

Chapter 2.04
ELECTION CAMPAIGN
CONTRIBUTIONS

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Statutory Reference: For Chapter 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 Executive Director of the Ethics and Elections Commission 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. "Election cycle" means (a) in the case of a City general election, except as provided in subsection 7(b) below, that period that begins on the first day of May during the year following the previous general election for the office the candi-

date is seeking and ends on the thirtieth day of April of the year following the general election for the office the candidate is seeking; or (b) in the case of an election to fill an unexpired term, "election cycle" means the period beginning on the earlier of the day the vacancy or the day the impending vacancy is publicly announced and ending five (5) months after the election.

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 for the purposes of Subchapter IV Seattle Municipal Code Sections 2.04.350 through 2.04.375 to promote his or her public office; or
- b. Announces publicly or files for office;
- or
- c. Purchases commercial advertising space or broadcast time to promote his or her candidacy; or
- d. Gives his or her consent to another person to take on behalf of the individual any of the actions in subsections 8a or 8c of this section; or
- e. Makes expenditures or solicits or receives contributions to explore the possibility of seeking election to City 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 (a) interest

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on moneys deposited in a political committee's account; (b) ordinary home hospitality; (c) the rendering of legal or accounting services on behalf of a candidate or an authorized political committee but only to the extent that the services are for the purpose of ensuring compliance with City, county or state election or public disclosure laws; (d) the rendering of personal services of the sort commonly performed by volunteer campaign workers; (e) incidental expenses personally incurred by campaign workers not in excess of Twenty-Five Dollars (\$25), in the aggregate, during the applicable period, personally paid for by a volunteer campaign worker; or (f) an internal political communication primarily limited to the members of a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization. For purposes of this definition, members are those who (i) regularly pay dues in exchange for benefits from the organization, or (ii) are able to vote, directly or indirectly, for at least one (1) member of the organization's governing board, or (iii) adhere to a code of conduct, the violation of which may subject the members to sanctions that could adversely affect their livelihood, or (iv) participate in the organization's policy-formulating committees. 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 the office of Mayor, member of the City Council, or City Attorney 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.

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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 agreement, 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) the value of in-kind labor, or (c) 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 Seattle Ethics and Elections Commission established by Section 3.70.010.

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, or any City ballot proposition, when such expenditure is made independently of the candidate, his/her political committee, or agent, or of any ballot proposition committee or its officers or agents, 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, or the ballot proposition committee or its officers or agents. An independent expenditure is made by a person on the earliest of the following events: (a) the person agrees with a vendor or provider of services to make an independent expenditure; or (b) the person incurs the obligation to make an independent expenditure; or (c) the person pays for an independent expenditure.

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.

28. "Commission" means the Seattle Ethics and Elections Commission established by Section 3.70.010.

29. "Officer of a political committee" means the following persons: the treasurer, any person designated by the committee as an officer on the statement of organization filed with the City Clerk, and any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee.

30. "Applicable period" means the following periods: (a) for a candidate or a candidate's authorized political committee, the election cycle; (b) for a ballot proposition political committee, from the time the campaign activity begins until the end of the period covered by the final report; and (c) for a continuing political committee, a single calendar year.

(Ord. 118569 §§ 1, 2, 1997; Ord. 117308 §§ 1—4, 1994; Ord. 116005 § 3, 1991; Ord. 111223 § 1,

1983; Ord. 107978 § 2, 1979: Ord. 107772 § 2, 1979: Ord. 106653 § 2, 1977.)

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

Subchapter II Administration

2.04.060 Executive Director—Duties.

The Executive Director of the Seattle Ethics and Elections Commission shall be responsible for the management of said office, may in the exercise of such duties consult with the Seattle Ethics and Elections Commission and in that connection is authorized to:

A. 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) in connection with any election campaign; and

B. 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 Executive Director determines that any such form is not reasonably appropriate for the purposes of this chapter, he or she may develop and provide suitable forms as are reasonably necessary, and require such forms to be utilized for such purposes;

C. 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;

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

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

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

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

H. Prepare and publish, not less than ten (10) 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 or her judgment will tend to promote the purposes of this chapter;

I. 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 Seattle Ethics and Elections Commission or the PDC; provided that the Executive Director shall have the authority to resolve with

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the person who has apparently violated this chapter, what the Executive Director determines to be inadvertent, de minimus violations without referring the matter to the Seattle Ethics and Elections Commission or the PDC for a hearing; provided further that the Executive Director shall report violations to the PDC only in the event the Seattle Ethics and Elections Commission is unable to hear the matter;

J. Have access to reports filed with the City Clerk 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;

K. Keep, for a period of time not less than five (5) years from the date of filing, copies of all official reports, records and statements furnished by the City Comptroller or Clerk to the Executive Director for public inspection;

L. Review, four (4) months prior to the beginning of any municipal 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;

M. Determine whether the evidence submitted by a candidate for Mayor, City Council or City Attorney meets the eligibility requirements for receiving public matching funds;

N. Accept campaign contracts from candidates for Mayor, City Council, or City Attorney;

O. Monitor contributions and expenditures of candidates and notify candidates who are close to their voluntary expenditure limitations.
(Ord. 117242 § 1, 1994; Ord. 116368 § 11, 1992; Ord. 116005 § 14(part), 1991; Ord. 115718 § 1, 1991; Ord. 112005 § 1, 1984; Ord. 111223 § 2, 1983; Ord. 107772 § 3, 1979; Ord. 106653 § 16, 1977.)

2.04.070 Complaint procedure.

A. Any registered voter of the City may file with the Executive Director a complaint, in writing, under oath alleging a violation of this chapter. Under oath means that the complaint includes a statement substantially as follows: "I declare under penalty of perjury of the laws of the State of Washington that the information in this complaint is true and correct," or that the complaint is subscribed and sworn to before a notary public or other official authorized to administer oaths.

B. Upon receipt of such complaint, the Executive Director shall conduct an investigation. The Executive Director shall commence an investigation:

1. Within ten (10) days after receipt of the complaint if the complaint relates to conduct during the pending election and is received before the date of the final election for the office or the proposition; and

2. Within thirty (30) days in other instances.

C. The Executive Director shall dismiss the complaint (1) if he or she determines that all of the alleged facts, if true, do not constitute a violation; or (2) if he or she determines after an investigation that (a) there is no reasonable ground to believe that a violation has occurred; or (b) the violation was inadvertent and minor.

Such a dismissal shall be in writing, setting forth the facts found, and the provisions of law upon which the dismissal is based, and the Director's reasoning. The Executive Director shall provide a copy of the dismissal to the complainant, to the person named in the complaint as the alleged violator, and to the Commission.

(Ord. 117308 § 5, 1994; Ord. 106653 § 17, 1977.)

2.04.075 Procedure—Charges and hearing.

A. The Executive Director shall initiate an enforcement proceeding if, after investigation, he or she has reason to believe that a material violation of Chapter 2.04 has occurred. An enforcement action is initiated by delivering a charging document to the person charged and the Seattle Ethics and Elections Commission ("Commission") and scheduling a hearing on the charges. The document shall describe the alleged conduct that is the basis of the charge and set out the provisions of Chapter 2.04 alleged to have been violated. No hearing shall be scheduled while a recommendation of the Executive Director for a settlement is awaiting action by the Commission.

B. The hearing before the Commission shall commence as promptly as practical and no later than the following:

1. If the Executive Director issues the charging document between sixty (60) days immediately preceding and forty-eight (48) hours immediately preceding seven (7) a.m. on the date of the election to which the alleged conduct at

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issue is related, the hearing shall commence within ten (10) days of issue or half the time before the election, whichever is less, but in no event upon less than twenty-four (24) hours' notice, given pursuant to subsection C of this section, to the person charged and the public;

2. In all other cases, and in those cases in which the requirement in subsection B1 for twenty-four (24) hours' notice makes it impossible to commence the hearing within half the time before the election, the hearing shall commence within thirty (30) days from the date that the Executive Director issues the charging document;

3. The person charged and the Executive Director may, by mutual agreement, stipulate to a later date for the hearing. The Commission may delay or continue a hearing in order to accommodate an attempt to make a settlement or for other good cause.

C. The Executive Director shall cause notice of a hearing to be served on the person charged and on the public as follows:

1. The notice of hearing shall include:
 - a. A statement of the time, place, and matter(s) to be considered;
 - b. A statement of the legal authority under which the hearing is to be held;
 - c. Reference to the particular sections of the Seattle Municipal Code alleged to have been violated.

2. Notice may be served on the person charged by sending it through the U.S. mail, first class postage pre-paid, or by personal service, or through regular internal City mail service.

3. Notice may be served on the public by sending it to each daily local newspaper of general circulation through the U.S. mail, first class postage pre-paid, or by personal delivery, or by facsimile, and by posting it on the bulletin board in the main lobby of the building in which the City Council chambers are located and on the bulletin board in the Commission office.

D. Upon completion of the hearing, the Commission shall issue a written determination stating whether Chapter 2.04 was violated, the facts found, and the applicable sections of the Code.

If the charging document concerns conduct related to an election to be held within seven (7) days of issuing the charging document, the written determination shall be made within forty-eight

(48) hours of the completion of the hearing; in other instances, the determination shall be made within seventy-two (72) hours. A copy of the determination shall be delivered to the complainant, and to the person charged with the violation. The Commission may forward its determination to the City Attorney or to the King County Prosecuting Attorney.

E. A violation of this chapter may be proven by a preponderance of the evidence and need not be proven beyond a reasonable doubt. If the Commission determines that a violation has occurred, the Commission may issue an order pursuant to Section 2.04.500, or refer the matter to the City Attorney or to the King County Prosecuting Attorney.

(Ord. 118569 § 3, 1997; Ord. 117308 § 6, 1994.)

2.04.090 Ethics and Elections

Commission—Powers and duties.

The Seattle Ethics and Elections Commission shall have the following duties and powers:

For current SMC, contact the Office of the City Clerk

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A. The Commission shall hear and make written determination of complaints alleging violation of this chapter. All hearings shall be conducted as hearings of a "contested case" under the Administrative Code, Seattle Municipal Code Chapter 3.02 insofar as the times and procedures of Chapter 3.02 are practical within the constraints of Section 2.04.075, and in accordance with the Commission's rules and regulations.

B. The Commission may require any person against whom a complaint has been filed, or any person who is reasonably believed to have information material to the determination of the charges before the Commission, to appear at a designated time and place 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 an investigation authorized by this chapter.

C. The Commission 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 Code.¹

D. The Commission shall, upon proper application made to it, conduct hearings and, when appropriate, grant exemptions from the disclosure requirements of this chapter as provided in Section 2.04.320.

E. The Commission shall make public, pursuant to Section 2.04.075 C, not less than twenty-four (24) hours in advance, the time and date of any hearing set to determine whether a violation has occurred and the question or issues to be considered.

(Ord. 117308 § 7, 1994; Ord. 106653 § 19, 1977.)

¹Editor'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 outweighs 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 by arbitrary and capricious purposes and to ensure that all persons reporting under this chapter will be protected from harassment and

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unfounded allegations based on information they have freely disclosed.

C. 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. 116005 § 14(part), 1991; Ord. 1066543 § 1, 1977.)

2.04.155 Electronic filing required—Exemption.

A. Each candidate or ballot proposition political committee that expects to receive or receives Twenty-Five Thousand Dollars (\$25,000) or more in aggregate contributions during the applicable period must file all reports required by this chapter with the City Clerk by electronic transmission of the required information. Each continuing political committee that expects to contribute or contributes or expects to make or makes independent expenditures of Twenty-Five Thousand Dollars (\$25,000) or more, in the aggregate during the applicable period, to candidates or candidate political committees or to ballot proposition political committees must file all reports required by this chapter with the City Clerk by electronic transmission of the required information. The electronic format of the filing and the method of transmission shall meet requirements designated in rules adopted by the Commission.

B. The effective date of the electronic filing requirements in this section shall be established by rule of the Commission, but shall in no event be sooner than May 10, 1998. The Commission may phase in this requirement, and shall base its rule on the determination of the Executive Director as to when compliance is practicable.

C. The Executive Director may exempt a candidate or a committee from the requirements of this section where the candidate or the committee has shown that the requirements constitute an undue burden. (Ord. 118569 § 4, 1997.)

2.04.156 Electronic filing—Certification.

All reports required by this chapter that are filed electronically shall be certified as true and correct by the treasurer and candidate in accordance with procedures specified in rules adopted by the Ethics and Elections Commission. A report

not so certified shall be deemed not to have been filed. (Ord. 118569 § 5, 1997.)

2.04.160 Political committees to file statement of organization.

A. 1. Except as provided in subsection A2, below, the officers of each political committee, within two (2) weeks after the date when they first have the expectation of receiving contributions or making expenditures in any election campaign, or twenty (20) days before the election, whichever is earlier, shall file a statement of organization with the City Clerk.

2. The officer(s) of each political committee first having the expectation of receiving contributions or making expenditures during and for that election campaign twenty-one (21) or fewer days before an election shall file a statement of organization within twenty-four (24) hours of the time when they first have the expectation of receiving contributions or making expenditures.

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 street address of the place at which and 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

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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 Clerk within ten (10) days of such change.

(Ord. 118569 § 6, 1997; Ord. 116368 § 12, 1992; Ord. 111223 § 3, 1983; 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, within two (2) weeks after becoming a candidate, shall file with the City Clerk a copy of the personal financial disclosure form that is filed with the State Public Disclosure Commission.

B. Each candidate within two (2) weeks after becoming a candidate, and the officers of each political committee, at the time it is required to file a statement of organization, shall designate and file with the City Clerk the names and addresses of:

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

2. A bank, mutual savings bank, savings and loan association, or credit union doing business in this state to serve as campaign depository and the name under which the campaign account or accounts are maintained.

C. A candidate, campaign treasurer, or other officers of a political committee may appoint as many deputy campaign treasurers as is considered necessary. The candidate or officers of a political committee shall file the names and addresses of the deputy campaign treasurers with the City Clerk within ten (10) days after their appointment.

D. 1. A candidate or officers of a 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 or deputy campaign treasurer, or a change in depository, the candidate or officers of a political committee shall designate and file with the City

Clerk within ten (10) days after such designation, the name and address of any successor.

E. 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 Clerk.

(Ord. 118569 § 7, 1997; Ord. 117308 § 8, 1994; Ord. 116368 § 13, 1992; Ord. 111223 § 4, 1983; Ord. 106653 § 4, 1997.)

2.04.180 Contributions by written instrument—Deposit of contributions in designated account.

A. No person may make a contribution of more than Fifty-Five Dollars (\$55), other than an in-kind contribution, except by a written instrument containing the name of the contributor and the name of the payee. (RCW 42.17.740(1).)

B. All monetary contributions received by a candidate, political committee, campaign treasurer or deputy campaign treasurer shall be deposited within five (5) business days after receipt by the campaign treasurer or a deputy campaign treasurer in a campaign depository in an account established and designated for that purpose. If the deposit is made by a deputy campaign treasurer, the original or a copy of the deposit shall be forwarded to the campaign treasurer for retention with campaign records.

(Ord. 118569 § 8, 1997; Ord. 111223 § 5, 1983; Ord. 106653 § 5(a), 1977.)

2.04.200 Multiple accounts.

Political committees that support or oppose more than one (1) candidate or ballot proposition, or exist for more than one (1) 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 2.04.260 A4 may not be made from more than one (1) 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

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political committee's campaign treasurer pursuant to Section 2.04.260 A2, that total in excess of one (1) percent of the total accumulated contributions received in the current calendar year or Three Hundred Dollars (\$300), 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.)

2.04.215 Interim investment of campaign funds; earnings.

A campaign treasurer or political committee treasurer may invest funds deposited in the campaign account in an account or indebtedness of a financial institution up to the amount of federal deposit insurance; United States bonds or certificates of indebtedness or those of a federal agency; and/or bonds or warrants of the state or any municipal corporation of the state. All interest, dividends, and/or other income derived from the investment and the principal when repaid shall be deposited in the campaign account. (Ord. 118569 § 9, 1997; Ord. 111223 § 12, 1983.)

2.04.220 Low-cost fundraising activities—Reports.

A. A campaign treasurer or deputy campaign treasurer may report funds derived from low-cost fundraising activities as such, in accordance with the provisions of subsection C of this section, in lieu of reporting such funds pursuant to Section 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 do not 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

2. Any such fundraising activity conforms with such other standards as the Commission may adopt as rules under the Administrative Code (Chapter 3.02) 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 of Twenty-five Dollars (\$25) or

more unless the name and address of the person making such payment are obtained for disclosure in the report to be filed pursuant to subsection C of this section.

C. On the report of deposit of the funds derived from a low-cost fundraising activity, in accordance with Section 2.04.180, the campaign treasurer or a deputy campaign treasurer making the deposit shall include 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. The monetary value of wagers made and prizes distributed for winning wagers, where appropriate;
5. 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 Twenty-five Dollars (\$25) or more in the aggregate from such person, together with a precise description of each item or service contributed and its estimated market value; and
6. 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 of Twenty-five Dollars (\$25) or more.

(Ord. 117308 § 9, 1994; Ord. 116368 § 14, 1992; Ord. 111223 § 6, 1983; Ord. 106653 § 6, 1977.)

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 Clerk 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, unless its total contributions received and total expenditures are each Two Hundred Dollars (\$200) or less. A continuing political committee, which does not file a report for the preceding

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month, shall accumulate its unreported contributions and expenditures, and on the tenth day of the month after its aggregate unreported contributions or expenditures exceed Two Hundred Dollars (\$200), it shall file a consolidated report detailing its receipts and expenditures covering the months for which no report was filed. 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 (60) days prior to the date on which such candidate or ballot proposition will be voted upon, such continuing political committee shall report pursuant to Section 2.04.250 as now or hereafter amended, until twenty-one (21) days after the election.

D. A continuing political committee shall file reports as required by this chapter until the earlier of: (1) the date the continuing political committee dissolves; or (2)(a) in the case of a continuing political committee that contributes to candidates, the end of the latest election cycle of the candidates to whom the continuing political committee contributed, or (b) in the case of a continuing political committee that contributes to ballot proposition committees, the date of the latest of the final reports filed pursuant to Section 2.04.250 B3 by the ballot proposition committees to which the continuing political committee contributed. In addition, if the continuing political committee has debt at the end of the relevant election cycle or after the relevant final report has been filed, it shall continue to file reports as required by this chapter until such debt is paid or forgiven. When the continuing political committee's obligation file reports ends as set forth in this subsection, it shall submit a final report. Upon submitting a final report, the duties of the campaign treasurer other than record retention shall cease and there shall be no obligation to make any further reports.

E. The campaign treasurer shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five (5) business days of receipt or expenditure. During the eight (8) 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 (1) business day and shall be open for public inspection for at least two (2) consecutive hours Monday through Friday, excluding legal holidays, between eight (8) a.m. and eight (8) 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 or other such place as may be authorized by the Administrator.

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

G. The campaign treasurer shall preserve books of accounts, bills, receipts, and all other financial records of the campaign or political committee for five (5) calendar years following the year in which the transaction occurred. (Ord. 118569 § 10, 1997; Ord. 116368 § 15, 1992; Ord. 111223 § 7, 1983; 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.)

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2.04.250 Treasurer's reports— Procedures.

A. On the day the statement of organization is required under Section 2.04.160 or Section 2.04.170 to be filed with the City Clerk, a report of all contributions received and expenditures made prior to that date shall be filed with the City Clerk. Such report of contributions and expenditures is not required if no contributions were received and no expenditures were made prior to that date.

B. At the following intervals each campaign treasurer shall file with the City Clerk a further report of the contributions received and expenditures made since the date of the last report:

1. On the twenty-first (21st) day and seventh (7th) day immediately preceding the date on which the election is to be held; and

2. On the tenth (10th) day of the first (1st) month after the election; provided, that this report shall not be required following a primary election from;

a. A candidate whose name will appear on the subsequent general election ballot,

b. Any continuing political committee; and

3. On the tenth (10th) day of each month 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 and either the total contributions received or total expenditures made since the last such report exceed Two Hundred Dollars (\$200);

4. In the case of a City general election or a special election held in conjunction with any general election, the campaign treasurer shall file a final report no later than the tenth (10th) day of May after the date of the general election; and in the case of a special election that is not held in conjunction with any general election, the final report shall be filed no later than the tenth (10th) day of the sixth (6th) month after the date of the special election.

The period for which activity shall be reported (the "reporting period") in the required reports shall be as follows:

a. The report to be filed twenty-one (21) days before the election shall report all contributions received and expenditures made from the closing date of the last report filed

through the end of the fifth (5th) business day before the date of the report.

b. The report to be filed seven (7) days before the election shall report all contributions received and expenditures made from the closing date of the last report filed through the end of one (1) business day before the date of the report.

c. Reports which are to be filed on the tenth (10th) day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the report.

C. For the period beginning the first (1st) day of the fourth (4th) month preceding the date on which the special or general election is held and ending on the Friday eleven (11) days before the date of that election, the campaign treasurer shall file with the City Clerk each Friday a report of each contribution deposited during the previous seven (7) days. On the Friday eleven (11) days before the date of the election and each day thereafter until and including the date of the election, the campaign treasurer shall file with the City Clerk a report of each deposited contribution on the same day that the deposit is made in the campaign depository. On the day after the date on which the general or special election is held and each day thereafter until and including the Tuesday after the date of the election, the campaign treasurer shall file with the City Clerk a report of each deposited contribution on the same day that the deposit is made in the campaign depository if the contributions deposited that day total Five Hundred Dollars (\$500) or more.

D. Each such report shall contain (1) the name and address of each person making a contribution of more than Twenty-Five Dollars (\$25) or an aggregate of contributions totaling more than Twenty-Five Dollars (\$25) during the applicable period; (2) the dollar amount of each such contribution; (3) the aggregate contributed by each such contributor during the applicable period; and (4) the occupation and the employer's name, city and state of each individual whose aggregate contributions during the applicable period equal One Hundred Dollars (\$100) or more. Contributions from any person that total Twenty-Five Dollars (\$25) or less in the applicable period may be reported by a candidate, candidate committee, ballot proposition committee or continuing politi-

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cal committee as a lump sum without identifying the contributor(s) by name. The campaign treasurer shall retain a copy of each report in his or her campaign records. Each record shall be certified as correct by the campaign treasurer or a deputy campaign treasurer making the deposit.

E. The campaign treasurer shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five (5) business days of receipt or expenditures. During the eight (8) 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 (1) business day and shall be open for public inspection for at least two (2) consecutive hours Monday through Friday, excluding legal holidays between eight (8) a.m. and eight (8) 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 or such other place as may be authorized by the Administrator. The campaign treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for five (5) calendar years following the year during which the transaction occurred.

F. All reports filed pursuant to subsection A or B of this section shall be certified as correct by the candidate and the campaign treasurer.

G. Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two (2) consecutive hours Monday through Friday, excluding legal holidays, between eight (8) a.m. and eight (8) 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 or other such place as may be authorized by the Administrator.

H. Assets may be carried into a new campaign of the same candidate for the same office or disposed of in the manner provided in Section 2.04.375 B. Debt may be carried into a new campaign of the same candidate for the same office, but may not be carried into a new campaign of the same candidate for a different office, and may not be transferred to another candidate.

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(Ord. 118569 § 11, 1997; Ord. 117308 § 10, 1994; Ord. 116368 § 16, 1992; Ord. 111223 § 8, 1983; Ord. 106653 § 9, 1977.)

2.04.260 Treasurer's reports—Contents.

A. Each report required under Section 2.04.250 shall disclose:

1. The funds on hand at the beginning of the reporting period;
2. The name and address of each person who has made one (1) or more contributions during the reporting period, together with:
 - a. The money value and date of each contribution,
 - b. The aggregate value of all contributions received from each such person,
 - c. The occupation and the employer's name, city and state of each individual whose contributions in the aggregate during the applicable period equal or exceed One Hundred Dollars (\$100).

Contributions of Twenty-Five Dollars (\$25) or less in the aggregate from any one (1) person during the applicable period may be reported as one (1) lump sum so long as the campaign treasurer maintains a separate list of the contributor's names, addresses, and the amounts of each of their contributions but if the treasurer does not maintain such a list, then the name, address, and amount of each contribution shall be reported;

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 one or more expenditures were made in the aggregate amount of more than Fifty Dollars (\$50) during the reporting period, 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 Commission requires by rule adopted pursuant to the Administrative Code¹ in conformance with the policies and purposes of this chapter;

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 ten (10) days following such receipt shall file with the City Clerk 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 in support of whom the nonreporting committee made an expenditure,

f. The City ballot proposition concerning which the nonreporting committee made an expenditure, 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 (1) or more contributions in the aggregate of more than Twenty-Five Dollars (\$25) to the nonreporting committee during the current calendar year, 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, the amount,

date and purpose of such expenditure, and the total sum of such expenditures; and

12. Investments made of campaign funds under Section 2.04.215 and interest dividends and/or other income received.

B. The campaign treasurer and the candidate shall certify the correctness of each report.

(Ord. 118569 § 12, 1997; Ord. 116368 § 17, 1992; Ord. 111223 § 9, 1983; Ord. 106653 § 10, 1977.)

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

2.04.265 Special reports of late contributions totaling over Five Hundred Dollars—Certain late contributions prohibited.

A. The treasurer shall file with the Commission a special report of each contribution or aggregate of contributions that: (1) exceeds Five Hundred Dollars (\$500); (2) is from a single person or entity; and (3) is received during the twenty-one (21) days before the election in which the candidate or proposition will appear on the ballot. Such report shall be filed electronically or by facsimile, within twenty-four (24) hours of receipt of the contribution or of the time the aggregate contributions exceed Five Hundred Dollars (\$500). Contributions reported under this section shall also be reported to the City Clerk as required by other provisions of this chapter.

B. It is a violation of this chapter for any person to make or for any candidate or political committee to accept from any one (1) person contributions reportable under this chapter in the aggregate exceeding Five Thousand Dollars (\$5,000) within the twenty-one (21) days before a primary, general, or special election in which the candidate or ballot proposition appears on the ballot.

(Ord. 118569 § 13, 1997.)

2.04.270 Independent expenditures; contributions to out-of-state committees—Reports.

A. 1. Every independent expenditure not required to be reported pursuant to Sections 2.04.180 through 2.04.210, 2.04.230, 2.04.250 and 2.04.260 shall be reported pursuant to this subsection A.

2. Each person who makes an independent expenditure that by itself or when added to

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all other such independent expenditures made by the same person, in connection with the same position or proposition, equals One Hundred Dollars (\$100) or more, or for which no reasonable estimate of monetary value is practicable, shall within five (5) business days of making the independent expenditure or of the date on which the expenditures in the aggregate equal One Hundred Dollars (\$100) or more, whichever occurs first, file with the City Clerk an initial report of all independent expenditures made during such campaign prior to and including such date.

Each person who, within twenty-one (21) days before an election makes an independent expenditure that by itself, or when added to all other independent expenditures made previously during those twenty-one (21) days, exceeds Five Hundred Dollars (\$500) shall within twenty-four (24) hours of making each such independent expenditure file by facsimile or electronically with the Commission a special report of that independent expenditure.

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 Clerk a further report of the independent expenditures made since the date of the last report:

a. On the twenty-first (21st) day and the seventh (7th) day preceding the date on which the election is to be held; and

b. On the tenth (10th) day of the first (1st) month after the election; and

c. On the tenth day of each month in which no other reports are required to be filed pursuant to this subsection A; provided, that such further reports required by this subsection A3 shall be filed only if the reporting person has made an independent expenditure since the date of the last previous report filed.

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 expenditure, and ending not more than five (5) 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 expenditure was made in the aggregate amount of more than Twenty-Five Dollars (\$25) in the reporting period, and the amount, date, and purpose of each such expenditure; provided, that if no reasonable estimate of the monetary value of a particular independent 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 expenditures made during the applicable period to date; and

d. Such other information as the Commission, 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) or more during the preceding twelve (12) 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 Clerk 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 Clerk within five (5) days after the date on which the amount of One Hundred Dollars

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(\$100) or more is reached, and each subsequent report shall be filed within (5) days after each subsequent contribution is made to the same such political committee.

(Ord. 118569 § 14, 1997; Ord. 116368 § 18, 1992; Ord. 111223 § 10, 1983; Ord. 106653 § 11, 1977.)

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

2.04.275 Certification of independent expenditures—Special reports of late independent expenditures.

A. Each person and each officer of the committee or entity who made an independent expenditure each shall file, with the report required in Sections 2.04.180 through 2.04.210, 2.04.230, 2.04.250, 2.04.260 and 2.04.270, his or her notarized affidavit or declaration under penalty of perjury. The affidavit or declaration shall state that the maker has made reasonable inquiry and determined that as to each of the following, the expenditure was made without consultation, collusion, or cooperation with (1) any candidate, candidate political committee, or ballot proposition committee that a reasonable person making the independent expenditure would expect to benefit from the expenditure; (2) the officers of such candidate's or proposition's political committee; or (3) such candidate's or committee's agents.

B. Each person who, within twenty-one (21) days before an election makes an independent expenditure that by itself, or when added to all other independent expenditures made previously during those twenty-one (21) days, exceeds Five Hundred Dollars (\$500) shall within twenty-four (24) hours of making each such independent expenditure file by facsimile or electronically with the Commission a special report of that independent expenditure. Expenditures reported under this section shall also be reported to the City Clerk when and as required by other provisions of this chapter.

(Ord. 118569 § 15, 1997.)

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 (3) 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 or her 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

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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 the following activities:

A. Action taken at an open public meeting by the City Council to express a collective decision or to actually vote upon a motion, proposal, resolution, order or ordinance, or to support or oppose a ballot proposition so long as (1) any required notice of the meeting includes the title and number of the ballot proposition, and (2) members of the City Council or members of the public are afforded an approximate equal opportunity for the expression of an opposing view;

B. A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry; and

C. Activities that are part of the normal and regular conduct of the office or agency.
(Ord. 117308 § 11, 1994; Ord. 106653 § 14, 1977.)

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

2.04.330 Late filing—Civil assessments.

A. The City Clerk shall stamp, write on, or mark mechanically or electronically on each

statement or report filed under this chapter the date and time it is received.

B. Failure to file any statement or report on the date due or mail the same to the City Clerk, postage prepaid, on the date due, shall subject a candidate, campaign treasurer, political committee or officer of a political committee to a late filing penalty, as follows:

1. A civil assessment of Ten Dollars (\$10) for each day that the report is due but not filed for failing to make a timely filing;

2. A civil assessment of Fifty Dollars (\$50) per day for any statement or report that is due within seven (7) days of an election for each day the statement or report is not filed up to and including election day; and

3. A civil assessment of Ten Dollars (\$10) per day that any other statement or report is due and is not filed, and for each day after election day a statement or report in subsection B2 is due and remains unfiled.

Failure to file each statement or report is a separate infraction.

C. A filing received by mail shall be deemed filed on the date of the postmark. A filing received by facsimile or electronically shall be deemed filed when the transmission has been completely received. The Commission may adopt rules to specify how that receipt date and time is determined in each medium. It shall be a defense that a filing made solely by mail was lost in the mail.

D. The Executive Director shall determine and collect the amounts due. A person aggrieved by a determination of the Executive Director may

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appeal to the Commission. The decision of the Commission after a hearing shall be final. (Ord. 118569 § 16, 1997; Ord. 117308 § 12, 1994; Ord. 116368 § 19, 1992; Ord. 111223 § 13, 1983.)

individual to a campaign, but not in payment for services rendered by a candidate to that candidate's campaign. (Ord. 118569 § 17, 1997.)

Subchapter IV Campaign Contributions Limited

2.04.340 Personal use of contributions—When permitted.

Contributions received and reported under this chapter may be transferred to the personal account of a candidate, or, in the case of a ballot proposition political committee, to the personal account of a treasurer or other individual, or expended for such candidate's, treasurer's or individual's personal use only under one (1) or more of the following circumstances:

A. As reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the political committee. Such lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the individual or the individual's political committee. The political committee shall maintain such information in the campaign records;

B. As reimbursement for direct out-of-pocket election campaign and post-election campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the political committee with written documentation as to the amount, date, and description of each expense, and the political committee shall maintain such information in the campaign records;

C. As repayment of loans made by the individual to political committees, which repayment shall be reported pursuant to Section 2.04.250. Contributions may not be used, however, to reimburse a candidate for loans made by the candidate to the candidate's own political committee or campaign in an amount totaling more than the amount provided in RCW 42.17.125(3) and WAC 390-05-400;

D. As payment of salary, wages and benefits or any other payment for services rendered by an

2.04.350 Findings of fact—Limitations to be imposed.

A. 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 and City Attorney.

B. 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 and City Attorney.

C. 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. 116368 § 20, 1992; Ord. 110909 §2(part), 1982; 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 and City Attorney of The City of Seattle.

(Ord. 116368 § 21, 1992; Ord. 110909 § 2(part), 1982; Ord. 107772 § 1(part), 1979; Ord. 106653 § 13-B, 1977.)

2.04.370 Mandatory limitations on contributions.

A. No person shall make a contribution to any candidate for Mayor, City Council, or City Attorney, except in the election cycle for that candidate as defined in Section 2.04.010(7).

B. No person shall contribute more than Four Hundred Dollars (\$400) to any candidate for Mayor, City Council, or City Attorney, in any election cycle.

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C. A candidate for Mayor, City Council, or City Attorney may only accept or receive a campaign contribution during an election cycle as defined in Section 2.04.010(7).

D. No candidate for Mayor, City Council or City Attorney shall solicit or receive campaign contributions of more than Four Hundred Dollars (\$400) from any person in any election cycle; provided:

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

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; and

4. The limitations imposed by this section shall not apply to contributions consisting of the rendering of clerical or computer services on behalf of a candidate or an authorized political committee, to the extent that the services are for the purpose of ensuring compliance with City, county, or state election or public disclosure laws; and

5. Contributions to candidates for 1995, 1996, or 1997 City office campaigns received prior to October 16, 1994, shall not be calculated in the contribution limitations imposed by this section.

(Ord. 118569 § 18, 1997; Ord. 117308 § 13, 1994; Ord. 116368 § 22, 1992; Ord. 110909 § 2(part), 1982; Ord. 107978 § 1, 1979; Ord. 107772 § 1(part), 1977; Ord. 106653 § 13-C, 1977.)

2.04.375 Reporting and disposition of campaign funds after election.

A. 1. Each candidate or supporting committee for a candidate for City office, including the offices of Mayor, City Attorney or Civil Council, shall, on the thirtieth day of April in the year following the date of the election for the office which the candidate seeks, cease receipt of campaign contributions and dispose of the funds remaining in the campaign account after all obligations incurred for the campaign have been paid or forgiven, and shall, by the tenth day of May in the year after the election for the office which the candidate seeks, or in the case of a special election, by the tenth day of the sixth month after

the special election for the office which the candidate seeks, file a report reflecting the disposition of the remaining funds, in accordance with subsection B below.

2. If a candidate or supporting committee for a candidate for City office has campaign debt outstanding on April 30th in the year following the date of the general election for the office which the candidate seeks, the debt may be transferred into a new campaign of the same candidate for the same office.

B. The surplus funds, including each capital asset for which the campaign paid Two Hundred Dollars (\$200) or more, or reported as an in-kind contribution with a value of Two Hundred Dollars (\$200) or more, of a candidate, of a political committee supporting a candidate, of a political committee supporting or opposing a ballot proposition, and of a continuing political committee may be disposed of only in one (1) or more of the following ways:

1. Return the surplus to contributors in respective amounts not to exceed each contributor's original contribution;

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2. Transfer the surplus to the personal account of a candidate, or of a treasurer or other individual as reimbursement for lost earnings incurred as a result of the election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate, treasurer or individual is not salaried, as an amount not to exceed income received by the candidate, treasurer, or individual for services rendered during an appropriate corresponding time period. All lost earnings incurred shall be documented, and a record thereof shall be maintained by the candidate, treasurer, or individual or by the political committee as the lost earnings accrue. The Committee shall maintain such information as a part of the campaign records;

3. Transfer the surplus to a political party or to a caucus of the state legislature;

4. Donate the surplus to a charitable organization registered in accordance with RCW Chapter 19.09;

5. Transmit the surplus to the state treasurer for deposit in the general fund;

6. Hold the cash surplus in the campaign depository or depositories designated in accordance with RCW 42.17.050 and in the case of capital assets hold them in the custody of the candidate or officer of the campaign committee for possible use in a future election campaign for the same office last sought by the candidate or for a future election campaign for a ballot proposition on the same topic, and report the transfer of such funds or assets as a disposition in accordance with RCW 42.17.090 and SMC Section 2.04.260. If the candidate subsequently announces or publicly files for office, or if a ballot proposition political committee is established for a future proposition on the same topic, information as appropriate shall be reported in accordance with RCW 42.17.040 through 42.17.090 and SMC Sections 2.04.170 through 2.04.260. If a subsequent office is not sought, or if a subsequent election campaign for a ballot proposition on the same topic does not occur, the surplus held shall be disposed of in accordance with the requirements of this chapter;

7. A ballot proposition political committee may become a continuing political committee and use the funds to support or oppose candidates and ballot propositions and must report in accordance with SMC Sections 2.04.230 through 2.04.290; or

8. With the written approval of the contributor, a candidate or the candidate's political committee may use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate or the candidate's political committee from that contributor to further the candidacy of the individual for an office other than the office designated on the statement of organization. If the contributor does not approve the use of his or her contribution to further the candidacy of the individual for an office other than the office designated on the statement of organization at the time of the contribution, the contribution must be considered surplus funds and disposed of in accordance with this chapter.

(Ord. 118569 § 19, 1997; Ord. 117308 § 14, 1994.)

Subchapter V Voluntary Expenditure Limitations

Cases: An earlier ordinance establishing the City campaign matching fund program was upheld by a plurality opinion in *Seattle v. State*, 100 Wn.2d 232, 668 P.2d 1266 (1983).

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 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. 112005 § 2(part), 1984.)

2.04.410 Campaign contract.

A. Effective with elections for City officers in 1987, a candidate for Mayor, City Council or City Attorney 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 (30) days after the individual becomes a candidate as

2.04.375 ELECTIONS

defined in RCW 42.17.020, or at the time of filing for said office, whichever is earlier. (Ord. 116368 § 23, 1992; Ord. 112005 § 2(part), 1984.)

2.04.420 Candidates' contribution limitations.

A candidate who signs a campaign contract shall make no contribution to his/her own campaign or political committee which in the aggregate exceeds three (3) percent of the applicable expenditure limit in any campaign year. (Ord. 112005 § 2(part), 1984.)

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 Two Hundred Fifty Thousand Dollars (\$250,000) for the office of Mayor or One Hundred Ten Thousand Dollars (\$110,000) for the offices of City Councilmember or City Attorney. Provided, that no more than seventy-five (75) percent of the applicable expenditure limitation shall be expended through the day of the primary election.

B. Independent expenditures, as defined in this chapter, shall not be included in the computation of a candidate's expenditures. (Ord. 116368 § 24, 1992; Ord. 115017 § 1, 1990; Ord. 112005 § 2(part), 1984.)

2.04.440 Eligibility for public matching funds.

A. To be eligible to receive public matching funds, a candidate for Mayor, City Council or City Attorney must meet the requirements of the City Charter¹ and during the campaign year:

1. For the office of Mayor receive three hundred (300) contributions of Ten Dollars (\$10) or more;

2. For the offices of City Council or City Attorney receive two hundred (200) contributions of Ten Dollars (\$10) or more.

B. For the 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 campaign year in which the election is held; and provided further, that any candidate who received public matching funds and later fails to file for public office or withdraws his/her candidacy after filing, shall return to the appropriate City account an amount equal to the public funds disbursed to that candidate.

(Ord. 116368 § 25, 1992; Ord. 112005 § 2(part), 1984.)

1. Editor's Note: The Charter is included at the beginning of this Code.

Cases: Seattle campaign financing ordinance held valid against contention that it authorized a public gift or subsidy in violation of Article 8, Section 7 of the Washington State Constitution or allowed use of public office or agency facilities for campaigns in violation of RCW 42.17.130 and the Seattle Charter. *City of Seattle v. State*, 100 Wn.2d 232, 668 P.2d 1266 (1983).

2.04.450 Public matching funds—Specifications.

A. Effective with elections for City offices in 1987 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) in public matching funds for every One Dollar (\$1) from any individual during the year preceding the date of the applicable general election to a maximum public match of Fifty Dollars (\$50) per individual contributor. 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 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.

C. If following the election wherein the candidate is elected or defeated, the candidate has unexpended campaign funds, one-half (½) of such surplus shall be returned to the appropriate City account within ten (10) days of certification of the election.

D. A candidate who has signed a campaign contract may void his/her contract within fifteen (15) days after the close of filing; provided, an

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opponent of that candidate does not enter into a campaign contract pursuant to this chapter and provided further, that the candidate returns all public funds received pursuant to this chapter. (Ord. 112005 § 2(part), 1984.)

2.04.460 Payment of matching funds.

A. There is hereby established in the City Treasury a campaign matching fund account into which shall be deposited whatever sums the City may receive or allocate from time to time or during the annual budget process for campaign matching purposes.

B. Candidates entitled to public matching funds shall be paid upon the voucher of the Administrator. (Ord. 112005 § 2(part), 1984.)

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 headquarters telephones. A candidate who signs a campaign contract may use neither contributions nor 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 Office of Election Administration.

(Ord. 112005 § 2(part), 1984.)

Cases: Seattle campaign financing ordinance held valid against contention that it authorized a public gift or subsidy in violation of Article 8, Section 7 of the Washington State Constitution or allowed use of public office or agency facilities for campaigns in violation of RCW 42.17.130 and the Seattle Charter. *City of Seattle v. State*, 100 Wn.2d 232, 668 P.2d 1266 (1983).

Subchapter VI Office Funds

2.04.480 Public office fund—What constitutes, restrictions on use, limitations on contributions— Reporting of—Disposal of remaining funds.

A. The Mayor, each City Council member, and the City Attorney, upon election to office, may each establish an individual account for the

deposit of contributions solicited and received for the purpose of defraying non-reimbursed public office related expenses. Such accounts shall be called public office funds.

B. Contributions to public office funds shall not be transferred to a political committee nor used to promote or oppose a candidate or ballot issue.

C. No person shall make a public office fund contribution to a candidate for City office who is not an Elected Official before that candidate is elected to City office or to a person appointed to fill a vacancy in a City elected office who is not an Elected Official before the person is appointed to City office. No candidate for City office who is not an Elected Official shall accept a public office fund contribution before that candidate is elected to City office and no person appointed to fill a vacancy in a City elected office who is not an Elected Official shall accept a public office fund contribution before the person is appointed to fill the vacancy in the City elected office.

D. No person shall make a public office fund contribution of more than Two Hundred Fifty Dollars (\$250) to each City Elected Official in any calendar year.

E. No City Elected Official shall accept or receive a public office fund contribution of more than Two Hundred Fifty Dollars (\$250) from any person in any calendar year, provided that this limitation shall not apply to the Elected Official's contributions of his or her own resources to his or her own office fund.

F. Within two (2) weeks of receiving his or her first public office fund contribution, the Elected Official shall establish a separate account and file a report of organization to the City Clerk as provided in SMC Sections 2.04.160 and 2.04.170. On the tenth (10th) day of each month following a month in which a public office fund contribution was received or an expenditure was made, the Elected Official shall file reports with the City Clerk in compliance with SMC Sections 2.04.180 through 2.04.260, except that the Two Hundred Dollar (\$200) transaction criteria stated in SMC Section 2.04.250 B3 shall not apply. The late filing provisions of SMC Section 2.04.330 shall apply.

G. Any funds which remain in a public office fund after all permissible public office related expenses have been paid may only be disposed of in one (1) or more of the following ways:

2.04.480 ELECTIONS

1. Returned to contributors in respective amounts not to exceed each contributor's original contribution; or
2. Donated to a charitable organization registered in accordance with Chapter 19.09 RCW; or
3. Transferred to the Seattle Ethics and Elections Commission for deposit into the City general fund.
(Ord. 117308 § 15, 1994.)

Subchapter VII Violation—Penalty

2.04.500 Civil remedies and sanctions.

A. 1. Upon determining pursuant to Sections 2.04.070 through 2.04.090 that a violation has occurred, the Commission may issue an order requiring the party to take particular action in order to comply with the law, and in addition, or alternatively, may impose sanctions up to Five Thousand Dollars (\$5,000) for each violation.

2. Upon determining that a contribution was illegally made or accepted, in addition to the remedies in subsection A1, the Commission may order the return of a contribution illegally made, and impose a penalty of two (2) times the amount of a contribution illegally made or accepted by a person who violates Section 2.04.180, 2.04.200, 2.04.210, 2.04.215, 2.04.240, 2.04.290, 2.04.300, 2.04.370, or 2.04.480.

3. Upon determining that a report was filed excessively late, in addition to the remedies in subsection A1, the Commission may impose a penalty of two (2) times the amount of each deposit or expenditure for each deposit or expenditure that was reported excessively late. A report is excessively late if it was due more than twenty-one (21) days before the election in which the candidate or ballot proposition appeared on the ballot, but was not filed at least twenty-one (21) days before that election. A report is also excessively late if it was due within twenty-one (21) days before the election in which the candidate or ballot proposition appeared on the ballot, but was not timely filed.

4. In addition to the actions in subsections A1, A2, and A3 above, the Commission may forward the determination of violation to the Seattle City Attorney or the King County Prosecu-

tor for prosecution. 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 (60) days of such finding. Any action to void an election shall be commenced within one (1) 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. Whether or not there is an administrative determination as provided in subsection A, 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 (regarding political signs) shall constitute an infraction, not subject to the Seattle Criminal Code, for which a monetary fine, not to exceed Five Thousand Dollars (\$5,000), may be assessed by a court, however, a person or entity who violates Section 2.04.370 may be subject to a civil fine of Five Thousand Dollars (\$5,000) or be required to return the illegal contribution and pay a penalty of two (2) times the amount of the contribution illegally made or accepted, whichever is greater. Violation of the ordinance and existence of an infraction may be proven by a preponderance of the evidence and need not be proven beyond a reasonable doubt. An action seeking to establish the fact of an infraction and imposition of a monetary fine under this section may be commenced by the City Attorney at a request of a majority of the Commission.

C. Any candidate who fails to comply with the requirements of Chapter 2.04 of the Seattle Municipal Code or 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 appropriate City account Three Dollars (\$3) for every One Dollar (\$1) he/she has overspent in that election to a maximum amount equal to the total sum of public funds he/she has received.

D. The following persons shall be liable for violation of this chapter, and shall be subject to all penalties, civil remedies and sanctions set forth in this section, in Section 2.04.330, or elsewhere in this chapter:

1. Each candidate whose campaign has violated any provision of this chapter;

2. Each officer of a ballot proposition political committee or continuing political committee whose committee has violated any provision of this chapter;

3. Each individual violating any provision of this chapter.

(Ord. 118569 §§ 20, 21, 1997; Ord. 117308 § 16, 1994; Ord. 112005 § 3, 1984; Ord. 111223 § 11, 1983; Ord. 110909 § 3, 1982; Ord. 109886 § 1, 1981; Ord. 108400 § 11, 1979; Ord. 107772 § 4, 1979; Ord. 106653 § 21, 1977.)

2.04.510 Enforcement.

The Executive Director 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. 117308 § 17, 1994; 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 or to the County 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. 117308 § 18, 1994; 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 Clerk in the form prescribed by this chapter five (5) 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 Clerk shall date such petition, assign a serial number thereto and forthwith transmit one (1) 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 five (5) business days after such filing, the City Clerk shall approve or reject such petition as to form and notify the petitioner and, in the event of approval, shall provide a copy of the approved petition form to the Executive Director of the Ethics and Elections Commission and 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. 116368 § 26, 1992; Ord. 111198 § 1, 1983; 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 Clerk within five (5) business days after the filing of an initiative petition with the City Clerk a concise statement posed as a question and not to exceed seventy-five (75) words, bearing the serial number of the measure, which shall be filed by the City Clerk with the King County Director of Records and Elections. The statement may be distinct from the legislative title of the measure,

2.08.010 ELECTIONS

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. 116368 § 27, 1992; Ord. 114098 § 1, 1988; 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 (8 1/2) inches in width and eleven (11) inches in length and no larger in size than twelve (12) inches in width and fourteen (14) inches in length, with a margin of one and three-quarters (1 3/4) inches at the top for binding. Each petition at the time of circulating, signing and filing with the City Clerk shall be in the form of petition prescribed in Section 2.08.040 and shall consist of not more than one (1) sheet, with numbered lines for not more than twenty (20) 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. 116368 § 28, 1992; 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 of Section 1B 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 initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or
2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or
3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or
4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she 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 initiative, referendum, or 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 (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) 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

(Seattle 6-98)

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 forty-five (45) 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 or herself 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 Signature	Printed Name	Residence Address Street and Number	Precinct Name or Number (if known)
---------------------------	-----------------	--	--

1
2
3
etc.			

(Ord. 118934 § 2, 1998; Ord. 115050 § 1, 1990; Ord. 103892 § 4, 1974.)

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

Chapter 2.12 REFERENDUM PETITIONS

Sections:

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

2.12.010General requirements.

To expedite the preparation of petitions by qualified voters for referenda contemplated by Article IV, Section 1H 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 (8½) inches in width and eleven (11) inches in length, but no larger in size than twelve (12) inches in width and fourteen (14) inches in length with a margin of one and three-quarters (1¾) inches at the top for binding. Each petition should consist of not more than one (1) sheet with numbered lines for not more than twenty (20) 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 initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or
2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or
3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment petition by threat, intimidation or any other corrupt means or practice; or
4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she 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 initiative, referendum, or Charter amendment.

For current SMC, contact
the Office of the City Clerk

fully 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 Signature	Printed Name	Residence address Street and Number	Precinct Name 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. 118934 § 3, 1998; Ord. 108312 § 2, 1979.)

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

2.12.030Not 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 2.14
ELECTION PAMPHLETS**

Sections:

2.14.010Election pamphlet.

- 2.14.020Material on propositions and initiatives.**
- 2.14.030Explanatory statement.**
- 2.14.040Committees to prepare arguments.**
- 2.14.050Information on candidates.**
- 2.14.060Candidates' submissions.**
- 2.14.070Editorial authority—Appeals.**
- 2.14.080Preparation and circulation.**
- 2.14.090Participation of additional jurisdictions.**
- 2.14.100Deadlines—Rules.**
- 2.14.110Cost prorated.**
- 2.14.120Ratification.**
- 2.14.130Effective date.**

2.14.010Election pamphlet.

A. The Executive Director of the Seattle Ethics and Elections Commission (“Executive Director”) shall prepare and publish and the City Clerk shall mail to each residence or registered voter within the City an election pamphlet as soon as practical prior to each primary, special or general election. The pamphlet shall contain:

1. For each measure, the identification by serial number, the ballot title, an explanatory statement, and arguments for and against the passage of the measure;
2. The photographs and campaign statements of the candidates for the offices of Municipal Court Judge, City Councilmember and City Attorney, and the Mayor, whose names are listed on the ballot;
3. Information from other jurisdictions which participate in the pamphlet;
4. A sample ballot;
5. Information about election laws of participating jurisdictions, qualifications for voting, voter registration, obtaining and using an absentee ballot or an application for an absentee ballot; and
6. When candidates are included, a brief explanation of how voters may participate in the election campaign process and of disclosure requirements that apply to campaign contributions.

B. The Executive Director shall determine, among other matters, the organization, size, dimensions, format, and the layout of the pages of the pamphlet subject to the guidelines in this chapter. Whenever applicable, the election pamphlet shall comply with the provisions of RCW Chapter 29.81A and RCW Chapters 29.80 and

2.14.010 ELECTIONS

29.81 regarding the publication of the State candidates' and voters' pamphlets. The Executive Director is authorized to produce and make publicly available the election pamphlet in electronic format.

(Ord. 117629 § 1, 1995; Ord. 116368 § 29, 1992; Ord. 116005 § 4, 1991; Ord. 112962 § 1, 1986; Ord. 112213 § 1(part), 1985.)

2.14.020 Material on propositions and initiatives.

A. Measures shall appear in the election pamphlet in the order in which they appear on the sample ballot.

B. The identification by serial number and ballot title shall precede the explanatory statement on a measure; and the explanatory statement shall precede the arguments for and against passage. The names of the members of a committee which prepares an argument shall follow it.

C. Arguments in favor of passage shall precede those against it. Whenever practical, the arguments for and against passage shall be placed side-by-side on facing pages.

D. The text of a measure may accompany the arguments on the measure or appear in a separate section of the pamphlet comprised of the text of two (2) or more measures.

E. Each argument on a measure shall contain a principal statement and, where an opposing argument is made, a rebuttal. The principal statement shall not exceed four hundred (400) words and the rebuttal shall not exceed one hundred fifty (150) words.

F. No obscene, profane, libelous, or defamatory matter, or language which may impair the circulation of the voters' pamphlet through the mails shall be accepted.

(Ord. 117629 § 2, 1995; Ord. 112213 § 1(part), 1985.)

2.14.030 Explanatory statement.

A. The City Attorney shall prepare an explanatory statement on each City measure, describing in clear and concise language, the law as it presently exists and the effect of the measure if approved. No explanatory statement need accompany an advisory referendum.

B. Within five (5) days after its filing with the Executive Director, anyone dissatisfied with the explanatory statement prepared by the City Attorney may appeal to the Seattle Ethics and Elections

Commission by filing an objection with the Executive Director and serving a copy of the objection upon the City Attorney. The objection shall identify the appellant's grievance and contain a proposed amendment or substitution. The Seattle Ethics and Elections Commission shall convene as soon as practical to consider the explanatory statement and the objection; and its decision shall be final. There shall be no appeal to the Hearing Examiner.

(Ord. 117629 § 3, 1995; Ord. 112213 § 1(part), 1985.)

2.14.040 Committees to prepare arguments.

A. The City Council shall appoint committees to prepare arguments on City measures in the election pamphlet. Each committee shall be comprised of three (3) members, who are known to support the argument to be made. The Executive Director shall make a recommendation for the membership of the committees to the President of the City Council. If a political committee has filed a statement of organization as contemplated by SMC Section 2.04.160 for or against a measure, the Executive Director shall first solicit recommendations from the committee.

B. Each committee shall prepare and submit to the Executive Director an opening argument, and, if an opposing argument is submitted, after reviewing the opposing argument, the committee shall submit a rebuttal. The opening argument and the rebuttal argument shall be submitted within the respective deadlines established pursuant to SMC Section 2.14.100. The Committee may also submit an address and phone number for publication in the voters' pamphlet that the public may use in communicating with the committee or, with the organization's consent, an organization selected by the committee.

C. Each committee shall elect its own presiding officer and arrange for the conduct of its affairs. A committee may fill a vacancy occurring in its membership by appointment. A committee may appoint a nonvoting advisory committee containing not more than five (5) members. Neither the members of a committee appointed to prepare an argument nor the members of an advisory committee shall be compensated for their service. The term of office of a committee member shall expire and the committee shall be dissolved upon completion of its task.

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(Ord. 117629 § 4, 1995; Ord. 112213 § 1(part), 1985.)

2.14.050 Information on candidates.

A. City offices and candidates' photographs and statements shall appear in the election pamphlet in the same order as they appear on the sample ballot.

B. No photographs or statements shall appear for any candidate conducting a write-in campaign unless such candidate is a declared write-in candidate pursuant to RCW 29.04.180.

(Ord. 115283 § 1, 1990; Ord. 112213 § 1(part), 1985.)

2.14.060 Candidates' submissions.

A. To participate in the election pamphlet, a candidate shall file with the Executive Director (1) a photograph taken within the past two (2) years and (2) a campaign statement. The filing shall be in the form and within the deadlines established by rules promulgated pursuant to Section 2.14.100. The candidate may also submit an address and phone number for publication in the voters' pamphlet that the public may use in communicating with the candidate or the candidate's political committee.

B. The photograph shall show the candidate's face, or face, neck and shoulders in the manner of a portrait. It shall exclude other images, such as the candidate's hands, anything held in the candidate's hands, or other people. The candidate shall not wear a uniform or hat or bear an insignia. The background shall be plain. The photograph shall be of a size or quality suitable for reproduction. Informal snapshots, cartoons, caricatures, or images that do not accurately portray the candidate shall be rejected.

C. The candidate's statement shall not exceed four hundred (400) words. No obscene, profane, libelous or defamatory matter, or language, which may impair circulation of the pamphlet through the mail, shall be accepted. A candidate's campaign statement shall not discuss the opponent.

(Ord. 117629 § 5, 1995; Ord. 115283 § 2, 1990; Ord. 112213 § 1(part), 1985.)

2.14.070 Editorial authority—Appeals.

A. Upon notice to the candidate or an argument committee, in lieu of an outright rejection, the Executive Director may edit a statement with too many words down to the maximum permitted,

crop a photograph or other graphics to delete improper material, and/or otherwise remove material, which would be cause for rejection of the statement.

B. Any candidate or committee aggrieved by a decision or action of the Executive Director may within five (5) days thereafter appeal the matter to the Seattle Ethics and Elections Commission, which shall convene as soon as practicable. The Commission shall consider the matter under the procedures established for contested cases in SMC Section 3.02.090, subsections B through I inclusive, and subsection M. The decision of the Commission shall be final; there shall be no appeal to the Hearing Examiner.

(Ord. 117629 § 6, 1995; Ord. 112213 § 1(part), 1985.)

2.14.080 Preparation and circulation.

Among other activities, the Executive Director shall inform the candidates and argument committees about the election pamphlet and their opportunities to submit material; the Executive Director shall prepare an audio tape and braille transcript in English and distribute it without charge, upon request, to any visually handicapped person or organization affiliated or working with such people; the Executive Director shall prepare a copy in Spanish and distribute it in sufficient quantities through the Seattle Public Library and Hispanic organizations to those conversant in Spanish; and the Executive Director shall prepare a copy in Chinese, and insofar as funds permit, in other Asian languages for which the Executive Director determines that the need for a translated copy is greatest, and distribute the same through the Seattle Public Library and organizations serving the Asian community in Seattle. Foreign language translations may contain a summary rather than the full text of a proposition, initiative, referendum or Charter amendment. The City Clerk may delegate to the Executive Director the performance of mailing activities, notification functions, and the implementation of rules.

(Ord. 117629 § 7, 1995; Ord. 116368 § 30, 1992; Ord. 112213 § 1(part), 1985.)

2.14.090 ELECTIONS

2.14.090 Participation of additional jurisdictions.

At least ninety (90) days before any primary or general election, or at least forty (40) days before any special election held under RCW 29.13.010 or RCW 29.13.020, the City Clerk shall notify all taxing districts located wholly or partially located within Seattle that the City will produce an election pamphlet and invite the district to participate as authorized by RCW 29.81A.010 through 29.81.020 and RCW 29.81A.070. The notice shall contain the deadline established pursuant to RCW 29.81.030(1) for responding. The City Clerk may designate that the Executive Director perform these functions on behalf of the City Clerk. If another jurisdiction elects to participate, the Executive Director shall work with the participating government to produce a joint pamphlet or arrange for inclusion of information from the participating jurisdiction in the City pamphlet. A participating government shall provide for appeals from the actions of its officials on material submitted.

(Ord. 117629 § 8, 1995; Ord. 116368 § 31, 1992; Ord. 112213 § 1(part), 1985.)

2.14.100 Deadlines—Rules.

The City Clerk with the assistance of the Executive Director and any participating jurisdiction shall establish deadlines by calendar date in accordance with the procedures of the Administrative Code (SMC Chapter 3.02; Ordinance 102228, as amended) for the submission of arguments; for transfer by the Executive Director of principal statements between committees making opposing arguments; and for submission of rebuttal arguments. The City Clerk with the assistance of the Executive Director shall promulgate other rules and regulations in accordance with the Administrative Code (SMC Chapter 3.02; Ordinance 102228, as amended) to carry out this chapter, including among other matters, the manner of applying the word limitations.

(Ord. 117629 § 9, 1995; Ord. 116368 § 32, 1992; Ord. 112213 § 1(part), 1985.)

2.14.110 Cost prorated.

The cost of the election pamphlet shall be considered an election cost to those jurisdictions included in the pamphlet and shall be prorated in the manner provided for in RCW 29.13.045.

(Ord. 112213 § 1(part), 1985.)

2.14.120 Ratification.

Any actions taken to implement the ordinance codified in this chapter, consistent with its provisions and prior to its effective date, are hereby ratified and confirmed.¹

(Ord. 112213 § 1(part), 1985.)

1.Editor's Note: Ordinance 112213 was approved by the Mayor on April 4, 1985.

2.14.130 Effective date.

The ordinance codified in this chapter shall take effect and be in force thirty (30) days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter.¹

(Ord. 112213 § 1(part), 1985.)

1.Editor's Note: Ordinance 112213 was approved by the Mayor on April 4, 1985.

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 initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or

2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or

3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or

4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum, or Charter amendment measure, or to

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sign any such petition knowing that he or she 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. 118934 § 1, 1998; 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) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

(Ord. 94289 § 2, 1965.)

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.

A. 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), 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.)

**Seattle Municipal Code
June, 1998 code update file
Text provided for historic reference only.**

**See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.**

**For current SMC, contact
the Office of the City Clerk**