

Ordinance No. 100211

AN ORDINANCE relating to and providing for the regulation and reporting of election campaign contributions and expenditures; establishing a Fair Campaign Practices Commission and prescribing its powers and duties in connection therewith; defining offenses and providing penalties.

COMPTROLLER
FILE NUMBER

ENCLOSURE

Council Bill No. 91843

INTRODUCED: AUGUST 23, 1971	BY: Committee of the Whole
REFERRED: AUGUST 23, 1971	TO: Committee of the Whole
REFERENCE:	
REVISED: AUG 23 1971	SECOND READING: AUG 23 1971
FIRST READING: AUG 23 1971	DISCUSS:
PRESENTED TO MAYOR: SEP 2 1971	APPROVED: SEP 2 1971
SENT TO CITY CLERK: SEP 2 1971	PUBLISHED:
VETOED BY MAYOR:	VETO FORWARDED:
PASSED OVER VETO:	VETO SUSTAINED:

Unanimous Vote

YES _____ NO _____

SEE BACK COVER

Ord 100675 -making approp from Emergency Fund for payment of certain administrative expenses.

Ord 102363 -AMENDS SECTIONS 2, 4, 7, 8, 9, 10, 11, 1., 13, 15 & 17; & ADDS NEW SECTION 12-A.

BPL

10/11/73

ORDINANCE 100241

AN ORDINANCE relating to and providing for the regulation and reporting of election campaign contributions and expenditures; establishing a Fair Campaign Practices Commission and prescribing its powers and duties in connection therewith; defining offenses and providing penalties.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. DECLARATION OF PURPOSE. It is hereby declared to be the public policy of The City of Seattle that election campaign contributions and expenditures be fully disclosed to the public and that secrecy in the sources and application of election campaign contributions be avoided. This ordinance shall be liberally construed to promote complete disclosure of all information respecting the financing of election campaigns so as to assure continuing public confidence in the fairness of elections.

REMOVED - ORD.
02383

Section 2. As used in this ordinance, unless the context requires otherwise, the following words and terms shall have the meaning given herein.

(1) "Campaign depository" means a bank designated by a candidate or political committee pursuant to Section 8 of this ordinance.

(2) "Fair Campaign Practices Commission" or "Commission" means the Fair Campaign Practices Commission established by Section 3 of this ordinance.

(3) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to Section 8 of this ordinance.

(4) "Candidate" means any individual who seeks nomination for, or election to, public office in The City of Seattle, whether

or not successful. For purposes of this subsection, an individual shall be deemed to seek nomination or election when he first:

- (a) Receives and retains contributions or makes expenditures or reserves facilities or advertising space with intent to promote his candidacy for office; or
- (b) Announces publicly or files for office.

(5) "Charter" means the Charter of The City of Seattle.

(6) "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.

(7) "Contribute" or "contribution" means any advance, conveyance, deposit, distribution, gift, loan, payment, pledge or subscription of money or any other thing of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution in support of or in opposition to any candidate, political committee or proposition; but do not include:

- (a) Services of the sort commonly performed by volunteer workers and for which no compensation is asked or given,

- (b) Incidental expenses in the aggregate of under \$25.00 personally paid for by volunteer campaign workers.

(8) "Election" includes primary, general and special elections for a public office to be filled by the voters and any election in

which a proposition is submitted to the voters.

(9) "Election campaign" means any campaign of a candidate for nomination for, or election to, public office and any campaign in support of, or in opposition to, a proposition.

(10) "Expend" or "expenditure" means any advance, conveyance, payment or transfer of money or any other thing of value, and any contract, agreement, promise or other obligation to make an expenditure, whether or not legally enforceable, in support of or in opposition to any candidate, political committee or proposition.

(11) "Final report" means the report described and designated as such in Section 11 of this ordinance.

(12) "Person" means an individual, partnership, joint venture, corporation, association, candidate, political committee, political party or executive committee thereof, or any other group, however organized.

(13) "Political advertising" includes any advertising displays, newspaper advertisements, billboards, signs, articles, tabloids, 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.

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

(15) "Proposition" means any measure, question, initiative, referendum, recall, or Charter amendment submitted to, or proposed for submission to, the voters.

When consistent with the context, words in the masculine, feminine or neuter genders shall be construed to be interchangeable with and to include such other genders; and words in the singular number shall be construed to include the plural, and in the plural to include the singular, and each shall be construed to be interchangeable with the other.

Section 3. COMMISSION ESTABLISHED. There is hereby established a Fair Campaign Practices Commission for The City of Seattle, composed of five members appointed as follows:

- (a) two members appointed directly by the City Council from nominees for positions on the Fair Campaign Commission from civic, community, service and other organizations as well as from interested citizens throughout the City, and that such nominees names be also made available to the Mayor for his consideration in making his appointments,
- (b) three members appointed by the Mayor from among persons recommended for such positions by interested groups and individual citizens subject to confirmation by a majority of the City Council;

provided that at least one member of the Commission selected by the Mayor shall be chosen from the non-Caucasian community.

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

No member of the Commission, during his term of office and for two years thereafter, shall hold or be a candidate for any elective public office or be an officer of any political party. Any member

of the Commission may be removed by the appointing authority for neglect of duty or misconduct in office, which removal shall be subject to concurrence by a majority of the City Council.

Vacancies shall be filled within thirty days by the appropriate appointing authority in the same manner as original appointments. Such vacancy shall not impair the authority of the remaining members to exercise all the powers of the Commission, and four members shall constitute a quorum.

The Corporation Counsel is hereby directed and authorized to provide the necessary staff for carrying out the duties of the Commission.

Section 4. POWERS AND DUTIES OF COMMISSION. The Fair

Campaign Practices Commission shall have the following duties and powers:

(1) To elect from its members a chairman and to adopt, promulgate, amend and rescind such administrative rules and regulations consistent with this ordinance as shall be necessary to carry out its duties;

(2) To assist the City Comptroller in the development of prescribed forms for reports required by this ordinance and Article XVIII § § 4 and 5 of the Charter to be filed with the City Comptroller;

(3) To prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to file such reports;

(4) To have access to reports filed with the City Comptroller and make copies thereof available for public inspection and distribution during regular office hours at the expense of any person requesting copies of the same;

(5) To preserve copies of such reports for a period not less than five years from the date of filing;

(6) To compile and maintain a current list of all reports or parts of reports pertaining to each candidate or political committee;

(7) To determine whether required reports have been filed and if so, whether they conform with the requirements of this ordinance;

(8) To prepare and publish, not less than ten days before newly elected officers take office, a report setting forth, as to each candidate who filed a final report, the amounts and sources of all contributions and the amounts and purposes of all expenditures set forth in such final report; and the names and addresses of any candidates who failed to file a final report or who filed an incomplete final report; and to prepare and publish such other reports as in its judgment will tend to promote the purposes of this ordinance;

(9) Upon receipt of written complaint, or upon its own initiative, to conduct investigations, hold hearings and to report apparent violations of law, including any violation of this ordinance, to the Corporation Counsel or other appropriate authority, together with its recommendation for appropriate action.

Section 5. COMPLAINT PROCEDURE. Any registered voter of The City of Seattle or any member of the Commission may file with the Commission a complaint under oath alleging a violation of this ordinance. Upon receipt of such complaint the Commission shall conduct a preliminary investigation, and if it determines that there are no reasonable grounds to believe that a violation has occurred, shall dismiss such complaint; otherwise it shall conduct a hearing on such complaint in accordance with the procedures established by the Commission and report its findings as a result of such hearing to the appropriate authorities.

Section 6. CONDUCT OF HEARINGS. In the performance of the duties imposed upon the Commission by this ordinance, the chairman and in his absence the presiding member of the Commission shall have the power and they are hereby authorized to administer oaths and affirmations, examine witnesses, and compel attendance of persons, and production of documents, papers, books, accounts, letters, and records by subpoena. Any person summoned to appear before such Commission and give evidence shall have the right to be represented by counsel. Any person against whom complaint of violation of this ordinance has been made or whose conduct is the subject of investigation by the Commission may demand and shall be entitled to a public hearing within five days after receipt by the Commission of such demand, and in any case, prior to the next immediate election.

AMENDED ORD.
162383

Section 7. POLITICAL COMMITTEES - REPORT OF ORGANIZATION. Every political committee within ten days after its establishment, or when it first has the expectation of receiving contributions or making expenditures in any City election campaign, whichever is later, shall furnish to the Commission and file with the City Comptroller a report of organization. Each political committee, whether permanent or temporary, in existence on the effective date of this ordinance shall file its report of organization at such time as the Commission by regulation may prescribe.

The report of organization shall include:

- (1) The name and address of the committee;
- (2) The names and addresses of all related or affiliated committees or other persons;
- (3) The purpose of the committee;

(4) The name, address, and title of the custodian of the books and accounts of the committee;

(5) The names, addresses, and titles of its officers or other persons responsible for directing the activities of the committee.

(6) The name and address of its campaign treasurer and campaign depository or depositories;

(7) Identification of each candidate and/or proposition the committee is supporting or opposing and a statement of the Committee's position with respect thereto;

(8) A statement as to whether the committee will continue in existence following the election campaign;

(9) What disposition of surplus funds will be made in the event of dissolution;

(10) Such other information as the Commission may by regulation prescribe in furtherance of and consistent with the policy and purposes of this ordinance.

Any material change in information previously submitted in a report of organization shall be reported to the Commission and filed with the City Comptroller within ten days following such change.

AMENDED - CRD.
102383

Section 8. CAMPAIGN TREASURERS AND DEPOSITORIES. Each candidate, at or before the time he announces publicly or files for office, and each political committee, at or before the time it files a report of organization, shall designate and furnish to the Commission and file with the City Comptroller the name and addresses of:

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

(2) One or more banks doing business in this state to serve as campaign depository or depositories.

A candidate or political committee or a campaign treasurer may appoint as many deputy treasurers as may be deemed necessary, and the names and addresses of any such deputy treasurers shall be furnished to the Commission and filed with the City Comptroller.

At the request of a candidate, and until such time as he announces publicly or files for office, the Commission and City Comptroller shall hold confidential the fact of designation of any campaign treasurer, deputy campaign treasurer, or campaign depository.

A candidate or a political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository. In the event of the death, resignation or removal of a campaign treasurer or deputy campaign treasurer or change in campaign depository, the candidate or political committee shall designate and file with the City Comptroller the name and address of any successor.

No campaign treasurer, deputy campaign treasurer, or campaign depository shall act or perform any function as such until his name and address has been filed with the City Comptroller.

AMENDED - ORD.
102383

Section 9. DEPOSIT OF CONTRIBUTIONS -- DISPOSITION OF ANONYMOUS CONTRIBUTIONS. All monetary contributions received by a candidate, political committee, campaign treasurer, or deputy campaign treasurer shall be deposited by the campaign treasurer or deputy campaign treasurer in a campaign depository in an account or accounts designated "Campaign Fund of . . . (name of candidate or political committee)" no later than one week after date of receipt; provided, that any anonymous contribution shall not be used or expended in any election campaign but shall be deposited in said campaign depository and the Commission notified of such deposit and the disposition of the same.

AMENDED - ORD.
162383

Section 10. AUTHORIZATION OF EXPENDITURES. From the time the campaign treasurer is designated, until a final report is filed, no expenditure shall be made or incurred by any candidate or political committee except on the authority of the campaign treasurer or the candidate, and a record of all such expenditures shall be maintained by the campaign treasurer.

AMENDED - ORD.
162383

Section 11. REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND POLITICAL COMMITTEES. Within 7 days after the day the campaign treasurer is designated each candidate or political committee shall file with the City Comptroller a report of contributions and expenditures made in the election campaign prior to such date of filing; provided that the initial report of a political committee in existence on the effective date of this ordinance and not established in anticipation of any specific election campaign shall be filed with the City Comptroller within ten (10) days after such effective date and shall include:

- (1) A statement of the funds on hand at the time of such report;
- (2) Such other information as the Commission may by regulation prescribe in furtherance of and consistent with the policy and purpose of this ordinance.

Reports of contributions and expenditures shall also be filed by each candidate and political committee with the City Comptroller:

- (1) As to contributions and expenditures made in or on account of the election campaign of a candidate for nomination for, or election to, public office --

- (a) On or before the last day for filing declarations of candidacy;
- (b) Within ten (10) days after the primary election in accordance with Article XVIII § 4 of the Charter;

- (c) Within ten (10) days after the general election in accordance with Article XVIII § 4 of the Charter;
- (d) following the general election and not less than three weeks before the date set for taking office; and

(2) As to contributions and expenditures made in or on account of an election campaign in support of, or in opposition to, a proposition --

(a) On or before the last day of each month prior to the date of the election;

(b) Within ten (10) days after the date of the election.

If after filing the last report as above provided, the candidate or political committee has any outstanding debts or obligations for expenditures incurred in or on account of the election campaign, or if the political committee continues in existence, supplemental reports of all contributions and expenditures made since the date of the last report shall be filed quarterly until the obligation or indebtedness is entirely satisfied or the political committee dissolved as the case may be, and the last such report shall be the final report; provided, that when the campaign fund has been closed, the campaign has been concluded in all respects, there are no outstanding debts or obligations incurred in or on account of the election campaign, and in the case of a political committee, such committee has ceased to function and has dissolved, a report filed at any time thereafter shall be the final report and the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

AMENDED ORD.
102383

Section 12. All reports filed pursuant to Section 11 of this ordinance shall be duly sworn to as to correctness by the candidate

or by the campaign treasurer of a political committee and shall disclose for the period covered:

- (1) The funds on hand at the beginning of the period;
- (2) The name and address of each person who has made one or more contributions during the calendar year in which the report is filed, together with the money value of such contributions;
- (3) The total sum of contributions not reported under paragraph (2) above and the source or sources of such contributions;
- (4) 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 in furtherance of the election campaign together with the names and addresses of the maker of such loan, note or instrument, the date and amount thereof, and the names and addresses of any endorsers;
- (5) The name and address of any political committee from which the reporting committee or candidate received, or to which the reporting committee or candidate transferred any funds, together with the amounts, dates and purpose of all such transfers;
- (6) The name and address of each person to whom an expenditure was made and the amount, date and purpose of each such expenditure;
- (7) The total sum of expenditures;
- (8) The surplus, if any, of contributions over expenditures;
- (9) Such other information as may be required by Article XVIII

Section 4 of the Charter or by the Commission by regulation.

Section 12-A added by Ord. 102383

AMENDED ORD.

102383

Section 13. REPORTS OF COMMERCIAL ADVERTISERS. Within

fifteen (15) days after an election each commercial advertiser who has accepted and displayed or communicated political advertising

to the public during any election campaign shall file a report with the City Comptroller, duly sworn to as to correctness which shall specify:

- (1) The names and addresses of all persons from whom it accepted such political advertising;
- (2) The nature and extent of the advertising services rendered;
- (3) The consideration and manner of payment thereof for such services;
- (4) Such other information as may be prescribed by ordinance.

Section 14. INSPECTION OF REPORTS. All reports required by this ordinance to be filed with the City Comptroller shall be public records and available for public inspection and examination during regular office hours.

AMENDED - ORD.
102383

Section 15. IDENTIFICATION OF CONTRIBUTORS AND ADVERTISING. No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person in the name of another, in any election campaign.

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 is serving; provided, that any political advertising on behalf of a candidate sponsored by any person without the prior knowledge and consent of such candidate shall be clearly identified as such.

Section 16. LIMITATION ON EXPENDITURES. No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any candidate for elective City office in his campaign for nomination and election which shall be in excess of amounts herein specified as follows:

- (1) For the office of Mayor, an amount computed by multiplying thirty cents (\$.30) times the number of registered voters of the City as of 60 days prior to the first day for filing declarations of candidacy as certified by the custodian of the official registration records.
- (2) For any City office other than Mayor, an amount computed by multiplying ten cents (\$.10) times said number of registered voters.

AMENDED - ORD.
102383

Section 17. USE OF FACILITIES OF PUBLIC OFFICE. Except as may incidentally result from the regular performance of his duties, no incumbent elected City officer nor any employee of his office shall use or authorize the use of any of the facilities of such office for the purpose of assisting such officer's campaign for nomination or election to such office, or for the purpose of assisting the election campaign of any other person to any public office. For the purpose of this section, use of the facilities of such office shall include, but is not limited to, use of stationery, postage, machines and equipment, vehicles, office space, publications of such office, and the use of employees of such office during regular working hours.

Section 18. VIOLATIONS AND PENALTIES. It is unlawful --

- (1) For anyone required by this ordinance to file any declaration, statement or report or designate a campaign treasurer or depository to wilfully fail or refuse to file the same or make such designation at the time and in the manner required by this ordinance or to knowingly make any false statement of a material fact in any such declaration, statement or report so filed;

(2) For anyone to knowingly make, receive, use or expend any contribution or expenditure in or on account of any election campaign except in the manner prescribed in this ordinance;

(3) For any person duly summoned to attend as a witness before the Commission to fail or refuse, without lawful excuse, to attend pursuant to such summons, or wilfully refuse to be sworn or to affirm, or to answer any material or proper question, or to produce, upon reasonable notice, any material or proper documents, papers, books, accounts, letters or records in his possession or under his control, or having been duly sworn to tell the truth, to knowingly give false testimony as to any material matter; or

(4) For anyone to otherwise violate or fail or refuse to comply with any provision of this ordinance.

Anyone convicted of violating this section shall be punishable by a fine of not more than Three Hundred Dollars (\$300.00), or by imprisonment in the City jail for a period not exceeding six months, or by both such fine and imprisonment.

Section 19. SEVERABILITY. The invalidity of any section, subsection, provision, clause, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 20. EFFECT OF SECTION HEADINGS. Section headings as used in this ordinance do not constitute any part of the law.

Section 21. This ordinance shall take effect and be in force thirty 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.

Passed by the City Council the 30 day of August, 1971,
and signed by me in open session in authentication of its passage this 30 day of August, 1971.

Charles M. Carroll
President of the City Council.

Approved by me this 8 day of September, 1971.

W. Uhlman
Mayor.

Filed by me this 8 day of September, 1971.

Attest: *A. J. Glendonson*
City Comptroller and City Clerk.

(SEAL)

Published

By *J. F. Fenton*
Deputy Clerk.

**Addition to
Ordinance 100241**

Original C.B. 91843

Ordinance No. _____

AN ORDINANCE relating to and providing for the regulation and reporting of election campaign contributions and expenditures; establishing a Fair Campaign Practices Commission and prescribing its powers and duties in connection therewith; defining offenses and providing penalties.

COMPTROLLER
FILE NUMBER _____

ORIGINAL

Council Bill No. 91843

INTRODUCED: AUG 23 1971	BY COMMITTEE OF WHOLE
REFERRED: AUG 23 1971	TO: COMMITTEE OF WHOLE
REFERRED:	
REFERRED:	
REPORTED:	SECOND READING:
THIRD READING:	SIGNED:
PRESENTED TO MAYOR:	APPROVED:
VETO. TO CITY CLERK:	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

AUG 23 1971

Date Reported
and Adopted

MR. PRESIDENT:

Your Committee on COMMITTEE OF THE WHOLE
to which was referred C. B. 91843,

relating to and providing for the regulation and reporting of election campaign contributions and expenditures; establishing a Fair Campaign Practices Commission and prescribing its powers and duties in connection therewith; defining offenses and providing penalties,

RECOMMENDS THAT THE SAME BE AMENDED AS FOLLOWS:

Page 4, Section 3, delete all of sub-section (a) which reads as follows "(a) one member appointed directly by the Mayor;"

Page 4, Section 3, delete the letter "(b)" and in its place insert the letter "(a)" also after the word "Council" in the same sub-section delete the ",," (comma) and add the following words "from nominees for positions on the Fair Campaign Commission from civic, community, service and other organizations as well as from interested citizens throughout the City, and that such nominees names be also made available to the Mayor for his consideration in making his appointments,"

Page 4, Section 3, delete the letter "(c)" and in its place insert the letter "(b)", also in the same sub-section delete the word "two" and in its place insert the word "three"

Page 12, Section 12, Sub-section 2, after the word "contributions" in line 2 and before the word "during" in line 3 delete "in the aggregate amount of twenty-five Dollars or more"

AND THAT WHEN SO AMENDED, THE SAME DO PASS.
(See Engrossed Bill)

Janette Williams C/W
Chairman

ORDINANCE

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or not successful. For purposes of this subsection, an individual shall be deemed to seek nomination or election when he first:

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which a proposition is submitted to the voters.

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(15) "Proposition" means any measure, question, initiative, referendum, recall, or Charter amendment submitted to, or proposed for submission to, the voters.

When consistent with the context, words in the masculine, feminine or neuter genders shall be construed to be interchangeable with and to include such other genders; and words in the singular number shall be construed to include the plural, and in the plural to include the singular, and each shall be construed to be interchangeable with the other.

Section 3. COMMISSION ESTABLISHED. There is hereby established a Fair Campaign Practices Commission for The City of Seattle, composed of five members appointed as follows:

- (a) one member appointed directly by the Mayor;
- (b) two members appointed directly by the City Council; *amend add here*
- (c) ³⁾ two members appointed by the Mayor from among persons recommended for such positions by interested groups *also list to go to mayor* and individual citizens subject to confirmation by a majority of the City Council;

provided that at least one member of the Commission selected by the Mayor shall be chosen from the non-Caucasian community.

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

No member of the Commission, during his term of office and for two years thereafter, shall hold or be a candidate for any elective public office or be an officer of any political party. Any member

of the Commission may be removed by the appointing authority for neglect of duty or misconduct in office, which removal shall be subject to concurrence by a majority of the City Council.

Vacancies shall be filled within thirty days by the appropriate appointing authority in the same manner as original appointments. Such vacancy shall not impair the authority of the remaining members to exercise all the powers of the Commission, and four members shall constitute a quorum.

The Corporation Counsel is hereby directed and authorized to provide the necessary staff for carrying out the duties of the Commission.

Section 4. POWERS AND DUTIES OF COMMISSION. The Fair Campaign Practices Commission shall have the following duties and powers:

(1) To elect from its members a chairman and to adopt, promulgate, amend and rescind such administrative rules and regulations consistent with this ordinance as shall be necessary to carry out its duties;

(2) To assist the City Comptroller in the development of prescribed forms for reports required by this ordinance and Article XVIII § § 4 and 5 of the Charter to be filed with the City Comptroller;

(3) To prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to file such reports;

(4) To have access to reports filed with the City Comptroller and make copies thereof available for public inspection and distribution during regular office hours at the expense of any person requesting copies of the same;

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

(5) To preserve copies of such reports for a period not less than five years from the date of filing;

(6) To compile and maintain a current list of all reports or parts of reports pertaining to each candidate or political committee;

(7) To determine whether required reports have been filed and if so, whether they conform with the requirements of this ordinance;

(8) To prepare and publish, not less than ten days before newly elected officers take office, a report setting forth, as to each candidate who filed a final report, the amounts and sources of all contributions and the amounts and purposes of all expenditures set forth in such final report; and the names and addresses of any candidates who failed to file a final report or who filed an incomplete final report; and to prepare and publish such other reports as in its judgment will tend to promote the purposes of this ordinance;

(9) Upon receipt of written complaint, or upon its own initiative, to conduct investigations, hold hearings and to report apparent violations of law, including any violation of this ordinance, to the Corporation Council or other appropriate authority, together with its recommendation for appropriate action.

Section 5. COMPLAINT PROCEDURE. Any registered voter of The City of Seattle or any member of the Commission may file with the Commission a complaint under oath alleging a violation of this ordinance. Upon receipt of such complaint the Commission shall conduct a preliminary investigation, and if it determines that there are no reasonable grounds to believe that a violation has occurred, shall dismiss such complaint; otherwise it shall conduct a hearing on such complaint in accordance with the procedures established by the Commission and report its findings as a result of such hearing to the appropriate authorities.

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Section 6. CONDUCT OF HEARINGS. In the performance of the duties imposed upon the Commission by this ordinance, the chairman and in his absence the presiding member of the Commission shall have the power and they are hereby authorized to administer oaths and affirmations, examine witnesses, and compel attendance of persons, and production of documents, papers, books, accounts, letters, and records by subpoena. Any person summoned to appear before such Commission and give evidence shall have the right to be represented by counsel. Any person against whom complaint of violation of this ordinance has been made or whose conduct is the subject of investigation by the Commission may demand and shall be entitled to a public hearing within five days after receipt by the Commission of such demand, and in any case, prior to the next immediate election.

Section 7. POLITICAL COMMITTEES - REPORT OF ORGANIZATION. Every political committee within ten days after its establishment, or when it first has the expectation of receiving contributions or making expenditures in any City election campaign, whichever is later, shall furnish to the Commission and file with the City Comptroller a report of organization. Each political committee, whether permanent or temporary, in existence on the effective date of this ordinance shall file its report of organization at such time as the Commission by regulation may prescribe.

The report of organization shall include:

- (1) The name and address of the committee;
- (2) The names and addresses of all related or affiliated committees or other persons;
- (3) The purpose of the committee;

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(4) The name, address, and title of the custodian of the books and accounts of the committee;

(5) The names, addresses, and titles of its officers or other persons responsible for directing the activities of the committee.

(6) The name and address of its campaign treasurer and campaign depository or depositories;

(7) Identification of each candidate and/or proposition the committee is supporting or opposing and a statement of the Committee's position with respect thereto;

(8) A statement as to whether the committee will continue in existence following the election campaign;

(9) What disposition of surplus funds will be made in the event of dissolution;

(10) Such other information as the Commission may by regulation prescribe in furtherance of and consistent with the policy and purposes of this ordinance.

Any material change in information previously submitted in a report of organization shall be reported to the Commission and filed with the City Comptroller within ten days following such change.

Section 8. CAMPAIGN TREASURERS AND DEPOSITORIES. Each candidate, at or before the time he announces publicly or files for office, and each political committee, at or before the time it files a report of organization, shall designate and furnish to the Commission and file with the City Comptroller the name and addresses of:

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

(2) One or more banks doing business in this state to serve as campaign depository or depositories.

A candidate or political committee or a campaign treasurer may appoint as many deputy treasurers as may be deemed necessary, and the names and addresses of any such deputy treasurers shall be furnished to the Commission and filed with the City Comptroller.

At the request of a candidate, and until such time as he announces publicly or files for office, the Commission and City Comptroller shall hold confidential the fact of designation of any campaign treasurer, deputy campaign treasurer, or campaign depository.

A candidate or a political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository. In the event of the death, resignation or removal of a campaign treasurer or deputy campaign treasurer or change in campaign depository, the candidate or political committee shall designate and file with the City Comptroller the name and address of any successor.

No campaign treasurer, deputy campaign treasurer, or campaign depository shall act or perform any function as such until his name and address has been filed with the City Comptroller.

Section 9. DEPOSIT OF CONTRIBUTION. - DISPOSITION OF ANONYMOUS CONTRIBUTIONS. All monetary contributions received by a candidate, political committee, campaign treasurer, or deputy campaign treasurer shall be deposited by the campaign treasurer or deputy campaign treasurer in a campaign depository in an account or accounts designated "Campaign Fund of . . . (name of candidate or political committee)" no later than one week after date of receipt; provided, that any anonymous contribution shall not be used or expended in any election campaign but shall be deposited in said campaign depository and the Commission notified of such deposit and the disposition of the same.

Section 10. AUTHORIZATION OF EXPENDITURES. From the time the campaign treasurer is designated, until a final report is filed, no expenditure shall be made or incurred by any candidate or political committee except on the authority of the campaign treasurer or the candidate, and a record of all such expenditures shall be maintained by the campaign treasurer.

Section 11. REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND POLITICAL COMMITTEES. Within 7 days after the day the campaign treasurer is designated each candidate or political committee shall file with the City Comptroller a report of contributions and expenditures made in the election campaign prior to such date of filing; provided that the initial report of a political committee in existence on the effective date of this ordinance and not established in anticipation of any specific election campaign shall be filed with the City Comptroller within ten (10) days after such effective date and shall include:

- (1) A statement of the funds on hand at the time of such report;
- (2) Such other information as the Commission may by regulation prescribe in furtherance of and consistent with the policy and purpose of this ordinance.

Reports of contributions and expenditures shall also be filed by each candidate and political committee with the City Comptroller:

- (1) As to contributions and expenditures made in or on account of the election campaign of a candidate for nomination for, or election to, public office --

- (a) On or before the last day for filing declarations of candidacy;
- (b) Within ten (10) days after the primary election in accordance with Article XVIII § 4 of the Charter;

- (c) Within ten (10) days after the general election in accordance with Article XVIII § 4 of the Charter;
- (d) Following the general election and not less than three weeks before the date set for taking office; and

(2) As to contributions and expenditures made in or on account of an election campaign in support of, or in opposition to, a proposition --

- (a) On or before the last day of each month prior to the date of the election;
- (b) Within ten (10) days after the date of the election.

If after filing the last report as above provided, the candidate or political committee has any outstanding debts or obligations for expenditures incurred in or on account of the election campaign, or if the political committee continues in existence, supplemental reports of all contributions and expenditures made since the date of the last report shall be filed quarterly until the obligation or indebtedness is entirely satisfied or the political committee dissolved as the case may be, and the last such report shall be the final report; provided, that when the campaign fund has been closed, the campaign has been concluded in all respects, there are no outstanding debts or obligations incurred in or on account of the election campaign, and in the case of a political committee, such committee has ceased to function and has dissolved, a report filed at any time thereafter shall be the final report and the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

Section 12. All reports filed pursuant to Section 11 of this ordinance shall be duly sworn to as to correctness by the candidate

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or by the campaign treasurer of a political committee and shall disclose for the period covered:

- (1) The funds on hand at the beginning of the period;
- (2) The name and address of each person who has made one or more contributions in the aggregate amount of Twenty-five Dollars or more during the calendar year in which the report is filed, together with the money value of such contributions;
- (3) The total sum of contributions not reported under paragraph (2) above and the source or sources of such contributions;
- (4) 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 in furtherance of the election campaign together with the names and addresses of the maker of such loan, note or instrument, the date and amount thereof, and the names and addresses of any endorsers;
- (5) The name and address of any political committee from which the reporting committee or candidate received, or to which the reporting committee or candidate transferred any funds, together with the amounts, dates and purpose of all such transfers;
- (6) The name and address of each person to whom an expenditure was made and the amount, date and purpose of each such expenditure;
- (7) The total sum of expenditures;
- (8) The surplus, if any, of contributions over expenditures;
- (9) Such other information as may be required by Article XVIII § 4 of the Charter or by the Commission by regulation.

Section 13. REPORTS OF COMMERCIAL ADVERTISERS. Within fifteen (15) days after an election each commercial advertiser who has accepted and displayed or communicated political advertising

to the public during any election campaign shall file a report with the City Comptroller, duly sworn to as to correctness which shall specify:

- (1) The names and addresses of all persons from whom it accepted such political advertising;
- (2) The nature and extent of the advertising services rendered;
- (3) The consideration and manner of payment thereof for such services;
- (4) Such other information as may be prescribed by ordinance.

Section 14. INSPECTION OF REPORTS. All reports required by this ordinance to be filed with the City Comptroller shall be public records and available for public inspection and examination during regular office hours.

Section 15. IDENTIFICATION OF CONTRIBUTORS AND ADVERTISING. No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person in the name of another, in any election campaign.

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 is serving; provided, that any political advertising on behalf of a candidate sponsored by any person without the prior knowledge and consent of such candidate shall be clearly identified as such.

Section 16. LIMITATION ON EXPENDITURES. No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any candidate for elective City office in his campaign for nomination and election which shall be in excess of amounts herein specified as follows:

(1) For the office of Mayor, an amount computed by multiplying thirty cents (\$.30) times the number of registered voters of the City as of 60 days prior to the first day for filing declarations of candidacy as certified by the custodian of the official registration records.

(2) For any City office other than Mayor, an amount computed by multiplying ten cents (\$.10) times said number of registered voters.

Section 17. USE OF FACILITIES OF PUBLIC OFFICE. Except as may incidentally result from the regular performance of his duties, no incumbent elected City officer nor any employee of his office shall use or authorize the use of any of the facilities of such office for the purpose of assisting such officer's campaign for nomination or election to such office, or for the purpose of assisting the election campaign of any other person to any public office. For the purpose of this section, use of the facilities of such office shall include, but is not limited to, use of stationery, postage, machines and equipment, vehicles, office space, publications of such office, and the use of employees of such office during regular working hours.

Section 18. VIOLATIONS AND PENALTIES. It is unlawful --

(1) For anyone required by this ordinance to file any declaration, statement or report or designate a campaign treasurer or depository to wilfully fail or refuse to file the same or make such designation at the time and in the manner required by this ordinance or to knowingly make any false statement of a material fact in any such declaration, statement or report so filed;

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(2) For anyone to knowingly make, receive, use or expend any contribution or expenditure in or on account of any election campaign except in the manner prescribed in this ordinance;

(3) For any person duly summoned to attend as a witness before the Commission to fail or refuse, without lawful excuse, to attend pursuant to such summons, or wilfully refuse to be sworn or to affirm, or to answer any material or proper question, or to produce, upon reasonable notice, any material or proper documents, papers, books, accounts, letters or records in his possession or under his control, or having been duly sworn to tell the truth, to knowingly give false testimony as to any material matter; or

(4) For anyone to otherwise violate or fail or refuse to comply with any provision of this ordinance.

Anyone convicted of violating this section shall be punishable by a fine of not more than Three Hundred Dollars (\$300.00), or by imprisonment in the City jail for a period not exceeding six months, or by both such fine and imprisonment.

Section 19. SEVERABILITY. The invalidity of any section, subsection, provision, clause, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 20. EFFECT OF SECTION HEADINGS. Section headings as used in this ordinance do not constitute any part of the law.

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Section 21. This ordinance shall take effect and be in force thirty 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.

Passed by the City Council the.....day of....., 19,
and signed by me in open session in authentication of its passage this.....day of
....., 19

President.....of the City Council.

Approved by me this.....day of....., 19

Mayor.

Filed by me this.....day of....., 19

Attest:.....
City Comptroller and City Clerk.

(SEAL)

Published.....

By.....
Deputy Clerk.

ASSISTANT CORPORATION COUNSEL

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THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING • SEATTLE, WASHINGTON 98104

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A. L. NEWBOULD, CORPORATION COUNSEL

CITY PROSECUTORS
ROBERT M. ELIAS
JACK B. REGAN
ROBERT B. JOHNSON

CLAIM AGENT
V. L. PORTER

August 10, 1971

REC 10
AUG 10 12 23 PM '71

Committee of the Whole
City Council
Seattle

Honorable Members:

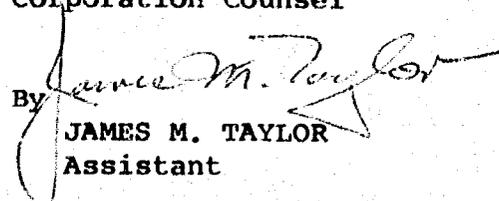
In accordance with the "amended draft" transmitted with your request by "City Council Transmittal" dated August 3, 1971 we have prepared and forward herewith proposed legislation providing for the regulation and reporting of election campaign contributions and expenditures.

In view of the deletion from said "amended draft" of Section 14 relating to reports by contributors required by Article XVIII § 5 of the Charter, we have also deleted the provision (Section 24 of said draft) for repeal of Ordinance 66812, which ordinance provides, in accordance with the requirement of said Article XVIII § 5, "a penalty for violation of, or failure to comply with," said Charter provision.

Very truly yours,

A. L. NEWBOULD
Corporation Counsel

By


JAMES M. TAYLOR
Assistant

JMT:ph
att.