository for its records for at least three years, one copy shall be filed by the campaign treasurer with the City Comptroller, and one copy shall be retained by the campaign treasurer for his records; provided, that in the event a deputy campaign treasurer makes deposits, the third copy shall be forwarded by the deputy campaign treasurer to the campaign treasurer to be retained by the campaign treasurer for his records. Each statement shall be certified as correct by the campaign treasurer

or deputy campaign treasurer making the deposit. (Ord. 106653 § 5(b), 1977.)

2.04.200 Multiple accounts.

Political committees that support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purposes; provided, that each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose, and provided further, that transfers of funds that must be reported under Section 2.04.260A4 may not be made from more than one such account. (Ord. 106653 § 5(c), 1977.)

2.04.210 Unidentified contributions.

Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to Section 2.04.260A2, that total in excess of one percent of the total accumulated contributions received in the current calendar year or Three Hundred Dollars (\$300.00), whichever is more, shall not be deposited, used, or expended, but shall be returned to the donor if his or her identity can be ascertained. If the donor's identity cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the State Treasurer for deposit in the State General Fund. (Ord. 106653 § 5(d), 1977.)

2.04.220 Fundraising activities—Reports.

A. A campaign treasurer or deputy campaign treasurer may report funds derived from fundraising activity as such, in accordance with the provisions of subsection D of this section, in lieu of reporting such funds as contributions pursuant to Sections 2.04.180 through 2.04.210; provided, that:

1. The income resulting from the conduct of the activity is derived solely from either: (a) the retail sale of goods or services at prices that in no case exceed a reasonable approximation of the fair market value of each item or service sold at the activity, or (b) a gambling operation licensed, conducted, or operated in accordance with the provisions of RCW Chapter 9.46 and at which in no case is the monetary value of any prize exceeded by the

monetary value of any single wager that may be made by a person participating in such activity; and

2. Any such fundraising activity conforms with such other standards as the Administrator may adopt as rules under the Administrative Code¹ to prevent frustration of the purposes of this chapter.

B. No person responsible for receiving money at such activity shall knowingly accept payment from a person that would result in a profit to the candidate or political committee of Ten Dollars (\$10.00) or more unless the name and address of the person making such payment together with the approximate amount of profit to the candidate or political committee resulting from such payment are obtained for disclosure in the report to be filed pursuant to subsection D of this section.

C. All funds obtained through the use of a fundraising activity that conforms with the provisions of subsection A of this section shall be deposited by the campaign treasurer or deputy campaign treasurer in the same account of the campaign depository into which monetary contributions are to be deposited pursuant to Section 2.04.180.

D. Within three days after depositing funds derived from a fundraising activity in accordance with subsection C of this section, the campaign treasurer or deputy campaign treasurer making the deposit shall file with the Comptroller a report containing the following information:

1. The date on which the activity occurred;
2. The location at which the activity occurred;
3. A precise description of the fundraising methods used in the activity;
4. A financial statement noting gross receipts and expenses for the activity, including an inventory list where appropriate;
5. The monetary value of wagers made and prizes distributed for winning wagers, where appropriate;
6. The name and address of each person who contributed goods or services to the candidate or political committee for sale at the activity if the fair market value of the goods or services contributed equals Ten Dollars (\$10.00) or more in the aggregate from such person, together with a precise description of each item or service contributed and its estimated market value;

7. The name and address of each person whose identity can be ascertained and who makes payments to the candidate or political committee at such activity which result in a profit of Ten Dollars (\$10.00) or more to the candidate or political committee, together with the approximate amount of profit to the candidate or political committee which results from such payments; and

8. A complete listing of the names and addresses of the persons responsible for conducting the activity.

E. The report required by subsection D of this section shall be in duplicate upon a form prescribed by the Administrator and shall be certified as correct by the campaign treasurer or deputy treasurer making the deposit. The second copy of the report shall be retained by the depositor for his or her records.

(Ord. 106653 § 6, 1977.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

2.04.230 Continuing political committee— Reports.

A. In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of Sections 2.04.160 through 2.04.210.

B. A continuing political committee shall file with the City Comptroller a report on the tenth day of the month detailing its activities for the preceding calendar month in which the committee has received a contribution or made an expenditure. The report shall be on a form supplied by the Administrator and shall include the following information:

1. The information required by Section 2.04.260;
2. Each expenditure made to retire previously accumulated debts of the committee; identified by recipient, amount, and date of payments;
3. Such other information as the Administrator shall prescribe by rule adopted pursuant to the Administrative Code.¹

C. If a continuing political committee shall make a contribution in support of or in opposition to a candidate or ballot proposition within sixty days prior to the date on which such candidate or ballot proposition will be voted

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upon, such continuing political committee shall report pursuant to Section 2.04.250, as now or hereafter amended, until twenty-one days after the election.

D. A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

E. The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of any election, for which the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between eight a.m. and eight p.m., as specified in the committee's statement of organization filed pursuant to Section 2.04.160, as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

F. All reports filed pursuant to this section shall be certified as correct by the campaign treasurer.

(Ord. 106653 § 7, 1977.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

2.04.240 Authorization of expenditures— Recordkeeping.

No expenditures shall be made or incurred by any candidate or political committee except on the authority of the campaign treasurer or the candidate. A record of all such expenditures shall be maintained by the campaign treasurer.

(Ord. 106653 § 8, 1977.)

2.04.250 Treasurer's reports—Procedures.

A. On the day the campaign treasurer is designated, each candidate or political committee shall file with the City Comptroller, in addition to any statement of organization required under Section 2.04.160, a report of all contributions received and expenditures made in the election campaign prior to that date.

B. At the following intervals each campaign

treasurer shall file with the City Comptroller a further report of the contributions received and expenditures made since the date of the last report:

1. On the fifth and nineteenth days immediately preceding the date on which the election is to be held; and

2. Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

3. On the tenth day of each month preceding the election in which no other reports are required to be filed under this section; provided, that such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month. Interest on moneys deposited or service charges shall not be deemed contributions or expenditures.

The report filed under subsection B2 of this section shall be the final report if there is no outstanding debt or obligation; the campaign fund is closed; the campaign is concluded in all respects; and, in the case of a political committee, the committee has ceased to function and has dissolved. If the candidate or political committee has any outstanding debt or obligation, additional reports shall be filed at least once every six months until the obligation or indebtedness is entirely satisfied at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

C. The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of any election for which the political committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between eight a.m. and eight p.m., as specified in the committee's statement of organization filed pursuant to Section 2.04.160, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

D. All reports filed pursuant to this section

shall be certified as correct by the candidate and the campaign treasurer.

E. Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between eight a.m. and eight p.m., as specified in the committee's statement of organization filed pursuant to Section 2.04.160, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.
(Ord. 106653 § 9, 1977.)

2.04.260 Treasurer's reports—Contents.

A. Each report required under Section 2.04.250 shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

1. The funds on hand at the beginning of the period;

2. The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing political committee, the current calendar year; provided, that the income which results from the conducting of a fundraising activity which has previously been reported in accordance with Section 2.04.220 may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by Section 2.04.220; provided further, that contributions not exceeding Ten Dollars (\$10.00) in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor;

3. Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly, or contingently and the date and amount of each such loan, promissory note, or security instrument;

4. The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates, and purpose of all such transfers;

5. All other contributions not otherwise listed or exempted;

6. The name and address of each person to whom an expenditure was made in the aggregate amount of Twenty-five Dollars (\$25.00) or more, and the amount, date, and purpose of each such expenditure;

7. The total sum of expenditures;

8. The surplus or deficit of contributions over expenditures;

9. The disposition made of any surplus of contributions over expenditures;

10. Such other information as the Administrator, in conformance with the policies and purposes of this chapter, requires by rule adopted pursuant to the Administrative Code¹; and

11. Funds received from a political committee not domiciled in the state and not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state unless the nonreporting committee or the recipient of such funds has filed or within three days following such receipt shall file with the City Comptroller a statement disclosing: (a) the name and address of the nonreporting committee; (b) the purposes of the nonreporting committee; (c) the names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and titles of its responsible leaders; (d) a statement whether the nonreporting committee is a continuing one; (e) the name and office sought of each candidate in the city whom the nonreporting committee is supporting; (f) the ballot proposition supported or opposed in the city, if any, and whether such committee is in favor of or opposed to such proposition; (g) the name and address of each person residing in the state or corporation which has a place of business in the state that has made one or more contributions to the nonreporting committee during the preceding twelve-month period, together with the money value and date of such contributions; (h) the name and address of each person in the state to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of Twenty-five Dollars (\$25.00) or more, the amount, date and

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purpose of such expenditure, and the total sum of such expenditures.

B. The campaign treasurer and the candidate shall certify the correctness of each report. (Ord. 106653 § 10, 1977.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

2.04.270 Independent expenditures—Reports.

A. 1. For the purposes of this subsection A, "independent campaign expenditure" means any expenditure made in support of or in opposition to any candidate or ballot proposition and not otherwise required to be reported pursuant to Sections 2.04.180 through 2.04.210, 2.04.230, 2.04.250 and 2.04.260.

2. Within three days after the date of making an independent campaign expenditure which by itself or when added to all other such independent campaign expenditures made during the same election campaign by the same person equals One Hundred Dollars (\$100.00) or more, or within three days after the date of making an independent campaign expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made such independent campaign expenditure shall file with the City Comptroller an initial report of all independent campaign expenditures made during such campaign prior to and including such date.

3. At the following intervals each person who is required to file an initial report pursuant to subsection A2 of this section shall file with the City Comptroller a further report of the independent campaign expenditures made since the date of the last report:

a. On the fifth and nineteenth days immediately preceding the date on which the election is to be held; and

b. Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

c. On the tenth day of each month preceding the election in which no other reports are required to be filed pursuant to this subsection A; provided, that such further reports required by this subsection 3 shall only be filed if the reporting person has made an independent campaign expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph b of this subsection A3 shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

4. All reports filed pursuant to this subsection A shall be certified as correct by the reporting person.

5. Each report required by subsections A2 and A3 of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than three days prior to the date the report is due:

a. The name and address of the person filing the report;

b. The name and address of each person to whom an independent campaign expenditure was made in the aggregate amount of Twenty-five Dollars (\$25.00) or more, and the amount, date, and purpose of each such expenditure; provided, that if no reasonable estimate of the monetary value of a particular independent campaign expenditure is practicable, it shall be sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

c. The total sum of all independent campaign expenditures made during the campaign to date; and

d. Such other information as the Administrator, in conformance with the policies and purposes of this chapter, requires by rule adopted pursuant to the Administrative Code.¹

B. 1. Any person who contributes in the aggregate amount of One Hundred Dollars (\$100.00) or more during the preceding twelve-month period to any political committee not domiciled in the state or not otherwise required to report under this chapter, if the person reasonably expects such political committee to make contributions in respect to any election covered by this chapter, shall file with the City Comptroller a report signed by the contributor disclosing the contributor's name and address, the date, nature, purpose, amount, and recipient of such contribution, and any instructions given as to the use or disbursement of such contribution.

2. The initial report shall be filed with

the City Comptroller within three days after the date on which the aggregate contribution amount of One Hundred Dollars (\$100.00) or more is reached, and each subsequent report shall be filed within three days after each subsequent contribution is made to the same such political committee.
(Ord. 106653 § 11, 1977.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

2.04.280 Commercial advertisers' duty to report.

A. Each commercial advertiser that has accepted or provided political advertising during the election campaign shall maintain open for public inspection during the campaign and for a period of no less than three years after the date of the applicable election, during normal business hours, documents and books of account which shall specify:

1. The names and addresses of persons from whom it accepted political advertising;
2. The exact nature and extent of the advertising services rendered; and
3. The consideration and the manner of paying that consideration for such services.

B. Each commercial advertiser that must comply with subsection A of this section shall deliver to the Administrator, upon his request, copies of such information as must be maintained open for public inspection pursuant to subsection A of this section.
(Ord. 106653 § 12, 1977.)

2.04.290 Identification of contributions and communications.

A. No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.

B. All political advertising shall identify the sponsor or sponsors thereof by name and address which may be the name and address of the campaign treasurer or deputy campaign treasurer together with the name of the candidate or political committee he or she is serving; provided, that any political advertising on behalf of a candidate sponsored by any person without the prior knowledge and consent of the candidate shall be clearly identified as such.
(Ord. 106653 § 13, 1977.)

2.04.300 Prohibition against use of public office facilities in campaigns.

No elected official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include but are not limited to use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the officer or agency; provided, that the foregoing provisions of this section shall not apply to those activities that are part of the normal and regular conduct of the office or agency.
(Ord. 106653 § 14, 1977.)

2.04.310 Violation of Political Sign Ordinance.

Repeated violation of the Political Sign Ordinance¹ constitutes an unfair campaign practice and is a violation of this chapter.
(Ord. 108400 § 10, 1979; Ord. 106653 § 14-A, 1977.)

1. Editor's Note: The Political Sign Ordinance is codified in Chapter 2.24 of this Code.

2.04.320 Exemption from disclosure requirements.

A. An exemption from the disclosure requirements of this chapter shall be granted by the FCPC to a political association or political committee if such political association or political committee has applied in writing to the FCPC for such exemption and has demonstrated by a reasonable probability that the compelled disclosure of contributors' names will subject the contributors to threats, harassment, or reprisals from either government officials or private parties, and that as a result of such disclosure it is reasonably probable that advocacy of a dissident view will be hindered and the right to free association chilled.

B. The decision to grant or deny an exemption from disclosure, with the reason or reasons therefor, shall be set out in writing with a copy given to the political association or committee and a copy kept on file in the Office of

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Election Administrator for public inspection.
(Ord. 106653 § 24, 1977.)

Subchapter IV Campaign Contributions Limited

2.04.350 Findings of fact—Limitations to be imposed.

The city finds that, in the interest of the public health, safety and welfare, the municipal election process and municipal government should be protected from undue influence by individuals and groups making large contributions to the election campaigns of candidates for Mayor, City Council, City Attorney, City Comptroller and City Treasurer.

The city finds that, in the interest of the public health, safety and welfare, the municipal election process and municipal government should be protected from even the appearance of undue influence by individuals or groups contributing to candidates for Mayor, City Council, City Attorney, City Comptroller and City Treasurer.

The city therefore finds that limitations on contributions of money, services and materials by individuals or groups to municipal election campaigns should be imposed by law to protect the public health, safety and welfare. These limitations, however, should be reasonable, so as not to discourage personal expression.
(Ord. 107772 § 1(part), 1979: Ord. 106653 § 13-A, 1977.)

2.04.360 Application.

Sections 2.04.350 through 2.04.370 and 2.04.400 through 2.04.480 apply only to candidates in any primary, general or special election for the offices of Mayor, City Council, City Attorney, City Comptroller and City Treasurer of the city of Seattle.
(Ord. 107772 § 1(part), 1979: Ord. 106653 § 13-B, 1977.)

2.04.370 Mandatory limitations on contributions.

A. No person shall make a contribution of more than Two Hundred Fifty Dollars (\$250.00) to any candidate for Mayor, City Council, City Attorney, City Comptroller, or City Treasurer, in any campaign year; provided, a group of ten or more persons may contribute up to Five Hundred Dollars (\$500.00) to any candidate for Mayor, City Council, City Attor-

ney, City Comptroller, or City Treasurer, in the name of such group; provided further, that no person shall contribute more than Two Hundred Fifty Dollars (\$250.00) in aggregate, in any campaign year, to all political committees which contribute to candidates for the above city offices.

B. No candidate for Mayor, City Council, City Attorney, City Comptroller, or City Treasurer shall accept or receive a campaign contribution of more than Two Hundred Fifty Dollars (\$250.00) from any person or more than Five Hundred Dollars (\$500.00) from any group of ten or more persons in any campaign year; provided:

1. The limitations imposed by this section shall not apply to a candidate's contributions of his/her own resources to his/her own campaign; the limitations imposed by this section shall apply to the contributions of all others; and

2. The limitations imposed by this section shall not apply to independent expenditures as defined by this chapter; and

3. The limitations imposed by this section shall not apply to the value of in-kind labor.

(Ord. 107978 § 1, 1979: Ord. 107772 § 1(part), 1977: Ord. 106653 § 13-C, 1977.)

Subchapter V Voluntary Expenditure Limitations

2.04.400 Findings of fact—Program for public matching funds.

The city finds it is in the public interest to encourage the widest participation of the public in the electoral process, to reduce the dependence of candidates on large contributions, and to increase public knowledge of the candidates and of election issues.

The city finds that it is in the public interest to free candidates from the time expended in raising funds in order to increase the time available to the candidate for the discussion of public issues.

The city finds that voluntary campaign expenditure limitations coupled with provisions of public funds for campaign purposes are necessary to further these public interests at a reasonable cost to the city and that such a program should be established.

(Ord. 107772 § 1(part), 1979: Ord. 106653 § 13-D, 1977.)

2.04.410 Campaign contract.

A. A candidate for Mayor, City Council, City Attorney, City Comptroller or City Treasurer may sign a contract with the city agreeing to abide by limitations on candidates'

contributions, limitations on campaign expenditures, and limitations on the use of all contributions as specified in this chapter in exchange for public matching funds.

B. The campaign contract must be signed by the individual candidate either within thirty days after the individual becomes a candidate as defined in RCW 42.17.020, or at the time of filing for said office, whichever is earlier. (Ord. 107772 § 1(part), 1979; Ord. 106653 § 13-E, 1977.)

2.04.420 Candidates' contribution limitations.

A candidate who signs a campaign contract shall make no contributions to his/her own campaign or political committee which in the aggregate exceeds One Thousand Dollars (\$1,000.00) in any campaign year. (Ord. 107772 § 1(part), 1979; Ord. 106653 § 13-F, 1977.)

2.04.430 Expenditure limitations.

A. A candidate who signs a campaign contract in accordance with Section 2.04.410, shall not, during the campaign year, make expenditures exceeding the aggregate amount of One Hundred Fifty Thousand Dollars (\$150,000.00) for the office of Mayor or Fifty Thousand Dollars (\$50,000.00) for the offices of the City Council, City Attorney, City Comptroller and City Treasurer; provided, that no more than seventy-five percent of the applicable expenditure limitation shall be spent through the day of the primary election.

B. Independent expenditures, as defined by this chapter, shall not be included in the computation of a candidate's expenditures. (Ord. 107772 § 1(part), 1979; Ord. 106653 § 13-G, 1977.)

2.04.440 Eligibility for public matching funds.

A. To be eligible to receive public matching funds, a candidate for Mayor, City Council, City Attorney, City Comptroller or City Treasurer must meet the requirements of the City Charter; and during the campaign year:

1. For the office of Mayor either: (a) receive Twenty Thousand Dollars (\$20,000.00) from at least one hundred contributors, or (b) receive three hundred contributions of Ten Dollars (\$10.00) or more;

2. For the offices of City Council, City Attorney, City Comptroller or City Treasurer either: (a) receive Seven Thousand Five Hundred Dollars (\$7,500.00) from at least one hundred contributors, or (b) receive two hundred contributions of Ten Dollars (\$10.00) or more.

B. For purposes of establishing eligibility

under this section, only those contributions received from residents of the city shall be counted toward the requirement.

C. Candidates must submit evidence of meeting the eligibility requirements of this section to the Office of Election Administration for verification. Upon verification of eligibility, a candidate who has signed a campaign contract shall be eligible to receive public matching funds; provided, that no such funds shall be disbursed to any qualified candidate prior to January 1st of the applicable campaign year; and provided further, that any candidate who receives public matching funds and later fails to file for public office or withdraws his/her candidacy after filing shall return to the Election Campaign Account an amount equal to the public funds disbursed to that candidate.

(Ord. 107772 § 1(part), 1979; Ord. 106653 § 13-H, 1977.)

2.04.450 Public matching funds—Specifications.

A. A candidate who has met the eligibility requirements for public matching funds and who has signed a campaign contract shall be entitled to receive One Dollar (\$1.00) in public matching funds for each dollar received from any individual to a maximum of Fifty Dollars (\$50.00) per individual; provided, that neither loans nor the transfers of anything of value other than money to the candidate or his/her political committee shall be matched with public funds.

B. A candidate who signs a campaign contract shall be eligible to receive public matching funds even if his/her opponent has not signed a campaign contract.

C. A candidate who has signed a campaign contract is eligible to receive public matching funds until it is determined that such candidate has no opponent at the close of the filing period or after the primary election as provided by law. For purposes of this section, a write-in candidate shall not be considered an opponent.

D. If following the election wherein the candidate is elected or defeated, the candidate has unexpended campaign funds, one-half of such surplus shall be returned to the Election Campaign Account within ten days of certification of the election.

E. A candidate who has signed a campaign contract may void his/her contract within fifteen days after the close of filing; provided, an opponent of that candidate does not enter into a campaign contract pursuant to this chapter;

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and provided further, that the candidate returns all public funds received pursuant to this chapter.

(Ord. 107772 § 1(part), 1979; Ord. 106653 § 13-I, 1977.)

2.04.460 Funding.

A. There is established an Election Campaign Account in the General Fund into which shall be deposited such sums as may be appropriated from time to time in the annual budget, gifts and donations made to the city for the support of public election campaign financing, and such sums as may otherwise be appropriated to the account. Money in the account shall be expended from time to time for the purpose of partially financing public election campaigns, and paid upon voucher of the Administrator of the Office of Election Administration.

B. The Office of Election Administration may encourage and accept contributions to the Election Campaign Account. These contributions may be accepted at any time without limitation as to the amount.

(Ord. 108130 § 1, 1979; Ord. 107772 § 1(part), 1979; Ord. 106653 § 13-J, 1977.)

2.04.470 Permitted uses of public matching funds.

Public matching funds may be expended only for the receiving candidate's direct campaign purposes such as, but not limited to, purchasing campaign literature or media space or time, mailings, renting campaign headquarters, or paying for campaign headquarter telephones. A candidate who signs a campaign contract may use neither contributions nor public matching funds for indirect campaign purposes such as, but not limited to, providing a candidate's personal support, or for donation to another's campaign. Permissibility of an expenditure of public matching funds shall be determined by the Administrator of the Office of Election Administration.

(Ord. 107772 § 1(part), 1979; Ord. 106653 § 13-K, 1977.)

2.04.480 Expiration date.

As of November 15, 1982, Sections 2.04.350 through 2.04.370 and 2.04.400 through 2.04.480 are hereby repealed. On July 1, 1982, the Seattle City Council shall initiate review of the operation of Sections 2.04.350 through 2.04.370 and 2.04.400 through 2.04.480 and shall determine whether or not these sections

have effectively served the public purposes expressed herein.

(Ord. 107772 § 1(part), 1979; Ord. 106653 § 13-M, 1977.)

Subchapter VI Violation—Penalty

2.04.500 Civil remedies and sanctions.

One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

A. If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of the election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

B. The violation or failure to comply with the provisions of Sections 2.04.160 through 2.04.290 (regarding campaign reporting), Section 2.04.370 (regarding contribution limitations) or Section 2.04.310 of this chapter constitutes a violation subject to the provisions of Chapter 12A.02 and 12A.04 of this Code (Seattle Criminal Code), and any person convicted thereof may be punished by a civil fine or forfeiture in a sum not exceeding Five Hundred Dollars (\$500.00) per violation.

C. Any person who fails to comply with the conditions of his/her campaign contract shall be ineligible to receive further such funds until in compliance. Any candidate who exceeds the expenditure limitation for which he/she has contracted shall immediately return to the Election Campaign Account Three Dollars (\$3.00) for every One Dollar (\$1.00) he/she has overspent in that campaign year, to a maximum amount equal to the total sum of public funds he/she has received.

(Ord. 108400 § 11, 1979; Ord. 107772 § 4, 1979; Ord. 106653 § 21, 1977.)

2.04.510 Enforcement.

A. The City Attorney shall bring civil actions in the name of the city and commenced in the municipal court for any appropriate civil remedy or penalty.

B. The Administrator may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the city, to give such information under oath and to produce all accounts, bills, receipts, books, papers, and documents which may be relevant or material to any investigation authorized under this chapter. (Ord. 106653 § 22, 1977.)

2.04.520 Attorney's fees—Costs—Punitive damages.

In any action brought under this chapter, the court may award to the city all costs of investigation and trial, including a reasonable attorney's fee to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If the defendant prevails, he or she shall be awarded all costs of trial, and may be awarded a reasonable attorney's fee to be fixed by the court to be paid by the city. (Ord. 106653 § 23, 1977.)

Chapter 2.08

INITIATIVE PETITIONS

Sections:

- 2.08.010 Submission of petition.
- 2.08.020 Preparation of ballot title.
- 2.08.030 Specifications for petition.
- 2.08.040 Form of petition.

Statutory Reference: For Charter provisions on initiative petitions, see Charter Art. IV § 1B.

2.08.010 Submission of petition.

A. If any registered voter, or organization of registered voters of the city desires to petition the City Council to enact a proposed initiative measure, he/she or they shall file with the City Comptroller in the form prescribed by this chapter five printed or typewritten copies of the full text of the measure proposed, accompanied by the name and post office or mailing address

of the petitioner. Upon receiving such petition, the City Comptroller shall date such petition, assign a serial number thereto and forthwith transmit one copy thereof bearing its serial number and date of filing to the City Attorney, and thereafter such proposed measure shall be known and designated on all petitions, ballots and proceedings as "Initiative Measure No."

B. Within six business days after such filing the City Comptroller shall approve or reject such petition as to form and notify the petitioner and, in the event of approval, shall also notify the petitioner by telephone and by certified mail of the exact language of the ballot title prepared pursuant to Section 2.08.020.

(Ord. 108216 § 1, 1979; Ord. 103892 § 1, 1974.)

2.08.020 Preparation of ballot title.

Upon receipt of such initiative measure, the City Attorney shall prepare and transmit to the City Comptroller within five business days after the filing of an initiative petition with the City Comptroller a concise statement posed as a question and not to exceed twenty words, bearing the serial number of the measure, which shall be filed by the City Comptroller with the King County Director of Records and Elections. The statement may be distinct from the legislative title of the measure, and shall contain the essential features of such measure expressed in such a manner as to clearly identify the proposition to be voted upon and giving a true and impartial statement of the purpose of such measure, and shall not be intentionally an argument, nor likely to create prejudice, either for or against the measure. Such concise statement shall constitute the ballot title of the measure unless changed on appeal as provided in RCW 29.27.067.

(Ord. 108216 § 2, 1979; Ord. 103892 § 2, 1974.)

2.08.030 Specifications for petition.

When the ballot title has been established for a proposed initiative measure, the persons proposing such measure may prepare blank petitions, printed on single sheets of paper of good writing quality no smaller in size than eight and one-half inches in width and eleven inches in length and no larger in size than twelve inches in width and fourteen inches in length, with a margin of one and three-quarters inches at the

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top for binding. Each petition at the time of circulating, signing and filing with the City Comptroller shall be in the form of petition prescribed in Section 2.08.040 and shall consist of not more than one sheet, with numbered lines for not more than twenty signatures on each sheet, and a full, true and correct copy of the proposed measure referred to therein shall be printed on the reverse side of the petition; provided that in lieu of being printed on the reverse side of the petition, such proposed measure may be printed on sheets of paper of like size and quality as the petition and firmly fastened thereto.

(Ord. 103892 § 3, 1974.)

2.08.040 Form of petition.

Petitions proposing and asking for the enactment as an ordinance of a bill or measure in accordance with Article IV Section 1.B. of the City Charter shall be substantially in the following form:

“WARNING

“Ordinance 94289¹ provides as follows:

“Section 1. It is unlawful for any person:

(1) To sign or decline to sign any petition for a city ordinance initiative or referendum, or a city charter amendment for any consideration or gratuity or promise thereof; or

(2) To solicit or procure signatures upon a city ordinance initiative or referendum, or city charter amendment petition for any consideration or promise thereof; or

(3) To give or offer any consideration or gratuity to anyone to induce him to sign or not to sign, or to solicit or procure signatures upon, a city ordinance initiative or referendum, or city charter amendment petition; or

(4) To interfere with or attempt to interfere with the right of any voter to sign or not to sign a city ordinance initiative or referendum, or city charter amendment petition by threat, intimidation or any other corrupt means or practice; or

(5) To sign a city initiative or referendum, or city charter amendment petition with any other than his true name, or to knowingly sign more than one petition for the same initiative, referendum or charter amendment measure, or to sign any such petition knowing that he is not a registered voter of the City of Seattle.

The provisions of this ordinance shall be printed

as a warning on every petition for a city ordinance initiative or referendum or city charter amendment.

“Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than five hundred dollars or by imprisonment in the city jail for a period not to exceed six months, or by both such fine and imprisonment.

“INITIATIVE PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL

“To the City Council of the City of Seattle:

We, the undersigned registered voters of the City of Seattle, State of Washington propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. entitled:

(here set forth the established ballot title of the measure),

a full, true and correct copy of which is included herein and we petition the Council to enact said measure as an ordinance; and, if not enacted within thirty days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of the City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV Section 1 of the City Charter; and each of us for himself says: I have personally signed this petition; I am a registered voter of the City of Seattle, State of Washington in the precinct (if known) written after my name, and my residence address is correctly stated.

Petitioner's Printed Residence address, Precinct name or Signature name street and number number (if known)

- 1.
2.
3.
etc.”

(Ord. 103892 § 4, 1974.)

1. Editor's Note: Ord. 94289 is codified in Chapter 2.16 of this Code.

Section

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Chapter 2.12

REFERENDUM PETITIONS

Sections:

- 2.12.010 General requirements.
- 2.12.020 Form of petition.
- 2.12.030 Not required form.

2.12.010 General requirements.

To expedite the preparation of petitions by qualified voters for referenda contemplated by Article IV, Section 1.H of the City Charter, and to reduce the risk of error through omissions of essential elements, the form of petition for a referendum contained in Section 2.12.020 is approved for use. A petition for referendum should be printed on single sheets of paper of good writing quality at least eight and one-half inches in width and eleven inches in length, but no larger in size than twelve inches in width and fourteen inches in length with a margin on one and three-quarters inches at the top for binding. Each petition should consist of not more than one sheet with numbered lines for not more than twenty signatures on each sheet. The printed words shall be legible. (Ord. 108312 § 1, 1979.)

2.12.020 Form of petition.

A. A petition for referendum shall contain the following warning in a prominent location:

“WARNING

“Ordinance 94289¹ provides as follows:

“Section 1. It is unlawful for any person:

- (1) To sign or decline to sign any petition for a city ordinance initiative or referendum, or a city charter amendment for any consideration or gratuity or promise thereof; or
- (2) To solicit or procure signature upon a city ordinance initiative or referendum, or city charter amendment petition for any consideration or promise thereof; or
- (3) To give or offer any consideration or gratuity to anyone to induce him to sign, or not to sign or to solicit or procure signatures upon, a city ordinance initiative or referendum, or city charter amendment petition; or
- (4) To interfere with or attempt to inter-

fere with the right of any voter to sign or not to sign a city ordinance initiative or referendum, or city charter amendment petition by threat, intimidation or any other corrupt means or practice; or

(5) To sign a city initiative or referendum, or city charter amendment petition with any other than his true name, or to knowingly sign more than one petition for the same initiative, referendum or charter amendment measure, or to sign any such petition knowing that he is not a registered voter of the City of Seattle.

The provisions of this ordinance shall be printed as a warning on every petition for a city ordinance initiative or referendum or city charter amendment.

“Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than five hundred dollars or by imprisonment in the city jail for a period not to exceed six months, or by both such fine and imprisonment.”

B. If the referendum is directed at an entire ordinance, the text of the petition should take the following form:

“PETITION FOR REFERENDUM

“To the City Council of the City of Seattle:

We, the undersigned registered voters of the City of Seattle, State of Washington, respectfully direct that Ordinance No. [insert number of ordinance], entitled: [insert title of ordinance] a true and correct copy of which is included, be referred to the voters at the next municipal election.

I am a legal voter of the City of Seattle, State of Washington in the precinct (if known) written after my name. My residence address is correctly stated. I have personally signed this petition.

| | | | |
|--------------|--------------|-------------------|---------------|
| Petitioner's | Printed Name | Residence Address | Precinct Name |
| Signature | | Street and Number | or Number |
| | | | (if known) |

- 1.
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- 20.”

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The text of the ordinance should be printed on the reverse side of the petition or attached to the petition.

C. If the referendum is directed at a section, item or part of an ordinance, the text of the petition should take the following form:

"PETITION FOR REFERENDUM

"To the City Council of The City of Seattle:

We, the undersigned registered voters of The City of Seattle, State of Washington, respectfully direct that Section [or item or part, as the case may be] [insert section number(s), item(s) or phrase(s) to be referred] of Ordinance No. [insert number of ordinance], entitled [insert title of ordinance], a true and correct copy of which is included with matters to be deleted shown as stricken, be referred to the voters at the next municipal election.

I am a legal voter of the City of Seattle, State of Washington, in the precinct (if known) written after my name. My residence address is correctly stated. I have personally signed this petition.

Petitioner's Printed Name Residence Address Precinct Name Signature Street and Number or Number (if known)

1. 20"

The text of the ordinance should be printed on the reverse side of the petition or attached to the petition with the language to be deleted enclosed in double parentheses and stricken through in the manner of city ordinances. (Ord. 108312 § 2, 1979.)

1. Editor's Note: Ord. 94289 is codified in Chapter 2.16 of this Code.

2.12.030 Not required form.

The approval of the form in Section 2.12.020 for a referendum petition does not establish a required form. Petitions that meet the requirements of city and state law for a referendum shall not be rejected for failure to conform with the form set forth in this chapter. (Ord. 108312 § 3, 1979.)

Chapter 2.16

INITIATIVE AND REFERENDUM-PETITION SIGNATURES

Sections:

- 2.16.010 Unlawful acts designated.
2.16.020 Violation-Penalty.

2.16.010 Unlawful acts designated.

A. It is unlawful for any person:

- 1. To sign or decline to sign any petition for a city ordinance initiative or referendum, or a City Charter amendment for any consideration or gratuity or promise thereof; or
2. To solicit or procure signatures upon a city ordinance initiative or referendum, or City Charter amendment petition for any consideration or promise thereof; or
3. To give or offer any consideration or gratuity to anyone to induce him to sign or not to sign, or to solicit or procure signatures upon, a city ordinance initiative or referendum, or City Charter amendment petition; or
4. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a city ordinance initiative or referendum, or City Charter amendment petition by threat, intimidation or any other corrupt means or practice; or
5. To sign a city initiative or referendum, or City Charter amendment petition with any other than his true name, or to knowingly sign more than one petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he is not a registered voter of the city.

B. The provision of the ordinance codified in this chapter shall be printed as a warning on every petition for a city ordinance initiative or referendum or City Charter amendment. (Ord. 100664 § 1, 1972; Ord. 94289 § 1, 1965.)

2.16.020 Violation-Penalty.

Any person violating any of the provisions of this chapter shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a period not to exceed six months, or by both such fine and imprisonment. (Ord. 94289 § 2, 1965.)

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Sections:

- 2.20.01
2.20.02

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Sections:

- 2.24.01
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2.24.06

- 2.24.07
2.24.08

Severability: ?

Chapter 2.20

SMOKING IN POLLING PLACES

Sections:

- 2.20.010 Smoking prohibited.
2.20.020 Violation—Penalty.

2.20.010 Smoking prohibited.

It shall be unlawful for any person to smoke any cigar, cigarette or pipe, or use tobacco in any form by smoking, in any polling place in the city at any election held within the city during the hours such polling place is open for the casting of ballots.

(Ord. 25757 § 1, 1910.)

2.20.020 Violation—Penalty.

Every offense defined by this chapter or conduct made unlawful thereby shall constitute a violation. A violation may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00), but a conviction of a violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense.

B. Notwithstanding the civil nature of the penalty provided in this section for violations, nothing in this section shall deny any constitutional rights which a defendant would have were the penalty deemed criminal.

(Ord. 104196 § 1, 1975; Ord. 25757 § 2, 1910.)

Chapter 2.24

TEMPORARY POLITICAL SIGNS

Sections:

- 2.24.010 Citation.
2.24.020 Purpose.
2.24.030 Definitions.
2.24.040 Authority to make rules.
2.24.050 Placement of temporary signs.
2.24.060 Duty to remove temporary political signs.
2.24.070 Abatement.
2.24.080 Violation—Penalty.

Severability: The invalidity of any section, subsection, provision,

clause or portion of this chapter, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.
(Ord. 108400 § 12, 1979.)

2.24.010 Citation.

This chapter shall be known as the "Political Sign Ordinance" and may be cited as such.
(Ord. 108400 § 1, 1979.)

2.24.020 Purpose.

The purpose of this chapter is to protect the city from visual pollution or litter resulting from the posting of election signs beyond election campaign periods, while at the same time protecting the citizens' right to express political ideology and support of particular candidates freely.

(Ord. 108400 § 2, 1979.)

2.24.030 Definitions.

The following terms have the indicated meanings as used in this chapter:

A. "Administrator" means the Elections Administrator for the city (Ordinance 106653).¹

B. "Candidate" means an election candidate as defined by RCW 42.17.

C. "City" means the city of Seattle.

D. "Person" means individual, partnership, corporation or association.

E. "Political committee" means a political committee as defined by RCW 42.17.

F. "Political sign" means a medium used to attract attention to a candidate, a ballot issue, or a proposed ballot issue, for identification, advocacy or informative purposes.

G. "Temporary sign" means a sign that is not durable when exposed to the elements, and includes signs made of paper, cloth, cardboard, wallboard or like nondurable material, or any other sign not constituting a structure subject to the provisions of the Seattle Building Code (Ordinance 106350).²

(Ord. 108400 § 3, 1979.)

1. Editor's Note: Ord. 106653 is codified in Chapter 2.04 of this Code.

2. Editor's Note: The Building Code is codified in Title 22 of this Code.

2.24.040 Authority to make rules.

The Administrator may promulgate rules pursuant to the Administrative Code (Ordinance

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102228)¹ to implement this chapter.
(Ord. 108400 § 4, 1979.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

2.24.050 Placement of temporary signs.

A. No person shall place a temporary political sign outdoors on private property in the city without the consent of the rightful occupier of such property.

B. No person shall place, or authorize the placement, or allow the continuing placement of any temporary political sign relating to a candidate outdoors, on any private property within the city except during the period beginning July 1st for regular elections or thirty days before the earliest date for filing for a special election and ending on the 13th day after election day.

C. No person shall place, or authorize the placement of any temporary political sign relating to a proposed ballot issue outdoors on any private property within the city except during the period from the date of filing such proposed ballot issue with the City Clerk, County Clerk or Secretary of State, and ending on the 13th day after election day.

D. No person shall place, or authorize to be placed, or allow the continued placement, of any temporary political sign on any public right-of-way or other city property.

E. No temporary political sign placed on private property shall exceed six square feet in area.
(Ord. 108400 § 5, 1979.)

2.24.060 Duty to remove temporary political signs.

A. Temporary political signs shall be removed from city property.

B. It is the duty of a political candidate to remove those temporary political signs authorized by his/her committee from city property within twenty-four hours of being notified by the Administrator to do so.

C. It is the duty of the responsible officer of political committee proposing or opposing a ballot issue to remove its temporary political signs from city property within twenty-four hours of being notified to do so.
(Ord. 108400 § 6, 1979.)

2.24.070 Abatement.

A. If any political candidate or committee

fails to remove his/her/its temporary political signs within twenty-four hours of being notified by the Administrator to do so, the Administrator may, with the consent of the rightful occupier of the land upon which a temporary political sign is posted, or pursuant to a lawfully issued warrant, enter upon such land and remove such sign.

B. No person, after proper demand pursuant to a lawful warrant is made, shall fail to permit the Administrator to enter promptly and to remove such sign. The cost of such entry and abatement shall be paid by the candidate or political committee whose sign is removed; provided, the rightful occupier of land rather than a candidate or political committee shall be liable for such costs if the candidate or political committee is denied access to a sign to effect its removal.

C. The Administrator may request the assistance of the City Attorney in procuring search warrants or recovering costs enforcing this section.

(Ord. 108400 § 7, 1979.)

2.24.080 Violation—Penalty.

Violation of any provision of this chapter constitutes a violation subject to the provisions of Chapters 12A.02 and 12A.04 of this Code (Seattle Criminal Code, Ordinance 102843), and any person convicted thereof may be punished by a civil fine or forfeiture in a sum not exceeding Five Hundred Dollars (\$500.00) per violation.

(Ord. 108400 § 8, 1979.)